

tion 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.

Is that the part I was to read?

Mr. MEIGHEN: The part dealing with the procedure in Committee of the Whole.

Mr. GUTHRIE: I will follow it on:

If it be shown by a division or otherwise that there is not a quorum present in the committee, the Chairman will count the members and leave the Chair, when Mr. Speaker will again count the House.

I do not see any authority there for the statement of my hon. friend from Portage la Prairie (Mr. Meighen). What I have read is in a chapter entitled 'Committees of the Whole,' but the statement is merely by reference to the Senate rules which do not apply in this House.

Mr. MEIGHEN: The words used are 'the Canadian Commons.'

Mr. GUTHRIE: It says:

No such rule appears among the orders of the Canadian Commons.

The Senate rules do not apply here.

Mr. MEIGHEN: Read on: 'but'

Mr. GUTHRIE (reading):

But the practice is the same as that of the English House which does not admit of the motion.

I submit that notwithstanding that statement our rules govern. We have an express rule on the subject, rule 44, and that is not the English rule. In our case the rule is as follows:

The previous question, until it is decided, shall preclude all amendment of the main question, and shall be in the following words, 'that this question be now put.'

That is not the English rule. Then it goes on:

If the previous question be resolved in the affirmative, the original question is to be put forthwith without any amendment or debate.

Then, our rule as to proceedings in Committee of the Whole is expressly laid down in rule 13, sub-section 4. Am I right there, Mr. Chairman?

Some hon. MEMBERS: No.

Mr. GUTHRIE: If I am wrong, the Chairman will correct me.

The CHAIRMAN: When the hon. member has finished I will give my ruling.

Mr. GUTHRIE: I wanted to know as I went along if my contention was correct; if my groundwork is wrong I might just

Mr. GUTHRIE.

as well be told. Rule 13, sub-section 4, the latter part, reads:

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.

If that means anything it means that we can move the previous question in this country, notwithstanding that in Great Britain where their rule is different they cannot move it in Committee of the Whole House. In dealing with the previous question, Bourinot devotes seven pages to the subject. There is no limitation expressed there as to when one may or may not move the previous question. Surely if there was a limitation it would be expressed in the chapter of the work dealing with that particular question, but it is not so, and there is no doubt that the use of the previous question as set out in Bourinot is the use to which it has been put in this country and in England. He says:

As a rule the previous question is proposed with the object of preventing the direct decision upon a question; and in that case the members who propose and second it should vote against their own motion.

May, on the same subject, page 282, puts it just as tersely. May says:

The object of the previous question is to withhold from a decision of the House a motion that has been proposed from the Chair, by a motion which compels the House to decide in the first instance whether the original motion shall or shall not be submitted to the vote of the House.

The object for which the motion is inserted in the rules and for which it is usually moved is plainly put in both authorities. The only point the Chairman has to decide as I understand it, is whether having regard to rule 13, sub-section 4, and rule 44, we can move the previous question in Committee of the Whole. It is admitted we can do so in the House. I believe that is admitted by the hon. member for Portage la Prairie. Under rule 44 I submit that we can in the Committee of the Whole. It is one of the motions expressly mentioned as debatable.

Mr. CARVELL: Mr. Chairman,—

Some hon. MEMBERS: Question.

Mr. CARVELL: I think I am in order. Before you give your decision I want to call your attention to something which I think you will consider of some importance. My hon. friend from St. John (Mr. Pugsley) and my hon. friend from South Wellington (Mr. Guthrie) have been directing your attention to the provisions of rule No. 13 and sub-section 4 thereof, which says that: