

Northern Ontario Pipe Line Corporation

Journals occupy a more official place, so far as the records of the house are concerned, than is the case with respect to *Hansard*. However, rulings made by the chairman of the committee of the whole house do not result in the statement by the chairman being included in the *Journals*.

In other words, as the hon. member for Winnipeg South Centre said, a body of judgments, which may have a very great bearing on the future proceedings of the house and of the committee of the whole house, is being built up without the sanction of being reviewed by Mr. Speaker and his opinions thereon included in the *Journals*. I recognize as the hon. member for Winnipeg South Centre has had to recognize, that this is dipping back into a practice that has fallen somewhat into disuse, but it seems to me that an issue such as the one with which we are confronted today, important as it is, raises the question as to whether or not the Speaker should merely put the question to the house or whether he should examine the report and express his views thereon.

The Minister of Finance read from the old standing order 58 (3), which is now 59 (4), and which reads as follows:

The chairman shall maintain order in the committees of the whole house, deciding all questions of order subject to an appeal to the house—

I do not recall the exact words I used, but I have no reason to doubt that what I said was that I appealed the chairman's ruling to the house. I would point out to my hon. friend the Minister of Finance that that is in the nature of an appeal to a higher court. I can imagine that in his practice as a lawyer he has had occasion to appeal cases to a higher court. For all I know he may have gone right to the Supreme Court of Canada in his practice as a lawyer. I do not think he would be satisfied if he took a case to the supreme court and all the supreme court did was vote among the nine justices on the appeal without hearing argument or considering the merits of the case.

Mr. Dickey: That is the best argument you have ever made.

Mr. Knowles: I hear support from my hon. friend from Halifax. That is support indeed. I suggest, Mr. Speaker, whether or not we have been following this practice in recent years, that the ancient practice to which the hon. member for Winnipeg South Centre has referred is more in keeping with the importance of an issue such as this, more in keeping with the fact that we are appealing to a higher court. I think some really serious attention should be given to the request of

[Mr. Knowles.]

the hon. member for Winnipeg South Centre that you consider examining the report that has been made to you.

In connection with this matter—and I have in mind the statement that Your Honour made on this matter a few days ago—may I point out that so far as our standing orders are concerned, which are, after all, basic to our practices, there is nothing in the standing orders themselves which says that you must merely put the question to the members of the house for a vote. The standing order which the Minister of Finance has read says that the matter is subject to an appeal to the house and I submit, now that we are in the house and Your Honour as a member of the house is in the chair, that it is up to the house to decide how it shall deal with this appeal. You now have a least two members of the house feeling that the way the house should deal with it is, first of all, by hearing from Your Honour as to your views on the report that has been placed in your hands.

Mr. Speaker: I have listened very carefully to the points that have been made by the hon. member for Winnipeg South Centre, the Minister of Finance and the hon. member for Winnipeg North Centre. I am inclined to agree with everything they have said except their conclusions.

Mr. Fulton: All of it?

Mr. Speaker: The hon. member for Winnipeg South Centre has gone deeply into the history of some of these precedents and I think he deserves credit for the work he has done. No doubt he will agree with me, because I have had occasion to go through the same paces myself, that except for the precedent he put his finger on in 1899 he did not find a single other precedent. I must correct myself immediately. I think he will find one that occurred shortly after the position of Deputy Speaker was created in 1885. I believe that shortly thereafter, perhaps a couple of years after the position had been created, a Speaker instead of putting the report to the house did review the ruling of the chairman, but that is the only time.

The hon. member for Winnipeg South Centre made the case, and did so very well, that if the committee desire at any stage of their proceedings to have the opinion of the Speaker they move that the chairman report progress for the purpose of obtaining the opinion of the Speaker on certain matters. That is not the case which is before me at the moment. I have verified that that is so by calling one of the clerks to the chair. I said: "Was there a request from the committee that my opinion be sought on this