

*Private Bills*

whether they agree to the amendment which consists of deleting the clause in its entirety. I submit to you that the proper procedure is to have a vote on clause 5 as it stands at present and if there is a desire to delete it then the vote would be in the negative. This is the only way in which it is possible to deal with the situation. We cannot have a negative motion. I may add that when we vote on the clause I will vote to retain it as it stands at present.

**Mr. Aiken:** Mr. Chairman, I rise on a point of order. It seems to me that we can follow two courses. First, if the sponsor of the bill wishes to withdraw the clause the committee can agree to that or, alternatively, if he does not wish to do so we can follow the proposal just made by the hon. member for Skeena and vote on the clause.

**The Chairman:** The difficulty is that the bill comes to us from the other place. It has been passed in the other place and amended by the committee. In actual fact we do not have clause 5 before us since it has been deleted.

**Mr. Howard:** Mr. Chairman, are you saying that the standing committee which considered this bill has usurped the authority of the house by deleting a clause therein? If such is the case there is no purpose in having the bill before us at the present time.

**The Chairman:** I should point out to the hon. member that the committee had the right to delete the clause and that when the report of the committee was brought before the house it was concurred in.

**Mr. Howard:** In that case, why did you put the question, Mr. Chairman?

**The Chairman:** Clause 5 was clause 6 in the original bill. Shall this clause carry?

Clauses 5 to 12 inclusive agreed to.

On clause 13—*Powers and liabilities*.

**The Chairman:** Clause 13 is a new clause.

• (5:50 p.m.)

**Mr. Howard:** Mr. Chairman, I have waited until we reached this clause because the importance of the bill is such that we should not delay its passage or allow it to fall to the bottom of the list. I want to submit once again that the procedure followed by the committee has been incorrect. When I raised my original point of order on the proceedings on clause 5 the Chairman first put it in the form of an amendment. Then I understood Your Honour withdrew the question from the committee

and ruled that in fact there was no clause 5 because the committee on finance, trade and economic affairs had reported to the house, recommending the deletion of clause 5, that report being adopted by the house.

From my reading of the *Journals* for October 25 there is no indication that the house adopted the report of that committee. All it says with regard to the report is:

Your committee has considered Bill S-16, an act to incorporate Bank of British Columbia, and has agreed to report it with the following amendments.

The amendments are then recited. But there is no indication in the *Journals* of the house that the report was adopted. I submit the report is only a proposal and that what we have been doing here has been incorrect.

I am raising this matter at this time only as a guide for the future. I submit that the suggestion made by the hon. member for Parry Sound-Muskoka was correct, that there was one of two ways of proceeding. But we did not do this, though we can correct the situation on third reading when the house adopts the report of the committee of the whole on the bill. This will regularize everything. But up to now we have been wrong in proceeding as we have.

**The Chairman:** May I read to the committee citation 408 of Beauchesne's fourth edition:

The committee can so change the provisions of the bill that when it is reported to the house it is in substance a bill other than that which was referred. A committee can negative every clause and substitute new clauses, if relevant to the bill as read a second time. If it should happen that alterations made by the committee were so extensive that the bill was widely different from the one which had received second reading, the practice has been to withdraw the bill—

The other part of the citation does not apply. Perhaps I should tell the hon. member that the information I gave him when discussing the old clause 5 was not correct. But I should say to him that although the committee has deleted clause 5 it would be within the competence of any member of this committee to move that the clause be restored. Perhaps I should also point out to the hon. member that I was in error when I said that the report of this committee had been concurred in by the house. I understand that was not so, that it was presented but not concurred in. If the hon. member has in mind the restoration of clause 5, I would be prepared to listen to him.

**Mr. Howard:** No, Mr. Chairman, we are past clause 5. I only wanted to indicate my views with respect to it. I think it should have