

hasset, obtained leave to introduce a Bill for the purchase of Irish railways, he, Mr. Monk, submitted to the judgment of the Speaker whether the hon. gentleman should not have proceeded in Committee of the Whole House, and the decision of the Chair was that the question could not be solved until the Bill was before the House. He found now from a copy of the Bill that it contemplated the purchase of the Irish railways at a very considerable expense to this country. According to the standing order of this House with respect to the application of public money it appeared that this House would receive no petition for any sum relating to public service or proceed upon motion for charge upon the public expenditure whether out of the consolidated fund or out of moneys to be provided by Parliament unless a consent or recommendation was received from the Crown. And accordingly if any motion was made in the House for any aid from the public revenue whether out of the consolidated fund or out of moneys to be provided by Parliament, the consideration and debate thereon should not be presently entered upon, but should be adjourned until such further day as the House should think fit, and should then be referred to a Committee of the Whole House before any vote could pass thereon. Now we submit it to the judgment of the right hon. gentleman in the Chair that the hon. member for Galway had taken neither the one course nor the other; he had neither moved in a Committee of the Whole House nor did he produce any evidence of the consent of the Crown for any prospective grant of public money for the purchase of the Irish railways. In looking at the Bill it appeared that a certain number of clauses were in italics or in blank as it is called, and if the House went into a Committee on this Bill those clauses would be invisible to the eye of Chairman of Committees. But in the Bill it was stated that it was expedient that the Board of Trade should be empowered to acquire work and maintain these railways in Ireland. He was aware that there was an apparent precedent. In 1874 Lord George Bentinck obtained leave to bring in a Bill to stimulate the prompt and profitable employment of the people by the encouragement of railways in Ireland, and that Bill contained no fewer than eighteen clauses printed in italics, or in other words, blank clauses, authorizing the advancement of £16,000,000 sterling for the purposes of the Bill. He had not been able to find any decision by the Speaker of that day as to the propriety of the Bill being brought in otherwise than in a Committee of the Whole. Lord John Russell said he should not oppose the introduction of the Bill, and then went on to say, 'I understand from the Speaker that in point of form no objection exists to its introduction, provided it does not introduce those money clauses which would require a previous Committee.' That 'no doubt was apparently a precedent in point; but then the Bill was brought in under the standing orders of 1847 which differed materially from the standing orders of 1872. In 1847 it was not requisite that any motion for public money should previously receive the consent or recommendation of the Crown. But in 1852 a standing order to that effect was passed, and subsequently in 1856 his right hon. friend the First Commissioner of Works (Mr. Ayrton) moved the two standing orders which now regulate the proceedings of the House. The motion of his right hon. friend was passed with the unanimous consent of the House, and rendered more stringent the rules with regard to money bills. The standing orders then adopted not only imposed a restriction upon members of Parliament bringing in money bills, but also on their bringing in bills which contemplated a future application to Parliament for grants of public moneys. He submitted therefore the judgment of the right hon. gentleman in the Chair that the hon. member for Galway was not in order in obtaining leave to bring in the Bill, and, subject to that judgment, he would move that the orders of the 5th instant relating to a Bill for the purchase of Irish railways be read and discharged.

