

more productive. The right of the Senate to dispose of a question is at stake.

[English]

The right to speak and the right to delay legislation are not absolute—

Senator Frith: Order. He is talking about an order that is not before the House.

Senator Beaudoin: I did not interrupt you, Senator Frith.

Senator Frith: It is not now before the House. It is your duty, Mr. Speaker, to call the Orders of the Day. The first is messages from the House of Commons.

Senator Beaudoin: What has happened to my right to speak?

Senator Frith: The senator is attempting to continue the debate.

The Hon. the Speaker: I think, honourable senators, there is a—

Senator Frith: I ask you to rule that there is no point of order at the present time.

The Hon. the Speaker: There is a point of order. I think I should listen to the senator's point of view—

Senator Frith: No, you should not, Sir. You listen to senators when the point of order comes. There is no point of order before us. The point of order comes at the time the subject is before us.

Mr. Speaker, are you seriously suggesting that you should listen to debate on a point of order that is declared to be based on an order that comes later in the proceedings? If I raise a point of order now on something that is 10 places down, would you listen to debate on that?

The Hon. the Speaker: The point of order, as far as I have understood, and I have not seen the text, is not necessarily on Bill C-62, but on the general—

Senator Frith: It is precisely on that.

Some Hon. Senators: Read the letter.

The Hon. the Speaker: I have not read it yet.

Senator Frith: The only point of order which could have been raised at this point has to do with your not having said "Amen" at the end of prayers.

Senator Beaudoin: The point of order is on the right of the Senate to vote.

Senator Frith: What is before us at the present time is messages from the House of Commons. You should begin with those messages from the House of Commons.

Senator Beaudoin: Senator Frith, the point of order is on the right of this House, this Senate, to vote. That is what it is.

Some Hon. Senators: Oh, oh!

Senator Beaudoin: You have claimed for days and nights that you have the right to speak. So do I. I have the right to speak.

[Senator Beaudoin.]

Some Hon. Senators: Hear, Hear!

Senator Beaudoin: If you have the right to speak, then I have the right to speak. You have the right to delay; we have the right to vote. There is no right that is absolute. There is such a thing as the abuse of rights in our Canadian systems of law.

Some Hon. Senators: Hear, Hear!

Senator Beaudoin: We have reached that stage of abuse of rights. The right to delay does not include the right to paralyze Parliament.

Senator Corbin: You are the abuser.

Senator Beaudoin: Please, Senator Corbin—

Senator Corbin: You are the abuser, you and your dictatorial mentors.

Senator Beaudoin: Please, Senator Corbin, you may listen with advantage. I have the right to speak.

Some Hon. Senators: Not now!

Senator Beaudoin: Nowhere in the written and the unwritten Constitution is there such a right to paralyze this house. The right to speak ends where the right to vote begins. Parliament, too, has rights. The Senate has rights. One of those rights is to vote, to dispose of a question. The right to vote is as basic as the right to speak in our parliamentary system.

Senator Molgat: And your Speaker took the right to vote away from us.

Senator Beaudoin: You should not forget, Senator Molgat, that this house is a legislative body, a house of discussion, a house of exchange of views, but also a house where legislation may be disposed of. Sooner or later, questions have to be put and decided.

If there is nothing explicit in our rules, our bylaws or in the Constitution, then we have to rely on section 1 of the Standing Rules and Orders.

Some Hon. Senators: Oh, oh!

Senator Beaudoin: We have to rely on the implicit or implied power of this house. We have to create precedents, if necessary.

Some Hon. Senators: Oh, Oh!

Senator Beaudoin: *Lex parliamenti* is composed of rules and orders, but it is composed also of precedents. A legislative house may create precedents, in the same manner as courts of England have created common law. This house, in the field of *lex parliamenti*, is the highest court in the land. Let us do something positive. Let us vote.

Some Hon. Senators: Hear, Hear!

Senator Thériault: How much did you pay Jacques Flynn to write that for you?

The Hon. the Speaker: Honourable senators, I have heard the arguments on the point of order. I shall delay my reply and study—