

*Private Bills*

My hon. friend from Grenville-Carleton bases his entire objection to this procedure on the ground that there is only one matter before us, namely, clause 1 of Bill S-6. May I remind him that Bill S-6 contains three parts: a title, a preamble and a clause. May I also remind him that our authorities make many references to these various parts of a bill, the title, the preamble and the clauses. My hon. friend from Waterloo has not moved an amendment to one part of a bill containing one part only; he has moved an amendment touching one of three parts of the bill, namely, touching clause 1.

I confess I had no notice that the hon. member for Grenville-Carleton would raise this point of order and I have not had time to find all the authorities on this subject. May I draw to your attention, Mr. Speaker, Standing Order 78(1) of the rules which existed before last December. I believe this provision must have been carried forward to the new rules in some way. The old rules said this:

In proceedings in committee of the whole House upon bills, the preamble is first postponed—

And I draw to your attention, after some intervening lines, these significant words:

—the preamble and title to be last considered.

In other words it is not just an independent opinion of mine that there are three parts to a bill, the title, preamble and clause or clauses. Those three parts are mentioned in the old Standing Orders and in several citations. May I also say to the hon. member for Grenville-Carleton that the case he relied on most heavily was before another parliament and, as I understood, related to a public bill. This, I suggest to Your Honour, is a different kettle of fish. This is a private bill and authorities like Beauchesne make it clear that in the case of a private bill the preamble is more significant than in a public bill, be it a private bill or a private members' public bill. The preamble is something that must be proven before the bill can be proceeded with. At the moment I am not saying whether the preamble has been proven. I am saying it is an integral part of this bill separate from the clause just as the title is a separate part. To vote on only part of the total bill is not the same as taking a vote on the bill as a whole. My hon. friend contends that because this is a one-clause bill a vote on the amendment moved by the hon. member for Waterloo (Mr. Saltsman) is simply an expanded negative. I submit that would be true if there were nothing else to the bill except clause 1. However,

there are three parts, the title, the preamble and the clause.

● (5:20 p.m.)

What I want to say now is perhaps a little out of sequence, but I should like to point out that the idea of an amendment to delete a clause is not only enshrined in Standing Order 75, which I quoted a moment ago, but it was put to the test yesterday. The hon. member for Saskatoon-Biggar moved an amendment at the report stage yesterday when we were debating Bill C-155 to the effect that Clause 13(3) of the said bill be deleted. One could have argued that that was an expanded negative. It was just a way of voting against subclause 3 of clause 13 of that bill. No one raised that point. I believe it is in keeping with the provision in this Standing Order that it should be possible to vote at the report stage, not against the bill as a whole but for or against the deletion of a part of that bill. If it was in order to do that yesterday on the amendment moved by the hon. member for Saskatoon-Biggar, then I submit it is possible to do so today.

I return to the main point which is being made by the hon. member for Grenville-Carleton (Mr. Blair). If it were true there is nothing before us at the report stage but a clause, I admit he would have a pretty strong argument about its being an expanded negative just to defeat that clause, but there is not before us just a clause. There are three parts of the bill before us, the title, the preamble and the clause.

The preamble to a private bill is not the same as in a public bill which in some cases merely states:

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

It is something which has to be proven. In this case the preamble reads as follows:

Whereas the Canada Trust Company, hereinafter called "the Corporation", has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

That, Mr. Speaker, is a debatable proposition.

Some hon. Members: Oh, oh.

Mr. Knowles (Winnipeg North Centre): There must be some humour which escapes me. I welcome the laughter. At least I am being listened to.