"Mr. SPEAKER. In answer to the question of the hon. member, I will endeavour to explain the practice of the House in connection with the Standing Orders to which he has now called attention. Whenever a Bill is introduced by which it is intended to authorize a charge upon the public revenues, it is the practice, as he has stated, to print the money clauses in italics. Such clauses form no part of the Bill as originally brought in. They are treated as blanks. Before any sanction is given to them the Queen's recommendation must be signified, and a Committee of the Whole House consider on a future day the resolution authorizing the charge. Unless these proceedings are taken the Chairman under the Standing Orders will pass over the money clauses without any question. Without such preliminary proceedings the Bill so far as the public money is concerned, is entirely inoperative. The hon. member has called attention to a precedent of a Bill proposed in 1847 for encouraging the construction of railways in Ireland. That no doubt is a precedent in point, to which I will not further advert, as the hon. gentleman has brought it under the notice of the House. But there is another precedent of a very remarkable kind to which I wish to call attention. In 1868 a Bill was introduced to enable the Postmaster General to acquire, work and maintain the electric telegraphs. The clause declaring that the moneys were to be provided by Parliament was printed in italics; and it was not until after the Bill had been read a second time and considered by a Select Committee that a resolution was come to, by a Committee of the Whole House, authorizing the application of public moneys for the purposes of the Bill. It is for the House and not for me to determine as to the expediency of allowing such a Bill as that to which the hon. member has called attention, to be introduced. The Bill is now before the House, and having regard to the precedents I have quoted, I feel myself bound by usage and precedent to hold that there has been no infraction of the standing orders or the rules of the House."

The whole theory on which such Bills are introduced is, that for the convenience of the House these clauses, to which it

is hoped the consent of the House may be obtained, shall be in them but not of them; they are introduced in italics or blank and are considered as not forming any part of the Bill whatever. The House is thus informed of what the hope of the hon. member who introduced the Bill is as to that which will subsequently be inserted in the Bill; but this is merely done for convenience. Why are these clauses introduced in italics or in blank as the phrase of Mr. Speaker is? It is because to introduce them otherwise than in italics or blank would be to provide and to create a charge on the people otherwise than according to the standing rules of Parliament. It is because there may be full opportunity afforded to criticise the proposals that it is provided that a preliminary consideration in Committee shall be necessary. Here you find a Bill which contains these provisions, and which containing them, not in italics, not in brackets, but as an essential part of the Bill, has been read in the ordinary way, on the motion of the hon. gentleman — read the first time, and read the second time, and has not yet gone into the Committee. I am not saying that the Bill should have been initiated by resolution in Committee. There is great latitude on that subject. I suppose the true rule is that when the main object of a Bill, or the proceeding, is a money grant you should initiate it by Committee; but with reference to matters of administration, or anything else, it is not necessary, though it may be possible, though it may not be improper; but in either case unless you have a Committee, and the money clause sanctioned by the Committee in the first place, you cannot get all the Bill and the money clauses. Now, here we have a case in which the hon. gentleman has introduced as part of his Bill a money clause. The hon. gentleman has moved the first reading of the Bill, and it has been carried; he has moved the second reading, and it has been carried; and we have therefore a case in which the result of a vote of the House has been got as to the charge without the preliminary Committee, and if attention had not been called to it I dare say the Bill would have gone through the Committee without that course which is necessary to make the proceeding regular. I submit, therefore, that this money clause is part of the Bill, that the Bill is not regular, inasmuch as no money clause can be regularly introduced into this Bill in this way and under these circumstances, and that the two votes, the vote on the first reading and the vote on the second reading, were taken without any preliminary Committee to authorize it.

Sir JOHN A. MACDONALD. Of course if the main object of a Bill is the granting of money, as in the case of the purchase of telegraph lines, and the other Bill which the hon. gentleman mentioned, then of course the Bill must be initiated by resolution, the royal assent must be obtained and the resolutions concurred in in Committee upon which to found the Bill. But when the main object of the Bill is not a grant of money, although there may be an incidental expenditure of public money, it has always been the practice of the Canadian Parliament to introduce these incidental clauses as part of the Bill, and the fact that the Bill is usually printed in blank is merely a practice we have adopted, nothing more. Now, in looking at the British North America Act you will find that the 54th clause only requires that no Bill for the appropriation of public money shall pass unless the assent of the Crown is first obtained, and until the resolutions upon which it is founded, are considered in Committee. The 88th rule provides that no regulation or vote for public aid shall pass until it is first referred to Committee of the Whole. Well, Sir, this is a mere technical form; the printing of a clause in italics, cannot in any way affect the Bill, especially against our uniform practice. This Bill, without reference to its money clause, can be brought to the stage when the House is called upon to deal with it, and the