

Mr. TROW. The hon. member for Gaspé (Mr. Fortin) was not in the Chamber when the Resolution was read.

Mr. SPEAKER. Was the hon. member for Gaspé in the House when the motion was read?

Mr. FORTIN. I was not.

Mr. SPEAKER. Then the hon. member's name must be struck off.

Mr. FORTIN. I heard the Resolution read from the gallery.

Mr. SPEAKER. The question has never been raised here before. In the English House of Commons, the gallery is spoken of as part of the House; but I think that here the case is somewhat different.

Mr. BLAKE. I never heard the pretention before; otherwise an hon. member who was in one of the recesses might give his vote. If this be admitted, we can call on hon. members who may be in the gallery to vote. I have seen the hon. Minister of Railways several times in the gallery during this Session while votes were being taken.

Sir JOHN A. MACDONALD. The practice in England is that the galleries are part of the House. No doubt the gallery is a portion of the House, and common sense shows that it is to be considered so because the object of the rule is that no member shall vote on a motion who has not had the opportunity of hearing it. He can hear it in the gallery as well as on the floor; not only that but if other people be in the gallery, we can say there are strangers in the House and they are obliged to leave. The galleries are as much a portion of the House as the floor, and members, if they choose, could speak from the gallery. They go all round, and there is no reason to make a difference between this House and the English House.

An hon. MEMBER. They might vote in the recesses.

Sir JOHN A. MACDONALD. In the recesses they cannot possibly hear. The recesses are for the purposes of getting out of the House and are portions of the corridors. We have reporters in the gallery to report our speeches, and there is no reason why a member should not hear as well as they.

Mr. BLAKE. It follows that if we are to adopt the practice of the English House, in which the hon. gentleman has rightly said the gallery is part of the House, an hon. member can address the House from the gallery.

Sir JOHN A. MACDONALD. I do not see why not.

Mr. BLAKE. For the sixteen years this House has been sitting, members have not unfrequently retired to the galleries when they wanted to avoid voting, and have never been called on to vote. I pointed to a notorious instance, that of the hon. Minister of Railways, who withdrew to the gallery to avoid voting. If we are now to decide after sixteen years that on the purpose of voting and speaking hereafter the galleries are to be considered part of the House, it is well; but it is a revolution.

Mr. CASGRAIN. I may say there is a precedent to the point. I recollect the ex-speaker, Mr. Blanchet, decided that if a member left his place for a moment he could not vote. In my own case I left my seat for a moment and it was decided that I could not on that account keep the floor.

Mr. MILLS. This point came up in the case of the member for one of the Yorks, Dr. Strange. He was in the gallery and the question was raised whether having heard the motion he had a right to vote or not, and it was decided by your predecessor that he had not.

Mr. SPEAKER. There is a rule if an hon. member leaves his seat while the vote is being taken, he is liable to have his name struck off the list. The inconvenience is this, that if a member hears a motion in the gallery and leaves the gallery to vote, his vote may be struck off. The rule is that

a member must not, while the vote is being taken, leave his seat.

Mr. BLAKE. The hon. member for Bothwell says the question was decided in the case of the member for North York.

Mr. MILLS. Dr. Strange came and voted, and said he heard the motion put while in the gallery; your predecessor decided that he had not the right to vote.

Mr. CARON. A couple of Sessions ago a case identical to this came up. The hon. member for Leeds happened to be in the gallery while a resolution was moved by the leader of the Opposition. He came down here and was called on to vote, because it was considered that his being in the gallery did not exclude him from the House and that consequently he was bound to give his vote.

Mr. BLAKE. There was no ruling.

Mr. CARON. The reason given was the same as in this case, that, being in the House, he had heard the motion read, and could not be prevented from voting like any other hon. member who had heard the motion read.

Mr. ORTON. Some years ago, an hon. member for one of the Hurons stated that he was in the recess when the motion was read, and his vote was allowed.

Mr. CAMERON (Huron). No, Mr. Speaker, he did not say that he was in the recess, but leaning against the door leading into the recess.

Sir JOHN A. MACDONALD. No doubt the question was raised in the case of the hon. member for Huron, and it was decided, as he stated that he was in that square box and heard the motion read, that he had a right to vote. His vote was challenged because some hon. gentleman said he thought he was in the post office at the time, but he said no, he was there and heard the motion, and thereupon his vote was recorded.

Mr. LANDERKIN. This vote, I believe, is not settled?

Mr. SPEAKER. No.

Mr. LANDERKIN. Yet the hon. member for Montmagny (Mr. Landry) has left his seat. Is his vote to be struck off the roll?

Mr. HESSON. The hon. member for Marquette (Mr. Watson) has also left his seat.

Mr. SPEAKER. I feel a great deal of delicacy in deciding this matter, because there is no precedent recorded. The hon. member for Bothwell (Mr. Mills) cites the case of Dr. Strange, who said he was in the gallery and heard the motion, but that was not considered sufficient and his vote was taken off. The hon. member for Quebec county (Mr. Caron) calls attention to the vote of Dr. Ferguson, under similar circumstances, which was allowed. I do not think either of these decisions were recorded. The reason of the rule is that a member shall hear the question put, because he must understand the question before the House before he votes. In England the practice is that a member may speak from the gallery, that the gallery is a part of the House. I think here it would be an inconvenient practice, unless the House so wishes it, but if the hon. member says he heard the motion put, I must accept his statement. I think the question that ought to be put to the hon. member is: "Did you hear the motion put?" Did you hear the motion put?

Mr. FORTIN. I heard the motion put, certainly.

Mr. LANDERKIN. I ask for your ruling on the point I have raised as to the vote of the member for Montmagny, who has left his seat.

Mr. SPEAKER. That is another point. I think there is a rule that any member who leaves his seat before the vote is declared loses his vote.