

But you could not do it in this case, Sir, because there were no 'ayes,' and you naturally came to the conclusion that hon. gentlemen did not wish to vote. I appeal to my hon. friend (Mr. R. L. Borden) if it is not the case that the Speaker waited a few moments for hon. gentlemen to say whether they would vote, and they did not stand up.

Mr. COCHRANE. Yes they did.

Sir WILFRID LAURIER. My hon. friend (Mr. Cochrane) is mistaken. Nobody stood up until after the Speaker had declared the motion lost. There was no sharp practice in this. The opposition has always the right to move amendments, as many as they please. Nobody would take advantage of them. But it seems to me, that, in this case they are victims of their own negligence.

Mr. SPROULE. The practice in this case is quite well understood, and if the usual course had been followed, as laid down in Bourinot, this difficulty would not have arisen. Here is what Bourinot says:

Having read the question on which the decision of the House is to be first given, he takes the sense of the members by saying: 'Those who are in favour of the question (or amendment) will say content (or yea); those who are of the contrary opinion will say non-content (or nay).' When the supporters and opponents of the question have given their voice for and against the same, the Speaker will say: 'I think the contents (or yeas) have it'; or 'I think the non-contents (or nays) have it'; or 'I cannot decide.' If the House does not acquiesce in his decision, the yeas and nays (or contents or non-contents) may be called in.

Whenever the Speaker announces that the 'ayes' have it or the 'noes' have it, then is the proper time to call for the 'yeas and nays,' and then comes in the rule that if five members stand up calling for the 'yeas and nays' they are entitled to have them recorded. What we did in this case was what is usually done, and it seems strange that the House should be denied what it undoubtedly has a right to expect. It is not the proper thing to declare a motion lost before giving an opportunity of asking for the yeas and nays.

Mr. SAM. HUGHES. I submit, Mr. Speaker, that you are entirely out of order, because you have not followed the constitution. The constitution has laid down that there is a certain procedure to be followed in putting a question, and I maintain that that procedure has not yet been followed. I therefore take the liberty of appealing from the ruling of the Speaker.

Mr. R. L. BORDEN moved that the House do now adjourn.

Mr. CASGRAIN. I think the motion before you is that the House do now adjourn. It seems to me after the reading from Bourinot

Sir WILFRID LAURIER.

not that my hon. friend has just given to the House, that it is plain there is a misunderstanding between some members of the House and you, Sir. That misunderstanding is important. By your ruling, the House, and this side of the House in particular, will be deprived of its undoubted right of dividing upon a question which is, in the minds of those who have put it before you, a question of great moment. My hon. friend has read Bourinot, and I shall have to read it again so as to comment upon it. I think with a little good will this question can be easily settled, and I hope it will be the unanimous sense of the House that this misunderstanding will not be taken as a basis for depriving this side of the House of the undoubted constitutional right which we have of dividing upon this question. Now, what should be done? Bourinot says:

If it is evident that no member claims the right of speaking, the Speaker proceeds to put the question by reading the main motion, and then the amendment or amendments in their order, as the case may be. Having read the question on which the decision of the House is to be first given, he takes the sense of the members by saying: 'Those who are in favour of the question (or amendment) will say content (or yea); those who are of the contrary opinion will say non-content (or nay).'

Now, Mr. Speaker, you did put the question that way, and so far all was correct. But let us continue:

When the supporters and opponents of the question have given their voices for or against the same, the Speaker will say: 'I think the contents (or yeas) have it,' or 'I think the non-contents (or nays) have it,' or 'I cannot decide.'

Now, this is the part which was not done. You did not say that you thought the nays had it but you said: 'I declare the motion lost.' Now we have the facts that here was an amendment moved by two hon. gentlemen, and this declaration made by the hon. member for West Toronto that he distinctly said, 'yea.' It seems to me it was impossible for you, under these circumstances, to say the motion was lost. What you should have done, I submit, would be to say: I think the nays have it, and in consequence thereof five members on this side of the House would have arisen to demand a division to be taken. But there is another point which I think important. There is a well known rule of this House that a question must not only be put in English, but it must be put in French. Now that was not done in this case. It was a misunderstanding, I take it, it was a lapsus, it was not done intentionally, but simply because you thought it was the right way to put the motion, either to allow some members on this side to speak to the amendment or to allow some members on the other side to speak against it; but