

International Rivers

British Columbia of 1897. Governments of that province have been operating all these years under the powers given them by that act, which has never been challenged. The present government thought they had the authority under that act to go ahead, and in sincerity they went ahead to arrange a deal with the Kaiser interests for the development of water power which is now going to waste.

I say to you, Mr. Speaker, that it becomes a most serious matter if the constitution can in effect be changed as easily as by passing this bill. What rights of any of the provinces could possibly ever be safe from an arrogant federal government which cared nothing for the feelings of those people who do not belong to the same political party as they do? I refer to the fact that the Canada Shipping Act was based on that very clause, section 92, subsection 10, of the British North America Act; and since that clause was invoked it has been used to make every grain elevator in my constituency, even down to the smallest one, a work for the general good of Canada.

That is how far you can go with this thing. I wonder how many barber shops could not be brought under this provision as works for the general good of Canada, and how many schools in this country. If a reckless government ever took the thought into their heads to go ahead and do it there is nothing could stop them if they had the gall to try to do it. I say that becomes a very serious matter to be considered by every Canadian.

Finally, Bill No. 3 is clearly an obstructive bill. It is perfectly clear from what has been said both outside and inside the house that the main purpose of the bill is to prevent the consummation of an agreement which is being negotiated by one of our provincial governments. That is a bad reason for any legislation, because there are other and much better ways of safeguarding the national interest. Second, the bill is punitive. It provides power to punish a province, and I think that is a bad principle ever to be established in legislation in this house. Third, it is presumptive. It is based upon the presumption that all the federal government needs to do to provide itself with powers to invade provincial rights is to invoke section 92, subsection 10, of the British North America Act.

For the reasons I have mentioned I am opposed to the second reading of the bill, and I move, seconded by the hon. member for Macleod (Mr. Hansell):

That all the words after "That" in the motion for second reading of Bill No. 3 be struck out and the following substituted therefor:

"the further consideration of this bill be deferred until the principle thereof has been referred to a dominion-provincial conference and considered by such conference".

50433—70½

Mr. Speaker: I have heard the amendment moved by the hon. member for Peace River. Although he is entitled to ask that further investigation be made of a certain problem contemplated by the bill, the motion must be that the subject matter thereof be referred to an existing body, either to a standing committee or to a commission such as the board of transport commissioners or some other such organization. Otherwise where would the bill stand if nobody called a dominion-provincial conference?

Mr. Fulton: Ask the Minister of Justice.

Mr. Speaker: I think the hon. member realizes that unless he amends his amendment I will not be able to accept it. If he will look at citation 657 of Beauchesne, third edition, he will see that the latter part thereof says:

... or seeking further information in relation to the bill by committees, commissioners, the production of papers or other evidence or the opinion of judges.

By "committees, commissioners" what is referred to is the board of transport commissioners, for example, or committees that are in existence under standing order 63. Would the hon. member like to explain what his purpose was?

Mr. Low: Mr. Speaker, I gave considerable thought to the procedure by which second reading could be prevented at this time in order to afford us a chance to give the matter further consideration, because I knew that if we were to allow second reading to pass the house would be agreeing to the principle of the bill, and the principle having been adopted certainly the important reason for debate would no longer exist. I have looked at Beauchesne's Parliamentary Rules and Forms, third edition, 1943, and at page 337 under "amendments" I discovered that there are two different ways by which an amendment can be moved. The first is by moving that the measure be given the six months' hoist. The second is as follows:

The question being proposed "That Bill No.—

In this case, it is Bill No. 3.

—intituled an act . . . be now read a second time"; Mr. . . . moves in amendment thereto, seconded by Mr. . . . , that all the words after "That" in the said motion be struck out and the following substituted therefor:

"The further consideration of this bill be deferred until the principle thereof has, by means of a referendum, been submitted to and approved of by the electors of Canada".

This evidently was something that was used by Sir Wilfrid Laurier at some time in the past, and is cited here as one means by which an amendment can be made. I took it to mean that it could be used as the basis for our amendment.