

receiving that report can take action. Without in any way referring to procedure in debate in the past, or referring to a former debate, we have had this to happen when the Chairman of the committee is presiding over the Committee of the Whole House. Mr. Speaker may be present in the House when the House is sitting in Committee of the Whole with a chairman presiding, but he is then as a private member of the House, and by the etiquette of the House his rights are restricted and limited, and he can only take cognizance of what transpires in the committee or what has transpired in the committee, upon a report to him from the Chairman in the discharge of his duties and responsibilities. We had the exhibition here of the Committee of the Whole House being in session, a chairman presiding over that committee, and at the same time Mr. Speaker taking the Chair and directing the Chairman of the Committee to order that the debate should go no further. I do not speak of this with a view of raking up the past; I speak of it in order that we may discuss the question to the end that there shall be some decision or understanding as regards the future proceedings of this House. On an occasion, Mr. Speaker, you have stated that the Speaker has the right to take the Chair at any time in case of grave disorder, and your authority for so acting you gave as the 161st rule of the English House of Commons, which reads:

In the case of grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House without question put, or suspend any sitting for a time to be named by him.

I understood you to say, Mr. Speaker, that there was a similar rule applicable to the procedure in this House under like circumstances. The 161st rule of the English House is referred to in the proceedings of May 22, 1905, but speaking from memory, that rule was adopted in 1902. My contention is that that rule is not in force in the Canadian House of Commons, and it is very material to the proper government of this deliberate body that we should have a determination as to whether my contention is right. I grant you that under the rules of the British House of Commons the Speaker can in a case of grave disorder do as you did on that occasion; but in the Canadian House of Commons we have no such rule, nor have we any rule that in any way can be considered as analogous to it. Clearly that rule was not in force in the British House of Commons in 1867; it was not in force in 1875 when the amending British North America Act was passed, and it cannot be successfully contended that it is a rule which we in the Canadian House of Commons are bound in any way

Mr. EMMERSON.

to recognize. The Canadian House of Commons has in its wisdom, not later than three years ago, made a different provision with respect to just such circumstances and contingencies, by enacting the 14th rule of this House. Under that rule, the Speaker has no right, while the committee is in session, to assume the duties of the Speaker and to deal with any matter in the committee until he receives a report from the Chairman of the committee. While sitting in this Chamber as a member of the House, so far as the office of Speaker is concerned, the Speaker would be like the Sphinx, a stone dummy; he can take no cognizance officially of what transpires in Committee of the Whole House duly organized under its Chairman. The only way the information as to what transpires in the committee can come to the Speaker is through the medium of a report presented in the regular way by the Chairman of the committee. My contention is that if the 161st rule of the British House of Commons were applicable to proceedings in this House, the Speaker, having taken the Chair under such circumstances, cannot do more than adjourn the House or suspend any sitting for a time to be named by him. He has no power, no right, no authority, to direct the Chairman of the committee; he has no power or authority to declare that the debate has gone far enough and should cease. So far as the proceedings in the committee are concerned, the Chairman of the committee is supreme, subject to the action of the committee itself, he for the time being having all the authority of the Speaker, and with the right of submitting to the House for action any case of disorder that may have arisen. I think it will be admitted that rule 14 of this House has been transgressed, and that when the Speaker takes the Chair while the committee is in session, and while the Chairman of the committee is presiding, he does so without authority. It is an invasion of the rights and privileges of the Committee of the Whole; it is an interference with that committee and with the Chairman of that committee.

Is it within the power of the Speaker under such circumstances to say:

I want the Chairman to rule on this point of order; in my judgment, it has been debated away beyond the usual length, and beyond the usual privileges of debate.

The Chairman is the presiding officer of the Committee of the Whole, and presumably he acts upon his own initiative without interference from any member or from the Speaker. For the time being, the office of Speaker ceases so far as the Committee is concerned. In the English rules there is a very different provision from