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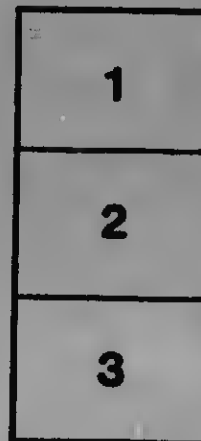
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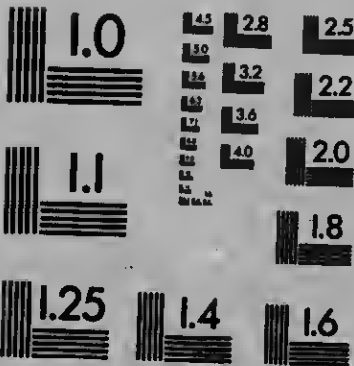
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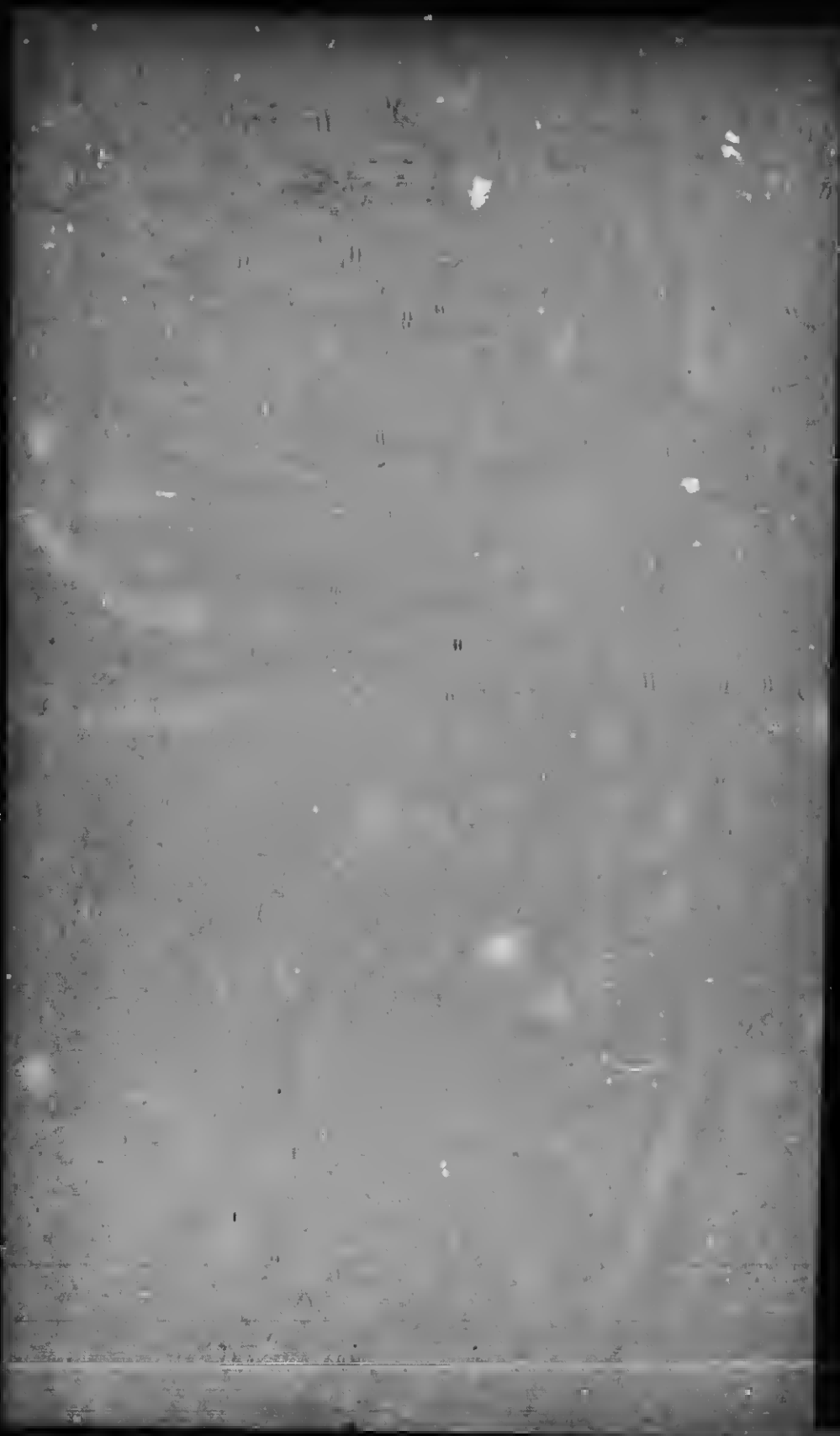
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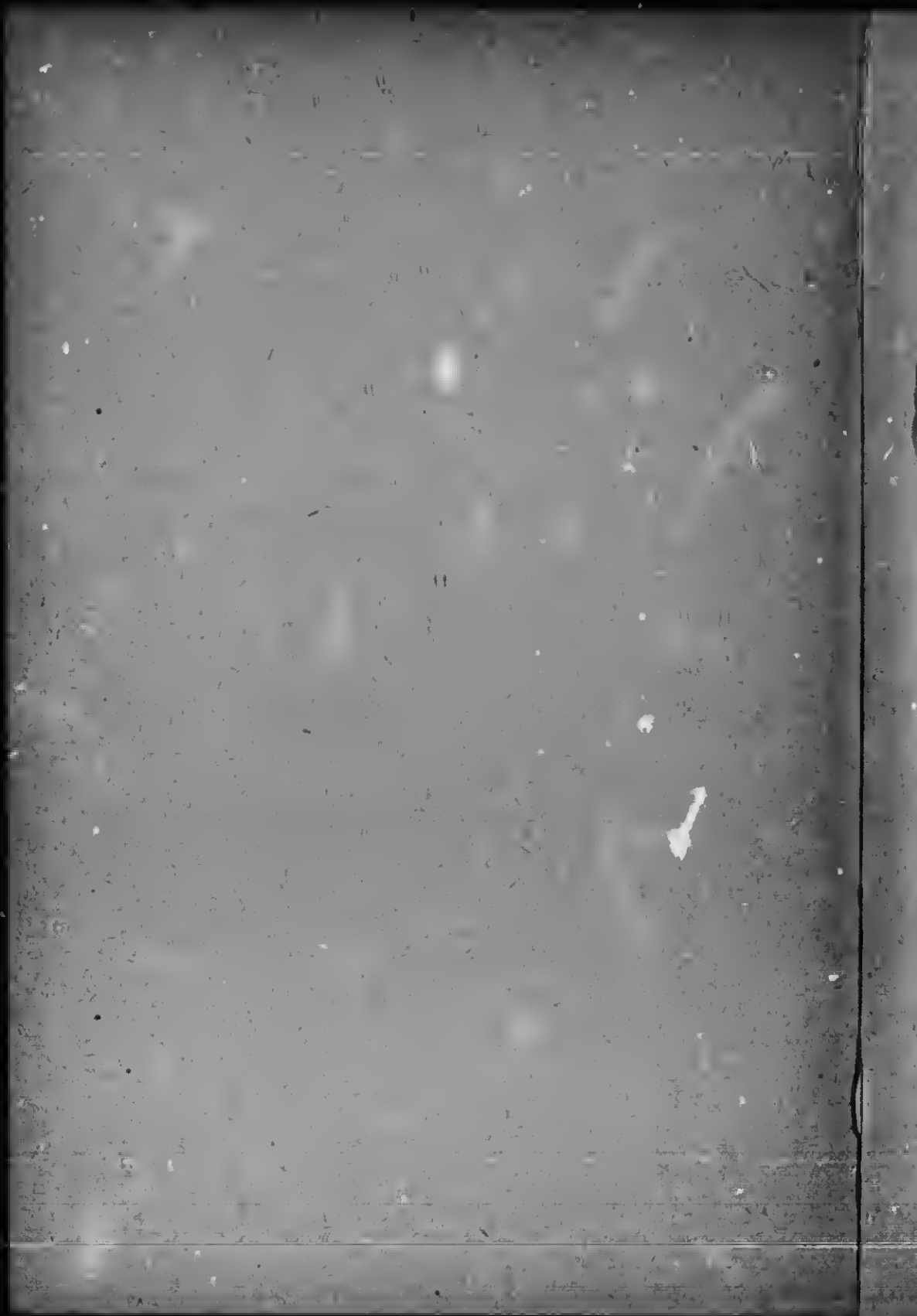
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~~J. Stewart~~

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DECISIONS
OF THE
Speakers of the House of Commons
OF CANADA

1867-1900

BY
L. G. DESJARDINS,
CLERK OF THE LEGISLATIVE ASSEMBLY OF THE
PROVINCE OF QUEBEC.



QUEBEC.
1901



P.O.

21.8.70

I have considered that I would render a service to the Members of the Canadian Parliament and of the Provincial Legislatures, by publishing in this form the "Decisions" of the Speakers of the House of Commons of Canada, on questions of Parliamentary Procedure. I know by experience how difficult it is to refer, at any given moment, to those "Decisions", scattered as they are in the thirty five volumes of the "Journals of the House of Commons" since confederation, in 1867. Their study is very often necessary during a session. I hope to make easier the task of those who wish to get well posted with the rules of Procedure of our Legislative Assemblies, by the following classification of the "Decisions" of the able men who, for more than thirty years, have occupied the "Chair" of the House of Commons, at Ottawa.

Every "Decision" is preceded by the exposition of the principle of Parliamentary Procedure upon which it is based.

The Index also mentions the date of each "Decision".

L. G. DESJARDINS.

Quebec, February 5, 1901.

**“SPEAKERS” OF THE HOUSE OF
COMMONS**

- 1.—Honorable James Cockburn 1867-1874
- 2.—Honorable Timothy Warren
Anglin..... 1874-1878
- 3.—Honorable Joseph Goderic Blan-
chet..... 1879-1882
- 4.—Honorable George A. Kirkpatrick 1883-1887
- 5.—Honorable J. A. Ouimet..... 1887-1891
- 6.—Honorable Peter White..... 1891-1896
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DECISIONS FROM THE CHAIR

— ON —

POINTS OF ORDER

RESPECTING THE

PROCEDURE ON BILLS.

March 27, 1868.

HONORABLE JAMES COCKBURN, Speaker.

The procedure on a Bill which ought to have originated in Committee of the Whole, but which has been read a first time by leave of the House, can be proceeded with when the House has subsequently resolved itself in Committee of the Whole and adopted the Resolution on which the Bill is based.

The Order of the Day for the second reading of the Bill to enable the Banks in any part of Canada to use Notes of the Dominion instead of issuing Notes of their own, being read :—

Objection is taken by the Honorable Mr. HOLTON ; That this being a Bill relating to Trade, and also involving a pledge of the Public Credit, it ought to have originated in Committee of the Whole House, and, that the step not having been taken prior to the first reading, the Bill cannot now be read a second time.

Mr. SPEAKER decided as follows :

“ I hold that the Bill does involve an increased pledge of the Public Credit, and therefore ought (see Rule 41, and May, page 364) strictly to have originated in Committee of the Whole House.

“ But the Bill having been read a first time by leave of the House, and without objection, and the House, subsequently, having been moved in Committee upon the Resolutions, which were afterwards concurred in by the House, it is now too late to raise the objection. In none of the precedents quoted where Bills of this class were rejected on 2nd or 3rd readings had the House been in Committee, that proceeding having been entirely omitted. Here, the contrary appears ; and we need not enquire at this stage whether the introduction of the Bill, or the Resolutions in Committee, were the first step in point of time.

“ I think the Honorable Member is not required to proceed *de novo*, but may go on with his Bill.”

Journals, House of Commons, Vol. 1, Page 161.

March 27, 1868.

HONORABLE JAMES COCKBURN, Speaker.

The term "Trade", in its general and popular sense, not being applied to Insurance, a Bill respecting Insurance companies must not necessarily originate in Committee of the Whole House.

The Order of the Day for the second reading of the Bill respecting Insurance Companies, being read.

Objection is taken by the Honorable Mr. HOLTON : That this Bill relates to Trade, and should be based upon Resolutions passed in Committee of the Whole House. That it is a Bill relating to Trade, and that, from the terms of the "British North America Act", unless it could be so treated, it is beyond the jurisdiction of this House, as it is only under the head "Relating to Trade and Commerce" that this House can deal with it, and that, if it does not come under that head, the jurisdiction falls to the Local Legislatures.

Mr. SPEAKER decided as follows :

"I hold that the term "Trade" does not, in its general and popular sense, apply to Insurance. Trade means buying and selling, importing and exporting goods to market. Banking, Railways, Navigation and Telegraphs, all assist Trade and are its auxiliaries, but are not branches of Trade in the popular sense ; yet, certainly, the first, "Banking," is more intimately connected with Trade than Insurance.

"I do not find that Bills relating to these

subjects must necessarily be considered in Committee of the Whole ; sometimes it may have been done, but the practice is not uniform, and I see no rule which requires it. I overrule the point of order."

Journals, House of Commons, Vol. 1, Pages 161-162

March 28, 1870.

HONORABLE JAMES COCKBURN, Speaker.

A Private Bill containing provisions not contemplated in the notice given should be referred to the Standing Committee on Standing Orders for report.

The Order of the Day being read, for the second reading of the bill to amend the Act of incorporation of the Great Western Railway Company ;

The Honorable M. CARLING moved, seconded by Mr. SHANLY, and the Question being proposed, that the Bill be now read a second time :

Objection taken by Mr. CAMERON, That certain of the provisions of the said Bill, as amended by the Select Standing Committee on Railways, Canals and Telegraph Lines were not contemplated in the Notice given under the Rules of the House nor in the Petition praying for the passing of the said Bill.

" Mr. SPEAKER decided : that the Bill should be referred to the Select Standing Committee on Standing Orders to report whether the powers to be conferred are in excess of the Notice given,

or whether they are substantially included in it."

Journals, House of Commons, Vol. 3, Page 116.

March 29, 1870.

HONORABLE JAMES COCKBURN, Speaker.

The House cannot instruct a Committee of the Whole to do that which it is already authorized to do.

The Order of the Day being read, for the House in Committee on the Bill respecting Elections of Members of the House of Commons;

Mr. FERGUSON moved, seconded by Mr. DREW, that it be an instruction to the said Committee to provide, that until Parliament shall otherwise provide, the qualifications and disqualifications of voters at elections of Members to the House of Commons shall be regulated by the laws enacted by Local Legislatures of the several Provinces within the Dominion for representatives to the popular branch of their respective Legislatures.

Objection taken by Mr. DUFRESNE, that the motion is not in order, inasmuch as an instruction cannot be given to the Committee to do that which it is already in their power to do; also, that the 84th Section of the "British North America Act" provides exactly for the case contemplated in the motion.

Mr. SPEAKER decided: "That the motion is

not in order, inasmuch as it is not competent for the House to instruct the Committee to do that which it is already in their power to do."

Journals, House of Commons, Vol. 3, Pages 120-121.

April 5, 1870.

HONORABLE JAMES COCKBURN, Speaker.

A Bill from the Senate, certain clauses of which would necessitate some public expenditure, is in order, if it is provided by a clause of said Bill that no such expenditure shall be made unless previously sanctioned by Parliament.

The Order of the Day being read, for the third reading of the Bill from the Senate, intituled : " An Act to amend the Act relating to Lighthouses, Buoys and Beacons " ;

The Honorable SIR JOHN A. MACDONALD moved, seconded by the Honorable Mr. TILLEY, that the Bill be now read for the third time.

The Honorable Mr. HOLTON called attention to certain clauses of the Bill, which make disposition respecting public expenditure, and authorize the incurring of obligations that could not, in his opinion, originate in the Senate.

M. SPEAKER said : " That by referring to the authorities, it appears that the Commons had accepted provisions in Bills from the Lords creating charges not directly imposed by the

Bill, but to be defrayed out of moneys to be provided by Parliament; but that exception having been taken to this practice, it did not appear to have been continued since 1860. The present Bill fell far short of the class of Bills alluded to. The last clause in the first section provides that nothing in this Act shall give authority to the Minister to cause expenditure until previously sanctioned by parliament; and this overrides the eighth section referred to by the Honorable Member. No contract could therefore be entered into under that section, which could bind Government, and necessitate an expenditure of public moneys, unless it had been previously sanctioned by Parliament. He could not therefore sustain the objection of the Honorable Member for Chateauguay."

Journals, House of Commons, Vol. 3, Page 155.

April 25, 1870.

HONORABLE JAMES COCKBURN, Speaker.

An objection to an amendment to recommit a Bill to a Committee of the Whole after a two sittings debate, overruled because it was made too late.

The Order of the Day being read, for resuming the

Debate upon the Amendment, which was, on Wednesday last, proposed to be made to the Question, That the Bill, (respecting the Canada Central Railway Company), be now read the third time; and which Amendment was, that all the words after "now" to the end of the Question, be left out, and the words "recommitted to a Committee of the Whole House, with instruction to add the following clause: 'No Railway or part of Railway to be built, acquired, or completed before the time limited by the Act hereby amended by the said Canada Central Railway Company, or by the said Ottawa Valley Railway Company, or by any Company amalgamated or to be amalgamated with the same, shall be deemed to have been built, acquired, or completed within such time in so far as the grant of land therein mentioned is concerned,'" inserted instead thereof;

And the Question on the Amendment being again proposed:—The House resumed the Debate.

Objection taken by M. GRANT, That the Amendment is not in Order, inasmuch as one day's notice had not been given thereof, under the 68th Rule of this House.

Mr. SPEAKER decided: "That as it had already been debated upon during two previous sittings, it was too late to take the objection."

Journals, House of Commons, Vol. 3, Page 238,

May 6 1870.

HONORABLE JAMES COCKBURN, Speaker.

The House cannot instruct a Committee of the Whole to amend a Bill respecting public expenditure, so as to alter the nature of the expenditure recommended by the Crown.

The Order of the Day being read, for the third reading of the Bill for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases ;

The Honorable SIR FRANCIS HINCKS moved, seconded by SIR GEORGE E. CARTIER, and the Question being proposed, that the Bill be now read the third time ;

MR GODIN moved, in amendment, seconded by the Honorable MR. HOLTON, that all the words after "now" to the end of the Question, be left out, and the words "re-committed to a Committee of the Whole House, with instructions so to amend the same as to provide"—

1. That the Superannuation Fund shall be a special fund, created and maintained by the contributions of the Public Officers only, and without any connection with the Public Revenues.
2. That the Fund shall be administered by the Finance Department of the Dominion.
3. That no Public Officer shall be entitled to any superannuation allowance unless he has contributed to the said fund for at least five years.
4. That the superannuation allowances to be hereinafter paid in virtue of this Act shall be so paid out of such fund only, upon a scale to be calculated upon the system of life insurance, and so as to provide that the amount of the allowances to be paid shall not exhaust the said fund

5. That the widow of any person to whom this Act applies, and who may die while employed in the civil service, or while receiving superannuation allowance, shall be entitled during her lifetime, or until she marries again, to an annual allowance equal to one half the allowance received by her husband, or to which he would be entitled at the time of his decease if he had been then superannuated.

6. That the orphan children of such person shall be collectively entitled to receive from the said fund, until they attain the age of eighteen years, the same allowance as the widow, their mother, received, or would be entitled to receive, under this Act"; inserted instead thereof.

Objection taken, That the said motion was out of order inasmuch as by Section 54 of the Imperial Act 30 Vict., Chap. 3, it is enacted, that "It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any tax or impost, to any purpose, that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed," and that the subject matter of the said motion had not been recommended by such Message."

Mr. SPEAKER said: "This amendment proposes a substantial change from the proposal recommended in the Message of His Excellency the Governor General, of the 2nd May, instant. It involves a public charge different from that which has been so recommended to the House, and though I have some doubt on the question, I shall decide that the Amendment is out of Order."

May 6, 1870.

HONORABLE JAMES COCKBURN, Speaker.

1. The terme "Trade" in its general sense, not being applied to the interest of money, a bill respecting that matter must not necessarily originate in Committee of the Whole House.

