

I draw Your Honour's attention to the closing words of that sentence, "and to substitute in their place other words of a different import".

I should like also to draw Your Honour's attention to a publication which was put together by one of the respected officers of this House, Dr. Ollivier. It is entitled "British North America Acts and Selected Statutes, 1867-1962". At page 92 of that publication is set forth a section of the British North America Act which I shall read:

109. All lands, mines, minerals, and royalties belonging to the several provinces of Canada, Nova Scotia, and New Brunswick at the union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise—

And here are the words which I wish to draw to your attention:

—subject to any trusts existing in respect thereof, and to any interest other than that of the province in the same.

It is my submission, Your Honour, that the legislation with which this bill purports to deal is subject to a trust which is recorded in the *Journals* of this House of 1867. Therefore, the amendment properly deals with a reference to our *Journals* and purports by its wording to have the Parliament of Canada proceed, subject to the trusts by which it is bound, as recorded in its own *Journals*. I therefore submit, Mr. Speaker, that I have dealt effectively with both points raised by the parliamentary secretary with the authorities that I have cited and I urge Your Honour to accept the amendment.

● (12:40 p.m.)

**Mr. Knowles (Winnipeg North Centre):** Mr. Speaker, with apologies to my friend, George Bain, perhaps I might say a few words on this point of order. I think it must be accepted that reasoned amendments always create difficulties for those who draft them, for those who speak to their procedural validity, and for the Chair. I might also say that I have frequently been surprised both ways. Sometimes reasoned amendments that I thought were clearly out of order have been accepted; and, on occasion, the reverse has happened.

Your Honour has indicated that you have some doubts about this. I think, therefore, that that gives us the right to try to resolve those doubts and to suggest that this can be done. One of the arguments that has been advanced—indeed, Your Honour suggested it from the Chair—is that this amendment in its very language lays down a prior condition and, therefore, that it should be ruled out of order. I know that that has been a reason in the past for ruling out of order some reasoned amendments; yet I suggest that it is hard to get around Citation 382 in Beauchesne's Fourth Edition, which is a condensation of the citation that the hon. member for Yukon (Mr. Nielsen) just read from May's Seventeenth Edition. Precisely because it is a condensation I might, perhaps, be permitted to read it:

It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a Bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from, the principles, policy, or provisions of the bill, or expressing

opinions as to any circumstances connected with its introduction, or prosecution; or otherwise opposed to its progress;—

I will stop there. There are two more lines but they are completely irrelevant to the point before us.

It seem to me, Sir, that the amendment proposed by the hon. member for Brandon-Souris (Mr. Dinsdale) is opposed to the progress of the bill. He is concerned about its being introduced when this other matter has not been dealt with and I suggest that it is not repugnant to parliamentary procedure if a member takes that stand. May I characterize the substantive question. It is a clear one. The hon. member for Brandon-Souris says that he does not want this bill to be proceeded with until a clear declaration has been made about a certain matter.

That leads me to the point raised by the Parliamentary Secretary to President of the Privy Council. May I comment on this question briefly, even though my colleague, the hon. member for Comox-Alberni in my view disposed of it pretty quickly. The Parliamentary Secretary to President of the Privy Council suggested that if this amendment were allowed it would put Your Honour in a difficult position. How would Your Honour decide when a bill had met this so-called prior condition. I think my friend from Comox-Alberni was quite right; that would not be a decision that Your Honour would have to make. The House might pass a motion today saying that we will not accept any legislation for all time unless this condition has been met, and the same House tomorrow might pass legislation without that condition having been met. There is nothing standing in the way of Parliament doing inconsistent things. I have been annoyed at some of the things that have been decided around here, presumably for all time, which subsequently have been changed. We have a statute known as the Canadian Bill of Rights that says that certain matters shall not be enacted into legislation. But that is only an annual statute. Arguments have surrounded that piece of legislation. It has been argued that Parliament can pass a bill contrary to its provisions, even though it may protect itself by saying, "notwithstanding the provisions of the Canadian Bill of Rights".

So, Mr. Speaker, bearing in mind the authority and sovereignty of Parliament at all times, it seems to me that the passing of an amendment like this would be simply a declaration of where the House stands today on this matter. But the House is still the master of its proceedings and the master of its destiny and can make another decision tomorrow, next week or in the next session. So, Sir, to answer the suggestion put forward by Your Honour and by the Parliamentary Secretary to the President of the Privy Council, it seems to me that this amendment really does not offend our procedural practices in that what the hon. member for Brandon-Souris is saying is, "I do not want this bill to be proceeded with until the House has had a chance to make this statement." Personally, I am not opposed to the passing of this bill on second reading; but it seems to me that the right of my hon. friend to seek this declaration is covered by the rules.

Some question has been raised as to whether the amendment is relevant to the bill. I think, again, that my