

your authority, from them you get the guidance which enables you to deal with the matters before the House. The line between the duties of the Chairman of the Committee of the Whole and your duties are very well defined under these rules. If we take rule 5, which some hon. gentlemen opposite have quoted—with what aptness to the point they try to make, I have been unable to discover—we find that it is your duty to preserve order and decorum and to decide points of order subject to appeal to this House. That is your authority for the power you exercise while in the Chair and while the mace is on the table. All the powers necessary for the purpose are contained within the four corners of that rule. What that has to do with something which happens when you have left the Chair, when the mace has disappeared, and when another functionary of this House has assumed control of the Committee of the Whole, I am at a loss to see. The rules state what are the functions of the Chairman of the Committee of the Whole. These are laid down clearly in rule 14. If the Chairman of the committee wants to know what he can or cannot do, he must go to rule 14; he cannot go outside it. There is no use talking about the usages of the Imperial Parliament; there is no use in going back to the year 1675, when the Charleses ruled in England and when two revolutions occurred within half a century causing infringement of the rules of Parliament and involving great changes in the parliamentary system of the country. It is certainly an unfortunate period for hon. gentlemen to have to go to for their precedent.

But the Chairman of the Committee of the Whole in this House does not need to go so far afield to obtain information as to his rights and powers, because these are clearly defined under our own rules. Rule 14 provides that the Chairman of the Committee of the Whole shall maintain order in the committee, as you maintain order in the House, and is to decide questions of order subject to appeals to the House, just as you do. But there is a further clause to this rule, and in dealing with it my hon. friend from Portage la Prairie (Mr. Meighen), showed what I have called the unfortunate casuistry with which he deals with a weak case. This clause goes on to tell how disorder in the committee is to be punished. If you, Mr. Speaker, undertake to deal with a member, you must ask the House to carry into effect your views; and if the House should not stand by your ruling your views would not prevail. So, the Chairman of the committee, when he has failed to prevent disorder or any other infringement of the rules, must come to the House and get the matter dealt with by the House. And unless he does come

Mr. MACDONALD.

to the House, the House is not seized of the matter and so cannot deal with it. This rule provides a way by which disorder can be punished, but only 'on receiving a report thereof.' It is an accepted principle of law, and one which the hon. member for Portage la Prairie knows well, and so does the hon. member for Brandon (Mr. Aikins), that when you have a statute or rule expressly dealing with a particular matter, the expression contained in that rule excludes you from going farther afield to find some authority. Where the House has adopted a special rule dealing with the functions and powers of the Chairman of the committee, you have the whole authority in question; you cannot get it outside. Hence, I submit that, unless you find within the four corners of rule 5 and rule 14 of this House something which would enable the Speaker to intervene, to take away from the committee and from its mouthpiece, the chairman, the right to report what goes on in committee so that the House may deal with it, there is no constitutional or parliamentary authority to be found anywhere. I dismiss the theory that these antiquated cases have any bearing upon the subject. The Minister of Finance, in the new set of parliamentary rules he laid down, seems to think that if he could quote the opinion of some ancient judge he had the best light that could be thrown upon a question. I am sorry that his legal studies were nipped so early in his career. His going into the field of finance has apparently caused him to forget, what everybody else knows, that when a lawyer goes to court, what he wants is not some antiquated opinion to refer to, but the last case upon the question. His argument is entirely inapt; his argument has no bearing upon the question. We have in our own rules everything that is necessary for the guidance of this House, and this alleged precedent, unfortunate as it is, has no place whatever in the present discussion. This being the case, upon what authority does Mr. Speaker usurp the functions of the Chairman of the Committee of the Whole, and take the Chair to the exclusion of the Chairman and without any report from him? There are certain occasions upon which he can do it—when there is a message from the Black Rod or from the Governor General, but these are well defined by the rules, and reference to them is not necessary in the consideration of this matter. Has the Speaker, then, any right to usurp the powers of the Chairman of the Committee of the Whole? Supposing he has the right, what was Mr. Speaker's object in taking the Chair on that occasion? The Speaker but represents the authority of the House; he has no inherent functions or powers