2. A Bill is not in order when the House has rejected a Bill substantially the same during the same session.

The Order of the Day being read, for the second reading of the Bill to limit the rate of interest ;

Mr. Ross (Dundas) moved, seconded by Mr. Ross (Prince Edward), and the Question being proposed, that the Bill be now read a second time ;

Objection taken by Mr. MACKENZIE, that the Bill should have originated in Committee of the Whole, inasmuch as it relates to Trade ;

Mr. SPEAKER decided as follows :

" I still entertain the view I expressed some-time ago, in defining the term "Trade" as used in Rule 41.

" I then defined the word as follows :

" I hold that the term "Trade" does not, in its general and popular sense, apply to Insurance. Trade means buying and selling, importing and exporting goods to market. Banking, Railways, Navigation and Telegraphs, all assist Trade and are its auxiliaries, but are not branches of Trade in the popular sense ; yet, certainly, the first : "Banking",

“is more intimately connected with Trade than Insurance.

“I do not find that Bills relating to these subjects must necessarily be first considered in Committee of the Whole; sometimes it may have been done, but the practice is not uniform, and I see no rule which requires it.”

“I have to consider that this is an Objection restraining this House in its powers, and the rule under which the Objection is taken ought not to be carried by any implication one step farther than its words clearly indicate. Therefore, I think I am right in a strict definition of the rule in holding that it does not apply to Interest on money. I find that one of my predecessors, M. Speaker Walbridge, gave a decision in precisely the same spirit. I have further to say that so far as the hasty search I have been able to make can permit, I understand that from the year 1851 there has been no Bill introduced into the House by Resolutions in Committee on the subject of Interest, until this present session, so that we have no practice of our own in that direction. I see that in England the Bill for regulating the rate of Interest in 1839, and which virtually abolished the Usury Laws and made money free, was introduced on motion without going into Committee in the first instance. So that, in accordance with the spirit in which I formerly defined the term “Trade”, and in accordance with the precedent which I have mentioned, I hold that the Honorable Member can proceed with his Bill.”

A further Objection being taken by Mr. MILLS, That a Bill respecting Interest, being the same Question, having already been brought before the House, and postponed till this day three months," cannot again be proposed at the present time.

M. SPEAKER decided: "That substantially the present Question is the same, and cannot be put."

Journals, House of Commons, Vol. 3, Pages 313-314.

March 16 and 20, 1871.

HONORABLE JAMES COCKBURN, Speaker.

As a general rule, a Bill respecting taxation should be presented by a Minister of the Crown. If presented by a private Member, a Minister should assume the responsibility of the Bill by signifying the consent of the Government.

The Order of the Day being read for the second reading of the Bill to remove doubts as to the liability to Stamp Duties of Premium Notes taken or held by Mutual Fire Insurance Companies;

And the Question being proposed, that the Bill be now read a second time;

Objection is taken by the Honorable Mr. HOLTON, that the Bill must, under the 54th section of the British North America Act, be first recommended by Message from the Crown. Also that the Bill should originate in Committee of the Whole.

At the sitting of the 20th of March, MR. SPEAKER gives his decision on the point of order raised on Thursday last, by the Honorable Mr. Holton, as follows :

“ The Bill is to remove doubts, and declares that certain notes shall be deemed to be promissory notes within the meaning of the Act 31 Vic. Cap. 9, and shall be subject to the duties thereby imposed, and it provides that all such notes heretofore given and not stamped shall be made valid by a double stamp.

“ There being no appropriation of money proposed, there need be no recommendation from the Crown; and the objection rests on the ground that as it involves an additional charge on the people, the Bill should have originated in Committee of the Whole, and should, moreover, have been proposed by a Minister.

“ It appears to me that the Bill is merely declaratory, and that it involves no new charge except in so far as the double stamp duty may effect that purpose. On looking carefully at the 31st Vic. Cap. 9, I find by Section 7, that the Governor in Council may declare that any kind or class of instruments, as to which doubts exist, shall be chargeable with any and what duty under the Act ; and by sections 10, 11 and 12, provisions are enacted to render valid notes in the hands of innocent holders and notes passed to third parties. The provision as to double stamps in the present Bill is merely an extension of the former Act in its remedial clauses to the class of notes here referred to, and which are now declared to be within that Act

The Bill is one which, therefore in my opinion, may be properly introduced and proceeded with by a private Member.

“The question generally whether private Members may introduce and proceed upon measures relating to taxation, which was discussed in the course of the argument, is one of very grave importance, and, though not needful to the decision of the present objections, I think it proper to say a few words upon it to the House. Instances may undoubtedly be found in the Journals of the English House of Commons, of Bills and Motions by private Members to increase taxation, some of which have passed unchallenged, whilst in other cases the indirect assent of a minister has been deemed sufficient. Recently, however, in 1869, a high authority Sir Thomas Erskine May, stated before a Joint Committee of the two Houses of Parliament, that, “no private member is permitted to propose an Imperial tax upon the people; it must proceed from a Minister of the Crown or be in some other form declared to be necessary for the public service.”

“I think the House may properly accept of this as the correct construction of the rules regulating the introduction of similar measures. The motion or Bill should either be introduced by a Minister, or, if initiated by a private Member, a practice which should not be encouraged; a Minister should assume the responsibility of

it by signifying the consent of the Government to its being entertained by the House.

“ If the House agree with me as to the desirability of adopting this constitutional restriction, it will become my duty to enforce the observance of the Rule hereafter.”

Journals, House of Commons, Vol. 4. Pages 96, 112-113

April 3, 1871.

HONORABLE JAMES COCKBURN, Speaker.

A Bill is out of Order when it is at variance with a previous decision of the House.

The “ Bill to repeal the Insolvency laws now existing in the Dominion,” having been read a second time ;

Mr. COULY moved, seconded by Mr. OLIVER, That the Bill be committed to a Committee of the Whole House for next Thursday week ;

M. MACKENZIE moved in amendment, seconded by the honorable Mr. HOLTON, that the words “ next Thursday week ” be left out and the words “ to-morrow ” inserted instead thereof ;

Mr. CURRIER moved in amendment to the said proposed amendment, seconded by Mr. ROSS (Prince-Edward), that the words “ for to-morrow ” be left out, and the word “ forthwith ” inserted instead thereof.

Mr. CRAWFORD having taken the objection : That a Bill to amend the Insolvency Laws had been already passed by

the House of Commons and was now before the Senate, and having thereupon raised the point of Order as to whether this Bill to repeal the same Insolvency Laws could now be entertained.

Mr. SPEAKER ruled : " That the House had already passed upon this Question in the Bill now before the Senate, amending the Insolvency Laws, and that no measure could now be entertained at variance with the former one.

" The present Bill proposes to repeal all the existing Insolvency Laws, and is therefore at variance with the previous decision of the House. The Bill cannot be proceeded with during the present session."

Journals, House of Commons, Vol. 4, Page 210.

May 2, 1872.

HONORABLE JAMES COCKBURN, Speaker.

1. It is not in Order to propose to refer a Bill to a Special Committee after the House has ordered to commit the Bill to a Committee of the Whole.
2. It is not in Order to propose to instruct a Committee of the Whole to do that which it is already authorized to do.

The Order of the Day being read, for the House in Committee on the Bill to repeal the Insolvency Laws

MR. COLBY moved, seconded by MR. CARTER, and the Question being proposed, that Mr. Speaker do now leave the Chair.

MR. SAVARY moved, in amendment, seconded by MR. WORKMAN, that all the words after "That" to the end of the Question be left out, and the words, the Insolvent act of 1869, and its amendments be referred to a Special Committee to report to this House such amendments to the said Acts as the commercial interests of the country require; with power to send for persons, papers and records, inserted instead thereof.

Objection taken that the motion in amendment is not in order.

MR. SPEAKER decided as follows :

" I think the motion is out of Order, for this reason : The House has affirmed the propriety of this Bill being referred to a Committee of the Whole House, although it is true that the Order is capable of being delayed by motion and suspended for months, perhaps for ever, practically, yet that decision has not been come to by the House, and it having been decided that the Bill be referred to a Committee of the Whole House, it is not open at this stage for the Honorable Member to move that the Bill be referred to a Select Committee. If the Honorable Member had confined himself to an abstract proposition, I think he would have been in Order ; but he has not done so ; he has merely asked to delegate to another body the power of dealing with this measure, which the House has already resolved, shall be dealt with by a Committee of the Whole.

And the Question being again proposed, that Mr. Speaker do now leave the chair;

Mr. HARRISON moved, seconded by the Honorable Mr. CARLING, and the Question being proposed, that it be an instruction to the said Committee to except the Province of Ontario from the operation of the said Bill;

Objection taken that the said motion is out of Order.

MR. SPEAKER decided that "as the Bill affected the whole Dominion, the Committee had already the power asked for in the Motion, and therefore the Motion is out of Order."

Journals, House of Commons, Vol. 5, Pages 77-78-79.

May 17, 1872.

HONORABLE JAMES COCKBURN, Speaker.

A Bill respecting Insolvency must not necessarily originate in Committee of the Whole.

The Order of the Day being read, for the third reading of the Bill to repeal the Insolvency Laws;

Mr. COLBY moved, seconded by Mr. OLIVER, and the Question being proposed, that the Bill be now read the third time;

Objection taken by Mr. HARRISON, that this Bill affects Trade, and should have originated in Committee of the Whole.

Mr. SPEAKER ruled as follows:

"I must decide against the objection. The object of a Committee, in general, is to require the



second thought of the House of imposing burthens ; and that object is certainly not required there, when the Bill is to repeal. A part from that, I cannot agree with the Honorable Gentleman in holding that this Bill relates to Trade. It may certainly apply directly to traders as individuals, but it does not propose to regulate Trade as a subject matter."

Journals, House of Commons, Vol. 5, Page 120.

June 4, 1872.

HONORABLE JAMES COCKBURN, Speaker.

A Bill is in Order when substantially different from another Bill on the same matter previously disposed of during the session.

Mr. COSTIGAN moved seconded by Mr. LACERTE, that the " Bill " to compel Members of the Local Legislature in any Province where dual representation is not allowed to resign their seats before becoming candidates for seats in Dominion Parliament, be now read the third time.

Objection is taken by Mr. MILLS, that the principle involved in this Bill is precisely the same as one voted upon before this session, instituted : " An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada,

ineligible for sitting or voting in the House of Commons of Canada", and the fact that it extends to but three of the Provinces, does not make it in principle a different Bill, since it proposes to deal with the same subject, and disqualify as candidates for election to the House of Commons the same class of persons.

MR. SPEAKER overruled the objection, "as he considered it was a technical argument and that substantially the questions were different."

Journals, House of Commons, Vol. 5, Page 213.

April 16, 1873.

HONORABLE JAMES COCKBURN, Speaker.

Objection to a Bill ruled out because the point raised does not apply to said Bill.

The Order of the Day being read, for the second reading of the Bill to extend the provisions of "The Grand Trunk Arrangements Act, 1862", so far as it relates to certain Preferential Bonds, for a further period, and for other purposes ;

And the Question being proposed, that the Bill be now read a second time.

Objection taken by the Honorable M. CAUCHON, to the second reading of the Bill on the ground that it ought first to have been introduced in committee of the whole. He contented that the object of the Bill was virtually to compound a debt due to the Government.

MR. SPEAKER ruled as follows :

"I think the objection does not lie. I think the Honorable Member may proceed with his Bill. "Compounding" is strictly the taking "less" that the thing that is due. That is not asked in this case."

Journals, House of Commons, Vol. 6, Page 164.

April 30, 1874.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

A bill relating to Banks and Banking should be based on Resolutions passed in Committee of the whole House.

MR. LAFLAMME moved, seconded by **MR. BROOKS**, on the Question being proposed, that leave be given to bring in a Bill to amend an Act relating to Banks and Banking, respecting the liability of shereholders.

Objection taken to the introduction of this Bill on the ground that it affects Trade and should be based an Resolutions passed in Committee of the whole House.

MR. SPEAKER ruled : "that the Objection was well taken, and that the Honorable Member could not regularly proceed with the Bill."

Journals, House of Commons, Vol. 8, Pages 142-143.

May 15, 1874.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Amendment to recommit a Bill to a Committee of the Whole, ruled out.

The Honorable Mr. CARTWRIGHT moved, seconded by the Honorable Mr. COFFIN, that the Bill to amend the Act 31 Vict., Cap. 44, and the Acts amending the same and the Tariff of Duties and Customs annexed thereto, be now read the third time.

MR. RYAN moved, in amendment, seconded by Mr. BABY, that all the words after "Now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with a view of substituting *ad valorem* for specific duties on Tea and Coffee," inserted instead thereof.

Objection taken to the proposed amendment.

MR. SPEAKER ruled: "that the said proposed amendment was out of order."

Journals, House of Commons, Vol. 8, Pages 243, 244.

March 12, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

A Bill containing provisions of a private nature cannot be introduced as a Public Bill.

MR. MACKENZIE (Lambton) moved, seconded by MR. FOURNIER, that leave be given to bring in a Bill to re-arrange the capital of the Northern Railway Company of Canada, to enable the said Company to change the gauge of its Railway, to amalgamate with the Northern Extension Railways Company, and for other purposes.

Objection taken that some of the provisions of this Bill were of a private nature, and should be dealt with under the rules relating to Private Bills.

MR. SPEAKER decided: "That the point of Order is well taken, and that the Bill could not be introduced as a Public Bill."

Journals, House of Commons, Vol. 9, Page 213.

April 1, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

1. Any amendment can be made to a Bill in Committee of the Whole provided it is relevant to the subject matter of the Bill, or pursuant to instructions.
2. An amendment to a Bill restrictive of the expenditure of public money is in Order.

The Order of the Day being read for the second reading of the Bill further to amend the general Acts respecting Railways ;

The Bill was accordingly read a second time, and committed to a Committee of the Whole House.

The House accordingly resolved itself into the said Committee, and after some time spent therein, MR. SPEAKER resumed the Chair, and MR. YOUNG reported that the Committee wished to be instructed by the House, whether it was allowable for an Honorable Member to move that the following section be added to the fourth section of the bill: "All goods, wares merchandize, commodities and supplies of every kind required for the use or purpose of any Government railway for a greater amount than \$1,000, shall be purchased only upon public tender and contract." It was with respect to this amendment two points of Order had been raised. First, that it was not relevant to the Bill, and could not be properly moved in the Committee; secondly, that the amendment imposed a burthen, and should have been first originated by a Resolution in a Committee of the Whole.

Whereupon the House proceeded to take the same into consideration, and MR. SPEAKER having been requested to state his opinion said:

“ With respect to the first objection, I have to say that there is no doubt that it is perfectly legitimate to make, in Committee, any amendment to a clause, provided that it is relevant to the subject matter of a Bill, or pursuant to instructions; but if any such amendment shall not be within the Title of the Bill, then the Committee must amend the Title accordingly. As regard the second objection, I am of opinion that the clause, if added to the Bill, will be actually restrictive of the expenditure of public money, and will not tend, in any way, to increase the public burthens, and my impression is that the amendment is in Order.”

Journals, House of Commons, Vol. 9, Pages 327-328.

March 8, 1876.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

1. A Bill relating to Trade must originate by Resolutions in Committee of the Whole House.
2. Fines, penalties and fees can only be imposed with the consent of the Crown.

The Order of the Day being read, for resuming the adjourned Debate upon the Question which was, on Thurs-

day last, proposed, that the Bill (to provide for the examination and licensing of persons employed as Engineers elsewhere than on Steamboats) be now read a second time ;

MR. SPEAKER ruled the Motion out of order, " on the ground that the Bill related to Trade, and should have originated by Resolutions in Committee of the Whole House ; and that it also imposed fines and penalties and exacted a fee, which could only be done with consent of the Crown."

Journals, House of Commons, Vol. 10, Page 119.

April 4, 1877.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

A Bill cannot be re-committed to a Committee of the Whole House when the Question has been proposed, that the Bill do pass.

The Question being proposed, That the Bill do pass ; (a Bill to amend the Insolvent Act of 1875, and the Act in amendment thereof.)

MR. GOUDGE moved, seconded by MR. MACDOUGALL (Elgin), That the Bill be now re-committed to a Committee of the whole House, with an instruction that they have power to add, after Section 133 the following sub-section : " In any Province in which the record of registration against lands of a judgment creates a lien or charge against

lands, any such record or registration effected against the lands of a debtor within thirty days next before a demand for an assignment or for the issue of a writ of attachment, whenever such demand shall have been followed by an assignment or by the issue of a writ of attachment, shall be null and void."

MR. SPEAKER ruled the Motion out of Order, "because at this stage of the proceedings the Bill cannot be re-committed to a Committee of the Whole House."

Journals, House of Commons, Vol. 11, Page 220.

April 3, 1878.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

A Bill relating to Trade ruled out of Order, because the proposition was not first considered in a Committee of the Whole.

The Order of the Day being read, for the second reading of the Bill to regulate the sale and disposal of bottles used in the manufacture of Mineral Water and other drinks ;

Mr. MACDONALD (Toronto) moved, seconded by Mr. IRVING, and the question being proposed, that the Bill be now read a second time ;

Objection taken, that before this Bill, relating to Trade, should have been brought into the House, the proposition should have been considered in a Committee of the Whole, and agreed to by the House.

MR. SPEAKER decided: "That the Objection was well taken, as the said Bill relates to Trade, it comes under rule 41; therefore it cannot be proceeded with."

Journals, House of Commons, Vol. 12. Page 146.

April 5, 1878

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

An amendment to the motion: That the House doth agree with the Senate in amendments to a Bill, must be relevant to said amendments.

The House according to Order, proceeded to take into consideration the amendments made by the Senate, to the Bill intituled: "An Act to authorize and confirm the scheme of arrangement of the Canada Southern Railway Company," and the same were read a second time.

And the Question being proposed, That the House doth agree with the Senate in the said amendments;

Mr. MACDOUGALL (Elgin) moved, in amendment, seconded by Mr. CASEY, That the said amendments be not now agreed to, but that the second of the said amendments be amended by inserting after the word "in", and immediately before the word "Canada", in the fifth section of the said Bill, the following words: "The Town of Saint Thomas, in the county of Elgin, in the Province of Ontario, in."

MR. SPEAKER ruled: "That this motion in amendment cannot be put, inasmuch as it is

not consequent upon the amendments under consideration.”

Journals, House of Commons, Vol. 12. Page 149.

April 24, 1878.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

The 54th Clause of the British North America Act, 1867, merely relates to appropriations, and does not bear on the question of the imposition of taxes.

The House, according to Order, again resolved itself into a Committee on the Bill to amend the Law relating to Stamps on Promissory Notes and Bills of Exchange, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Wood reported, that the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill, as amended, be now taken into consideration.

The amendments made to the Bill were then twice read, And the Question being proposed, That the amendments be now agreed to ;

Objection taken to further progress with this Bill on the ground that it imposed a tax and therefore could only be introduced by the Government, and with the recommendation of the Governor General.

MR. SPEAKER ruled as follows :

“The whole question occurs to me at the present moment in this light. In the first place, I may say that the 54th Clause of the British North America Act, 1867, has no bearing whatever, in my opinion, on the case. It relates merely to appropriations. Honorable Members in reading it over rather cursorily are led into a mistake, owing to the peculiar reading of it, as follows: “It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the Public Revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by Message of the Governor General, in the Session in which such Vote, Resolution, Address, or Bill is proposed.”

“This Clause does not bear on the Question of the imposition of taxes at all; it merely relates to appropriations. The general law of Parliament however is very clear that whenever it is proposed to impose a new tax, this should only be done by the mode in which Bills of this kind shall be introduced. The 88th Rule is as follows: “If any motion be made in the House for any public aid or charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned till such further day as the House shall think fit to appoint; and then it shall be referred to a Committee of the whole House, before any Resolution or Vote of the House do pass thereupon.”

