

*Yukon Act*

present when the matter covered by the motion is before the house.

I hope, Mr. Speaker, that there can be unanimous consent to go on with the capital punishment debate and perhaps take the sense of the house on the question inasmuch as the debate has so far taken three days. I hope that may be done. However, Mr. Speaker, I am apprehensive about using Standing Order 44 to ride roughshod, if I may use such extreme words, over hard and fast provisions that protect hon. members against the government or anyone else. They protect hon. members from being faced with a subject matter of which they have had no notice.

I say that because I believe the government had some indication yesterday and even last Thursday that there was going to be a procedural problem in carrying on this debate with unanimous consent to its conclusion. What happened on Wednesday and Thursday of last week and on Monday of this week—I think no one denies this—was in fact done through an order of the house by unanimous consent. In doing that there was no superseding or circumventing of those Standing Orders that protect the rights of individual members.

**Mr. Speaker:** Order, please. I wonder whether any point can be served by going into the matter further. It seems to me that all possible arguments have been made for and against. I do not want to question the right of hon. members to contribute to the discussion on the point of order, but I can assure hon. members that I have heard enough. My mind is made up. Nothing that can now be said is going to change my mind.

**Mr. Baldwin:** May I ask a question of the house leader? It involves a matter that disturbs me and my inclination to support the motion depends on the answer. Has there been any suggestion that the motion is one which would place a limit on this debate, or is it intended to provide time so that all hon. members can have the opportunity to take part in the debate?

**Mr. Pearson:** Perhaps I can answer that by saying that there is no intention on the part of the government to place a limit on the debate of the motion. There is every intention to find enough time so that the debate can proceed to a conclusion at the earliest possible date.

**Mr. Diefenbaker:** I should like to say a word, Mr. Speaker, before you make your

ruling. Having listened to the Prime Minister and having had assurance as to time, could it also be recognized that what we are doing here shall not constitute a precedent for the future? I think what the Prime Minister has said meets the situation generally. There is no endeavour on the part of the government, if that is what the answer means, to limit the discussion in the house. However, I think we should also have the further assurance I have requested. Having listened to the argument, I have my own idea about the matter and it would take quite a bit to convince me that I should accept a proposition such as the one before us as a precedent. However, in order to get on with the business and in view of the words just spoken by the Prime Minister, I suggest that the house agree that acceptance of this motion will not create a precedent.

• (3:50 p.m.)

[*Translation*]

**Mr. Grégoire:** Mr. Speaker, there has been a new development. The Leader of the Opposition (Mr. Diefenbaker) asks that it be not a precedent—

**Mr. Speaker:** Order. A while ago I mentioned to the hon. member for Lapointe that, having heard the excellent arguments which he submitted to the Chair as well as those put forward by other hon. members, I am ready to give a ruling on the question raised by the hon. member for Lapointe.

[*English*]

I take into account, of course, the comment made by the Leader of the Opposition. What he is suggesting now is that once the point of order has been disposed of there may be a disposition on the part of the house to proceed by unanimous consent. This is something we can consider after the ruling is given.

We have before us a motion proposed by the Minister of Public Works under Standing Order 44. He proposes to us a superseding motion. The argument put forward by some hon. members is that if this Standing Order means anything it means that we can move from one area of business to another. My answer is that this type of motion is intended to enable the house to move from one order to another within the same type of order, from one order of private members' business to another order of private members' business or from one government order to another government order.

This Standing Order, as is the case with others, has to be read in the light of a number of Standing Orders dealing with the