

Private Bills

Hon. W. J. Browne (Solicitor General): I should like to say a few words in support of what the house leader has said. To deal first of all with the citation he gave at page 168 of *Beauchesne*, it states as follows:

(3) A motion dealing with the same subject matter as a bill standing on the order paper for second reading cannot be considered.

Incidentally, in reply to the last observation made by the hon. member for Laurier (Mr. Chevrier), to the effect that this discussion has been going on for half an hour, may I say that it takes a little bit of time to prepare an argument and to get the necessary documents. I have sent for this one, at any rate.

Mr. Chevrier: Then you are killing time.

Mr. Browne (St. John's West): This is an important point because a distinguished gentleman at the time, namely Mr. Mackenzie King, the then hon. member for York, moved on May 31, 1923, as reported in *Journals LX*, page 420:

That the house do now proceed to notice of motion No. 9 respecting the Oleomargarine Act.

A point of order was raised by Mr. Sutherland, member for South Oxford: that the said notice of motion anticipated a matter already appointed for the consideration of the house, in the form of a bill standing in the name of the Minister of Agriculture and was therefore out of order.

Mr. Speaker ruled the point of order well taken.

In that instance there had been no discussion at all. The point of order was well taken and formed the basis for this third paragraph in paragraph 200 of *Beauchesne*. But in addition to the citation on that page, we find citation 373, the second paragraph of which reads as follows:

(2) There is no rule which restrains the presentation of two or more bills relating to the same subject, and containing similar provisions.

In other words, there is no rule which prevents the presentation of two or more bills relating to the same subject. He then goes on to qualify that statement by saying this:

But if a decision of the house has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions, and such a bill could not have been introduced on a motion for leave. But if a bill is withdrawn after having made progress, another bill with the same objects may be proceeded with.

That citation explains what is meant by two bills being presented relating to the same subject or containing the same provisions.

The hon. member for Laurier tried to distinguish between the bill introduced by the hon. member for Lincoln and the one introduced by the hon. member for Drummond-Arthabaska. The first one, namely Bill No. C-8, is entitled "An act to authorize a Canadian flag". The next one is entitled "An act

respecting flags of Canada". Can anyone reasonably contend that both these hon. gentlemen did not have the same purpose in mind? They may have gone about it in a slightly different way. One would not expect the details to be the same. But explanatory notes relating to the bill of the hon. member for Lincoln contained this sentence:

The purpose of this bill is to provide a Canadian flag.

Then he explained how that should be done. Then the hon. member for Drummond-Arthabaska (Mr. Boulanger) in the explanatory note to his bill states as follows:

As it is desirable and urgent that Canada possess a distinctive national flag, this bill provides a method of obtaining a flag with the least possible delay.

Both of these bills instruct the governor in council how they should proceed about obtaining a suitable distinctive national flag immediately. I do not think that it can be reasonably contended, as the hon. member for Laurier wished to do, that these bills are dealing with different subjects. The ordinary person would certainly understand that each of these bills dealt with the same subject. It is a subject that is near and dear to the hearts of a great many people in this country. In fact, I think the hon. member will agree that this is a matter that arouses great emotion in some sections.

Mr. Chevrier: May I ask the hon. member a question?

Mr. Browne (St. John's West): Yes.

Mr. Chevrier: Why did he not raise this point of order when the second bill came up for consideration many weeks ago?

Mr. Speaker: Has the hon. member concluded?

Mr. Martin (Essex East): Yes.

Mr. Browne (St. John's West): I should like to answer that question. The point was not drawn to my attention previously.

Mr. Martin (Essex East): Question.

Mr. Speaker: I think the point of order could be disposed of on the basis that it was raised somewhat late in the course of the debate.

These two bills which are said to be in conflict have been on the order paper for some time. As it is a matter of some consequence that arises from time to time I was happy to receive assistance and observations from hon. members. The simplest case of this type was that of the bills relating to negotiable instruments. Those bills were in fact identical, and I came to the conclusion that debate should not be permitted to proceed on those bills concurrently.