

Mr. DUNNING: He is not available.

Mr. POULIOT: I would make a suggestion to the hon. member for Winnipeg North Centre. He should move that you, Mr. Chairman, leave the chair and report to the Speaker what has occurred.

Mr. WOODSWORTH: Mr. Chairman, I appeal against your ruling.

Some hon. MEMBERS: Order. Sit down.

Mr. WOODSWORTH: Mr. Chairman, you stated that we are in committee of the whole. I appeal against your ruling on that point.

Mr. LAPOINTE (Quebec East): Surely we are not going to make this into a mock parliament.

Mr. WOODSWORTH: I am within my rights.

Mr. LAPOINTE (Quebec East): There is no dignity in the stand taken by my hon. friend. The Speaker has left the chair, we are in committee, and we are going to proceed in committee.

Mr. WOODSWORTH: I am appealing against the ruling of the chairman that we are in committee. There is clearly an error, and if the Minister of Justice (Mr. Lapointe) wants this house conducted in an orderly way, he should see that justice is done.

Mr. LAPOINTE (Quebec East): It will be conducted in an orderly way in spite of the hon. gentleman.

Mr. MacNEIL: On the point of order raised by the hon. member for Winnipeg North Centre, I support him.

Some hon. MEMBERS: There is no point of order.

The CHAIRMAN: There is no point of order.

Mr. STEVENS: Surely, Mr. Chairman, it cannot be contended that there is no point of order when an hon. member rises and questions whether the house is properly constituted as a committee of the whole, whether the house agrees with him or not. That is the question which has been raised. May I say that I was entirely in favour of the Speaker's ruling as I first heard it, but when he gave his decision I distinctly heard him say "the nays have it."

Mr. DUNNING: A slip of the tongue, which he immediately corrected.

Mr. STEVENS: Possibly it was, but I risen in justice to the hon. members who have risen and protested, that I know it is difficult

[Mr. Woodsworth.]

sometimes to hear in the chamber, but I distinctly heard the Speaker say "the nays have it," and the members then did not rise quickly enough. But, Mr. Chairman, surely when an hon. member rises in good faith and questions whether the committee is properly constituted, that is a legitimate point of order, and I suggest to the Minister of Justice that the proper way to secure decorum and dignity in the house is to recognize a point of order promptly, no matter what one thinks of it.

Mr. LAPOINTE (Quebec East): I know that; I merely said it was an absurdity.

Mr. STEVENS: I do not agree with the hon. member for Winnipeg North Centre in his view, but I think he is entitled at least to the courtesy of having his point of order decided.

Mr. GOLDING: If the statement made by the hon. member for Winnipeg North Centre, supported by the hon. member for Kootenay East, is correct. I should like to know why a number of hon. members opposite rose in their places. Surely, if they understood that the nays had it, it would not have been necessary for them to rise at all.

Mr. COLDWELL: I was one of those who stood. I expected the yeas to have it and I was on my feet until I heard that the nays had it, when I sat down.

The CHAIRMAN: What the hon. member for Kootenay East and the hon. member for Winnipeg North Centre are asking me to do is to refer back to a decision given by the Speaker. That cannot be done when the house is in committee. The decision of the Speaker was given when he was in the chair, and the house is now in committee of the whole.

Mr. WOODSWORTH: This is a different point of order, Mr. Chairman. The Speaker said the house was in committee, and my point of order is that under these circumstances we are not in committee. In all fairness we should have been given the right to challenge the ruling of the Speaker. We had no opportunity to do so, and that is why I now raise the point of order that we are not properly in committee.

The CHAIRMAN: My ruling on the point of order just raised by the hon. member for Winnipeg North Centre is that his point of order is not well taken.

Mr. WOODSWORTH: Then I challenge the ruling of the Chair; I appeal from the ruling of the Chair.