“ Under this Rule it is clearly necessary that any measure purporting to impose a burden on the people, should be introduced in the first place by Resolution of the Committee of the whole House. On that point there can be no doubt whatever. Now the only Question that arises is whether this Bill, if passed, would or would not impose an additional burden or tax on the people. This question was raised soon after the Bill was introduced, possibly on the second reading, and then the Honorable Mover stated distinctly to the House that it would not impose any additional burden; that it required no additional stamps to be attached to any instrument whatever; and that he introduced it merely for the purpose of removing doubts which had arisen in some of the Courts as to the value to be attached to the re-stamping of Foreign Bills of Exchange accepted in this country. He stated—and nobody seemed to contradict him, and none of the lawyers in the House did so—that it has been the practice, and this was again stated this evening, when parties in this country received Foreign Bills of Exchange which had not the required stamps attached in the first instance, to put on double stamps; that suits have arisen on Notes and Bills so stamped, and that some doubt existed in the Court as to whether this putting on of the double stamp did or did not give validity to the Note. If that were so, this would be merely an explanatory Act which does not create any new burden, but simply defines what the law is. It occurs to me that the matter stands in this way: if

the Bill now before the House provided that certain stamps should be attached to Foreign Bills of Exchange in certain cases, that in other cases double stamps might be affixed, and that unless in the first instance a proper stamp were affixed, or unless, in the other case, double stamps were affixed, the Note would be valueless, then I think that it would impose a tax on the people; but as it stands at the present, the penalty is clearly inoperative. If a Foreign Bill of Exchange comes into the hand of an innocent holder not stamped at all or insufficiently stamped, it is absolutely valueless, and if the doubts that are entertained are well founded as to the right to put double stamps on, then he cannot possibly render that valuable; and it cannot certainly to that individual be a tax or burden that he may make that which the law declares otherwise worthless to have a fair value by a certain operation. The question is one rather for a law Court than for a Speaker of the House of Commons to determine. This is very clear. It is very much to be regretted that this Bill was not in the first instance introduced by Resolution, and if I had then been consulted on the subject, I would have advised it; but as the matter now stands, I cannot perceive that if the Bill passed it would impose any burden on any body. The only persons who would pay the duty are the persons relieved by affixing the stamps to the Bill, and who would thus be enabled to collect the face value of the document or instrument."

Journals, House of Commons, Vol. 12. Pages 200-201.

January 31, 1881.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

The bill respecting the Canadian Pacific Railway ruled to be in order, and the procedure on said Bill to have been regular and according to the Rules of the House.

The Order of the Day being read, for the second reading of the Bill respecting the Canadian Pacific Railway ;

SIR CHARLES TUPPER moved, seconded by SIR JOHN A. MACDONALD, and the Question being proposed, That the Bill be now read a second time ;

The Point of Order being raised by the Honorable Member for Gloucester, That the Bill contained certain provisions for aid in land and works entirely beyond the scope of the two Resolutions adopted by the House, and that it was consequently necessary to withdraw the Bill, and introduce it in regular form ;

MR. SPEAKER decided as follows :

The point raised by the Honorable Member for Gloucester is to the effect, that the Bill goes beyond the Resolutions adopted in Committee of the Whole, and on which the Bill is founded. He quotes the 54th Section of the British North America Act, 1867, which is as follows :—

“ The House shall not adopt or pass any
“ Vote, Resolution, Address, or Bill for the appro-
“ priation of any part of the Public Revenue,
“ or of any Tax or Impost, to any purpose that

has not been first recommended by a Message of the Governor in Council, etc.”

“ No objection can be properly raised on this ground, for the House is aware that the whole contract came down with a Message in due form. Now in reference to another point, the 88th Rule of the House says :—

“ If any motion be made in the House for any public aid or charge upon the people, the consideration and Debate thereof may not be presently entered upon, but shall be adjourned till such further day, as the House shall think fit to appoint, and then it shall be referred to a Committee of the Whole before any Resolution or Vote of the House do pass thereon.”

“ In this case the question is, whether we must consider the two Resolutions and the Contract as a whole. In my opinion there can be no doubt on this point, for the Resolutions in question expressly declare that the money and land therein set forth are to be appropriated “ according to the terms of the Contract, “ transmitted by His Excellency by his Message ”.

“ The Resolutions and Contract clearly go together, and I think it was so fully understood by the House, because the whole subject was discussed at great length for several weeks by Honorable gentlemen on both sides, and the Honorable Member for Gloucester himself

moved an amendment beyond the Resolutions. If the two Resolutions had alone been before the House, it would not have been in the power of any Member to move an amendment to any article of the Contract, but he would have been confined to the Resolutions in question. The Rule which prevents any public aid or money being voted, or any impost being put on the people, unless it originates in Committee of the Whole, is a wise one. It is intended to prevent surprise and give the fullest scope to the freedom of the Debate on matters of such importance to the people. But in the present case I am of opinion that such conditions have been fully observed, and that both the spirit and letter of the 54th clause of the Union Act, and the 88th Rule of the House, have been carried out."

Journals, House of Commons, Vol. 15, Pages 153 154.

May 6, 1882.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

Mere clerical alterations only are allowed to be made to a Bill when it has been once regularly introduced and before the motion for second reading.

The Order of the Day being read, for the second reading of the Bill to re-adjust the Representation in the House of Commons, and for other purposes ;

Objection taken by Mr. BLAKE, to the second reading, on the ground that material alterations had been made in the Bill since its introduction, and that it was not, in consequence of such alterations, the same Bill that had been presented to the House by the Hon. Minister of the Interior ;

MR. SPEAKER decided : " There is no doubt that the point of order is very important, and should be carefully decided, with a view to settle such questions in the future. It is true that a loose practice has prevailed in the House, and that Bills have been even allowed to be introduced in blank, without objection being taken. But the rule is absolute, and such a practice should not be permitted. It is also equally established that when a Bill is once in possession of the House, it becomes its property, and cannot be materially altered, except by the House itself. I think, since this point has been raised, it is best to follow the settled practice of the English House of Commons, and not to permit hereafter any change, except mere clerical alterations, in a Bill when it has been once regularly introduced. I, therefore, decide that the point of Order is well taken, and that the proper course, under the circumstances, is to discharge the Order, and re-introduce the Bill on the previous Order for leave."

Journals, House of Commons, Vol. 16, Pages 405-406.

March 14, 1883.

HONORABLE GEORGE A. KIRKPATRICK, Speaker.

A sub-amendment respecting a Private Bill ruled out of Order, no notice having been given.

The Order of the Day being read, for the third reading of the Bill respecting the Credit Foncier Franco-Canadien ;

MR. DESJARDINS moved, seconded by MR. ROYAL, and the Question being proposed, That the Bill be now read the third time ;

MR. AJGER moved, in amendment, seconded by Mr. BOURASSA, That all the words after " be " to the end of the Question, be left out, and the words " read the third time this day six months," inserted instead thereof ;

MR. HOUDE moved, in amendment to the said proposed amendment, seconded by MR. CASGRAIN, That all the words " read the third time this day six months " be left out, and the words re-committed to a Committee of the Whole House for the purpose of amending the same by leaving out the words " eight per cent " in Clause 2, and inserting the words " seven per cent " instead thereof."

Objection taken to the amendment to the said proposed amendment on the ground that the Mover had given no Notice in accordance with Rule 67.

MR. SPEAKER decided : " that the objection was well taken, and that it was only competent for the Honorable Member for Centre Wellington to make a similar Motion, since he had given notice of the same."

Journals, House of Commons, Vol. 17, Pages 117-118.

March 30, 1883,

HONORABLE GEORGES A. KIRKPATRICK, Speaker.

1. It is not competent for a Committee to kill a Bill, a member having always the right to move that it be placed on the Orders of the Day for further consideration on a future day.

2. No notice is required for such motions.

MR. CAMERON (Huron) moved, seconded by MR. MACKENZIE, and the Question being proposed, That this House will, on Monday next, resolve itself into a Committee to consider further of the Bill to provide that persons charged with misdemeanour shall be competent as witnesses, with which are consolidated the Bill to amend an Act respecting procedure in criminal cases and other matters relating to Criminal Law, the Bill to amend the Law of Evidence in criminal cases, and the Bill to amend the Criminal Law and to declare it a misdemeanour to leave unguarded and exposed holes cut in the ice on any navigable or frequented water.

Objection taken to this procedure in the case of a Bill not reported from a Committee of the Whole House, and to the Motion being made without notice ;

MR. SPEAKER ruled : "that it was not competent for a Committee to kill a Bill, and that in the case of a Bill disappearing from the Orders of the Day, as in the present case, it was the correct practice for a Member to move that it be placed on the Orders of the Day for a further consideration on a future day. If the House

agreed to this motion, then the Committee should take up the Bill at the stage at which it stood when the Committee rose. In case of such motions, no notice was necessary under Rule 31, and in accordance with the usage of the English Parliament."

Journals, House of Commons, Vol. 17. Page 159.

March 14, 1884.

HONORABLE GEORGES A. KIRKPATRICK, Speaker.

No notice is required for Motions respecting Public or Private Bills after their introduction.

MR. HAGGART moved, seconded by MR. TAYLOR, and the Question being proposed, That the name of M. HAGGART be substituted for that of the Honorable MR. ABBOTT, as the promotor of the Bill to confirm the lease of the Ontario and Quebec Railway to the Canadian Pacific Railway Company, and for other purposes.

Objection taken to the motion, on the ground that no notice had been given.

MR. SPEAKER said: "that no notice was necessary under rule 31, in the case of Motions respecting Public or Private Bills after their introduction; and, in his opinion, the Motion in question came within the terms of the Rule.

Journals, House of Commons, Vol 18. Page 238.

April 17, 1884.

HONORABLE GEORGES A. KIRKPATRICK, Speaker.

An amendment ruled out of Order, it being in contradiction with a previous decision of the House during the same session.

The question being again proposed, That the Bill to amend the Liquor License Act, 1883, be now read the third time ;

MR. MILLER moved, in amendment, seconded by Mr. VAIL, That all the words after " now " to the end of the Question, be left out, and the words, " re committed to a Committee of the Whole House, with power to amend the same, by providing that inasmuch as the decision in the Queen vs. Hodge has established the jurisdiction of the Provincial Legislatures over the subject of the issue of tavern, saloon and shop licenses, that the Liquor License Act of 1883 be repealed " inserted instead thereof.

Objection taken to the proposed amendment, on the ground that practically the same question had been negatived by the House on a previous occasion in the same Session.

MR. SPEAKER said: " that the same question had been before the House on the 18th March last, and the House decided that the Liquor License Act should not be repealed, and it would not be reconcilable with the previous decision if the House were now to agree to consider the proposed Amendment."

Journals, House of Commons, Vol, 18. Page 462.

June 15, 1887.

HONORABLE J. A. QUIMET, Speaker.

Motion ruled out of Order, it being an infringement of Rule 22, the first part of which reads as follows :—

“ Bills reported after second reading from any standing or select Committee, shall be placed on the orders of the day following the reception of the report, for reference to a committee of the whole House, in their proper order next after bills reported from committees of the whole House.”

MR. BRYSON moved, seconded by MR. McDUGALL (Picton), and the Question being proposed, That the Bill to amend the Act respecting the Pontiac Pacific Junction Railway Company be placed among the Private Bills on the Order of this Day, for consideration in Committee of the Whole, in accordance with recommendation of the Select Standing Committee on Railways, Canals and Telegraph Lines.

Objection taken to the Motion, on the ground that it was an infringement of Rule 22.

MR. SPEAKER sustained the objection.

Journals, House of Commons, Vol. 21, page 289.

April 20, 1888.

HONORABLE J. A. OUMET, Speaker.

Amendment ruled out of Order, no notice having been given.

The Question being again proposed, That the Bill to incorporate the South-Western Railway Company be now read the third time ;

MR. CURRAN moved in amendment thereto, seconded by MR. BERGIN, "That the Bill be not now read the third time, but that it be re-committed to a Committee of the Whole House, for the purpose of amending the same, by adding the following clause : "This Act shall not go into force until the first day of May, 1890."

Attention having been called to the fact that no notice had been given of the proposed amendment,

MR. SPEAKER decided : "That under Rule 67, the amendment could not be put."

Journals, House of Commons, Vol 2 , page 206.

February 22, 1889.

HONORABLE J. A. OUMET, Speaker.

Amendment ruled out of Order, no notice having been given.

The Order of the Day being read, for the third reading of the Bill to Incorporate the Alberta Railway and Coal Company ;

MR. SHANLY moved, seconded by MR. RYKERT, and the Question being proposed, That the Bill be now read the third time.

MR. WATSON moved in amendment, seconded by MR. TROW, That all the words after "now" to the end of the Question, be left out, and the words "re-committed to a Committee of the Whole House," in order to insert a clause providing that the maximum rate on coal over the Company's lines shall not exceed one cent per ton per mile," inserted instead thereof.

Objection taken to the proposed amendment, on the ground that one day's notice thereof had not been given, in accordance with Rule 67.

MR. SPEAKER decided: "That the objection was well taken, and that the motion could not be put."

Journals, House of Commons, Vol. 23, page 87.

February 27, 1889.

HONORABLE J. A. OUMET, Speaker.

A Bill to authorize the assessment of the salaries or incomes of certain persons, ruled out of Order, because it did not emanate from the Government, and had not originated in Committee of the Whole.

MR. ELLIS moved, seconded by MR. McMULLEN, and the Question being proposed, That the Bill to authorize the assessment of the salaries or incomes of persons in the service of Canada, be now read a second time,

Objection taken by the Honorable Member for Lincoln to the Bill on the ground that any measure imposing a burden on the people or any class thereof, should originate in Committee of the Whole, and could only constitutionally emanate from the Government.

MR. SPEAKER decided : " That the objections were well taken, and the Bill could not proceed further.

Journals, House of Commons, Vol. 23. Page 110.

July 7, 1892.

HONORABLE PETER WHITE, Speaker.

Bill ruled out because it disposed of the public revenues without the recommendation of the Crown.

Mr. BOWELL moved, seconded by Mr. FOSTER, and the Question being proposed, That the Bill be now read the third time ;

Mr. GARDON moved, in amendment, seconded by Mr. Earle, That all the words after " now " to the end of the question be left out, and the words " re-committed to a Committee of the Whole House for the purpose of inserting the following additional section :

" 3. Section 15 of the said Act is hereby repealed and the following enacted in lieu thereof : " All duties, pecuniary penalties and other sources of revenue under this Act shall be paid into the Consolidated Revenue Fund of Canada, in trust for the benefit of the Province wherein the same were collected, and shall, at the end of every fiscal year, after deducting the cost of administration, be

paid over to the Treasurer of said Province," inserted instead thereof.

Mr. SPEAKER ruled : " that the proposed amendment could not be put, because it disposed of the public revenues without the recommendation of the Crown, as required by The British North America Act of 1867."

Journals. House of Commons, Vol. 26. Page 482.

July 9, 1894.

HONORABLE PETER WHITE, Speaker.

Motion to place two Bills on the Orders of the Day ruled out because it proposed to change the Rules of Procedure without notice.

Mr. TISDALE moved, seconded by Mr. TAYLOR, and the Question being proposed, That the Bill to incorporate the Gleichen, Beaver Lake and Victoria Railway Company, and the Bill to again revive and further amend the Act to incorporate the Brockville and New-York Bridge Company, be placed on the Orders of the Day, immediately after Routine Proceedings for consideration in Committee of the Whole, in accordance with the recommendation contained in the Seventeenth Report of the Select Standing Committee on Railways, Canals and Telegraph Lines.

Attention having been called to the fact, that the Motion proposed to change the Rules of Procedure without Notice ;

Mr. SPEAKER decided : " It was out of order, and could not be put."

Journals, House of Commons, Vol. 28. Page 414.

June 12, 1895.

HONORABLE PETER WHITE, Speaker.

Bill ruled out because, involving a public expenditure, it had not been recommended by the Crown, nor initiated by a Resolution in Committee of the Whole.

The Order of the Day being read, for resuming the adjourned debate on the Question which was, on Wednesday, 5th June last, proposed, That the Bill further to amend the Civil Service Superannuation Act, be now read a second time.

Mr. SPEAKER ruled : " that the question could not be put thereon, as the Bill involved a public expenditure and could only be initiated by a Resolution in Committee of the Whole, with the recommendation of the Crown.

Journals, House of Commons, Vol. 29. Page 147

March 26, 1896

HONORABLE PETER WHITE, Speaker.

Bill imposing a charge on the revenue ruled out, because it had not been recommended by the Crown, and had not originated in Committee of the Whole.

The Order of the Day being read, for the second reading of the Bill in further amendment of the Customs Tariff, 1894.

Mr. McMULLEN moved, seconded by Mr. MARTIN, and the Question being proposed, That the Bill be now read a second time.

Question raised, That the Bill imposed a charge on the revenue by increasing the amount of drawback to be paid under the Tariff and should originate in Committee of the Whole with the recommendation of the Crown.

Mr. SPEAKER decided: "that the point was well taken, and that the Bill could not proceed."

Journals, House of Commons, Vol. 30. Page 156,

March 10 and 11, 1898.

HONORABLE SIR JAMES DAVID EDGAR, Speaker.

Sub-amendment ruled out on the ground that directing a specific expenditure of money it should be initiated by the Government according to the British North America Act and the Rules of the House.

The Order of the Day being read, for resuming the adjourned Debate on the Question which was, on Tuesday 15th February last, proposed, That the Bill to confirm an Agreement between Her Majesty and William Mackenzie and Donald D. Mann, and to incorporate the Canadian Yukon Railway Company, be now read a second time ;

And proposed amendment thereto, That all the words after " That " to the end of the Question be left out, and the words " this House recognizing the necessity of providing adequate facilities for transportation into the Canadian Yukon gold fields, regards as indefensible the terms and conditions of the proposed contract, but will cordially support the grant of substantial assistance in aid of the immediate construction of a railway on the best available route under such conditions and safeguards as will prevent the creation of any railway or mining monopoly," inserted instead thereof ;

And the question on the amendment being again proposed,

Mr. McINNES moved, in amendment to the said amendment, seconded by Mr. CASBY, That all the words after " but " in the fourth line of the amendment be left out, and the words " That it is expedient to provide transportation facilities with the least possible delay, by an all Canadian route, to the mining districts of the Yukon.

" That the recent action of the United States Senate gives reason to fear that every possible obstacle will be placed in the way of traffic by the proposed Stikine route and justifies the re-consideration of the present contract with a view to securing a deep water terminus in Canadian territory.

"That the route via Observatory Inlet and Teslin Lake is the only all Canadian route free from the possibility of international complications, immediately available, or suitable for railway construction at a comparatively moderate cost.

"Therefore, be it resolved, that the government should call for tenders, at the earliest date consistent with public competition, for the construction of a narrow gauge railway from Observatory Inlet to Teslin Lake, on either of the following plans :

"1. As a Government work.

"2. On the basis of a cash subsidy to a company constructing the railway and operating it under stringent government control.

"Provided, that, in either case, the portion from Stikine river to Teslin Lake shall be completed by 1st October, 1898, and the whole railway by 1st September 1899, and that the Government be authorized to enter into a contract for the construction of such railway with the party submitting the lowest tender, accompanied by satisfactory securities for the completion of the work, on either of the above plans," inserted instead thereof.

Objection taken against the sub-amendment.

Mr. SPEAKER ruled the amendment to the proposed amendment out of order on the ground : "that it directed a specific expenditure of money which should be initiated by the Government under the constitutional checks required by Section 54 of the British North America Act, and Rules of the House relating to grants of money."

DECISIONS
ON
QUESTIONS OF ORDER

IN COMMITTEE OF THE WHOLE.

March 24 and 25, 1871.

HONORABLE JAMES COCKBURN, Speaker.

The Chairman himself decides points of Order in Committee of the Whole.

Mr. MACDONALD, Member for the Electoral District of Lunenburg, having referred, during the Debate in Committee of Supply, to certain facts which the Honorable Mr. HOLTON, Member for the Electoral District of Chateauguay, submitted were irrelevant to the Question; and the latter gentleman having called upon Mr. STREET to leave the Chair, so that Mr. SPEAKER might decide the point of Order: The Chairman left the Chair.

The point of Order having been submitted to Mr. SPEAKER, "he declared that under the

Rules the Chairman should himself decide points of Order in Committee.”

The Committee was then resumed and the Chairman decided, “that the Honorable Member for Lunenburg was in Order.”

Journals, House of Commons, Vol. 4. Pages 142-143.

