

*Canada-U.S. Free Trade Agreement*

the clauses before invoking closure. Under our rules, new clauses are considered only after all clauses have been considered. I refer Hon. Members to Beauchesne's Fifth Edition, Citation 765.

• (1940)

Therefore, had the Prime Minister proceeded in any different manner, he could not have proposed his new Clause 6 to the Naval Bill since closure could preclude the Committee of the Whole from reaching Clause 5 before the hour provided for interruption.

In 1917, there were two occurrences of closure in Committee of the Whole. All four clauses of Bill C-125, the Canadian Northern Railway Act, and all five clauses and the schedule of Bill C-133, the Wartime Elections Act, were first postponed before closure was invoked. The *Debates* or the *Journals* offer no explanation of why this procedure was followed and there was no objection or procedural discussion.

The 1919 case is more analogous to the 1913 case. The Committee of the Whole was debating Bill C-70, the Canadian National Railway Act. The Committee had adopted some clauses and postponed others in what was a 30-clause Bill. As in 1913, the Prime Minister was required to seek the postponement of all the clauses because he, too, wished to move two new clauses numbered 31 and 32. Like Prime Minister Borden in 1913, if he had proceeded any differently and had invoked closure any earlier, he would probably have been precluded from moving any amendments.

The next instance of closure in Committee of the Whole was on April 1, 1932. Prime Minister Bennett moved:

That further consideration of the title and Clauses 1, 2 and 3 of the Unemployment and Farm Relief Continuance Act, 1932, shall be the first business of the committee and shall not be further postponed.

This motion covered all clauses of the Bill, although only Clause 1 had been formally called and debated. The motion was put and carried and there was no procedural challenge to the fact that some clauses had not been called or postponed. This precedent is virtually identical to the situation the committee now faces.

The most recent example of closure in Committee of the Whole took place on May 24, 1956, when debate commenced in Committee of the Whole on Bill C-298, the Northern Ontario Pipeline Corporation. Clauses 1 to 3 were postponed, Clause 4 was being debated, and Clauses 5 to 7 were never called. On May 30, 1956,

notice of closure was given by Prime Minister St. Laurent. On May 31, 1956, Prime Minister St. Laurent moved:

That at this sitting of the whole House on Bill No. 298, an Act to establish the Northern Ontario Pipeline Corporation, the further consideration of Clauses 1, 2, 3, 4, 5, 6, 7, the title of the said Bill, and any amendments proposed thereto, shall be the first business of this Committee and shall not be further postponed.

The closure motion covered all clauses of the Bill, although Clauses 5 to 7 were never called or debated. A point of order was raised, and the Chairman of the Committee of the Whole ruled the motion in order, referring to the 1932 precedent. His decision was appealed to the Speaker, who confirmed the ruling. The Speaker, whose rulings were at that time subject to an appeal of the House, were also challenged.

The question was put to the House for decision, and the ruling that the Minister could closure clauses not yet called was sustained by a vote of 143 yeas to 50 nays.

To address the matter raised by the Hon. Member for York—South Weston, I should point out to the committee that the language used by the Minister today is the same as in every case heretofore mentioned.

As I said earlier, Beauchesne's Fifth Edition, citation 344, offers little direction, but an analysis of the cases seems to provide some indication.

In two cases, 1913 and 1919, it would appear that the clauses were postponed for procedurally strategic reasons. In two other cases, both in 1917, all clauses were simply postponed and the debates shed no light on why. On the last two occasions when closure was invoked, in 1932 and 1956, some of the clauses in the Bills concerned had not been reached, and in the latter case rulings were made by the Chairman of the Committee of the Whole and the Speaker, which were subsequently confirmed by the House itself, that the closure motion was in order.

The 1958 Fourth Edition of Beauchesne's gives us a little more to consider. The committee will remember that prior to 1968 most Bills of Supply and of Ways and Means destined for a Committee of the Whole were preceded by a resolution first considered by the Committee of the Whole.

[*Translation*]

Citation 167 of the Fourth Edition of *Beauchesne* says, in part:

—If, under this Standing Order, the notice applies to several proposed resolutions, the whole of the sittings allowed for discussion may be engaged in only a part of them and the