

have incidental monetary aspects. As so many of us have done, I have consulted with the Clerk of the Senate in this matter. Indeed, as so many of us have done, I have sat at his feet for instruction in this respect. He has provided me, first of all, with a quotation from *Bourinot's Parliamentary Procedure*, Fourth Edition, page 493, part of which reads as follows:

It is frequently found convenient to introduce bills involving public expenditure in the Senate, and in such a case, the money clauses are embodied in the bill as presented, in order to make it more intelligible. When the Senate goes into Committee on the bill, these clauses are ordered to be left out. They are printed in red ink or italics in the engrossed bill sent up to the Commons, and are technically supposed to be blanks.

Perhaps the practice now is slightly different because I do not think red ink is used; perhaps it could be. I do not think italics are used; perhaps they could be.

There was another precedent established in 1947. In that year Senator J. J. Donnelly presented to the Senate a report of the Standing Committee on Natural Resources concerning Bill M-9, respecting certain National Parks and to amend the National Parks Act. Senator Donnelly, as reported at page 431 of the *Debates of the Senate* of 1947 said:

Honourable senators, the committee have, in obedience to the order of reference of June 5, 1947, examined this bill, and now beg leave to report the same with two amendments. These amendments are not contentious. They were both either suggested or approved by the Law Clerk of the Senate or representatives of the department. The first amendment deletes paragraph (p) of clause 9. That paragraph purports to grant certain powers to tax; but the power to tax must originate in the House of Commons. It is therefore proposed that the paragraph should be deleted, in the expectation that it will be inserted by the other house and returned for our consideration.

That report was adopted and the bill was given third reading. This is reported in the *Debates of the Senate*, 1947, at pages 458 to 462.

When it reached the House of Commons the bill was amended as follows:

Page 2, line 26: Insert the following paragraph between paragraph (o) and (q):

(p) levying taxes upon the residents of a Park in order to defray the cost of health and welfare services supplied to such residents by a province pursuant to an agreement made under paragraph (o) of this subsection or supplied to such residents by the Government of Canada.

The amendment was concurred in by the Senate, as reported in the *Debates of the Senate*, 1947 at pages 556 and 557.

The third Canadian precedent occurred in 1949 when the National Defence Bill was introduced and explained in the Senate by the then minister, the Honourable Brooke Claxton. This bill involved expenditures of public moneys. Senator Hayden in reporting the bill from the Standing Committee on Banking and Commerce, as reported in the *Debates of the Senate*, 1949, second session, at page 39, said:

I should call the attention of the house to the closing paragraph of the report of the committee.

There were a number of sections in the bill which dealt with the expenditure of money—what we ordinarily call “money clauses”—and as the Senate cannot initiate bills dealing with money matters—and this bill originated in the Senate—the committee deleted from the bill the clauses set out in the last paragraph of the report. Those clauses will of course be restored when the bill is considered in the other place.

Honourable senators, when I was in London late in May, I had a discussion about this general matter with Mr. Charles Gordon, the Fourth Clerk at the Table in the House of Lords. He gave me a copy of the Criminal Procedure (Insanity) Bill, which was introduced in the House of Lords in 1964.

For some reason, which I cannot explain, nor could he, clause 6 of this bill was considered to have an incidental monetary aspect. I shall read clause 6, which is very short.

6. In section 3(2) of the Costs in Criminal Cases Act 1952, any reference to an appeal against conviction which is allowed shall include a reference to an appeal which is allowed against a special verdict or a finding that the accused is under disability.

The House of Lords treated this clause much as the Senate treated the two bills which I have mentioned, in 1947 and 1949. I understand that the section was struck out on