April 30 and May 1, 1885.

HONORABLE GEORGES A. KIRKPATRICK, Speaker.

Decision of the chairman of a Committee of the Whole appealed from and maintained by the House, said decision being “that certain remarks made by a member, during a debate, were out of Order, because they were not relevant to the Question.”

The House, according to Order, again resolved itself into a Committee on the Bill respecting the Electoral Franchise.

Whilst paragraph 5 of section 2, defining the word “person” was under consideration of the Committee, a motion was made, that the Committee do rise and report progress.

Exception was then taken to certain remarks of the Honorable Member for North Wellington, on the ground, that he was not addressing himself to the Question actually before the Committee, but was referring, in an irregular manner, to the North-West troubles and Mr. Tassé, Acting Chairman, ruled that the Honorable Member was out of Order.

Mr. EDGAR thereupon appealed from the decision of the Chairman under Rule 76.

A Question of Order is raised, as to the procedure proper in such case of appeal.

The acting chairman finally decided :

“As some doubt appears to exist as to the procedure on this point, and it seems desirable to me, after hearing the Debate thereon, that the spirit of the Rule (76) should be observed, I have come to the conclusion that I should, in the present case, report the point of order to Mr. Speaker, in order that there may be an appeal to the House under the Rule in question.”

Mr. SPEAKER resumed the Chair; and Mr. TASSÉ reported that an appeal had been made from his decision, on the point of order raised in Committee, with reference to the relevancy of the remarks of the Honorable Member for North Wellington.

And the Question being put, That the decision of the Acting Chairman be confirmed, the House divided and the names being called for, they were taken down as follows :

Yeas 76..... Nays 46

So the decision of the Acting Chairman was confirmed.

Journals, House of Commons, Vol. 19. Pages 354-355.

May 18, 1885

HONORABLE GEORGES A. KIRKPATRICK, Speaker.

Decision of the chairman of a Committee of the Whole appealed from and maintained by the House, said decision being "that it was out of Order to discuss at length the financial position of the country while the Committee was considering a Bill respecting the Electoral Franchise."

The House, according to Order, again resolved itself into a Committee on the Bill respecting the Electoral Franchise, and after some time spent therein,

Mr. SPEAKER resumed the Chair, and Mr. Daly reported, That the Honorable Member for South Huron, having in the course of his remarks on Clause 3, and the amendments thereto, proposed by Mr. Charlton and Mr. Casey, discussed at length the financial position of the Country as pertinent to the subject under consideration, a Question of Order arose thereon. Whereupon he (Mr. Daly) ruled that reference to the expenditures of the Country except as a subsidiary question, could not be allowed, and that a full and elaborate statement of the financial condition of the Country was out of order. From this decision an appeal has been made to the House.

And the question being put, That the decision of the Chairman of Committee be sustained the House divided and the names being called for, they were taken down as follows:

Yeas 67.....Nays 41.

So the decision of the Chairman of Committees was confirmed.

Journals, House of Commons. Vol. 19, Pages 386, 387.

June 7, 1899.

HONORABLE SIR JAMES DAVID EDGAR, Speaker.

The point of Order—that a member should lay on the Table a document not produced which he quotes, should be taken when reference is made to the document.

The House, according to Order, resolved itself into a Committee on the Bill to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway System to the City of Montreal.

Whilst the Schedule of said Bill was under consideration of the Committee, the Honorable the Senior Member for Pictou quoted from the speech of the Minister of Railways, made on the 1st of June, where he referred to information given to him by one of the officers of his department, and asked the ruling of the Chair upon the obligation of the Honorable the Minister to table the document containing this information.

THE CHAIRMAN ruled: "That the point of Order should have been taken when reference was made to the document, if it exists, and it is too late now to declare that the Minister was out of order when he referred to that document,

and that he had no authority to force him to produce it.”

SIR CHARLES HIBBERT TUPPER thereupon appealed from the decision of the Chairman under Rule 76.

MR. SPEAKER resumed the Chair, and report was made from the Committee by Mr. Flint, as acting Chairman of the Committee, that an appeal had been made from the decision of the Chairman of the Committee.

And the Question being put, That the decision of the Chairman be confirmed, the House divided, and the names being called for, they were taken down, as follows :

Yeas 65.....Nays 20.

So it was resolved in the Affirmative.

Journals, House of Commons. Vol. 34, Pages 238, 239.

June 21, 1899,

LOUIS PHILIPPE BRODEUR, Esq., Deputy Speaker.

The expression “ impertinence ” applied to a Member of the House is unparliamentary.

White the 4th Resolution of the Supplementary Estimates, That a sum not exceeding twenty-five thousand dollars be granted to Her Majesty, for Public Works-Yukon and Lewes Rivers-Improvements, &c., and Telegraph Lines, for the year ending 30th June, 1899, was being considered.

Mr. Deputy SPEAKER resumed the Chair; and the Acting Chairman reported, That when the House was in Committee of Supply :

The Honorable Member for the West Riding of the County of York applied to the Honorable Minister of Finance the expression "impertinence" which he ruled unparliamentary ; and that an appeal was made from his decision under Rule 76.

And the Question being put, That the decision of the Acting Chairman be confirmed ; the House divided, and the names being called for, they were taken down as follows :

Yeas 39..... Nays 10.

So it was resolved in the affirmative.

The decision of the Acting Chairman was confirmed.

Journals, House of Commons. Vol. 34, Page 290.

May 15, 1873.

HONORABLE JAMES COCKBURN, Speaker.

It is not in Order for a Member to read before the House documentary evidence and letters relating to a charge referred on a previous occasion to a Select Committee for investigation.

The Honorable Mr. HUNTINGTON moved, seconded by Mr. FERNIER, That Mr. Huntington, member for the Electoral District of Shefford having stated in his place, that he is credibly informed and believes, that original

documents of the greatest importance in the investigation of the charges referred to the Select Committee named to inquire into the Pacific Railway negotiations, are held by a Trustee whose name he is prepared to disclose to the Committee, on such conditions and under such circumstances that there is very great danger that they may be placed beyond the reach of the Committee before the 2nd day of July next, the day to which the Committee stands adjourned:—It is Ordered that the Committee do assemble To-morrow at 11 A. M., and do forthwith summon said Trustee to appear and produce before them on an early day, not later than Monday next, all documents in his possession relating to the said inquiry, or that may have been placed in his hands by any of the parties mentioned in Mr. Huntington's statement, submitted to the House on the 2nd day of April last;

In the course of the observations of the Honorable mover, he was about to read to the House certain letters and documents:

Thereupon the Right Honorable Sir John A. MacDonald raised a question of Order, that it was not competent for the Honorable Member for the Electoral District of Shefford to read any documentary evidence or letters, as they could only be properly submitted to the Select Committee to whom the whole case had been referred by the House.

On the question of Order Mr. SPEAKER decided as follows:—

“The question of Order, as I understand it, is this: Whether a Member in making a motion is to be permitted to read certain letters and papers, which, it is said, will support that motion and which relate to a charge referred

on a previous occasion to a Select Committee for investigation. This is bringing into the House for discussion evidence that must come before that Committee in support of the charge. I do think, and I appeal to both sides of the House, that upon the point of Order, as well as upon the strong justice of the case, I am bound to rule that the Honorable Member cannot read those papers."

Journals, House of Commons, Vol. 6, Page 349.

November 3, 1873.

HONORABLE JAMES COCKBURN, Speaker.

It is out of Order for a Member to state, in the course of a Debate, that the Representative of the Sovereign has "sent down" to the House "for a purpose" Despatches of his to the Imperial Government.

The question on the amendment to the said proposed amendment—to the Address in answer to the Speech from the Throne—being again proposed, The House resumed the said adjourned debate.

Mr. MILLS, Member for the Electoral District of Bothwell, in the course of the Debate made reference to Despatches from His Excellency the Governor-General to the Imperial Government submitted to the House by Message "as being sent down for a purpose".

The Right HONORABLE SIR JOHN A. MACDONALD raised a point of Order on the ground that no Honorable Mem-

bor has the right to say that the Representative of the Sovereign sent down certain Despatches for the purpose of influencing Debate in this House.

Mr. SPEAKER said: "There is no doubt an Honorable Member may criticise the subject matter of such Despatches, but he should not say, "they were sent down for a purpose."

Journals, House of Commons, Vol. 7. Page 137.

April 7, 1880.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

Official papers quoted during a Debate should be laid on the Table of the House.

Mr. PATTERSON, Member for the Electoral District of Essex, and Mr. COCKBURN, Member for the Electoral District of Northumberland, having, in the course of the Debate on a motion for an Order of the House and the amendment thereto, read extracts from certain official papers in their possession, and relating to the Question under consideration.

Mr. MACKENZIE raised the Point of Order, that official papers, when cited by an Honorable Member, ought to be laid on the Table of the House.

Mr. SPEAKER ruled: "That the Point of Order was well taken, and that the papers cited by the Honorable Members for Essex and

Northumberland should be placed in the possession of the House."

Journals, House of Commons, Vol. 14. Page 201.

January 14 and 15, 1881.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

No preamble is allowed to a motion to adjourn a Debate, and no amendment can be proposed to a motion to adjourn the House, except as to the time of the adjournment.

(Resolutions reported from the Committee of the Whole House, respecting the money and land subsidies for the building of the Canadian Pacific Railway.)

SIR CHARLES TUPPER moved, seconded by Mr. LANGEVIN, and the Question being proposed, that the said Resolutions be now read a second time.

Mr. ROBERTSON (Shellburne) moved, in amendment, seconded by Mr. WISER, that all the words after "That" to the end of the Question, be left out and the words in "view of the fact that another offer for the construction and working of the Canadian Pacific Railway has been received by the Government, and in order that the Government may lay the said offer on the Table, the Debate be adjourned," inserted instead thereof;

And the House having continued to sit after Twelve of the clock on Saturday morning ;

Saturday, January 15, 1881.

Mr. STEPHENSON moved, seconded by Mr. KIRKPATRICK and the Question being proposed, that the Debate be adjourned ;

A Point of Order is raised, that the said Motion was irregular, inasmuch as it was the same in effect as that previously made by the Honorable Member for Shelburne.

Mr. SPEAKER decides as follows :

“ I think it is perfectly in Order. The Motion for the adjournment of the Debate should be pure and simple, but the motion made by the Honorable Member for Shelburne is an amendment not coming within the Parliamentary meaning of the first mentioned Motion, inasmuch as it contains a preamble. I am of opinion that the amendment of the Honorable Member is in reality out of order, since it contains a recital of reasons for the adjournment of the Debate. As in the motion for the adjournment of the Debate no preamble can be allowed, so to the Motion for the adjournment of the House, no amendment can be made, except as to the time of the adjournment. Under these circumstances I feel called upon to decide that the amendment proposed by the Honorable Member for Shelburne is irregular and cannot be put.”

And the Question being put, that the Debate be adjourned : It was resolved in the Affirmative.

Journals, House of Commons, Vol. 15. Page 86.

DECISIONS
ON
QUESTIONS OF ORDER
—•••—
RESPECTING "MOTIONS".
—•••—

May 11, 1868.

HONORABLE JAMES COCKBURN, Speaker.

The House can reconsider its previous decision during the session, upon Questions affecting its domestic economy which should be under its daily supervision.

Mr. MACKENZIE moved, seconded by Mr. BROUSSEAU, and the question being proposed, that the sub-Report as annexed to the Thirteenth Report of the Joint Committee of both Houses on Printing, substituting the sum of \$200 for that of \$300, attached to the position of the Clerk, \$100 of this amount being that mentioned in the Report of the Committee on Contingencies, be now adopted.

And exception being taken by Mr. Thomas Scatcherd, that the said Report clashes with the Third Report of the Standing Committee on Contingencies, adopted by this House on Monday the 20th April last.

Mr. SPEAKER decided as follows :

“ Though the Report clashes to a slight extent with the Report of the Committee on Contingencies, which has been adopted by the House, in respect of the Salary of the Clerk of the Committee, yet I think the motion is in order, for the reason that questions affecting the domestic economy of the House should be under its daily supervision : and I think the House is not precluded in this instance from reconsidering its previous decision”.

Journals, House of Commons, Vol. 1. Page 312.

June 10, 1869.

HONORABLE JAMES COCKBURN, Speaker.

1. It is not in order to propose an amendment altering the manner in which is to be applied the expenditure of money recommended by Message from the Representative of the Crown.
2. An amendment to the same effect as another amendment already disposed of by the House is not in order.

The Question being again proposed that this House doth concur in the said Resolution—(the first of the Resolutions reported from the Committee of the Whole respecting the Union of the Colony of Newfoundland with the Dominion of Canada.)—;

The Honorable Mr. WOOD moved, in amendment, seconded by the Honorable Mr. ANGLIN, that all the words after "That" to the end of the Question be left out, and the "Words" "the Resolution be re-committed to a Committee of the whole House with instructions to amend the same by substituting (new resolutions) for the 4th, 5th and 6th Resolutions."

Notice being taken that the said proposed amendment is out of order, inasmuch as it alters the manner in which the amount recommended by His Excellency's Message is to be applied.

MR. SPEAKER decided :

"That the said proposed Motion in amendment is out of order.

The fifth Resolution being read a second time ; and the Question being proposed, that this House doth concur in the said Resolution ;

The Honorable Mr. WOOD moved, in amendment, seconded by the Honorable Mr. ANGLIN, that all the words after "That" to the end of the Question be left out, and the "words" "the said Resolution be re-committed to a Committee of the whole House with "instructions to amend the same by giving the lands therein mentioned to Newfoundland," inserted instead thereof.

MR. SPEAKER declared the said Motion out of order, inasmuch as the House, by rejecting

Mr. Blake's proposed amendment, had already decided upon the Question involved in this Motion.

(Mr. Blake had moved an amendment to the same effect which the House had passed in the negative.)

Journal, House of Commons, Vol. 2. Pages 217, 218, 219.

June 12, 1869.

HONORABLE JAMES COCKBURN, Speaker.

1. An Amendment merely asserting as an abstract principle the expediency of a larger expenditure than that recommended by the Crown in Resolutions, can be proposed, such amendment having no practical effect unless the said increased expenditure is recommended by a new Message from the Crown.

2. It is out of order to propose to amend Resolutions recommended by Message of the Governor General so as to increase the burthen on the people mentioned in said Resolutions.

The House, according to Order, proceeded to take into consideration the Resolutions which were, yesterday, reported from the Committee to consider certain proposed Resolutions relative to the affairs of the Province of Nova Scotia, and the same were read a second time.

And the first Resolution being read a second time, and the Question being proposed, that this House doth concur with the Committee in the said Resolution,

The Honorable Mr. WOOD moved, in amendment, seconded by Mr. BOWELL, that all the words after "That" to the end of the Question be left out, and the words "it be resolved, that in the opinion of this House it is inexpedient to disturb the financial arrangements settled between the Provinces composing the Dominion of Canada as settled by the British North America act, in favor of Nova Scotia, without at the same time making provision for increasing in due proportion, and on principles alike just to the Provinces of Quebec and Ontario, the amount of debt allowed by the British North America Act to the late Province of Canada, and the half-yearly payments to the Provinces of Quebec and Ontario respectively," inserted instead thereof.

Objection is taken by the Honorable Mr. GALT to the said Motion in Amendment, that it is out of order, inasmuch as it proposed an expenditure in excess of that recommended by His Excellency's Message, and therefore under the 54th Section of the British North America Act, 1867, it could not be submitted to this House.

MR. SPEAKER decides as follows :

"I do not lay any stress on the fact that the Committee having affirmed a certain expenditure, the House is in a measure bound by it. I cannot agree with the Honorable Member for Sherbrooke in regard to a decision of mine which has been quoted. Last session, on the 15th May, on a motion for the adoption of the report of a Committee of the Whole on the Militia Bill, the member for Compton submitted

a Motion, the object of which was unquestionably to increase the pay of the officers of the Force. It was not a mere expression of opinion, such as that now before the House; but it was a step towards passing an Act of Parliament appropriating the public funds. In that important respect it differs from the Motion now before the House. The Motion of the Honorable member for Brant is a mere assertion of an abstract principle. Beyond that, it proposes nothing; it does not propose to take any step in the direction of Legislation, but, on the contrary, as I read the Motion, the effect would be, if passed, to prevent concurrence in the Resolutions, and to stop the whole proceedings.—so that the question on this proposed appropriation could not be approached again, this Session, unless a Message came down from the Crown recommending such additional expenditure. Therefore, I think the argument unsound that this amendment involves a question of additional public expenditure, and, in my opinion, the Motion is in order”.

The Third Resolution, being read a second time, and the Question being proposed, that this House doth concur with the Committee in the said Resolution;

Mr. FORBES moved, in amendment, seconded by MR. CARMICHAEL, that all the words after “That” to the end of the Question be left out, and the words, “the said Resolution be re-committed to a Committee of the whole House, with instructions to strike out the words “being capitalized either in whole or in part as the Governor in Council may determine, and the interest on the part

“capitalized being payable until the end of the said ten years, when the principal shall be paid.” and inserting in lieu thereof the following words, “shall be payable on the said day being in accordance with the Minute of the Honorable Privy Council, approved by His Excellency the Governor-General in Council the 25th January 1869,” inserted instead thereof.

Objection taken by the Honorable Mr. DUNKIN that the said Motion in amendment is not in order, inasmuch as it proposes an appropriation other than and in excess of that recommended by the Message of His Excellency the Governor General.

MR. SPEAKER decides :

“That the said proposed amendment is out of Order inasmuch as it varies from the term proposed in His Excellency’s Message, and would, in his opinion, if carried, increase the present burthen of the people”.

Journals, House of Commons, Vol 2. Pages 235, 236 and 237.

JUNE 14, 1869.

HONORABLE JAMES COCKBURN, SPEAKER.

Motion for the imposition of an import duty ruled out, because such proposition should emanate from the Government.

MR. JONES (North Leeds and Grenville) moved, seconded by MR. ROSS (Prince Edward), that is expedient to impose

a duty on all American Wheat, Indian Corn, Rye and all other grain imported for consumption into the Dominion of Canada ; and that such duty shall be equal to twenty-five per cent on the estimated value of such grain at the Canadian Port of Entry.

MR. SPEAKER decides : " That the motion is out of Order, inasmuch as the imposition of such duties should emanate from the Government."

Journals, House of Commons. Vol. 2 Page 242.

March 30, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

1. An amendment relevant to the main motion, is in order.
2. A motion is not irregular on account of its vagueness.

The Order of the Day being read, for resuming the adjourned Debate on the Question which was, on Monday last, proposed, that an humble Address be presented to Her Most Gracious Majesty, praying that she will be pleased to cause a measure to be submitted to the Imperial Parliament providing that the Parliament of Canada shall not have power to disturb the financial relations established by the British North America Act (1867), between Canada and the several Provinces, as altered by the Act respecting Nova Scotia.

And the Question being again proposed :

The Honorable MR. ARCHIBALD moved in amendment, seconded by Mr. McDONALD (Middlesex), that all the words after "That" to the end of the Question be left out, and the words "this House adheres in the decision of the Parliament of Canada at its last Session, as embodied in the Act intituled: "An Act respecting Nova Scotia," inserted instead thereof.

Objection is taken by MR. BLAKE that the motion in amendment is out of Order, inasmuch as it is not relevant to the main motion.

MR. SPEAKER decides: "That the said proposed amendment is relevant to the main motion."

Journals, House of Commons. Vol. 3. Pages 122-124.

The Honorable Mr. WOOD moved in amendment thereunto, seconded by MR. MAGILL, that the words "and that such steps should be taken as to render impossible any such grant or provision," be added at the end thereof."

Objection is taken by the Honorable Mr. MACDONALD (Cornwall), that the motion is irregular, and cannot be put because of its vagueness.

MR. SPEAKER said: "That the motion is certainly very vague, but he cannot say that the House cannot express a vague opinion."

Journals, House of Commons. Vol. 3. Page 127.

April 4, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

Motion ruled out, because involving a charge upon the public revenue, it should have originated in Committee of the Whole.

The Honorable MR. WOON moved, seconded by MR. FERGUSON, a motion concerning the management of the Improvement Fund derived from School and Crown Lands.

