

Excise Tax Act

(2) of citation 263 of Beauchesne's fourth edition. It seems to me that the middle portion of that paragraph is the best defence there is for the proposition of the hon. member for Edmonton West. Let me reread that paragraph, but perhaps in a different tone of voice:

The principle that the sanction of the Crown must be given to every grant of money drawn from the public revenue, applies equally to the taxation levied to provide that revenue. No motion can therefore be made to impose a tax, save by a Minister of the Crown,—

I stop there because I want to emphasize the next few lines.

—unless such tax be in substitution, by way of equivalent, for taxation at that moment submitted to the consideration of Parliament;—

I cannot imagine any better description than that of the amendment proposed by the hon. member for Edmonton West. He proposes a tax in substitution for a tax that is now before parliament. He proposes that the amount to be raised shall be equivalent thereto; and he imposes the tax on the self-same people. I know it is perhaps time that we had a new Beauchesne, but that provision is still in the book; we use it when we like it and we discard it when we do not like it. Nevertheless, as I say, that sentence is still there, and to re-emphasize it, it states:—unless such tax be in substitution, by way of equivalent, for taxation at that moment submitted to the consideration of Parliament;—

At the end of that paragraph there is a notation indicating that this provision came from page 511 of one of the editions of May. I have not been able to find on the table that particular edition—I think it is the 13th edition to which Beauchesne is referring—but I have obtained the 15th edition of May. I find there an interesting historical review of this whole business, particularly at pages 678 to 684 or thereabouts. During the course of those pages there is a reference over to page 769.

May admits in this edition that the procedure with respect to making amendments in taxation matters has been changing through the years in the British House. But even when May says there are certain things that cannot be done, it seems to me, by implication, that that means that things not prohibited can be done. For example, let me read from page 682 of May's 15th edition:

In modern practice this view is regarded as incomplete,—

[Mr. Knowles (Winnipeg North Centre).]

I need not read what went before, but the reference is clear.

—and as requiring to be supplemented by the view that the royal initiative in taxation implies the exclusive right to define the incidence as well as the amount of burdens to be placed upon the people, and that an amendment which transfers a burden to taxpayers not previously liable is an infringement of this initiative.

The amendment of the hon. member for Edmonton West does not transfer a burden to persons not previously liable. It puts the tax on precisely the same people, and it seeks to raise the same amount of money, simply using a different formula.

In addition to the interesting paragraphs on that page and on the next page, page 683, we are invited to go to pages 767 to 769. I am not going to take the time to read those pages; what they seem to provide, in effect, is that most of the things that members had earlier been able to do without the initiative of the Crown have been ruled out in practice. However, nowhere can I find a ruling out of an amendment which proposes a substitution that in total amount is the same and which is imposed on the same taxpayers. Therefore, Mr. Speaker, it seems to me that the hon. member for Edmonton West has a case.

Mr. Speaker: I thank hon. members for their contributions and for the advice they have given the Chair in connection with this very difficult problem. In fact, I felt that since it was so complex I owed it to the hon. member for Edmonton West to discuss the matter with him before today, to indicate to him what my reservations were. I also indicated to the hon. member for Winnipeg North Centre that I foresaw some difficulty and invited both hon. members to study the matter in the same way as I did over the last few days. A protracted debate on the Canadian National Railways bill had at least the advantage of giving the Chair added time to consider this very important matter involving a procedural point, and to study it from all angles.

The Chair has been asked to consider, from a procedural point of view, the acceptability or otherwise of the amendment proposed by the hon. member for Edmonton West. As I indicated to some extent when I asked him to advise the Chair on this point, it was the precise form adopted by the hon. member in his amendment that made it difficult for the Chair to accept it. He recognizes, of course, that it might be moved in an analogous way by recent amendment or perhaps by removing some of the second part which proposes a