

Municipal Development and Loan Board

the practice which appears to have been overlooked in this instance before us today. His words, as reported on page 3505, are as follows:

Mr. Speaker, the governor general, having been informed of the purport of Bill 192, an act to amend the Petition of Right Act, gives his consent as far as his Majesty's interests are concerned that the house may do therein as they think fit.

Third reading was then moved, and the bill passed.

Mr. Garson reinforced that practice on January 23, 1953, when he is reported in *Hansard*—

Mr. Favreau: I do not like to interrupt the hon. gentleman, but would he care to answer a question for the enlightenment of hon. members?

On what ground does the hon. gentleman claim that the rights and privileges of Her Majesty are being affected by the present bill? I think an answer to this will help us pursue a debate, if there is to be a debate on this.

Mr. Nasserden: I was just coming to that, Mr. Speaker. The quotation to which I wish to refer is to be found on page 1272 of the debates for 1953. Mr. Garson, moving a bill had this to say:

Mr. Speaker, before you put this motion may I say that His Excellency the Governor General, having been made acquainted with the subject matter of this resolution, recommends it to the consideration of the house; and having also been acquainted with the purport of the measure to be introduced has given consent, so far as Her Majesty's prerogatives are affected, to the consideration of the bill.

In 1959, as reported at page 5660 of *Hansard*, volume V, covering the debates of July 14, the Hon. Ellen Fairclough, dealing with legislation to confirm an agreement between Canada and New Brunswick respecting reserves, said:

Mr. Speaker, His Excellency the Governor General having been made acquainted with the purpose of this bill, has given consent so far as Her Majesty's property rights are concerned, that the house may do therein as it shall think fit.

There is a further example on similar lines which could be quoted.

The purpose I have in mind in bringing this up is to remind the house that government in Canada is carried out by the crown, by the Senate and by the House of Commons. By the omission of this little phrase I think we have left something out, not only in this bill but in the bill I tried to deal with this morning as well as in one of the bills which has already passed this house. I had not completed my study of this matter at that time. It is in the hope that the question is one of interest to other members of the House of Commons that I have brought it forward.

[Mr. Nasserden.]

Mr. Deputy Speaker: I do not want to suggest that a debate be instituted at this time. The Chair is not sure it has the experience to decide on such an interesting, and perhaps novel point as the one raised by the hon. member for Rosthern. I may say, however, by way of preamble, that it is difficult for the Chair to rule that a bill which the government and members of parliament generally feel does not require royal consent does, indeed, come within that category. It is difficult for the Chair to substitute its own opinion and say that it does. This having been said, I should like to turn to the citation which has been quoted by the hon. member, that is, citation 283. It is obvious that his whole argument, as has been suggested by the Minister of Citizenship and Immigration, Mr. Favreau, is based on the premise that certain rights and privileges of the crown are affected. It says:

The consent of the King or Queen, as the case may be (to be distinguished from the royal assent of bills) is given by a privy councillor to bills (and occasionally amendments) affecting local and personal interests which concern the royal prerogative, the hereditary revenue or personal property or interests of the Crown or Duchy of Cornwall.

It has not been shown clearly to the Chair that any of these things is affected by this particular bill and I therefore feel that the point of order raised by the hon. member cannot be sustained.

Mr. Churchill: I suggest that the point of order raised by the hon. member carries a great deal of weight, as well as being a most interesting one. As the hon. member gave the references, I referred to Beauchesne, Bourinot and May and continued to read in the paragraphs to which he made reference. It appears to me there is more to this than might appear to anyone who was just listening for the first time to the contention being put forward. I think we may assume that the hon. member has a valid point here and I would suggest that in the circumstances a ruling from the Chair be deferred until later this evening or until after Mr. Speaker can have a look at it.

Mr. Deputy Speaker: The hon. member will recognize that a ruling, right or wrong, has already been made. I purposely hesitated before making it, realizing that hon. members might wish to speak on the point of order, although I was not altogether satisfied that such a discussion was desirable at that point. I trust that the hon. member will agree that the Chair, having made a ruling, it is a little late to revive the point of order raised by the hon. member for Rosthern. I would suggest we proceed to the third reading of the bill.

Mr. Diefenbaker: I am not in any way criticizing the ruling you have made. Far