Objection is taken by MR. CASALT, that the House cannot consider the proposed Resolution in the manner proposed by the mover; and that it should have originated in Committee of the whole House.

MR. SPEAKER ruled: "That the objection taken by the Honorable Member for the County of Bellechasse was good. He thought that the Resolution should originate in Committee of the Whole House. Unquestionably the Resolution involved a charge upon the public purse of the Dominion. With regard to the point raised by the Honorable member for Lambton, as to the Dominion Government having the power of paying this money out of the Provincial subsidies, the very circumstance of this House being the trustee, as it were, of the Provinces of Ontario and Quebec, should make it all the more necessary that every proper constitutional check should be interposed before any charge should be incurred which would

eventually be imposed upon those Provinces He, moreover, was inclined to think that there should be a Message from the Governor-General before such motion could be entertained. He therefore declared the motion to be out of order."

Journals, House of Commons. Vol. 3. Pages 143, 144, 145.

April 1, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

1. The Honso can adopt the Report of a Select Committee recommending measures that might tend to the imposition of some tax or duty, considering that such a result does not conclusively follow such recommendation.
2. Bills relating to Trade must originate in Committee of the Whole, but the Rule does not apply to the Report of a Select Committee upon a question relating to Trade.

MR. MAOILL moved, seconded by MR. COLBY, and the Question being proposed, that this House doth concur in the Report of the Select Committee appointed to enquire into and report on the extent and condition of the Hop Growing and Salt Interest in Canada.

Objection is taken by the Honorable Mr. Woon that the motion is out of Order inasmuch as its adoption would lead to the imposition of duties.

MR. SPEAKER said :—

“That he did not think that the adoption of this Report would, beyond question, involve the imposition of duties. The recommendation is “that the House will adopt such measures as shall tend to relieve this important industry from depressing influences.” It might be argued that this recommendation involves some tax or duty to be imposed, but that result does not follow conclusively; the measures asked for, are measures of relief, so far as the House is informed. He overruled this objection.”

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Another objection is taken by the Honorable **SIR GEORGE E. CARTIER** that the subject matter of the Report related to Trade, and should therefore originate in Committee of the whole House.

MR. SPEAKER said :—“That a Bill relating to Trade must originate in Committee of the Whole House, but the rule in express terms is confined to Bills only. He thought that the House might adopt a report of this general character relating to Trade, which would leave it uncommitted as to specific measures. He overruled this objection also.”

April 4 and 5, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

A motion cannot be moved to give an instruction to a Commission not yet appointed.

MR. MASSON (Soulange) moved, seconded by MR. RENAUD, that the Commission to be shortly appointed to consider the Question of Canals for the whole Dominion be instructed, among other things, to enquire as to whether it would not be more economical, as well as more advantageous for the Dominion, in so far as regards trade, navigation and defence, not to enlarge the Beauharnois Canal, but to leave it in its present state, to be used for ordinary purposes of trade, in view of the fact that it is almost impossible to enlarge it into a Ship Canal, without again incurring enormous expense, which, not including the amount expended for piers, light-houses, and dams, has already reached more than \$250,000, on account of damages to property alone; and whether it would not be better to construct a new Canal on the North side of the Coteau Rapids, as ought to have been done in the first place, both on the ground of economy and for strategical purposes.

MR. SPEAKER decides: "That the motion is not in Order, as it purports to give an instruction to a Commission which is not appointed."

Journals, House of Commons. Vol. 3. Page 149.

April 23, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

Motion ruled out, no notice having been given.

MR. MACKENZIE moved, seconded by the Honorable MR. DORION, and the Question being proposed, that the Return relative to Oakville harbor, be referred to the Select Standing Committee on Public Accounts.

Objection is taken by the Honorable MR. MACDONALD (Cornwall), that no notice has been given of the said motion.

And MR. SPEAKER, being appealed to by the Honorable MR. TUPPER whether it is not too late to take the objection, in consequence of the Debate having continued for some length.

MR. SPEAKER decided as follows :—

“ My attention being drawn to the fact that no notice has been given, I must at once declare the motion out of Order.”

Journals, House of Commons. Vol. 3. Page 233.

March 6, 1871.

HONORABLE JAMES COCKBURN, Speaker.

Motion respecting the division of the debt between Ontario and Quebec, so as to impose a burthen on the people, ruled out because it has not been recommended by a Message from His Excellency the Governor General.

The Honorable Mr. DORION moved, seconded by Mr. FOURNIER, that this House will, on Wednesday next, resolve itself into a Committee to consider resolutions—concluding with the proposition of an Address recommending to amend the British North America Act so as to assign entirely to the Dominion the debt of the former Province of Canada, with compensation to the Provinces of New-Brunswick and Nova-Scotia.

Objection is taken by the Honorable Sir George E. Cartier, a member of the Honorable Privy Council, that the said Resolutions cannot, under the provisions of the 54th section of the British North America Act, 1867, be considered by the House, unless recommended by Message from the Governor-General.

MR. SPEAKER decides as follows :—

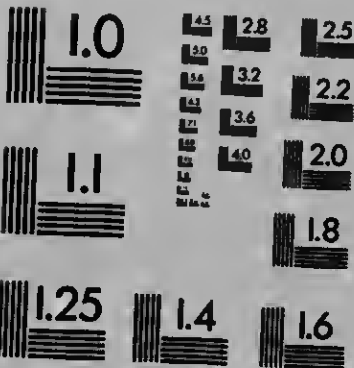
“The Motion proposes “that an humble Address be presented to Her Majesty, praying Her to recommend that the British North America Act be amended, so that the public debt of the Dominion be increased, and that compensation be made to the Provinces of New-Brunswick and Nova-Scotia.”

“In my opinion this Motion cannot be entertained, it being in contravention of the 54th Section of the Imperial Act for the Union of British North America. In that section it is provided that this House shall not adopt any Vote, Resolution, Address, or bill, for the appropriation of any part of the Public Revenue, &c., &c., to any purpose that has not been first recommended by Message of the Governor-General.



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“ The contention is that the proposed appropriation being beyond the power of the Parliament of Canada, this provision of the Statute cannot therefore apply.

“ In its litteral construction it does apply to the motion, and certainly it seems to me to the full as necessary in a Constitutional sense, to interpose the check of a Message from His Excellency, under the responsibility of His Ministerial Advisers, before adopting an Address which may be followed by Legislation, imposing a burthen on the people by a Parliament and Ministers owing it no responsibility, as in the case of a Bill or Motion for the appropriation of money within our direct control.

“ For these reasons, the Motion, in my opinion, is not in order.”

Journals, House of Commons, Vol. 4, Pages 49 and 50

March 9 and 13, 1871.

HONORABLE JAMES COCKBURN, Speaker.

Sub-amendment ruled out because, involving an increase of the Public Debt, such proposition should have originated in Committee of the Whole.

The Honorable Mr. DORION moved, seconded by Mr. FOURNIER, an Address to Her Majesty—praying that Her Majesty be pleased to recommend the passing of an Act by the Imperial Parliament so amending the British North America Act as to authorize the Parliament of Canada to deal by Legislative enactment with all questions connected with the surplus debt of the late Province of Canada.

The Honorable SIR GEORGE E. CARTIER moved in amendment, seconded by the Honorable Mr. TILLEY, that the Government of Canada having come to the conclusion not to act on the award of the Arbitrators until its validity shall have been determined by a competent judicial tribunal, this House refrains from expressing an opinion on the award so rendered.

The Honorable Mr. CHAUVEAU moved, in amendment to the said proposed amendment, seconded by the Honorable Mr. BEAUBIEN, — that this House will give its most favorable consideration to any measure to be introduced by the Government for the settlement of the question of the surplus debt of the late Province of Canada, and involving any aid on the part of the Dominion commensurate with the importance of the object itself, and with our resources, due regard being had to the rights of the other Provinces.

Objection is taken by Mr. MILLS, that this Motion in amendment to the proposed amendment is not in order, inasmuch as it involves an appropriation, and asks the House to commit itself to an expenditure of money, which cannot be done without a Message from His Excellency.

MR. SPEAKER decided : “ that it is not in order ”.

Journals, House of Commons. Vol. 4. Pages 62 and 63.

MR. SPEAKER made the following statement to the House, at the sitting of March 13, 1871:—

“ I observe that it is entered on the Journal
“ of the ninth of March, that upon objection
“ taken by the Honorable Member for Both-
“ well, the motion of the Honorable Member
“ for Quebec County, was declared out of order
“ for the reason here alleged. I desire to correct
“ that entry. The Motion was out of order,
“ in my opinion, not because it proposed an
“ appropriation of public money within the
“ meaning of the 54th section of the *British*
“ *North America Act*, and should have been
“ preceded by Message, but because it involved
“ an increase to the Public Debt, and should
“ therefore have been first considered in Com-
“ mittee of the Whole.

“ I am aware that it is doubted whether it is a correct rule of Parliamentary practice that every abstract proposition which, if acted on, would increase the Public Debt of the Country, should be first considered in Com-

mittee ; but my opinion on the point has been expressed on two or three occasions, and I shall so continue to decide unless the House should think proper to express a contrary opinion. This rule, however, being self-imposed, may be enforced or relaxed as the House shall determine. But the constitutional rule contained in the 54th Section of the Imperial Act is one that being absolutely binding should be neither extended nor restrained by implication, but should at all times be most guardedly considered by the House.

“ I desire, therefore, to correct the error on the Journal, so that the precedent shall not be understood as having any relation to the 54th Clause of the Constitutional Act, 1867.”

Ordered,—That Mr. Speaker's decision as above be entered upon the Journals of this House.

Journals, House of Commons, Vol. 4, Pages 72 and 73.

March 23, 1871.

HONORABLE JAMES COCKBURN, Speaker.

An amendment, substantially to the same effect as the original motion, but omitting considerable matter of said main motion, is in order.

MR. BLAKE moved, seconded by MR. HOLTON, and the Question being proposed, that this House do now resolve itself into a Committee to consider the following Resolutions ;

1. " That the sense of the Houses of the respective Legislatures of the Provinces of Canada, Nova Scotia, and New-Brunswick was taken as to, and formed the basis of the Imperial Legislation under which the said Provinces were federally united into the Dominion of Canada.

2. That it was by the British North America Act (1867) enacted that it should be lawful for the Queen, by and with the advice of the Privy Council, on Addresses from the Houses of Parliament of Canada, to admit Rupert's Land and the North Western Territory, or either of them, into the Union by the said Act created, on such terms and conditions as the Queen should think fit to approve subject to the provisions of the said Act ; and that the provisions of any such Order in Council should have effect as if they had been enacted by the United Kingdom.

3. That Addresses have been passed by both Houses of the Parliament of Canada touching the admission of the said Territories into the Union, and Canada has paid large

sums, and incurred large liabilities in order to accomplish such admission, and an Order in Council has been made by the Queen for such admission.

4. That the Parliament of Canada has assumed to exercise jurisdiction over the said Territories and to make provision for the erection of part of the said Territories into the province of Manitoba, and for the establishment of federal relations between the said province and Canada.

5. That it has been made to appear to this House that the Canadian Government has requested the Government of the United Kingdom to submit to the Parliament of the United Kingdom a Bill touching the said North Western Territories or some part thereof; and that the Government of the United Kingdom in consequence of such request has proposed to the Canadian Government to submit a Bill, a draft of which it has forwarded to the Canadian Government.

6. That in the opinion of this House the sense of both Houses of the Parliament of Canada should be taken as to, and should form the basis of such proposed Legislation."

The Honorable SIR GEORGE E. CARTIER moved, in amendment, seconded by the Honorable MR. TILLEY, that all the words after "That" to the end of the Question be left out, and the words "this House, after full consideration, passed the Act to establish and provide for the Government of the Province of Manitoba."

2. That the said Act has since received the sanction and approval of the Imperial Government"

3. That for the removal of doubts as to certain provisions of the said Act the Government of Canada have requested the Imperial Government to pass an Act in the Imperial Parliament, confirmatory of the said first mentioned Act."

4. That the Imperial Government have agreed to introduce a Bill to the aforesaid effect, and declaring also the power of this Parliament to create other Provinces in the vast Territory of the North West, now forming part of the Dominion, and to give them constitutions on the same footing as to guarantees of permanence and otherwise with the constitutions of the old Provinces."

5. That a draft of the said proposed Act has been communicated to this House."

6. That the provisions of the said draft Act meet the approval of this House, and are in consonance with the will of this House, as expressed in the most formal manner in the said Act relating to Manitoba," inserted instead thereof.

The Honorable MR. DORION moved, in amendment to the said proposed amendment, seconded by MR. MILLS, that all the words after "That" to the end thereof, be left out, and the words "irrespective of the merits of the measures proposed by the Government of Canada to be submitted to the Imperial Parliament for the purpose of confirming certain Canadian Legislation depriving the Parliament of Canada of certain existing powers, and altering the British North America Act, 1867, this House would be wanting in its duty if it did not express its decided opinion that no such Imperial Legislation should be asked for by the Government of Canada, except after the details of such proposed Legislation shall have been submitted to both Houses of the Parliament of Canada for their judgment, and Addresses of such Houses to the Queen, praying for such Legislation, shall have been passed."—inserted in stead thereof.

Objection is taken by MR. HARRISON that the amendment is in effect the same as the original Motion, and so

cannot be moved as an amendment to the amendment to the original Motion.

At the sitting of the 27th March 1871, Mr. SPEAKER gave his decision on the preceding point of Order raised by Mr. HARRISON as follows :—

“The amendment proposed by the Honorable Member for Hochelaga is in Order. It proposes to the House a resolution which is substantially the same as that involved in the original Motion, but it omits considerable matter of recital both of fact and law, and in that respect, I think, the proposition is one which the Honorable Member may propose as an amendment. He may say very properly, as he does say, that he has no desire to commit the House to the recitals which form a part of the original Motion. I think the motion is therefore in Order.”

Journals, House of Commons. Vol. 4. Pages 136, 137, 138, 146.

April 10, 1871.

HONORABLE JAMES COCKBURN, Speaker.

It rests with the discretion of the House as to whether notice of a motion should be given or not, according to the urgency of the matter proposed for consideration.

The honorable MR. McDOUGALL (Lanark) moved, seconded by MR. BOWELL, and the Question being proposed,

that Mr. WALTER ROSS, Member of the House of Commons, for the County of Prince-Edward, having stated in his place, that there were rumors, that Pierre De Lorme, Esq., who on the 5th day of April instant was introduced, and took his seat in this House as Member for Provencher, in the Province of Manitoba, had been concerned in the rebellion against the authority by Law established in the Hudson's Bay Territories, which was lately quelled by Her Majesty's Troops, and moreover that he was directly implicated in the murder of one Thomas Scott, a British subject, by persons in arms against the authority of the Crown in that Territory, and the said Pierre De Lorme, Esq., having stated in his place, that the said charges were utterly unfounded and untrue.

Resolved :—That a Select Committee be appointed to enquire into the truth of these allegations, and if the charges should be sustained, to report the proceedings which ought to be taken in order to relieve this House from the disgrace and dishonor of receiving amongst its Members any one guilty of such offences, the said Committee to consist of the Honorable Messrs. Morris and Dorion, Messrs. Street and MacDonald, (Glengarry), the Honorable Mr. Cameron, (Peel), and Messrs. Blake and Gibbs.

Objection is taken by the Honorable Sir George E. Cartier, that notice of such a motion was required.

Mr. SPEAKER, after citing "May" on the subject, said :—

"That it rested with the discretion of the House as to whether notice of this Motion should be given or not. If the House believed that this was a case of such urgency that it

should at once be entertained and disposed of, the House may say that the absence of notice should not bar progress in the matter, but, on the other hand, the House may consider the matter of so grave a character as to require time for consideration. I think it rests with the House."

Journals, House of Commons. Vol. 4. Pages 249, 250.

April 10, 1871.

HONORABLE JAMES COCKBURN, Speaker.

A motion to refer to a Select Committee, the answer to an Address respecting a claim for damages against the government, is in Order, but the House could not concur in a report from the Committee recommending payment, without the previous recommendation of the Crown.

MR. CURRIE moved, seconded by Mr. WALSH, and the Question being proposed, that the Return to an Address for copies of all correspondance between the departement of Public Works and George Sterling respecting a claim for damages against the Government by the said Sterling, be referred to a Select Committee composed of Messrs. Fortin, Morrison, (Niagara), Satcherd and Webb, and the Honorable Messrs. Carling and Langevin, and the Mover, to report thereon.

Mr. SPEAKER said :—

“ That his attention had already been called to this Motion. He ruled, “ that it does not appear to be objectionable to refer a claim of this nature to a Select Committee. Should their Report recommend a payment of money, this House will refuse its concurrence, unless the recommendation from the Crown is announced by a Minister.

The motion is, I think, in Order.”

Journals, House of Commons. Vol. 4. Page 254.

April 11, 1871.

HONORABLE JAMES COCKBURN. Speaker.

Motion ruled in Order because, in contradiction with the objection taken, it differs from another motion to the same purpose, upon which the House had previously passed during the Session. Even if drawn in similar terms, it would still be in Order, because the motion passed upon had been offered by way of amendment, as an alternative proposition to House.

The Honorable SIR GEORGE E. CARTIER moved, seconded by the Honorable Mr. TILLEY, that this House will immediately resolve itself into a Committee to consider the following proposed Resolution :—That the Railway referred to in the Address to Her Majesty concerning the Union of British Columbia with Canada,

adopted by this House on Saturday the 1st April instant, should be constructed and worked by private enterprise, and not by the Dominion Government; and that the public aid to be given to secure that undertaking should consist of such liberal grants of land, and such subsidy in money, or other aid, not increasing the present rate of taxation, as the Parliament of Canada shall hereafter determine;

The Honorable Sir GEORGE E. CARTIER, a Member of the Honorable the Privy Council, then acquainted the House, that His Excellency the Governor General, having been informed of the subject matter of the said Motion, recommends it to the consideration of the House.

Objection is taken by Mr. MACKENZIE that this Motion is not in Order, inasmuch as the House had already, during the present Session, passed upon a Motion in terms similar thereto.

Mr. SPEAKER ruled that his opinion was:—
“that if the two Resolutions which have been offered to the House, the Resolution of the Member for Sherbrooke, and that of the Honorable Minister of Militia, were precisely the same, word for word, it would still be open to the House to consider the Motion of the Minister of Militia at this stage. The reason of that is this:—The Motion of the Honorable Member for Sherbrooke was offered by way of amendment, as an alternative proposition to the House. The House had its option to adopt either the Main motion, which was, to read the Address a second time there and then, or to adopt the Motion of the Honorable Member for Sherbrooke, which was to postpone the

reading of that Address to a future day, and to resolve certain things. The House, in negating the Motion of the Honorable Member for Sherbrooke, has not passed upon the Resolution contained in that Motion. It has simply chosen to say, "we will now read the address " a second time, and we will not pass upon the Resolution, offered by way of amendment, at the present time."

" I think we have only to consider the form used in the House of Commons in England in putting questions, to see what is the true effect of the vote on the Motion proposed by the Honorable Member for Sherbrooke. Had the Question been put as it would have been put in England, that all the words proposed to be omitted " stand part of the Question," that is, that the " Main Motion should be voted upon yea or nay", the House would not appear to have passed upon the alternative proposition. But though we may vary our form of Question, our votes must have no different effect than if taken in the English House of Commons.

" Therefore, according to my view, if the two Motions had been precisely the same, it would have been still open to the House, now, to consider and pass upon the Motion of the Honorable the Minister of Militia. But there are, I observe, important variances between the two Motions. I would particularly allude to the one referred to by the Honorable Member for Sherbrooke, that his Motion proposed to pronounce an opinion upon the understanding of the two contracting parties, apart from,

and irrespective of the written evidence altogether. This Motion does not do that. With regard to the former Motion, the House might well hesitate in coming to a decision upon a Question so difficult to decide upon; whilst it may or may not hesitate about pronouncing upon its own future action, which is what is proposed by the present Motion. Therefore, for these reasons, I think the Motion is in Order."

Journals, House of Commons. Vol. 4 Pages 261, 265.

May 27, 1872.

HONORABLE JAMES COCKBURN, Speaker.

