

*Point of Order*

The ancient rule that when a complicated question is proposed to the house, the house may order such question to be divided, has been variously interpreted at different periods. Originally the division of such a question appears to have required an order of the house, and in 1770 a motion "That it is the rule of this house, that a complicated question which prevents any member from giving his free assent or dissent to any part thereof ought, if required, to be divided", was negatived on a division.

As late as 1883 it was generally held that an individual member had no right to insist upon the division of a complicated question. In 1888, however, the Speaker ruled that two propositions which were then before the house in one motion could be taken separately if any member objected to their being taken together. Although this rule does not appear to have been based on any previous decision, it has since remained unchallenged.

Then follows the sentence that the hon. member for Winnipeg South Centre read, if I am not mistaken.

The house does not recognize the right of individual members to insist on the division of motions moved in committee of the whole house, or of motions giving special facilities for the transaction of public business—

It would appear from the foregoing that in accordance with recent practice in the British house, that is, since 1888, the decision whether a question is to be divided rests with the Speaker.

May I give to the house a summary of recent proceedings in the British house with regard to the division of complicated questions which I have found recorded in their parliamentary debates. On April 19, 1888, column 1,828, Mr. Speaker said:

It may be for the convenience of the house that the hon. gentleman's two propositions should be put together, but if any hon. gentleman objects to their being taken together, they will be put separately.

July 17, 1905, columns 897 and 898:

A member raised a point of order asking the Speaker to rule as to whether when a resolution contains various different propositions it should not be divided and each put separately. It will be seen that the Speaker decided that, in his opinion, it should be divided.

October 8, 1912, column 161:

Mr. Speaker: —If the noble lord finds himself in any doubt as to how to vote upon it I shall be very glad to put it as two questions.

November 13, 1912, columns 1,994 and 1,995:

Mr. Speaker: —the rule, of course, is that if any hon. member feels embarrassed in voting upon a resolution, that the Chair shall divide the resolution, in order that the member may, if he wishes to vote "Aye" on the one part and "No" on the other, not be embarrassed by having to vote "Aye" or "No" on the whole of it.

[Mr. Speaker.]

July 15, 1920, column 2,606:

At the request of a member who asked for a ruling with regard to a motion in the name of the leader of the house which he contended consisted of two questions, the Speaker is reported as saying:

If it will suit the hon. and gallant gentleman, I will put the question in two parts.

May 14, 1928, column 678:

A motion having been made and a question proposed "That the proceedings on the currency and bank notes bill and on the bankers (Northern Ireland) bill be exempted, at this day's sitting, from the provisions of the standing order (sittings of the house)", a member raised a point of order submitting that there were two questions involved in the motion and asked whether two divisions or only one division would be taken. The Speaker decided not to divide the motion on the ground that the business specified under the standing order could include two or more bills, and sometimes it includes some other government business.

This reference will serve to indicate, at least in my opinion, that the speaker in the British house has a right of discretion in such matters.

In Canada, on the other hand, Bourinot, at page 298 of his fourth edition, states in part as follows:

As respects what are known as "complicated questions", they may always be divided into distinct parts, with the consent of the house. No individual member, however, can ask, as a matter of right, that such a question be divided, since the house alone can properly decide whether it is complicated or not and into how many propositions it may be divided. The fact is, the necessity of dividing a complicated question is now obviated by the facilities offered for moving amendments. But, in any case, it is always open to a member to move formally that a question be divided.

A motion which contains two or more distinct propositions may be divided so that the sense of the house may be taken on each separately.

The footnote to the foregoing commentary indicates that Bourinot's comments are based on a proceeding which occurred in the British house in 1770 which, however, it should be noted, refers to the ancient practice in the British house.

In the same regard paragraph 4 of citation 200 of Beauchesne's fourth edition reads as follows:

A motion which contains two or more distinct propositions may be divided so that the sense of the house may be taken on each separately.

While this citation is a reiteration, in part, of what has been stated by Bourinot, no indi-