

government or the Privy Councillor that the bill would need to be accompanied by a recommendation.<sup>12</sup>

To determine what was "acceptable," he relied on the Speakers' rulings cited in successive editions of Beauchesne's *Rules and Forms of the House of Commons of Canada*. After advising the appropriate minister that a royal recommendation would be required, he himself then would request the recommendation of the Governor General on the Minister's behalf.<sup>13</sup>

This witness further stated:

There have been occasions when the government has tried to do things for the purpose of introducing bills in the Senate. For example, in one case, the government wanted to introduce a bill that said the money would be appropriated by Parliament pursuant to the *Appropriation Act* ... however, exception was taken to that because the Law Clerk did not think it would succeed.<sup>14</sup>

In fact, he indicated, for at least the past twenty-five years Speakers of the House had tended to rule out of order all motions -- including on occasion bills passed by the Senate -- that purported to instruct the government to undertake an activity that would involve the expenditure of money, even when the motion or bill contained no appropriating clauses.

Such rulings probably reflected the so-called Gladstone Amendment of 1866 to a Standing Order of the British House of Commons, which reads:

This House will receive no Petition for any sum relating to Public Service or proceed upon any Motion for a grant or charge upon Public Revenue, *whether payable out of the Consolidated Fund or out of moneys to be provided by Parliament*, unless recommended from the Crown.

The purpose of this order was to prevent private members from introducing bills or amendments which, while not appropriating money to meet the costs of their schemes, referred to future appropriation by Parliament. Such motions would, of course, lack a royal recommendation. Although the Canadian House of Commons apparently has chosen to bind itself by this British rule, it has never incorporated the rule into its own Standing Orders.<sup>15</sup> Furthermore, the drafters of the Canadian Constitution did not include the substance of the Gladstone Amendment in Section 54. Therefore, advice given to