

Combines Investigation Act

An amendment was proposed to be made to the question, by leaving out from the word "that" to the end of the question, in order to add the words "this house hears with much concern that it is alleged that recent attempts upon the life of the Emperor of the French have been devised in England, and expresses its detestation of such guilty enterprises; . . .

These are the significant words.

. . . that this house is ready at all times to assist in remedying any defects in the criminal law which, after due investigation, are proved to exist, yet it cannot but regret that Her Majesty's government, previously to inviting the house to amend the law of conspiracy by the second reading of this bill at the present time, has not felt it to be their duty to make some reply to the important dispatch received from the French government . . . and which has been laid before parliament."

That amendment is in almost identical words with the present one. I submit, having regard to the fact that ever since 1858 it has remained on the *Journals* and has been quoted with approval as an example of an amendment on second reading, that my amendment is in order.

Mr. Knowles: I should like to add two or three other examples of procedure in the United Kingdom parliament in addition to that which the hon. member for Lake Centre has quoted.

On the 12th of April, 1866, the question was proposed that the Representation of the People bill be read a second time. An amendment was proposed that all the words from the word "that" to the end of the question be left out in order to add these words:

This house, while ready to consider, with a view to its settlement, the question of parliamentary reform, is of opinion that it is inexpedient to discuss a bill for the reduction of the franchise in England and Wales, until the house has before it the entire scheme contemplated by the government for the amendment of the representation of the people.

It seems to me that is a very close analogy. In this instance the parliament at Westminster did not want to discuss one section of a question until it had before it the entire scheme. We in this house feel that we should not be confined to the discussion of just a few clauses of the Combines Investigation Act without having an opportunity to discuss the entire administration of that act, especially at a time when an important provision of the act has been violated.

There was a similar instance in the United Kingdom parliament on June 23, 1853; and I quote from the *Journals*:

The order of the day being read, for the second reading of the government of India bill:

And a motion being made, and the question being proposed, that the bill be now read a second time;

An amendment was proposed to be made to the question, by leaving out from the word "That" to the end of the question, in order to add the

words "in the opinion of this house, further information is necessary to enable parliament to legislate with advantage for the permanent government of India; and that at this late period of the session, it is inexpedient to proceed with a measure which, while it disturbs existing arrangements, cannot be considered as a final settlement," instead thereof.

There, I suggest, is another close analogy. The House of Commons at Westminster did not want to discuss part of the problem related to the government of India when the whole problem was not permanently settled. We here feel that we should not be restricted to discussing just the few sections of the Combines Investigation Act which the minister has brought in; rather we should have the right to discuss the whole administration of the act, particularly at a time when an important provision of the act has been violated.

Another case occurred in the parliament at Westminster on May 28, 1891. This is a long amendment; therefore I shall summarize it. It had to do with the fisheries off the coast of Newfoundland. The government had brought in a bill dealing with that question. In the meantime the house of assembly in Newfoundland had passed a certain resolution, and the request of the mover of the amendment to the motion for second reading was that any discussion of this bill, dealing as it did with only one phase of the whole question, be deferred until the representations of the house of assembly of Newfoundland had been taken into consideration.

On this whole question I also direct attention to an interesting sentence at page 509 of Bourinot, fourth edition. This is one of the pages to which Your Honour referred in giving a recent decision:

The second reading of a bill is that stage when it is proper to enter into a discussion and propose a motion relative to the principle of the measure. The Senate has a rule on the subject:

"64. The principle of a bill is usually debated at its second reading."

The Commons have no rule on the subject, but the practice of the house is always to discuss the principle of a bill at this stage.

I emphasize this for Your Honour's consideration: this House of Commons has no standing order or rule which says what is to happen on second reading. We have citations, we have excerpts from Speakers' decisions, and we have had comments made from the floor during the years, but there is no binding rule. Common sense, if I may quote the authority from Temiscouata, would seem to suggest that what is in order is anything relevant to the bill before the house. The bill before us, as the title makes clear, is a bill to amend the Combines Investigation Act. Surely that makes it clear that the Combines Investigation Act is now before us.