

I find in the third edition of Beauchesne's Parliamentary Rules and Forms, page 229, citation 659, the following:

An amendment purporting to approve the principle of a bill and at the same time enunciating a declaration of policy cannot be moved to the second reading. It must oppose the principle of the bill. When the natural products marketing bill was up for second reading, on the 24th April, 1934, a member moved in amendment, that "this house, while prepared to support legislation for assisting the orderly marketing of natural products, is unalterably opposed to the enactment of any compulsory measures which delegates to unnamed and undetermined individuals, groups or organizations, sweeping powers over the production and trade and commerce of the nation, etc." The Speaker ruled this amendment out of order because it did not challenge the principle of the bill and it anticipated the committee stage. On an appeal, the house sustained this decision by a vote of 103 to 52.

This amendment recognizes, or undertakes to place the house on record as recognizing the necessity of many of the provisions of the bill. It states 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. That is, there are some provisions of some of the orders in council to which the amendment takes exception. That, I submit, is a matter for amendment in the committee stage, and the amendment does not enunciate a principle contrary to or at variance with the principle of the bill at all. If anything, it approves the principle of the bill, but simply states that the house is opposed to the enactment of a measure to continue indiscriminately the sweeping powers of the existing boards outside the control of parliament.

If the amendment does not mean what I construe it to mean, if it means that the bill is bad, then it may be merely an expanded negative and bad on that ground. But I think that the first ground I state is the proper ground. I do not think there is any precedent for an amendment such as this. If the debate is to continue tonight I do not care whether the point is decided tonight, but I do not think I should allow the matter to be proceeded with without raising a point of order and having Your Honour's ruling upon it.

Mr. FLEMING: It is interesting to hear the Minister of Justice raise a point of order on this bill two weeks after the amendment was introduced, and certainly on the third day that the house has been in session after the amendment was introduced. After two and a half sessions in this house, I do not profess at all to be an authority on the rules of the house, but I contend that it is a fundamental

[Mr. Ilesley.]

rule that, if a measure or an amendment is objectionable on the ground of procedure, objection to it must be taken promptly.

Mr. ILSLEY: Where is that rule?

Mr. FLEMING: That principle has been enunciated frequently in this house.

Mr. ILSLEY: The rule is that it must be taken before the question is put.

Mr. FLEMING: And I am making the point that this objection has not been taken promptly and that it should have been.

Mr. ILSLEY: It was not taken promptly, but it was taken before the question is put, and that is the rule.

Mr. FLEMING: I am making the point that the objection should have been taken promptly and that has not been done. That is my first point.

The next point is this. It is interesting to hear the Minister of Justice take objection on the ground that his leader must have been wrong in 1934. If the minister says that the amendment I have introduced is out of order, then he must say that the point on the amendment taken by his leader in 1934, if it is a proper precedent, is not well taken.

Mr. ILSLEY: It was decided that it was out of order.

Mr. FLEMING: It happened to be his leader's point.

Mr. MACKENZIE: It was frequently ruled out of order.

Mr. FLEMING: All right. In my submission this amendment is in order. The rule laid down in Beauchesne, third edition, at page 229, citation 659, is that an amendment on second reading, to be in order must oppose the principle of the bill. In my submission, the amendment that was introduced on April 1 clearly comes within that category. I do not wish to burden you again, Mr. Speaker, with what I had to say at that time about the difficulty of finding a principle in the bill; but the principle of the bill as held forth by the government was that it is a measure to extend or to give the force of statute to certain orders in council which would otherwise come to an end on May 15. The effect of the amendment is to say this: there are some of these fifty-seven measures that may be unobjectionable, but there are others that are objectionable, and the house is not prepared at this stage, in an unprecedented bill, to accept sweeping measures of that kind, covering such a tremendous variety of subjects and to pass over to boards outside parliament these sweeping powers that have been vested