

The rules of the House shall be observed in the Committee of the Whole House so far as may be applicable, except the rules as to the seconding of motions and limiting the number of times of speaking.

With these two exceptions, then, all rules which govern this House when the Speaker is in the Chair govern when the House is in Committee of the Whole. These are the rules as we find them at the present time. I have here the rules of this House as they existed in 1901. I have only had about five minutes to go over them, but I am satisfied that I have gone over them carefully enough to be assured that what I am stating now is correct. You will find this same rule 13 amongst the standing orders on page 86 of the rules of this House in 1901. I shall read the whole rule so that Mr. Chairman will see the difference between the rule as it existed in 1901 and as it exists to-day:

Relative to Chairman of Committees and Deputy Speaker, adopted by the House of Commons, 10th February, 1885.

1. That this House do elect a Chairman of Committees of this House at the commencement of every Parliament, as soon as an address has been agreed to in answer to His Excellency's speech; and that the member so elected, if in his place in the House, take the Chair of all Committee of the Whole, including the Committees of Supply and of Ways and Means, in accordance with the rules and usages which regulate the duties of a similar officer, generally designated the Chairman of the Committee of Ways and Means, in the House of Commons of England.

Sub-section 1 of the present rule is a verbatim copy of that.

2. That the member elected to serve as Deputy Speaker and Chairman of Committees shall be required to possess a full and practical knowledge of the language which is not that of the Speaker for the time being.

Sub-section 2 of the present rule is a verbatim copy of that.

3. That the member so elected Chairman of Committees do continue to act in that capacity until the end of the Parliament for which he is elected, and in the case of a vacancy by death, resignation or otherwise, the House shall proceed forthwith to elect a successor.

Sub-section 3 is a verbatim copy of that. Now, Sir, we have no sub-section 4 in the rules of 1901. Mr. Bourinot was dead in 1901, and when Mr. Bourinot made his comments in his work sub-section 4 was not in existence.

Mr. MURPHY: And there has been no word from him since.

Mr. CARVELL: No, we have not heard from him since that. Therefore, we have to deal with Mr. Bourinot himself because we know that Mr. Bourinot was alive when he wrote his book. There has been a change in the law since then and the law says that

the rules of the House of Commons shall be observed in Committee of the Whole House with the two exceptions that have been referred to. It seems to me that this is worth your while considering, Mr. Chairman, before you give your decision. I can understand where the hon. member for Portage la Prairie (Mr. Meighen) and probably Mr. Bourinot may have been misled. The rule of the British House of Commons is found on page 71 of the present manual. It is rule 65 and it reads as follows:

The rules as to the procedure in Committee of the Whole House are those which apply to procedure when the Speaker is in the Chair except that—

(i) A motion need not be seconded.

(ii) The previous question cannot be moved.

That is the rule of the English House. When Mr. Bourinot was writing his work on Parliament procedure, in the absence of any special rule in the Canadian House, he naturally took the rules as they existed in England. By the British North America Act we are bound by the rules as they existed in the British House of Commons unless they are changed by this House. Therefore, it was quite natural that Mr. Bourinot should have said, at a time previous to 1901, that the previous question could not be moved in the committee. Now, the House in its wisdom has seen fit to change those rules. We have made a positive rule that the rules of the House, when the Speaker is in the Chair, govern while the House is in Committee of the Whole. Therefore I think you will consider this and that you will come to the conclusion that the quotation from Bourinot does not apply because Mr. Bourinot was dead before that rule was made.

The CHAIRMAN: I think I can find another reason to base my judgment upon than the quotation from Bourinot. I find at page 524 of Bourinot the statement that:

By reference to the Senate rules it will be seen that the motion for the previous question is expressly forbidden. No such rule appears among the orders of the Canadian Commons; but the practice is the same as that of the English House, which does not admit of the motion.

That is what Bourinot says.

Mr. CARVELL: But I tell you that the law is changed.

The CHAIRMAN: I rule that the previous question cannot be put with reference to the motion now before the House because the motion is undebatable. If you refer to the rule regarding the previous question, you will see that it is intended to be put with reference to a motion that is debatable. It is all very well to quote rule 13, but if you refer to rule 36, with reference to privileged motions, you will see that it reads in this way: