

where of any such policy being followed. I rather expect this has to do with controls already on, rather than any to be put on.

Mr. DIEFENBAKER: No; it has to do with another control that may be put on.

Mr. GARDINER: I know nothing of any such control.

EMERGENCY POWERS

COTINUATION OF CERTAIN ORDERS AND REGULATIONS

The house resumed from Monday, April 14, consideration of the motion of Mr. Ilsley for the second reading of Bill No. 104, to provide for the continuation of certain orders and regulations of the governor in council for a limited period during the national emergency arising out of the war, and the amendment thereto of Mr. Fleming.

Mr. SPEAKER: I should like to give my ruling on the point of order raised last night by the right hon. Minister of Justice (Mr. Ilsley) on the amendment moved by the hon. member for Eglinton (Mr. Fleming).

There is before the house a motion for the second reading of Bill No. 104, to provide for the continuation of certain orders and regulations of the governor in council for a limited period during the national emergency arising out of the war. To this Mr. Fleming, member for Eglinton, moved in amendment:

That all the words after "that" be deleted and the following substituted therefor:

"While recognizing that the said bill deals with some matters such as old age pensions and veterans in the civil service which do not depend for constitutional validity on the existence of an emergency and some other matters which can only be dealt with by this parliament on the basis of an existing or apprehended emergency; and while willing to support properly drafted legislation dealing with such matters;

This house is unalterably opposed to the enactment of a measure to continue indiscriminately the sweeping powers of the presently existing boards outside the control of parliament."

The first paragraph of this amendment is only a recognition in general terms of some matters dealt with in the bill; it purposes to place the house on record as recognizing that the bill deals with some matters and being prepared to support properly drafted legislation respecting such matters. The house can only make such recognition by voting partly for and partly against the bill, which is a meaningless proposition.

As to the house's readiness to support properly drafted legislation dealing with these matters, this is a question which will have to be submitted to the committee on the bill. Questions of drafting provisions are dealt with at that place and not with the Speaker in the chair.

[Mr. Gardiner.]

As to the last paragraph of the amendment which declares that "the house is unalterably opposed to the enactment of a measure to continue indiscriminately the sweeping powers of the presently existing boards outside the control of parliament", it is merely asking that the house either approve or disapprove questions in indefinite terms. There is no doubt in my mind that proposals submitted for approval or disapproval must be set forth in expressed words, which can only be done in committee on the bill.

It happens that there are many orders and regulations included in this measure. There is a principle to each of them. Which of them the house should approve or disapprove is a matter which certainly is not covered by the amendment.

On the 24th of April, 1934, the Speaker of the house rejected an amendment proposed by the then leader of the opposition, which read as follows:

... this house, while prepared to support legislation for assisting the orderly marketing of natural products, is unalterably opposed to the enactment of any compulsory measure which delegates to unnamed and undetermined individuals, groups or organizations, sweeping powers over the production and trade and commerce of the nation, and which confers upon a minister of the crown and upon the governor in council unprecedented authority and unusual powers to restrict production, and interprovincial, inter-imperial and foreign trade as regards both exports and imports, as well as other autocratic powers.

In giving his decision against this amendment the Hon. George Black, then Speaker of the house, made the following statement:

The Right Hon. Mr. Mackenzie King in moving the amendment quoted paragraph 755 of Beauchesne's *Parliamentary Rules and Forms*, which paragraph is published as a quotation from May, 13th edition, at page 390, which is repeated by Bourinot at page 509:

"It is also competent to a member who desires to place on record any special reasons for not agreeing to the second reading of a bill, to move as an amendment to the question, a resolution declaratory of some principle adverse to, or differing from the principles, policy or provisions of the bill."

This rule is subject to certain limitations. If the right hon. member had continued to quote from May, he would have found the following reference to an amendment to a motion for second reading of a bill:

"Nor may such an amendment deal with the provisions of the bill upon which it is moved, nor anticipate amendments thereto, which may be moved in committee—"

May, 13th edition, page 391. The precedent cited in May in support of this is found in 188 *Parliamentary Debates*, 4th series, column 76, The Education (Scotland) bill.

Mr. Speaker: I have to rule that the amendment standing in the name of the hon. member for Glasgow and Aberdeen universities to the effect that the house while welcoming educa-