Amendment ruled in Order, it being pertinent to the main motion.

The Order of the Day being read, for resuming the adjourned Debate upon the Question which was, on Wednesday the 1st May instant, proposed, That this House will immediately resolve itself into a Committee to consider the following proposed Resolution:—

That considering the Superannuation Fund is raised entirely out of the compulsory contributions taken from the salaries of Public Officers, it is just that the whole of the Fund should be consecrated to the use and benefit of the said officers by applying it, first, to their personal relief according to law, and (if any surplus be left after payment

of their superannuation allowance) to the relief of their widows and orphans; The House resumed the said adjourned Debate.

MR. JACKSON moved, in amendment, seconded by MR. FORTIER, that all the words after "That" to the end of the Question be left out, and the words "in the opinion of this House, it is not expedient to alter the provisions of the Act relating to the superannuation of Officers during the present session, but the subject should engage the attention of a new parliament," inserted instead thereof.

Objection is taken by MR. JOLY, that the said amendment is not in Order, inasmuch as it bears no relation to the original motion.

MR. SPEAKER decides as follows :—

"I must overrule the objection. The Motion of the Honorable Member for Lotbinière, though a mere abstract opinion, was expressed against the present system under the Superannuation Act.

In lieu of that, the Honorable Member for Grey proposed, that in the opinion of the House, the present law should not be altered. This was a practical proposition which might be adopted in lieu of the other, and was pertinent to the subject of the main motion."

May 8, 1873.

HONORABLE JAMES COCKBURN, Speaker.

No amendment is allowed to an amendment
“that the House do now proceed to the Orders
of the day.”

MR. MACKENZIE having moved, seconded by the Honorable Mr. HOLTON, that it is highly criminal in any Minister or Ministers, or other servants under the Crown, directly or indirectly, to use the powers of office in the election of Representatives to serve in Parliament, etc., etc.

The Honorable Mr. TUPPER moved, in amendment, seconded by the Honorable Mr. TILLEY, that the House do now proceed to the Orders of the Day ;

MR. JOLY moved, in amendment to the said proposed motion, seconded by MR. WHITE (Halton), that the words “the House do now proceed to the Orders of the Day” be left out, and the words “in the opinion of this House it would be advisable to amend our Election Law, so as to prohibit all offices employed in the Civil service of the Dominion from voting, or taking part in Elections of Members for this House,” inserted instead thereof.

MR. SPEAKER stated to the House in reference to the last motion of Amendment :

“I think this Motion is out of Order. The amendment—moved by the Honorable Mr. Tupper, “that the House do now proceed to the Orders of the Day,” if adopted, obliterates the original motion, and no further amend-

ment can be proposed, pending its consideration.”

Journals, House of Commons. Vol. 6. Pages 299, 300.

May 12, 1873.

HONORABLE JAMES COCKBURN, Speaker.

Motion ruled out of Order because it is not in accordance with the notice given.

MR. MACKENZIE moved, seconded by the Honorable MR. HOLTON, and the Question being proposed,

That this House do forthwith resolve itself in a Committee to consider the following proposed Resolution: That it is expedient to provide that no person having a pecuniary interest in, or contract with the Canadian Pacific Railway Company, shall be capable of being elected to, or sitting and voting in Parliament.

The Right Honorable SIR JOHN A. MACDONALD brought to the notice of MR. SPEAKER, that the motion is not in accordance with the notice given.

MR. SPEAKER said :

“I find the original Motion is in these words:
“that it is expedient to provide that no person
“having a pecuniary interest in, or contract
“with the Canadian Pacific Railway Company.
“shall be eligible to be elected a Member of
this House.”

The Motion now made, states :
“ That no person shall be capable of being
“ elected to, or of sitting and voting in Parlia-
“ ment.”

The difference, it will be seen, lies in the
use of the words “ sitting and voting.” I think
the words make a very material change, and
that the objection is well taken.”

Journals, House of Commons. Vol. 6 Page 326.

May 11, 1874.

HONORABLE TIMOTHY WARREN ANGLIS, Speaker.

An abstract proposition about the expendi-
ture of Public Money is in Order.

MR. BLAIN having moved, seconded by MR. METCALFE,
a motion respecting the public interest in the construction
of the projected Huron and Ontario Ship Canal.

Objection is taken by MR. THOMPSON that the motion
was not in order, inasmuch as it involved an expenditure
of Public Money, in recommending the appointment of
certain commissioners.

MR. SPEAKER decided : “ that the Motion was
an abstract proposition, such as could be regu-
larly proposed to the House by a Private
Member. If it should pass, it would not neces-

sarily bind the House in any way ; and therefore overruled the objection.”

Journals, House of Commons. Vol. 8. Page 214.

May 11, 1874.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

It is out of order to move concurrence in the Report of a Select Committee which the House ought not to have received.

M. BUNSTER moved, seconded by Mr. CUNNINGHAM (New-Westminster), and the Question being proposed, that this House doth concur in the Report of the Select Committee appointed to enquire into the present Tariff in the interest of Agriculture and Commerce in British Columbia, and report the way in which the present Tariff affects the Agricultural and Commercial interests, with a view of remodelling them in the interests of that Province until such time as the Railroad is completed.

—Objection is taken to the Motion on the ground that it asked for concurrence in a Report which ought not to have been received by the House.

MR. SPEAKER decides :—“ That the objection was well taken. The Report was clearly out of Order, in as much as it recommended the enactment of a special Tariff, which could only be originated with the sanction of the Crown and in a Committee of the Whole.”

Journals, House of Commons. Vol. 8. Page 216.

May 20, 1874.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

A Special Committee must not embody in its Report the opinions of a similar Committee appointed in a previous session.

MR. ORTON moved, seconded by Mr. MONTEITH, and the Question being proposed, that this House doth concur in the Second Report of the Select Committee appointed to enquire into and report to this House what will best conduce to the interests of Agriculture ;

The honorable MR. MACKENZIE having raised a point of Order, that it is not competent for a Special Committee to embody in its Report the opinions of a similar Committee appointed in a previous Session.

MR. SPEAKER said :

“ My attention has been directed to this subject, and I have come to the conclusion that the Motion is decidedly out of order. It is laid down distinctly by May : “ A Committee re-appointed cannot report the evidence taken before the Committee in the previous Session.” This I find has been done in the Report now before the House :—“ The Committee having carefully examined the result of the labors of a former Committee on the subject of Agriculture, find that much valuable information had been obtained directly from the farmers and millers of the country, etc. The substance of which information as

“obtained from a draft Report of a former
“Committee, the present Committee beg to
“embody in the Report which they now have
“the honor to submit. Consequently, the
“Report, and the Motion founded upon it, are
“out of order.”

Journals, House of Commons. Vol. 8. Page 232.

March 10 and 11, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

1.—The House having decided to add certain words to a motion, it is not in order to move to strike out those words, or any of them.

2.—It is out of order to make a motion asking the House to depart from a Resolution which it has just affirmed.

On the 8th of March 1875, MR. COSTIGAN moved an Address to Her Majesty respecting the New-Brunswick School Law. At the sitting of the 10th and 11th of March, the Debate on the motion was resumed according to Order.

The honorable MR. MACKENZIE having proposed an amendment, the Honorable MR. CAUCHON moved a sub-amendment to add words to the end thereof. The said sub-amendment was adopted.

The Question on the amendement to the Original Question, as amended, being proposed, MR. BABY moved,

in amendment, to strike out all the words after "That" in the original motion, and to replace them by other words.

MR. SPEAKER stated : " That the House having just passed the amendment to the amendment proposed by Mr. Cauchon, the words of the amendment must now stand as part of the question. It is not in order to move that those words, or any of them, be struck out. The amendment now proposed by Mr. Baby cannot properly form another part of the same question, inasmuch as it is in part a repetition of the motion just passed, and in part inconsistent with it. I therefore decide this Motion to be out of Order."

Journals, House of Commons. Vol. 9. Pages 178, 179, 197, 199, 200.

Mr. CAUCHON moved, seconded by Mr. BLAKE, to appoint a select Committee to draft an Address to Her Majesty founded on the said Resolution.

Mr. COSTIGAN moved, in amendment to the Question, seconded by Mr. MASSON, that the words " and that it be an instruction to the said Committee to add the following to the said proposed Address," but this House reserves to itself the right to seek by Address to Her Majesty, an amendment to " The British North America Act, 1867," should the present motion prove insufficient to bring about an amendment of the New Brunswick School Law, satis-

factory to the minority of that Province," be added at the end thereof.

Objection is taken to said proposed amendment.

MR. SPEAKER decides as follows :—

"The House has ordered an Address within a certain scope, and I do not think it is competent now to make a motion asking the House to depart from the Resolution which it has just affirmed."

Journals, House of Commons. Vol. 9. Pages 202, 203.

February 18, 1876.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

It is in Order to move an abstract proposition respecting the revision of the Tariff.

The House, according to Order, resumed the adjourned Debate upon the Question which was on Wednesday last proposed, that a Select Committee be appointed to enquire into the causes of the present financial depression; with power to send for persons, papers and records.

Mr. DECOSMOS moved, in amendment, seconded by Mr. BUNSTER, that all the words after "That" to the end of the Question, be left out, and the words "the early revision of the Tariff is very desirable; and that a revised Tariff discriminating to a greater degree than the existing Tariff in favour of home productions and manufactures, but not unduly stimulating one section of the country, or

one industry to the injury of other sections and other industries, would be productive of great benefit to the Whole Dominion," inserted instead thereof;

—Objection being taken to the said proposed amendment as out of order, on the ground that it involved the imposition of a burthen on the people;

MR. SPEAKER decided :

"That the proposed amendment being an abstract proposition and barren of results, was in order."

Journals, House of Commons. Vol 10. Page 69.

March 2, 1876.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

A motion pertaining to the administrative business of the House, can take precedence when the notices of Motions are reached.

MR. MASSON moved, seconded by MR. BLANCHET, and the Question being proposed, that the Second Report of the Select Committee appointed to assume the direction, under the orders of the House, of the reporting and printing of the Debates of the House, be now concurred in.

Objection being taken to this motion, on the ground that it is on the Notice paper of this day and cannot be taken out of its course;

MR. SPEAKER decided :—"That the Question partaking of the character of privilege, as it pertains to the business of the House, it might

therefore take precedence when Notices of Motions are reached."

Journals, House of Commons. Vol. 10. Page 93.

May 5, 1880.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

Motion ruled out, no notice having been given.

MR. STEPHENSON moved, seconded by MR. ROSS (Middlesex), and the Question being proposed, that this House doth concur in the thirteenth Report of the Joint Committee of both Houses on the Printing of Parliament ;

MR. PATTERSON (Essex) moved, in amendment, seconded by MR. WHITE (Hastings), that all the words after "That", to the end of the Question, be left out, and the words "in the opinion of this House the Government should take the necessary step to cancel the contract awarded to Messrs. Maclean, Roger & Company, for the Printing of Parliament, from the 1st January, 1880, and that the said contract be offered to Patrick Boyle, of Toronto, whose tender appears from all the evidence to be the only legitimate Tender below that of Messrs. Maclean, Roger & Company; and that so much of the thirteenth Report of the Joint Committee of both Houses on the Printing of Parliament as is consistent with the foregoing Resolution be adopted," inserted instead thereof.

MR. MILLS raised the point of Order, that two days' Notice should have been given before submitting the Original Motion to the House.

MR. SPEAKER ruled :—“ That the point of Order was well taken, as in accordance with the 31st Rule of the House, a notice of two days was required to entertain any Resolution.”

Journals, House of Commons. Vol. 14. Page 364.

February 27, 1882.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

The notice of a motion for a Select Committee should include the names of the members of the Committee.

Mr. ORTON moved, seconded by **Mr. WALLACE** (Norfolk), and the Question being proposed, that a Select Committee be appointed to enquire into and report to this House on the operation of the Tariff upon the Agricultural Interests of the Dominion; with power to send for persons, papers and records; and that Messrs Wallace (Norfolk), Crow, Sutherland, Coughlin, Gillies, White (Hastings), Bénéoit, Béchard, Landry, Plumb, MacDonell (Inverness), Girouard (Kent), Hackett, Royal and the mover, do compose the said Committee.

—Objection being taken to the Motion on the ground that no Notice had been given of the names of the Committee;

MR. SPEAKER decided :—“ That the Notice of Motion should include the names, and that, consequently, the Motion was irregular.”

Journals, House of Commons. Vol. 16. Page 80.

March 24, 1882.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

To move for a Committee of the Whole, it is sufficient to propose the consideration of a general question respecting the expediency of a particular measure.

Mr. McLELAN moved, seconded by Mr. CARON, and the Question being proposed, That this House do immediately resolve itself into a Committee to consider a certain proposed resolution respecting the inspection of steamboats.

Objection being taken to the said motion on the ground that it did not embody a definite proposition as required by Rule 41.

Mr. SPEAKER decided :—

“That the Rule, as generally understood, and as interpreted by late English practice, simply required the House to go into a Committee to consider a general proposition, setting forth the expediency of bringing in a measure on a particular question, and that, consequently, in his opinion, the proposed Motion came sufficiently within the meaning of the rule.”

Journals, House of Commons. Vol. 16. Page 213.

March 5, 1883.

HONORABLE GEORGE A. KIRKPATRICK, Speaker.

Motion to appoint a Select Committee partly ruled out, because no notice having been given of the names of the members to form the Committee, the names could not be added to the Motion without the unanimous consent of the House.

Mr. PAINT moved, seconded by Mr. DALY, and the Question being proposed, That a Select Committee be appointed to take into consideration and report how Inter-Provincial trade may be promoted, that earnings and enlarged traffic of the Intercolonial Railway be further increased by products from Ontario to Quebec, East to the Maritimes Provinces and Newfoundland, and by returning freight; the said committee to be composed of Messrs. Paint, Mitchell, White (Cardwell), Burpee (St. John), Laurier, McCallum, Desjardins, Gunn and Richey.

Objection having been taken to the latter part of the Motion on the ground that no notice had been given of the names to form the Committee;

Mr. SPEAKER decided:—

“That the objection was well taken, and the Honorable Member could not add that part of the Motion without the unanimous consent of the House.”

Journals, House of Commons. Vol. 17, page 82.

March 13, 1884.

HONORABLE GEORGE A. KIRKPATRICK, Speaker

Motion ruled out, no notice having been given.

SIR JOHN A. MACDONALD moved, seconded by SIR HECTOR LANGEVIN, and the Question being proposed, that the motion of Mr. Houde on Notices of Motions: "That this House is of opinion that the Liquor License Act of 1883, should be repealed", be the first Order of the Day for Monday next, and take precedence next after Routine proceedings;

Mr. BLAKE moved, in amendment, seconded by MR. LAURIER, that all the words after "That" to the end of the Question, be left out, and the words, "it was arranged across the House, that Mr. Houde's motion on the "Liquor License Act should be called as the first item of "business before Government business, this day";

"That this arrangement should be observed;

"That to fix the said motion for Monday will prevent the consideration of much important business in the hands of private Members;

"That the Notices and Orders of the day be postponed, and that the motion of Mr. Houde be called," inserted instead thereof;

And the question being put on the amendment; the House divided, and the names being called for, they were taken down, as follows:

Yeas—70.....Nays—102

So it passed in the negative.

Objection having been taken to the main question, on the ground that no Notice thereof had been given ;

Mr. SPEAKER said : " That the objection was well taken, and that the main question could not be put."

Journals, House of Commons. Vol. 18. Pages 234, 235.

March 17, 1884.

HONORABLE GEORGE A. KIRKPATRICK, Speaker.

Motion ruled out, no notice having been given.

Mr. DALY moved, seconded by Mr. MASSUE, and the Question being proposed, that when Mr. Speaker leaves the Chair at six o'clock P. M., this day, the House do stand adjourned till three o'clock P. M., to-morrow.

—Objection having been taken to the Motion, on the ground that no notice ha been given ;

Mr. SPEAKER said : " That such a motion required notice. It was, however, competent for the Honorable Member to move at six o'clock, P. M., or at any time, that the House do now adjourn."

Journals, House of Commons. Vol. 18. Page 244.

July 14, 1883

HONORABLE GEORGE A. KIRKPATRICK, Speaker.

Amendment ruled out of Order because its effect would have been to increase the burthen on the people beyond that recommended by the Crown.

The House, according to Order, resolved itself into a Committee to consider certain proposed Resolutions respecting the granting of land, or scrip redeemable in land, to the members of the enrolled Militia Force actively engaged in suppressing the Half-breed and Indian outbreak in the North West.

The Question being proposed, that the said Resolutions be now read a second time ;

Mr. WARSON moved in amendment, seconded by Mr. CASEY, that all the words after " now " to the end of the Question be left out, and the words " re-committed to a Committee of the Whole House, with power to amend the same by providing that any member of said enrolled Militia who has located a homestead and preemption shall, in lieu of the grant hereinbefore mentioned, be entitled to get his preemption free," inserted instead thereof.

Objection being taken to the said proposed amendment, on the ground that it was in effect increasing the burthen beyond that recommended by the Crown ;

Mr. SPEAKER said : " That the point of Order was well taken, and that the motion in amendment could not be put."

Journals, House of Commons. Vol. 19. Pages 624, 625, 626, 627. .

March 15, 1886.

HONORABLE GEORGE A. KIRKPATRICK, Speaker.

Motion ruled out, no notice having been given.

SIR HECTOR LANGEVIN moved, seconded by SIR ADOLPHE P. CARON, and the Question being proposed, that immediate after Questions to be put by Members, this House resumed the adjourned Debate on Mr. Landry's proposed motion, being the 35th Order of the Day, and the said order shall continue to be the first Order of the Day until disposed of.

Objection having been taken to the proposed motion, on the ground that no notice had been given of the same ;

M. SPEAKER ruled : " that the objection was well taken, and that the motion could not be put."

Journals, House of Commons, Vol. 20. Pages 52, 53.

April 5, 1886.

HONORABLE GEORGE A. KIRKPATRICK, Speaker.

Motion to alter the composition of a Select Standing Committee ruled out of Order, no notice having been given.

The House having referred certain allegations, against the Member for East Hastings by the Member for West-Ontario, to the Select Standing Committee on Privileges and Elections for investigation ;

MR. LAURIER moved, seconded by MR. BLAKE, and the Question being proposed, that the Member for the West Riding of Ontario and the Member for the East Riding of Hastings, be added to serve on the Committee upon the charge just referred to it, without power of voting.

Objection having been taken to the foregoing Motion.

MR. SPEAKER said :—

“ When the question for the appointment of a Committee was before the House, it would have been competent for the Honorable Member for Quebec-East to have moved as an amendment to the amendment the motion he has just proposed. But the Question to which was given precedence as affecting Members has been disposed of, and it is not competent for the Honorable Member, without the unanimous consent of the House—no notice having been given—to make his present Motion to alter the composition of a Select Standing Committee to which the whole matter at issue has been referred.”

Journals, House of Commons. Vol. 20. Pages 112, 113
114, 115.

May 26, 1887.

HONORABLE J. A. OUIMET, Speaker.

Motion ruled out, no notice having being given.

Mr. SMALL moved, seconded by Mr. TYRWHITT, and the Question being proposed, that at half past four o'clock P. M., the Speaker do leave the Chair, and the House take recess until eight o'clock P. M., in order to give Members the opportunity of being present at, and joining in, the reception to His Excellency the Governor General.

—Objection having been taken to the Motion, on the ground that no notice thereof had been given ;

Mr. SPEAKER decided : "That the objection was well taken, and that the motion could not be put."

Journals, House of Commons, Vol. 21. Page 173.

February 21, 1889.

HONORABLE J. A. OUIMET, Speaker.

Decision by Mr. Deputy Speaker.

Amendment ruled out of Order, not being relevant to the Question.

Debate resumed on the Question proposed on the 13th of February Inst., to prohibit the manufacture, importation and sale of intoxicating liquors, and on the amendment and sub-amendment proposed thereto.

