

form, terms and amount by the Governor in Council, and that such securities so approved may be guaranteed by His Majesty.

He said: His Excellency the Governor General has been informed of the subject matter of this resolution and recommends it to the favourable consideration of the House.

Motion agreed to.

BANK ACT AMENDMENT

MOTION FOR COMMITTEE OF THE WHOLE NOT DEBATABLE—RULING BY MR. SPEAKER

On motion of Mr. Fielding for the House to go into committee on Bill 83, respecting banks and banking.

Mr. T. W. BIRD (Nelson): Mr. Speaker—

Mr. SPEAKER: This motion is not debatable according to rule 17A, of the rules of the House. I had anticipated, after inquiry from some hon. members as to the procedure at this stage of the bill, that possibly there would be some proposal to move an amendment or engage in some debate. I have looked very carefully into the question and find that the present motion is not debatable—that is, the motion for the Speaker to leave the chair to go into committee of the whole, is not debatable. This opinion is based on the decision of Mr. Speaker Rhodes, my immediate predecessor, on 15th October, 1919, when Hon. J. D. Reid, then Minister of Railways and Canals, moved that the House go into committee to consider certain resolutions regarding the Grand Trunk Railway system—see Hansard for 1919, second session, volume 2, page 1012-13; also upon the decision of Mr. Speaker Rhodes on 29th August, 1917, that a motion for the reading of resolutions from Supply and concurrence therein was not debatable—see Hansard for 1917, volume 5, page 5095; also upon the opinion of Sir Robert Borden in explaining the meaning of rule 17A. I quote Sir Robert Borden's very words—see Hansard, 1912-13, volume 4, page 7406:

What we have sought to do is to provide that all substantial motions, which bring into question the propriety of passing any bill, measure, or vote, shall be debatable. . . . but that purely formal motions, which, under the existing rules, would be used only for dilatory purposes, shall not in future continue to be debatable.

I wish to draw the attention of hon. members to rule 17A, which, probably, might better be explained by its author, whom I see in his seat now, the right hon. leader of the Opposition (Mr. Meighen), which rule must be read very carefully. The rule says:

Every motion heretofore debatable made upon routine proceedings, except adjournment motions and

every motion standing on the order of the proceedings for the day, or for the concurrence in a report of a standing or a special committee, or for the previous question, or for the third reading of a bill, or for the adjournment of the House when made for the purpose of discussing a definite matter of urgent public importance, or for the adoption, in committee of the whole, or of supply, or of ways and means of the resolution, clause, section, preamble or title under consideration shall be debatable; but all other motions shall be decided without debate or amendment. As hon. members will see, there is not in the enumeration of debatable motions, made under this rule, any such motion as the present one.

There can, however, be a vote on this motion but there can be no debate. I also call the attention of hon. members to rule 28 which says:

Bills reported after second reading—

Which is the present case, the bill having been read a second time and referred to the committee on Banking and Commerce—

—from any standing or special committee, shall be placed on the orders of the day following the reception of the report, for reference to a committee of the whole House in their proper order next after bills reported from committees of the whole House. And bills ordered by the House for reference to a committee of the whole House shall be placed, for such reference, on the orders of the day following the order of reference in their proper order, next after bills reported from any standing or special committee.

The present bill is therefore regularly on its way to the committee of the whole House and the motion has been made that I do now leave the chair. It is a purely formal motion. When the bill is in committee of the whole amendments can be moved to the various clauses or sections of the measure. When the bill is reported from committee of the whole to the Speaker, and consequently to the House, the occasion again presents itself to those who may have some opposition to offer to advance their views and their grievances. And finally when the third reading comes, the opponents of the bill, or of some of the principles involved in it, can again ventilate their views. Therefore at the present stage, as this is a formal motion and being supported in my opinion by the author of rule 17A and by the precedents which apply, I rule that the present motion is not debatable. Nevertheless, as I said a moment ago, a vote can be taken on the motion that I do now leave the Chair if there is any objection to the bill.

Mr. BIRD: I would not presume to question the authorities cited in your ruling Mr. Speaker, but just to indicate the usage, or rule, upon which my action is taken I will refer to page 606 of Bourinot's Parliamentary Procedure in which that authority expresses himself as follows: