

de Martigny' be discharged, and that the said bill, together with the evidence taken before the divorce committee of the Senate, be referred back to the select standing committee on miscellaneous private bills for further consideration, with instruction that the said committee have power to hear further evidence concerning the facts set forth in the preamble of the said bill.

Mr. Speaker: I think there is no question that this motion is quite in order. Perhaps I had better point out at this stage that the motion is not debatable, under rule 17A."

That is now Standing Order 32.

I would refer honourable Members to page 478 of the *Journals* of 1953-54 where the Right Honourable Minister of Trade and Commerce (Mr. Howe) moved.

"That the order of the House in respect of item numbered 6 under the heading, "Government Orders" on today's "Order Paper", be discharged and that leave be granted to withdraw the following proposed resolution:

That it is expedient to introduce a measure to amend the Atomic Energy Control Act to provide for the carrying on of research and production activities in the atomic energy field by a minister or by companies reporting to a minister; etc. . . .

And the question being put on the said motion, it was agreed to."

The point at issue is, should the motion to discharge item No. 13 on the Order Paper have been made before the Notice of Motion was placed? The honourable Member says yes. The memorandum which I have read is to the effect that a decision rendered about a certain matter will block the introduction of further legislation, but not the pendency of a measure until its second reading has been disposed of. There is nothing to prevent another bill on the same subject being introduced, and I refer honourable Members to page 499 of May's fifteenth edition. I refer also to the following to be found on the same page:

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

The distinction is between presentation and procedure. I suggest that, as far as presentation is concerned you can go as far as second reading, but as far as proceeding with it and providing the opportunity of debate are concerned, then the rulings of mine which the honourable Member has quoted are pretty good. I have made rulings about repetition and duplication and I would certainly rule again if the government should attempt to proceed on a parallel basis with the two items. One would have to be pending at one point or another, there is no question about it; they could not proceed with the two, that is certain.

I am sure that the honourable Member for Winnipeg North Centre and all honourable Members who have taken part in this debate have done so with the utmost sincerity, but I say to them that I am in exactly the same position. It is my duty to make a ruling and I base my ruling on the information I have received from the Clerk. I concur with the ruling that he has made.

From this Ruling Mr. Drew and others appealed to the House.