

*Transport and Communications*

but I submit that this one might be just as important, if not more so.

What is involved in this point of order is not a contest between the government and the opposition but rather the whole question of the relationship of our standing committees to parliament itself. If there is a contest, as I say, it is not between the government and the opposition; it is not even between parliament and one of its committees; it is a contest between the government and a standing committee. I think, therefore, that the issue is a very important one.

Last Tuesday, March 25, we had a bit of debate on the matter. On that occasion the President of the Privy Council (Mr. Macdonald) went into the substance of the issue, as he may do further today; but the rest of us confined ourselves to our contention that that was not the point at which to raise this question of order. We felt that it should not have been raised until after the motion of the hon. member for LaSalle (Mr. Lessard) had been put. I still have my doubts on that, but Your Honour has ruled that this is the place where we can have this discussion; therefore we shall abide by your ruling.

In your remarks to the house on Thursday of last week, Mr. Speaker, if I may be so bold as to make a synopsis of what you said, you first of all cited Beauchesne's citation 323, paragraph 1, as a basis for its being possible to rule a committee report out of order. Then you went on to state three questions to which you would like us to address ourselves. I should like to organize my remarks around the framework that Your Honour gave us last Thursday.

First may I read citation 323, paragraph 1, which Your Honour drew to our attention. It is as follows:

A committee report may be ruled out of order though it has been received by the House, and a motion to concur therein cannot then be entertained.

In parenthesis, after that citation, there is an indication as to the basis upon which this dictum was written into Beauchesne's fourth edition. It arises from an incident that took place in the House of Commons as recorded at page 216 in volume 8 of the *Journals* of the House of Commons. I went to the library and got the *Journals*, volume 8, and this takes us back to the year 1874. That is even before any of us were in this house, or anywhere else, for that matter.

I found it very interesting to follow through the incident on which this citation is based. Incidentally, I sought also to study it

[Mr. Knowles (Winnipeg North Centre).]

by reference to *Hansard* but found that the printing of *Hansard* did not get started until 1875; so for 1874 one has to consult a scrapbook of newspaper clippings to find out what went on in parliament. Mind you the newspaper clippings were not just reports by reporters; they were verbatim accounts of what was said.

It appears that on April 8, 1874, as recorded at page 25 of the *Journals*, a select committee was appointed and given a very specific task. The task was to inquire into the then tariff, in the interests of agriculture and commerce in British Columbia, and report to the house the way in which the Canadian tariff of that day affected the agricultural and commercial interests of the province, and so on. The instruction was quite clear. This select committee was to report upon the way in which the then Canadian tariff affected agriculture and commerce in the then new province of British Columbia; and that was all.

The committee made its report on April 30, 1874. It appears at pages 141 and 142 of the *Journals*. It is a very interesting report. I do not think anyone can deny that it goes far beyond the terms of reference, the gist of which I read a moment ago. It takes about a page and a half, it has 14 paragraphs, and goes over all the grievances which British Columbia then had against the rest of Canada. It sounds almost as though they wanted to separate before they really got into the family. The report ended with this recommendation:

That an act imposing a special tariff be enacted.

There is no question but this was far removed from the instruction that they should report on the ways in which the Canadian tariff was affecting agriculture and commerce in the province of British Columbia. Accordingly, when on May 11, 1874, as noted in the *Journals* at page 216, the chairman of the committee, whose name was Mr. Bunster, moved that this report be concurred in, objection was taken to the motion on the ground that it asked for concurrence in a report which ought not to have been received by the house. It was on this point that I was anxious to consult *Hansard* but had to settle for newspaper clippings that are to be found in interesting scrapbooks in the library. I found the argument was that the committee was asking the house to enact a bill involving a financial provision, which can only be proposed on the initiative of a minister of the Crown.