The question being again proposed on the amendment, MR. MONCRIEFF moved in amendment to the said proposed amendment, seconded by MR. DENISON, that all the words in the amendment and all the words after "That" in the main motion be left out, and the words "inasmuch as the result of recent votes taken under the Canada Temperance Act have been in favour of the repeal of the Act, and inasmuch as the electors of some counties in Canada may be in favour of a license system for the sale of cider, light wines and beers only and at the same time might not favour the adoption of the second part of said Act in its entirety.

"That in the opinion of this House the said Act should be amended, so that upon any vote of the Electorate being taken under the Act, either for its adoption or its repeal, it shall be competent for the electors to vote in any one of the three following alternatives:—

"First: Either for the Act, or

"Second: For the Act limiting the sale of intoxicating liquors, but excepting cider, light wines and beers from the operation thereof;

"Third: Against the Act," inserted instead thereof.

Objection having been taken to the proposed amendment to the amendment, on the ground that it was not relevant to the subject matter of the question immediately before the House.

MR. DEPUTY SPEAKER decided:—"That the said amendment was irregular."

Journals, House of Commons. Vol. 23. Pages 78, 79, 80.

April 1, 1889.

HONORABLE J. A. OUMET, Speaker.

It is out of Order to move, as an amendment to another question, a motion on the Order Paper as a notice of motion.

MR. DESJARDINS moved, seconded by Mr. DAVIN, and the Question being proposed, that the Second Report of the Select Committee appointed to supervise the Official Report of the Debates of this House during the present Session, be concurred in ;

MR. CHOQUETTE moved in amendment, seconded by Mr. McMULLEN, that the words " concurred in " be left out, and the words " referred back to the Committee with instructions to enquire as to the justice and expediency of granting an indemnity to Messrs. A. E. Poirier, Henri Tremblay and Ernest Tremblay, who were discharged from their positions," inserted instead thereof.

Objection having been taken to the regularity of the amendment ;

MR. SPEAKER said :—

" That a similar motion was on the Order Paper, and as it was not in accordance with the Rules or Parliamentary usage to take a motion out of its proper place and move it as an amendment to another question, he must, therefore, rule that it could not now be put to the House. "

Journals, House of Commons. Vol. 23. Page 214.

April 30, 1889.

HONORABLE J. A. OUMET, Speaker.

Decision by Mr. Deputy Speaker.

Motion ruled out, no notice having been given.

MR. CURRAN moved, seconded by MR. BROWN, that the Ninth Report of the Joint Committee of both Houses on the Printing of Parliament, presented this day, be referred back to the said Committee, for the purpose of re-considering their decision with reference to the printing of the Returns to an Address for the Report of the Commissioners on the floods in the St. Lawrence River.

Objection having been taken to the regularity of the motion ;

MR. DEPUTY SPEAKER " thereupon ruled the Motion out of Order, on the ground that no notice had been given thereof."

Journals, House of Commons. Vol. 23. Page 392.

April 3, 1890.

HONORABLE J. A. OUMET, Speaker.

Motion out of Order, no notice having been given.

MR. TAYLOR moved, seconded by MR. HICKEY, and the Question being proposed, that five hundred copies of Bill to prohibit the Importation and Migration of Foreigners and Aliens under contract or agreement to perform labour

in Canada, be printed and placed at the disposal of the Select Committee to whom the Bill has been referred, and that Rule 94 of this House be suspended in relation thereto.

Objection having been taken to the Motion, on the ground that no notice thereof had been given ;

MR. SPEAKER said : " The Question could not be put."

Journals, House of Commons, Vol. 24. Page 276.

July 8, 1891.

HONORABLE PETER WHITE, Speaker.

Motion out of Order, no notice having been given.

MR. WALLACE moved, seconded by MR. SPROULE, and the Question being proposed, that the Order of the House of 25th June last to the effect, " That it is desirable that any witnesses called before the Select Committee on Public Accounts, be examined under oath or affirmation touching any matters coming before them," be rescinded, as in the opinion of the Committee such an order should not be asked for from the House except upon the recommendation of the Committee.

Objection having been taken to the Motion, on the ground that no notice thereof had been given.

MR. SPEAKER decided : " That the objection was well taken, and that the Motion could not be put."

Journals, House of Commons. Vol. 25. Pages 312, 313.

July 16, 1891.

HONORABLE PETER WHITE, Speaker.

Motion ruled out of Order, no notice having been given.

MR. MULOCK moved, seconded by MR. CHARLTON, and the Question being proposed, that the evidence now being taken by the Select Standing Committee on Public Accounts relative to the Langevin Block, be printed for the use of Members, and that Rule 94 be suspended in relation thereto ;

Objection having been taken to the Motion, on the ground that no notice thereof had been given ;

MR. SPEAKER decided : " That the objection was well taken, and that the Motion could not be put."

Journals, House of Commons. Vol. 25. Page 340.

July 20, 1891.

HONORABLE PETER WHITE, Speaker.

Motion ruled out of Order, no notice having been given.

MR. BARRON moved, seconded by MR. BORDEN, and the Question being proposed, that all accounts for salaries and extra services or otherwise with the Post Office Department, in regard to the following persons, namely :—J. G. Poston, A. C. McDonald, M. P. Wright, E. A. LeSueur, Miss Kate E. Falconer, Miss J. Craig, Miss A. Graham and A. E. Meighen, together with all cheques given in payment of

such accounts, and any and all cheques, vouchers, receipts, and other papers in any way relating to their respective services, for the fiscal year 1888-89, and up to year ending 30th June, 1891, be produced before the Select Standing Committee on Public Accounts.

Objection having been taken to the Motion, on the ground that no notice thereof had been given ;

MR. SPEAKER decided : "That the objection was well taken, and that the Motion could not be put."

Journals, House of Commons. Vol. 25. Pages 344, 345.

August 17, 1891.

HONORABLE PETER WHITE, Speaker.

Motion out of Order, no notice having been given.

MR. SOMERVILLE moved, seconded by MR. TRUAX, and the Question being proposed, that all accounts for goods furnished to the Public Works Department by H. Bourcier or Bourcier & Co., Ottawa, and cheques for payment of the same, during the years ending 30th June 1884, 1885, 1886, be referred to the Select Standing Committee on Public Accounts.

Objection having been taken to the Motion, on the ground that no notice thereof had been given ;

MR. SPEAKER ruled : "That the objection was well taken, and that the Motion could not be put."

Journals, House of Commons. Vol. 25. Page 411.

September 23 and 24, 1891

HONORABLE PETER WHITE, Speaker.

Having moved the adjournment of the "Debate" and spoken on the Question, a Member cannot make a second Motion.

MR. LAURIER moved, seconded by MR. CASEY, and the Question being put, that the House do now adjourn ;

Objection having been taken to the Motion on the ground that the Honorable Member for Quebec-East having made a Motion for the adjournment of the Debate, had spoken on the Question and could not now make a second Motion ;

MR. SPEAKER decided :

"That the objection was well taken, and the Honorable Member for Quebec-East could not move the adjournment of the House at that stage."

Journals, House of Commons. Vol. 25. Page 526.

July 5, 1895.

HONORABLE PETER WHITE, Speaker.

Motion granting to a Select Standing Committee leave to sit during the sittings of the House, ruled out of Order, no report having been made to the House by the Committee, asking such leave.

MR. TISDALE moved, seconded by MR. BOYD, and the Question being proposed,

That leave be granted the Select Standing Committee on Railways, Canals and Telegraph Lines to sit during the time that the House is in session.

And the Question of Order having been raised that such a motion could not be made without notice or without a report from the Committee itself ;

MR. SPEAKER said :

“ With regard to the Motion which has been proposed by the Honorable Member for South Norfolk, I would say that I do not regard it as exactly in the same light in which I regarded the Motion which was made the other day to reduce the Quorum of the said Committee. Then it was urged that the Committee could not meet for want of a Quorum, but in the present case, the Chairman has moved, without any report being made by the Committee, that the Committee have leave to sit during the Sessions of the House. Now it is quite competent for the House, in a case of urgency, it seems to me, to grant to that Committee power to sit during the sittings of the House ; but, I think before coming to that conclusion, we ought to have some definite statement from the Committee itself, such as a Report, that it is necessary to enable the Committee to get through their work, that they should be allowed to sit during the sittings of the House. I do not, however, agree with those honorable gentlemen who say that this Motion could not be put without notice, if a Report has been made by the Committee that it was necessary for the prosecution of its business that the Committee should have leave to sit during the Session.

For these reasons I consider that the Motion should not be put to the House on the present occasion."

Journals, House of Commons. Vol. 29, Page 241.

June 1, 1898.

HONORABLE SIR JAMES DAVID EDGAR, Speaker.

Motion ruled out of Order, no notice having been given.

Mr. FORTIN moved, seconded by Mr. CHOQUETTE, and the Question being proposed, that the Report of the Commissioners appointed to investigate, enquire into and report upon the state and management of the St. Vincent de Paul Penitentiary be printed, and that Rule 94 of this House be suspended in relation thereto.

Objection having been taken to the suspension of the Rule without notice.

MR. SPEAKER "sustained the objection, and the motion could not be put."

Journals, House of Commons. Vol. 33, Page 292.

April 7, 1899.

HONORABLE SIR JAMES DAVID EDOAR, Speaker.

Motion ruled out, no notice having been given.

Mr. SOMERVILLE, from the Select Committee appointed to supervise the Official Report of the Debates of this House during the present Session, presented to the House the Second Report of the said Committee, which was read as followeth :—

Your Committee recommend :

1. That Mr. Albert Horton, one of the members of the staff, be promoted to the position of Chief Reporter.
2. That the services of Mr. J. A. Pelland, as translator of the Official Report of the Debates, be dispensed with, and that he be paid the amount which he, similar to the other members of the staff of translators, is entitled to receive for services up to the 13th instant.

Mr. SOMERVILLE moved, seconded by Mr. CAMPBELL, and the Question being proposed,

That this House doth concur in the Second Report of the Select Committee appointed to supervise the Official Report of the Debates of this House during the present Session.

Objection having been taken to the said Motion on the ground that no notice thereof had been given ;

MR. SPEAKER ruled : “ that the motion could not be put.”

June 14, 1899.

HONORABLE SIR JAMES DAVID EDGAR, Speaker.

Motion ruled out, no notice having been given.

Mr. MULOCK moved, seconded by Mr. SIFTON, and the Question being proposed,

That there be laid before the House, a copy of a letter addressed to the Honorable Charles Fitzpatrick, Solicitor General, by Mr. R. J. McLaughlin, Barrister, of Lindsay, Ontario, on the subject of certain questions placed on the Order Paper by the member for the North Riding of the county of Victoria ;

MR. SPEAKER "ruled the Motion out of order, on the ground that no notice had been given and that accordingly it could not be put."

Journals, House of Commons. Vol. 34, Page 263.

DECISIONS
ON
QUESTIONS OF ORDER

RESPECTING "PETITIONS".

May 7, 1868.

HONORABLE JAMES COCKBURN, Speaker.

Petition out of Order, inasmuch as it asks for a grant of Public money and has not been recommended by the Governor General.

The Honorable Mr. CAMERON (Peel) moved, seconded by Mr. KIRKPATRICK, that the Petition of Thomas Rigney, of the city of New York, in the United States of America, be now received :—

And objection being made by Mr. MACKENZIE to the said petition, inasmuch as its asks for a grant of Public money and has not been recommended by the Governor-General, and therefore cannot properly be received ;—

Mr. SPEAKER decided as follows:—

“Though there is no rule of this House expressly applicable to the question, yet by rule 116, it is ordered that, in unprovided cases, the Rules, Usages and Forms of the English House of Commons are to be followed.

“The practice in England has been clearly against the reception of such Petitions, and I find by a Standing Order of the House of Commons of the 20th March, 1866, it is declared:

“That this House will receive no Petition for
“any sum relating to the Public Service or
“proceed upon any motion for a grant or
“charge upon the Public Revenue, whether
“payable out of the Consolidated fund, or out
“of moneys to be provided by Parliament,
“unless recommended by the “Crown”.

“I think this Rule should be held to be in force here, and that, therefore, the Petition ought not to be received”.

Journals, House of Commons. Vol. 1, Page 297.

April 20, 1869.

HONORABLE JAMES COCKBURN, Speaker.

Petition ruled in order because, contrary to the objection raised, it does not ask for any grant of Public money.

Mr. WRIGHT (Ottawa) moved, seconded by Mr. CURRIER, That the Petition of the Reverend C. Guillaume, curé, and others of the Parish of the St. André Avelin, county of Ottawa, presented to this House, on Friday, the 16th April instant, be now received.

And objection being taken by Mr. MACKENZIE that the Petition prays for the removal of "obstructions," which can only be done by a grant of public money, and is therefore contrary to Parliamentary practice, which prohibits the receipt of Petitions praying for grants of money directly or indirectly ;

Mr. SPEAKER decided as follows:—

" The reception of this Petition is objected to, because of the rule adopted last session, when, for the first time, the English practice was introduced into this Chamber. These are the words in which the decision of the chair was then announced :—

" Though there is no rule of this House expressly applicable to the Question, yet by rule 116 it is ordered that, " in unprovided cases," the Rules, Usages, and Forms of the English House of Commons are to be followed.

“ The practice in England has been cleary
“ against the reception of such Petitions, and
“ I find by a Standing Order of the House of
“ Commons of the 20th March, 1866, it is
“ declared :— *That this House will receive no*
“ *Petition for any sum relating to the Public*
“ *Service or proceed upon any motion for a grant*
“ *or charge upon the Public Revenue, whether*
“ *payable out of the Consolidated Fund, or out of*
“ *moneys to be provided by Parliament, unless*
“ *recommended from the Crown.*”

“ The decision having been given, the House
agreed unanimously to adopt it as the Rule to
be followed in future. The present Petition
does not in my opinion come within that
Rule. It is very general in its terms. It sets
out a variety of facts with reference to the
construction of a work which would no doubt
involve an expenditure of money, but it con-
cludes with these words :—

“ Therefore your Petitioners humbly request
“ that Your Honorable House will take such
“ measures as will cause the obstructions to
“ the navigation to be removed, and an un-
“ interrupted line, to the full capacity of the
“ leading channel and the supply of water from
“ the summit level, opened through out”.

“ Now, as I take it, this is not a petition
asking for a grant, which would be a charge
ou the Public Exchequer, and I do not think
it would be my duty, sitting in this Chair, to
interfere with the right of the people to
petition this House, unless there is a clear

Rule of this House, which would prevent the Petition, beyond a doubt, from being received. I cannot so apply the Rule, for, by express language, it does not cover this case. This is not a Petition asking for money. It is a Petition asking simply for legislation, and were I to say that the Petition come within that Rule, I should be opposing my authority against the rights of the public at large to approach this House.

“If it is the pleasure of the House to exclude Petitions of this class in future, the proper way would be to adopt a substantive Rule which would clearly exclude such Petitions.

“I consider therefore that the Petition must be received”.

Journals, House of Commons. Vol. 2, Pages 22 and 23.

June 21, 1869.

HONORABLE JAMES COCKBURN, Speaker.

Motion to refer a petition to a Select Committee ruled out of Order, as it would involve an expenditure of money.

Mr. McCARTHY moved, seconded by Mr. JONES (Leeds and Grenville), that the Petition of the Town Council of the Town of Sorel, praying that the amount received by the Government for Licenses issued in the said Town may

be credited to their favor in their Municipal Loan Fund account, or for a direct deduction of the amount charged for compound interest in the said Account, be referred to a Select Committee.

And notice being taken, that the motion is not in Order, inasmuch as its adoption would involve an expenditure of money,

“Mr. SPEAKER declared the motion out of Order :—the said Motion was then, with leave of the House, withdrawn.”

Journals, House of Commons. Vol. 2, Page 307.

April 24, 1872.

HONORABLE JAMES COCKBURN, Speaker.

Petitions asking for the appropriation of Public Money ruled out of Order.

A motion being made and seconded, that the petition of R. Abbott, and others, presented on Monday last, praying for such an appropriation as will be sufficient to open the mouth of the *Big Creek* into the waters of Lake Huron, for a Harbor of Refuge, be now received.

MR. SPEAKER ruled : “ That this petition cannot be received, as the granting of the prayer thereof would involve the expenditure of Public Money.”

A motion being made and seconded, that the petition of the Council of the Municipality of the City of Toronto,

presented on Monday last, praying for the adoption of such measures as will render substantial assistance in the construction of the Huron and Ontario Ship Canal, be now received ;

MR. SPEAKER ruled : "That this petition cannot be received, as the granting of the prayer thereof would involve the expenditure of Public Money."

Journals, House of Commons. Vol. 5. Page 41.

April 26, 1872.

HONORABLE JAMES COCKBURN, Speaker.

Petition ruled out because it would involve a charge upon the Revenue.

A motion being made and seconded, that the petition of Charles P. Treadwell, of L'Orignal, Sheriff of the United Counties of Prescott and Russell, presented on Wednesday last, praying for the granting to him of a tract of land to enable him to build Colonization Railways ; and for remuneration for certain services rendered by him, be now received ;

MR. SPEAKER ruled : "That this petition cannot be received, as the granting of the prayer thereof would involve a charge upon the Revenue."

Journals, House of Commons. Vol. 5. Page 51.

May 1. 1892

HONORABLE JAMES COCKBURN, Speaker.

Petition ruled out because it would involve the expenditure of Public Money.

A motion being made and seconded, that the petition of A. E. D. Mackay, and others, presented on Monday last, praying for such an appropriation as will be sufficient to open the mouth of Big Creek into the waters of Lake Erie for a Harbor of Refuge, be now received ;

MR. SPEAKER ruled : "That this petition cannot be received, as the granting of the prayer thereof would involve the expenditure of Public Money."

Journals, House of Commons, Vol. 5. Pages 67 and 68.

May 3, 1872.

HONORABLE JAMES COCKBURN, Speaker.

Petition ruled out of Order because it is not signed.

A motion being made and seconded, that the petition of J. H. O'Donnell, M. D. Secretary, on behalf, of a meeting of certain persons who were imprisoned during the troubles in *Red River*, in 1869 and 1870, praying for a fuller and more impartial investigation into their losses and claims, be now received ;

MR. SPEAKER ruled : " That this petition cannot be received, on the ground that there are no real signatures attached to it."

Journals, House of Commons. Vol. 5. Page 80.

March 13, 1873.

HONORABLE JAMES COCKBURN, Speaker.

No motion can be based on a petition out of Order.

MR. BLAKE moved, seconded by the Honorable Mr. HOLTON, That the Petition of John D. McDonald and Albert Smallfield, complaining of the conduct of the Returning Officer, and certain Deputy Returning Officers concerned in the last Election for South Renfrew, be referred to the Select Standing Committee on Privileges and Elections, with instructions to report their opinion thereon, and the evidence taken by them.

Objection being taken by the Honorable Mr. CAMERON that this Petition was an Election Petition,—that there was no recognizance—and that the Petition could not be entertained, nor any motion made upon it,—or that if a motion were made, it must be to refer the Petition to the General Committee of Elections, under the Controverted Elections Act :—

MR. SPEAKER decided as follows :—

" In my opinion the Petition is an Election Petition. It complains of an undue Election.

Honorable Members have only to read the Petition to see that the whole of the Election, in reference to certain Townships at all events, is complained of. That being the case, the reference of this Petition to any Committee other than the Select Committee pointed out by the Statute is an illegal course to pursue. The law has protected Honorable Members in their seats, and requires that, as a condition before the right to their seats shall be challenged, security shall be given for all costs that may ensue during the trial of the Controverted Election. That security has not been given in this case, and therefore though the Petition is clearly a Petition complaining of an undue Election, it is not a legal Petition, one upon which this House can act and upon which, in my judgment, this House can found any motion. The case that was cited by the Honorable Member for Monck as reported in *Hansard*, affords, I think, a precedent the other way. That case (the Borough of Derby Case) is summed up and presented in a more readable shape, in *Warren*. The Petition was ruled out by Mr. Speaker, because it was an Election Petition, and, inasmuch as it was not endorsed, as required by Statute to show the filing of the recognizance it could not be received, and no motion founded on it could be entertained. It is true that this Petition has been received. It has been improperly received, but still no motion on it can be entertained. The omission to notice a serious defect in the Petition, such as the absence of the certificate or the filing of

the recognizance and affidavit of suretyship, as required by law, is not to place the Petition on the footing of being now a legal Petition. In the case referred to there was another Petition presented afterwards, but that Petition was freed from the objection of being an Election Petition. That part which made complaint against the Election had been struck out, consequently the new Petition was not an Election Petition, and though it was entertained by the House, it was only after serious debate and hesitation, and doubts expressed of the danger of a questionable precedent being thereby established.

