

Hon. Mr. Martin:—any legitimate discussion of this matter. I speak for Senator McIlraith because it has been suggested that he had an ulterior motive, and I know that Senator McIlraith has no such ulterior motive in this matter; he conforms to the rule, and I do not think there is any difficulty in our understanding what the practice and the tradition is.

Hon. Mr. Choquette: Are you giving the ruling that the Honourable Senator Grosart asked should be given by the Speaker?

Hon. Mr. Martin: If I did not like Senator Choquette, I would think that he was serious in his question.

Hon. Mr. Flynn: It follows your comment.

Hon. Mr. Grosart: Honourable senators, because my remarks have been misunderstood, I think I have the right to speak a second time to clarify my remarks. I did not suggest any ulterior motive on the part of Senator McIlraith. I am not greatly concerned with the particular case presently before us, but I am concerned with the principle. The remarks we have just heard from the Leader of the Government make it perfectly clear that he does not have the whole situation in his mind, because he used the phrase "that leave would be given," if a senator rose and said, "I wish to speak." Now, "leave" means unanimous consent, and that is the whole point I am making. His phrase was, "that leave would be given." If we have to depend upon leave being given, then clearly the right exists for a senator to hold up the debate indefinitely, because he himself, as one senator, could refuse leave. Perhaps the Honourable Leader of the Government has not read the rules lately—

Hon. Mr. Flynn: He has never read them.

Hon. Mr. Grosart:—and maybe that is not what he meant to say, but that is what he did say, that it would require leave for a senator to assert the right to speak on such an occasion.

I therefore repeat my request for a ruling on this matter so that there will be no problem about it in the future. I think it is essential.

The Leader of the Opposition referred to an opinion that had been given earlier, and I am sure he is referring to the fact that a former Clerk of the Parliaments did, at least verbally if not in writing, express the opinion that the senator who had moved the adjournment had the right indefinitely to control the debate. I say that because the Honourable Senator Martin was not here. I did not hear the former Clerk say it, but it was repeated to me by one of our officials as a statement he had made. I am not personally sure that he did make it.

But because of that conclusion I repeat my request for a ruling from Her Honour.

Hon. Mr. Prowse: Honourable senators, on the point of order, I doubt very much if the ruling is necessary. Nevertheless, if it is requested, I am sure Her Honour the Speaker will be glad to give it.

But it seems to me, honourable senators, that people as well versed in the rules as the members on the other side, who are raising the objection, should realise that a very simple motion that is seldom used—that is, "the previous question"—can certainly put an end to any obstruction of

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this kind and force a vote on a matter. If I were to stand now and say, "I move the previous question," that could be debated. Nothing else could be debated. There would then, I presume, be a division on it, and then there would be a vote on the main motion without further debate.

Hon. Mr. Grosart: That is exactly what we are trying to avoid.

Hon. Mr. Prowse: Yes, but the point is you had this. As far as the further debate is concerned and on the point of order, let me say in this regard as far as the principle is concerned that no member under our rules at the present time, as has been alleged, can keep the house from voting, which is the important aspect. I am not too sure that the debates change the minds of many, but simply give us the chance to express our own personal opinions. I wish, however, to speak on this question when it is before us and it is the proper time to do so. I wish to support the motion, as I am also aware that in the other place there will be a motion similar to this in the amendments to the bill which is being debated in committee. If it has not been returned from the committee it will be returned. There are other items attached to that which do not appear here, which are probably important and on which I would wish to speak. I do not wish to weary the house by speaking on this motion at this time and then being faced with the necessity, in order to deal with the other matters, to again impose myself upon the house within a very brief period of time. Naturally, it seems to me that the proper procedure should be that when we find out what the other house has said we deal with it in whatever manner we wish. We would then refer this bill to committee after such debate as we deem to be expedient. Out of committee we would bring such legislation as contains the best of their bill and that of the Honourable Senator Macdonald. In the meantime, if we feel we are being frustrated and prevented from voting, which is the important point, the Leaders of the Opposition and the Government, together with the Honourable Senator Grosart, who are more familiar with these rules than I—at least they regularly hold themselves out as being experts on the rules—must be aware of the fact that the provision regarding "the previous question" is there and always protects our right to a vote.

Hon. Mr. Benidickson: Honourable senators, I wish simply to speak with regard to two points. One is that I have no objection to having a ruling on this question. I wish to point out, however, that Senator Grosart himself rose without asking leave to speak a second time. During the short time that I have been here I have found that by courtesy there are very few objections when there may perhaps be contraventions of the formal rules, including this one of providing the courtesy—

Hon. Mr. Grosart: Could I ask the honourable senator a question? Is he aware that under our rules a senator may rise without asking leave when he considers that he has been misinterpreted? Read the rules.

Hon. Mr. Benidickson: May I say that the senator did not say that he was misinterpreted.

Hon. Mr. Grosart: I did.

Hon. Mr. Benidickson: He simply said he assumed courtesy of the house—