

It concluded with Mr. Bowles.

I challenge the Attorney-General to present any authority suggesting that the power of taxation is to be found in anything whatever save and except an Act of Parliament.

Sir Rufus Isaacs and Austen-Cartmell, who had joined the case, and Sir John Simon and W. Finlay with them for the Crown, said in their opening statement:

The general propositions laid down by the plaintiff are beyond dispute;

• (2140)

He won the day and the small amount of money taken from him for the purpose of paying income tax which had not been imposed by act of parliament was ordered to be returned to him. You will also be pleased to note, Mr. Speaker, that the judge ordered that the bank must pay the costs of the action. I imagine that the bill of costs when it was drawn up, with all those counsel running around, would amount to a very substantial sum. The monetary return to the plaintiff would be secondary to what happened when that bill of costs was marched before the taxing master.

In any event, perhaps I can sum up the points I made on second reading, notice of which I gave to the Minister of Finance. I advised him then of the case from which I would be quoting. That is the case from which I have in fact quoted. I say that the federal authority, the Department of National Revenue, without a tittle of right under our constitution or parliamentary practice, issued directives to the banking system of Canada that in six provinces in which people had died since January 1, estates could only be dealt with at the will of federal bureaucrats, that is, people in the former estates tax division of the Department of National Revenue.

I say there is not an ounce of authority for that directive and there will be none until this bill is passed—and there is nothing in it which would seem to make it retroactive—or until provincial legislation is passed. Accordingly, because I feel strongly about this and because the practices of the House have been abused, I now move, seconded by my hon. friend from Peace River (Mr. Baldwin):

That Bill C-8 be not now read a third time but that it be resolved that in the opinion of this House the action of the government in arranging by departmental directive for machinery to collect taxes for several provinces of which Parliament had not yet approved is contrary to established practice and without constitutional authority.

I recognize, Mr. Speaker, that there may be a procedural point involved here. I will be prepared to argue on at least one aspect of the procedural question should Your Honour wish to hear argument tonight. It is possible that you may wish to reserve your ruling until another occasion.

**The Acting Speaker (Mr. Laniel):** I should tell the hon. member at this point, before I put his amendment, that I have reservations with regard to it, mainly because it appears to go beyond the purview of the bill which is before us. I refer the hon. member to citation 418 of *Beauchesne* which reads:

The question for the third reading is put immediately after the report from the committee of the whole. All amendments which may be moved on a second reading of a bill may be moved on the

*Federal-Provincial Arrangements Act*

third reading with the restriction that they cannot deal with any matter which is not contained in the bill.

Maybe it is an appropriate moment at which to invite the hon. member's comments. The main point I wish to raise is that the amendment does not seem to meet all the requirements, particularly the one which says that an amendment should be relevant to the bill.

**Mr. McCleave:** I appreciate the difficulty in which the Chair finds itself. I have read the citation in *Beauchesne* which was applicable when a situation of this kind was discussed in the House on March 24, 1948, the citation then being 710; perhaps it has been changed in the latest edition.

**Mr. Knowles (Winnipeg North Centre):** That would have been the third edition.

**Mr. McCleave:** It would have been the third edition, as the hon. member for Winnipeg North Centre (Mr. Knowles) reminds me. The argument I should like to put forward is twofold. First, similar amendments were presented in this House as recently as December last on the occasion of Bill C-259. On that occasion, I suggest the amendment put forward was parallel to the one I am seeking to propose today, which is simply an attempt to indict a practice which has associated itself with the measure before us. Your Honour may wish to withhold a decision on this rather important point until you have had an opportunity to read the relevant extracts in connection with the third reading of Bill C-259.

The other argument I should like to present to Your Honour is this: the principle which could be cited against an amendment of the type I am proposing arises out of a practice which grew up when legislation was dealt with somewhat differently in the House: it went through second reading, which was regarded as the decision of the House on the question of principle, was sent to committee of the whole and finally given third reading. Now, however, the rules provide for a somewhat different procedure. We are often told that the purpose of second reading is to get a bill into committee where its merits can be studied. Then comes the report stage, followed by third reading. The type of third reading we have now, and which many argue is really the decision by the House on questions of principle, is different from the old practice set forth by *Beauchesne* and other learned authors of the past.

• (2150)

Considering those two points, and inviting Your Honour to look at the rulings which were given by the Chair in the final hours of the passage of Bill C-259, the income tax omnibus bill, perhaps Your Honour would agree with me that my motion is in order, as I so submit.

**The Acting Speaker (Mr. Laniel):** Order, please. I am sure the hon. member understands that he cannot ask the Chair to rule on the intention of an amendment. The Chair can rule only on the procedural acceptability of an amendment as such.

To my mind, the terms of the present amendment appear to criticize the actions of the government. Hon. members know that according to the rules of the House