

Motion Respecting House Vote

the opposition will be able to avoid a filibuster. If indeed I had been trying to lure the opposition into that trap of a filibuster, I certainly would have been guilty of trickery.

There are two forms of confidence motion that could have been submitted to clear up this matter. The first would have been a simple statement that this house has confidence in the present government.

An hon. Member: Never.

Mr. Pearson: An hon. gentleman opposite says "never". Perhaps that is the reason we did not introduce that particular motion in that form. That would have been simple but perhaps a shade provocative in its simplicity.

The second motion relates the matter of confidence strictly to the vote on which the government was defeated, and asks the house to decide whether that vote was or was not one of confidence entailing resignation or dissolution. That is all. It does not ask the house to rescind or reconsider any vote. In this form the issue is restricted in one sense, but it is unequivocal and clear in its relation to the question of confidence.

It is in the second form that the motion is now before the house. It is perfectly clear. It reads:

That this house does not regard its vote on February 19th in connection with third reading of Bill C-193, which has carried in all previous stages, as a vote of non-confidence in the government.

This motion recognizes that the government at all times must retain the confidence of the house to exist; that the question must now be determined whether or not the government does in fact retain the confidence of the house, and that the government has the right to ask explicitly for such determination by the house after the vote we had on Monday night.

Let us look at the constitutional justification for such a motion, which I have no doubt will be attacked by the other side as unconstitutional. I suggest it is universally recognized by constitutional authorities that there are two ways in which the house can express its desire to dismiss a government; either by a strict, clear motion of non-confidence, such as that produced in February, 1963, or by a motion clearly understood to be a motion of non-confidence.

The law of the constitution makes it perfectly clear that a government defeat does not necessarily involve a vote of non-confidence, and there is ample evidence to support this statement. I should like to quote one or two

authorities who I think will be recognized by the house as objective and expert. Professor Ivor Jennings, at page 493 in his book "Cabinet Government" writes:

● (11:20 a.m.)

It must not be thought that a single defeat necessarily demands either resignation or dissolution.

Then a couple of pages later, at page 495, he writes this:

What the government will treat as a matter of sufficient importance to demand resignation or dissolution is, primarily, a question for the government.

Then he ends with this:

Whenever the government is defeated, even if on one of the traditional occasions of confidence, the speech from the throne, the budget and the granting of supply, for example, it is still up to the Prime Minister and his colleagues to make the decision as to whether the issue upon which they were defeated was of sufficient importance to entail resignation or dissolution.

Mr. Diefenbaker: You could perpetuate yourself forever under that principle.

Mr. Pearson: I hope the former leader of the opposition will not intervene in this debate until I am finished. Then we will look forward with the greatest possible delight to hearing him.

Those are authorities which should be respected. They are not partisan political authorities. So far as third reading is concerned they are more emphatic. Erskine May, whom we hear quoted a great deal in the house, has this to say in his seventeenth edition at page 571:

If the question "that the bill be now read a third time"—

This was the question dealt with last Monday night.

—is negated, such a vote is not only not necessarily a matter of confidence but is not even necessarily fatal to the further progress of the bill.

We have made it quite clear we are not going to ask for further progress on that bill, but according to this constitutional authority that could have been done. Canadian authorities could be quoted along the same lines. For instance MacGregor Dawson, in his book "The Government of Canada" with which all students of parliament and the constitution of Canada are familiar, writes at page 390:

Finally, the bill comes to the third reading, which is usually perfunctory with little debate and rare amendments. The principle of the bill is not debatable nor are the detailed provisions, for these have already been settled. The only debatable point is whether the bill should now be read a third time.