

Senator MacEachen: Honourable senators, Senator Lawson has put the case very clearly in saying that this point of order is fraudulent, and it is. We attempted to overcome that by suggesting we are prepared to deal with it in its proper place when we come to Bill C-62. That has been ignored. If that is to be the prevailing view, then I think I will take the only recourse open to me at this point and move the adjournment of the Senate.

● (1520)

The Hon. the Speaker: It is moved by Senator MacEachen, seconded by Senator Frith, that the Senate do now adjourn.

Some Hon. Senators: Agreed.

Senator Murray: For one thing, honourable senators, we have already a house order to the effect that there will be a vote on Senator Gigantès' motion to adjourn the debate.

Senator MacEachen: At the next sitting.

Senator Murray: No, no, at 5:45 p.m. today.

Senator Simard: That is this sitting now.

Senator Murray: At 5:45 p.m.

Senator Simard: This sitting here.

Senator Murray: This vote has been set for 5:45 today so I suggest to honourable senators that a motion to adjourn the Senate now is out of order.

Senator Frith: It is never out of order.

Senator Doody: It cannot be received.

Senator Murray: Senator Doody has the appropriate citation here and can read it into the record, but we have set a vote for 5:45 tonight—

Senator Frith: No, we did not.

Senator Murray: We cannot adjourn the Senate now.

Senator MacEachen: Question.

Senator Doody: No, excuse me, senators, the adjournment that was taken yesterday started, in effect, a new sitting day today. At 2 o'clock we started at the top of the order paper again and this is a new sitting day. We are in the process of dealing with the business of today. Senator Kelly's point of order has been put on the floor and it is in the process of being discussed. Later on today at 5:45, according to the provisional rules, which were accepted by all members of this honourable chamber, we will have the vote. After that time, obviously, we have to proceed with the day's proceedings.

Senator MacEachen: Question.

Senator Frith: Question.

The Hon. the Speaker: Honourable senators, we have a vote at 5:45 that has to be held.

Senator Frith: Not today.

The Hon. the Speaker: Oh, yes, today. That was an order of the Senate yesterday.

Senator Frith: No, it says until the next sitting. Read the rules, which might be a new experience for a lot of people.

Senator Barootes: That same day, which is today.

Senator Frith: For one thing, we did not get to another sitting because we did not call anything. For another thing, the 5:45 vote is called at the next sitting at which 5:45 arrives.

Senator Simard: This is silly.

Senator Doody: You can see the calendar has changed. We adjourned on the 29th of November. We are sitting today on the 11th of December. It is a new sitting day.

Senator Frith: Of course it is. Of course it is. Mr. Speaker, you might have to follow the rules this time. It's tough.

The Hon. the Speaker: Honourable senators, we cannot supersede the order of the house on the vote at 5:45 today.

Senator Frith: Is that your ruling?

The Hon. the Speaker: You can overrule me, but that is the way I see it.

Senator Frith: That is your ruling? Your ruling, Mr. Speaker, is that the motion for adjournment is out of order; is that correct?

Senator Barootes: It is not receivable.

Senator Frith: Is that correct?

The Hon. the Speaker: It is not receivable because we have an order to vote at 5:45.

Senator Frith: It is out of order?

The Hon. the Speaker: Therefore, it is out of order.

Senator Barootes: It is not receivable.

Senator Frith: It is the same story. All right, we will appeal it.

The Hon. the Speaker: All those in favour of my ruling?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: In my opinion, the "yeas" have it. (*And two honourable senators having risen*).

The Hon. the Speaker: Please call in the senators.

Senator Frith: Honourable senators, pursuant to the provisional rules, this is an appeal, and it has been put, and the vote is put over for 12 hours.

Senator Murray: To twenty to four in the morning.

Senator Frith: So it will be at 3:40 in the morning we will have the vote.

Senator Doody: I wish to call to the house's attention that we have a vote here at 5:45 this afternoon.

Senator Frith: That is the whole point. You made that bed, now you have to lie in it.