

The quotation continues:

—because a proposition being once submitted and carried in the affirmative or negative cannot be questioned again but must stand as the judgment of the House. This Rule applies to the decision taken on amendments to the Address in Reply to the Speech from the Throne.

Finally, I would refer the hon. member to Subsection (1) of Citation No. 202, on page 169 of the same work; I should rather say Subsection (1) of Citation No. 200, on page 167, and I quote:

200. (1) An old rule of Parliament reads: "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House." Unless such a rule were in existence, the time of the House might be used in the discussion of motions of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.

And I think that it is precisely on the last part of this citation that the decision must be based because, should the motion presented by the hon. member for Charlevoix be voted upon, the committee could reach a decision completely in opposition to that which has just been reached in connection with the motion submitted by the hon. member for St. John's East (Mr. McGrath).

For all these reasons, and according to British procedure and to the practice of this House, it is impossible for the Chair to accept this proposal.

Mr. Fortin: Mr. Chairman, I rise on a point of order.

The Deputy Chairman: The hon. member for Lotbinière is rising on a point of order.

Mr. Fortin: First, Mr. Chairman, I thank you for not having given me the opportunity to defend our amendment!

Mr. Chairman, I rise on a question of privilege.

As to the British reforms which you mentioned with so much eloquence. Mr. Chairman, usually when a motion is put forward, the mover or one of his colleagues is given the opportunity to discuss the procedural acceptability of the proposed amendment.

Mr. Chairman, in the circumstances, I am extremely surprised to see that your ruling was made before we could make our point; moreover, you started ruling by referring to clauses which were not relevant.

This is why I ask that we be allowed to state our views.

The Deputy Chairman: Order please. The Chair does not want to engage in a debate with the hon. member for Lotbinière. It is nevertheless a prerogative of the chair when, in his mind, a question is not clear; but as this question was obviously clear and considering the citations quoted as well as the late hour, I think that hon. members would not want us to engage in a long procedural debate.

The ruling was based on facts and it has been made.

Mr. Fortin: Mr. Chairman, I rise on a question of privilege. You said: "If the question was clear". I would like to know why then, when you decided at the beginning that our motion was not in order, you referred to Citations 146 and 202 which were not relevant while you later quoted

Railway Operations Act

Citations 148 and 200, on the recommendations of your advisors?

Mr. Deputy Chairman: Order. Is the committee ready for the question on clause 5 as amended?

[English]

Shall clause 5, as amended, carry?

Some hon. Members: Carried.

Some hon. Members: Question.

Some hon. Members: No.

The Deputy Chairman: The hon. member for Winnipeg North Centre.

Mr. Knowles (Winnipeg North Centre): On a question of privilege Mr. Chairman, I really feel there has been some misunderstanding. When Your Honour rose immediately after the amendment was moved, as I understood what Your Honour was saying, it was to the effect that you wished to make comments to indicate your position. I thought it was clear that you were going to permit comments from the floor. If that had not been clear I certainly would have been on my feet at that time. It seems to me the ruling has come pretty quickly, and as a matter of fact I certainly feel that there are arguments the other way. If Your Honour takes the position that because the House has passed an amendment to a clause therefore we have made a final decision, I do not think that can stand up. If that position is taken then Your Honour is saying we cannot even defeat clause 5. We have not finally taken this position.

Some hon. Members: Hear, hear!

Mr. Knowles (Winnipeg North Centre): I think it is quite unfair for hon. members opposite not to be heard with respect to the procedural admissibility of their amendment. I do not happen to agree with the amendment, but I do think they have the right to be heard.

Some hon. Members: Hear, hear!

The Deputy Chairman: Order please. Maybe the point raised by the hon. member for Winnipeg North Centre is well taken. However, as far as the Chair is concerned the hon. member for Charlevoix did give advance notice of the content of his proposed amendment a few minutes before. The Chair even had a chance to call for Beuchesne's French edition and to look up a few citations. Of course there might have been confusion in the numbers, but the Chair did make the correction and referred to Citation 148 and Citation 200 instead of Citations 202 and 194.

● (Midnight)

After a decision has been rendered it is not the practice of this House to reopen a discussion. A decision has been rendered by the Chair. I do not think there is anything against the Chair making a decision if the Chair is definitely sure of the decision it is rendering. The hon. member may want to cite precedents whereby the Chair was refused the opportunity to make a decision without opening a procedural debate. Citation 200(1) of Beau-