

day, was the last of the first rules concurred in by this House in 1867. It was the very last rule and it was in terms similar to this, with the exception that, at that time, it was not limited by the words 'in force on the first day of July, 1867,' which have since been inserted. I think they were inserted in 1909, when a committee of the House of Commons had under revision the rules of the House. On that occasion they transposed this last rule, made it the first rule and inserted these words to which I have referred. Their report was considered in the Committee of the Whole, the report of the committee was concurred in by the House, and the rules as then adopted became the rules of the House. Therefore, rule 1 of this House has been in force since we have had a Dominion parliament, and we have been governed by that rule. Where we had no special rule we were governed by the rules, usages and forms of proceedings of the House of Commons of the United Kingdom of Great Britain and Ireland which were in existence at the time of the enactment of the British North America Act. I have looked over that Act to see whether there was any provision having regard to our rights and privileges and to our authority to enact rules. I find that in section 18 of the British North America Act the following provision was made:

The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof.

It would then seem to be beyond all question that only the rules, usages and forms of proceeding which prevailed and were of authority in the House of Commons of Great Britain on the first of July, 1867, were the rules which should govern this House of Commons when we had no special rule of our own to govern us or to direct us in regard to our procedure. In other words, when we have no special rule providing for certain contingencies or circumstances, we are limited to the rules, usages and forms of proceedings which prevailed and governed in the House of Commons in Great Britain in 1867.

Mr. BORDEN: The hon. gentleman knows that that was amended.

Mr. EMMERSON: But not materially to the point I am making.

Mr. BORDEN: Yes, it was amended in 1875.

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Mr. EMMERSON: Yes, that is a fact, but that does not bear on the point I am making.

Mr. BORDEN: I would like to direct the hon. gentleman's attention to the fact that, while the year 1867 was originally stated, it was afterwards unlimited as to date, if I am not mistaken, by section 1 of the Act of 1875, which provides that section 18 of the British North America Act, to which he has alluded, shall be repealed and another section substituted in its place.

Mr. PUGSLEY: What is that section?

Mr. BORDEN: The section is this:

The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities and powers shall not confer any privileges, immunities or powers exceeding those at the passing of such Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof.

Mr. EMMERSON: That does not affect my point at all.

Mr. BORDEN: I do not think this section affects the rules at all.

Mr. EMMERSON: No. My point was that, under the authority of the British Parliament, our rule No. 1 confines us to the rules which were in force in 1867, and that therefore any subsequent usage or form of procedure cannot be said to govern us, or to be our rule of conduct where, under the circumstances, we have a rule of our own governing the procedure in a particular matter.

Now, Sir, we have a rule, and the question arises with respect to the procedure in committee. The fourteenth rule adopted by this House states distinctly that:

The Chairman of the Committee of the Whole House shall maintain order in the committee, deciding all questions of order subject to an appeal to the House; but disorder in a committee can only be censured by the House, on receiving a report thereof.

That rule places upon the chairman of the committee the responsibility of dealing with any disorder. The term 'disorder' in the rule is not limited to small disturbances; it is inclusive of every form and kind and description of disorder that can by any possibility take place in a committee of the whole House. In case disorder has arisen in a committee, under our rules, it is the duty of the Chairman to report the same to the House, and the House, on