“ Whether the House has present jurisdiction over the Returning Officer in the case before us, is a grave question—it may be so, after the fourteen days for presenting Petitions have expired, I will not presume to say to the House what I think upon that point. But in the case referred to by the Member for Monck, the House had jurisdiction because the charge was bribery, and respecting bribery there is a Special Act in force in England which provides a somewhat different mode of trial from that provided in the Controverted Elections Act

“ In my opinion, this Petition being an Election Petition, and not having been accompanied by the required security to answer costs, is a void Petition, and cannot be made the ground work of a motion.”

March 20, 1873.

HONORAULE JAMES COCKBURN, Speaker.

An Election Petition, substantially complying with the requirements of the law, is ruled to be in order.

A Motion being made and seconded, and the Question being proposed, that the Petition of Henry Edmund Ritter, Engineer, François Girard, Shipbuilder, Nathaniel *alias* Emmanuel Crépeau, Accountant, Pierre Adolphe Boucher, Merchant Tailor, Charles Gélinas, Merchant and Town Councillor, Joseph Louis Célestin Labaie, Joiner, and Elzéar Olivier Lesieur, Joiner, all of the town of Sorel, in the County and District of Richelieu, in the Province of Quebec, in the Dominion of Canada, be now received ;

And objection being made to the reception of the said Petition, for the reason that Mr. Speaker's certificate did not show that such a recognizance as is required by Section 17, of Chapter 7 of the Consolidated Statutes of Canada, had been entered into and received with the affidavit of sufficiency of sureties ; that the words in the certificate "*purporting to be a recognizance, &c.,*" are not sufficiently certain, and are not in accordance with the Statute ; and lastly, that the Statute referred to in such certificate is not correctly cited, and is calculated to mislead ;

MR. SPEAKER decided as follows :—

" I think the certificate substantially complies with the requirements of the 17th section ; it follows the form used in the last

Parliament, which, if not strictly accurate, yet gives the House all the information which is needed at present to establish this to be a proper Election Petition: objections to the Recognizance and Affidavit are to be considered hereafter; the miscitation of the Statute is immaterial. I recommend to the House that the Petition be received."

Journals, House of Commons. Vol. 6. Page 44.

March 20, 1873.

HONORABLE JAMES COCKBURN, Speaker.

Petitions respecting an election ruled out of Order, because they do not comply with the law.

A motion being made and seconded, That the Petition of John Forrest and others, of the Township of McNab; the Petition of John D. McDonald and others, of the Village of Renfrew; the Petition of James Johnstone and others, of the Township of Horton; the Petition of John Wallace and others, of the Townships of Bagot and Blythfield; the Petition of John Smith and others, of the Township of Admaston; and the Petition of William Russell and others, of Arnprior, all Electors of the South Riding of Renfrew, in the Province of Ontario and Dominion of Canada, presented on Tuesday last; severally complaining of certain illegal practices during the late Election for the South Riding of the County of Renfrew, and praying that

the Returning Officer of the Electoral District, together with the Deputy Returning Officers for the Townships of Hagarty, Sherwood, Jones, Burns and Richards may be summoned to the Bar of the House, to be there examined in the premises, and that steps may be taken to punish them for any illegal practices, of which they may be found to have been guilty, be now received ;

MR. SPEAKER ruled : "That as these Petitions are Election Petitions, and Certificates of the Speaker as to the Recognizances are not attached thereto, they cannot be received".

Journals, House of Commons, Vol. 6. Page 48.

March 21, 1873.

HONORABLE JAMES COCKBURN, Speaker.

Decision respecting the reception of a petition :—That Parliament is formally opened only on the day following the election of the Speaker.

A motion being made and seconded, and the Question being proposed, That the Petition of Henry Smallpiece, of the Ward of St-James, in the Electoral District of Centre Toronto, in the City of Toronto, in the Province of Ontario, in the Dominion of Canada, be now received ;

And objection being taken by Mr. EDGAR to the reception of the said Petition, for the reason that, it being an Election Petition, it should have been presented within the first fourteen days of the Session ; and that, counting

the day on which this House met for the election of a Speaker as the first day of the Session, the said Election Petition was presented too late ;

And a debate arising thereupon, the Question was postponed till monday next.

At monday's sitting, March 24, 1873, Mr SPEAKER decided as follows :—

“ Although Honorable Gentlemen have spoken of this question as a question of law, I believe it is strictly a question of order, for any matter respecting the practice of Parliament is and ought to be considered a question of order. I feel that whatever doubt I had, when I expressed my opinion, in 1867, in the Beauharnois case, has been entirely removed by the researches I have made, within the last few days, in authorities on Constitutional Law. It is clear to me that the first day of a session of Parliament is that day on which the Sovereign opens Parliament with a Speech, giving the causes for summoning Parliament. The Parliament is composed of three distinct branches, the Queen, the Senate and the House of Commons. On the day of the Return of the Writ of Summons, the fifth day of March, if it is true that the Members of the House of Commons went individually to the Senate Chamber, and were there informed by His Excellency, or by the Speaker of the Senate for His Excellency, that it was their duty to elect a Speaker. That was not an assembling of Parliament, the three branches of Parliament were not there ; the House of Commons as a House Commons was not there ; the Mace, the symbol of its authority,

was not there : the Speaker was not there. It is said that the House of Commons has no eye, no ear, nor mouth without a Speaker. It has no ear to heary the Speech of His Excellency, no voice to ask that its ancient privileges be maintained ; consequently, it was only there as a collection of individuals. The Commous then returned to this Chamber by command of His Excellency, to elect their Speaker. They could do nothing more. It is clear from the authorities that they had no power to do any thing else, because their power were derived from the mandate of the Governor General, and that was confined to the one subject to elect a Speaker, and then incidentally to this, to adjourn immediately afterwards. English precedents show that it is not open to the House of Commons to transact any other business whatever, after the election of the Speaker, except to immediately adjourn. The first day, the 5th of March, was not therefore the day of the assembling of Parliament. It was not until the 6th of March, that Parliament was formally opened by the Speech from the Throne.

“ Mr. Speader then quoted from Hatsell, Dwarris, May and Todd, for the information of the House.

“ He then continued :—

“ All the authorities go to show that the Parliament is only opened when the three States of the Realm are met together, and is not supposed to be seized of any public business until the Speech from the Throne is delivered. The argument was advanced by some Honorable Members that the day on which the

Speaker was elected was the first day of the assembling of Parliament. This view is unsound in a legal and constitutionnal sense. No doubt, in a popular sense, this House has always been considered as in Session on the first day of its meeting. And so the Journals have set forth. But Honorable Members must bear in mind that no Journals can be set up against the law of the land. And it is clear, under the Statute which limits the time for presenting Election Petitions, that we must look to the Constitutional Law and act upon it. Now it seems to me, in connection with this particular Petition, as a peculiarly strong argument for saying that the first day should not be counted, because on that day it is quite clear that no Petition could have been presented to this House. I have then to say that it is my opinion that the Petition ought to be received ”.

Journals, House of Commons. Vol. 6, Pages 52 and 58.

February 22, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petitions ruled out of Order, because they would involve the expenditure of public money.

Motions being made and seconded, that the Petition of J. Dewar and others, of the Townships of Bruce, Kincardine and Greenock, County of Bruce, praying for the construction of a Breakwater upon the small shoal lying

outside Inverhuron Pier, and also for an extension of said Pier ; the Petition of Alexander Yuill, of the Township of Ramsay, praying that a Committee may be appointed to enquire into, and allow him compensation for certain losses alleged to have been sustained by him through a decision of the Provincial Arbitrators ; and the Petition of John Fair, of Township of Dunham, County of Missisquoi, setting forth that he was severely wounded during the Fenian Invasion on the Missisquoi Frontier, in the year 1866, and praying compensation for services rendered, be now read and received ;

MR. SPEAKER ruled :—“That these Petitions cannot be received, as the granting of the prayers thereof would involve the expenditure of public money.”

Journals, House of Commons. Vol. 9, Page 107.

March 3, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition out of Order, because it would involve the expenditure of public money.

A motion being made and seconded, that the Petition of Messrs. W. Higinbotham and Company and others, presented on Monday last, praying that the depth of water in the enlarged Welland Canal may be increased, so that the largest class of vessels employed on the Upper Lakes may pass freely downward to Lake Ontario, be now read and received ;

MR. SPEAKER, ruled :—“That this Petition cannot be received, as the granting of the prayer thereof would involve the expenditure of public money.”

Journals, House of Commons. Vol. 09, Page 152.

Motion for reading and receiving a petition ruled out of Order, no notice having been given.

MR. DUMVILLE moved, seconded by Mr. PLUMB, and the Question being proposed, that the Rules of this House be suspended, and the Petition of Messrs. John T. Fraser and Company, presented this day, be now read and received ;

And objection being taken to this motion on the ground that no notice had been given :

MR. SPEAKER ruled :—“That the motion was out of order.”

Journal, House of Commons, Vol. 9, Page 152.

March 8, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Motion to refer a petition to the Committee of Public Accounts, ruled out of Order because it could not be moved before it was called according to the Notice Paper.

MR. DONVILLE moved, seconded by MR. PLUMB, and the Question being proposed, that the Petition of Messrs. John T. Fraser & Co., be referred to the Committee on Public Accounts, and that the Petitioners be heard by themselves, their Counsel, agents and witnesses upon their Petition, if they think fit ;

And objection being taken to this motion, as one now on the Notice paper and undisposed of ;

MR. SPEAKER consequently ruled :—“ That the said motion was out of Order, until it was called.”

Journals, House of Commons. Vol. 9, Page 177.

March 10, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition ruled out of Order, because it would involve the expenditure of public mouny.

A Motion being made and seconded, that the Petition of Alexander Muir, and others, of Port Dalhousie, praying that the depth of water in the enlarged Welland Canal may be increased, so that the largest class of vessels employed on the Upper Lake may pass freely downward to Lake Ontario, be now received ;

MR. SPEAKER ruled :—“ That this Petition cannot be received, as the granting of the prayer thereof would involve the expenditure of public money.

Journals, House of Commons. Vol. 9. Page 195.

March, 11, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition out of Order, because involving a public charge it could only be received upon the recommendation of the Crown.

A Motion being made and seconded, that the Petition of Thomas B. White and others, of the County of Essex, presented on Tuesday last, praying that a small duty may be imposed upon building and limestone imported into Canada, be now received.

MR. SPEAKER ruled :—“That as the prayer of this Petition involves a public charge, it cannot be received, unless recommended by the Crown.”

Journals, House of Commons. Vol. 9. Page 205.

March 17, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition ruled out of Order, because it would involve the expenditure of public money.

A motion being made and seconded, that the Petition of George Campbell and others, of Windsor, presented on Monday last; praying that the depth of water in the enlarged Welland Canal may be increased, so that the largest class of vessels employed on the Upper Lakes may pass freely downward to Lake Ontario, be now received;

MR. SPEAKER relud :
"That this Petition cannot be received, as
the granting of the prayer thereof would incur
the expenditure of public money."

Journals, House of Commons. Vol. 9. Page 235

Similar Petitions, for the same object, ruled
out of Order for the same reason.

Journals, House of Commons, Vol. 9. Pages 127, 169,
175, 222.

March 18, 1875

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition ruled out of Order, because invol-
ving a public charge, it cannot be received
unless recommended by the Crown.

A motion being made and seconded, that the Petition
of J. B. Saunby and others, of London, Ontario, presented
on Tuesday last ; praying that a duty be imposed upon all
flour imported into Canada from the United States, be
now read and received.

MR. SPEAKER said :
"That as the prayer of this Petition involves
a public charge, it cannot be received unless
recommended by the Crown."

Journals, House of Commons. Vol. 9. Page 241.

March 22, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition out of Order, because involving a public charge, it cannot be received unless recommended by the Crown.

A motion being made and seconded, that the Petition of the Saint Francis and Mégantic International Railway Company, presented on Saturday last; praying for the passing of an Act authorizing the Commissioner of Customs to grant an exemption from duty on such rolling stock as may be, or has been imported by them, be now received ;

MR. SPEAKER ruled :

“That as the prayer of this Petition involves a public charge, it cannot be received unless recommended by the Crown.”

Journal's, House of Commons. Vol. 9. Page 260.

March 24, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petition out of Order, because involving a public charge, it cannot be received unless recommended by the Crown.

A Motion being made and seconded, that the Petition of the North Shore Railway Company, presented on Monday last, praying for the passing of an Act authorizing the Commissioner of Customs to grant an exemption from duty on such rolling stock as may be imported by them, be now received ;

M. SPEAKER ruled :

“ That as the prayer of this Petition involves a public charge, it cannot be received unless recommended by the Crown.”

Journals, House of Commons. Vol 9. Page 269.

March 27, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petitions out of Order, because involving a public charge they cannot be received without the recommendation of the Crown.

A Motion being made and seconded, that the Petition of the Levis and Kennebec Railway Company,—the Petition of the Missiquoi and Black River Railway company, —the Petition of the Phillipsburg, Farnham and Yamaska Railway Company,—and the Petition of the Waterloo and Magog Railway Company ; severally praying for the passing of an Act authorizing the Commissioner of Customs to grant an exemption from duty on such rolling stock as may be imported by them, be now read and received ;

MR. SPEAKER ruled :

“That as the prayer of these Petitions involves a public charge, they cannot be received unless recommended by the Crown.”

Journals, House of Commons. Vol. 9. Page 287.

SESSION OF 1876.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petitions not received because they involved a public charge.

—Of the Roxton Pond Tool Company, and others, plane-makers of Canada, praying that duties may be imposed upon Planes imported from the United States into Canada equal to those imposed by the United States on like articles of Canadian manufacture ;

—Of the Dominion Board of Trade, praying for the adoption of such measures as will secure the restoration of the differential duty of ten per cent on tea and coffee imported from the United States ;

—Of Messrs. Lymans, Clare and Company, and others, manufacturers and others, of the Province of Quebec, praying for certain changes in the mode of levying duties, the imposition of duties on gold values of certain articles therein mentioned, and that the same duty be levied on machinery imported in separate parts, as would be levied if the same were put together in working order ;

—Of R. W. Heneker, and others, manufacturers, merchants and others, of the city of Sherbrooke, praying that a revision of the Tariff may be made, and that protection may be introduced for an increase of the standard rate of duties from $17\frac{1}{2}$ to 30 per cent, on all articles included amongst the manufacturers of the Dominion.

Journals, House of Commons. Vol. 10, Pages 58, 76, 86, 92.

Petitions ruled out of Order, because the granting of their prayers would involve the expenditure of public money.

—Of J. Sanders and others, owners, captains of vessels, seamen and others, praying that an appropriation may be granted for the improvement of the Port of Whitby Harbor.

—Of William R. Taylor, and others, owners and captains of vessels, praying that an appropriation may be granted for the improvement of the Port of Whitby Harbor.

—Of Dugald B. McNab, of Sydney, Cape Breton, praying that a pension may be allowed him in consideration of his long and faithful public services as a Crown Land Surveyor in Cape Breton ;

—Of Martin Stevens, and others, of Noël and vicinity, praying for the construction of a breakwater ;

—Of A. Bufountain, and others, shipowners, shipmasters, and others, of the Province of Nova Scotia, praying for the construction of a Breakwater at Main-à-Dieu Harbor ;

—Of the Reverend P. J. Saucier, and others, merchants and others of Cape Cove, County of Gaspé, praying for the construction of a Breakwater at Cape Cove ;

—Of Charles Dickson, and others, shipowners, shipmasters and others, of Main-à-Dieu, Cape Breton, praying for the construction of a Breakwater at Main-à-Dieu Harbor ;

—Of Allan McAdam, and others, of North Side, East Bay, Cape Breton, praying that an appropriation may be granted for the construction of a wharf in a central position in St. Andrew's channel.

Journals, House of Commons, Vol. 10, Pages 70, 79, 81, 92, 203, 204, 215.

March 13, 1876.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petitions out of order, there being no signature on the sheets containing the prayers of the Petitions.

A Motion being made and seconded, That the Petition of Alexander Murdoch and others, of Lower Napan, Lower Chatham and Point aux Chars ; and the Petition of John Grant and others, of the County of Northumberland, New Brunswick, presented on Friday last ; severally praying that certain Regulations may be enforced with respect to the Salmon fisheries of the Miramichi and the fisheries of Fox Island and Portage Island, be now received ;

MR. SPEAKER decided :—“ That in accordance with Rule 86, which requires the signatures of

at least three petitioners on the sheet containing the prayer of the Petition, and the sheets of the prayers of these Petitions not having any signature at all, they cannot be received."

Journals, House of Commons. Vol. 10, Page 131.

March 23, 1876.

HONORABLE TIMOTHY WARREN ANOLIN, Speaker.

A Petition containing no prayer is out of Order.

A Motion being made and seconded, That the memorial of the Chamber of Commerce of the city of Milwaukee, U. S. ; the memorial of the Board of Directors of the Northern Transit Company ; the memorial of the Toledo Produce Exchange, Ohio, U. S. ; the memorial of the Cleveland Board of Trade, U. S. ; the memorial of the Board of Trade of the city of Detroit, U. S. ; and the memorial of the Board of Trade of the city of Chicago, U. S. ; severally presented on Monday last, and representing that the suspension of navigation upon the Welland Canal on Sundays has become a serious impediment to commerce, be now received ;

MR. SPEAKER ruled :—"That these memorials cannot be received, as they contain no prayer."

Journals, House of Commons. Vol. 10, Page 180.

March 28, 1876.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

It is out of Order to attach appendices to Petitions.

The House resumed the consideration of the Motion which was, yesterday, proposed, That the Petition of F. X. A. Biron, Notary, and others, of the district of Richelieu, Province of Quebec, setting forth certain charges of gross neglect of duty, injustice, extortion, partiality, etc., against Mr. Justice Loranger, and praying for a remedy, be now received ;

And objection having been taken to the reception of the Petition on the ground that it contained several appendices.

MR. SPEAKER decided :—“ That the objection was well taken, and that the Petition cannot be received by the House.”

Journals, House of Commons. Vol. 10, Page 212.

February 16, 1877

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Petitions of a general character, signed by persons other than those immediately interested and asking for a modification or change of the financial or fiscal policy of the Dominion, on the ground that such change will be bene-

ficial to the country at large, stand precisely in the position of petitions asking for an imposition of taxes for general purposes and may consequently be received by the House.

MR. SPEAKER said :—

“ In respect to the Petition of Henry Mitchell, and others, interested in the Coal Trade and Shipping interests of the Dominion, which was not received yesterday, I have to state to the House that I have since considered the question carefully. The objection to the asking of bounties will, I think, only apply to cases where an individual or individuals personally interested, ask for such bounty as will be profitable to themselves. Where the Petition is of a general character, and is signed by persons other than those immediately interested, and, in fact, asks for a modification or change of the financial or fiscal policy of the Dominion, on the ground that such change will be beneficial to the country at large, then such a Petition stands precisely in the same position as one asking for an imposition of taxes for general purposes. On examination of this Petition, I may state that I see no reason to conclude that it is signed exclusively by persons immediately and directly interested, and I am therefore of opinion that it can be properly received.”

February 19, 1877.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Aliens, not resident in Canada, have no right to petition the Parliament of the Dominion.

The Petition of the Board of Trade of the city of Detroit; the Petition of the Board of Trade of the city of Chicago; the Petition of the Board of Trade of the city of Oswego; the Petition of the Produce Exchange of the city of Toledo; the Petition of the Chamber of Commerce of the city of Milwaukee, and the Petition of the Board of Trade of the city of Cleveland, United States; severally praying for some mitigation of the evils attendant upon the detention of Steamers and Vessels with passengers, crews and cargoes upon the canals from Saturday nights until Monday mornings, being read.

A motion was made and seconded, That the said Petitions be now received;

MR. SPEAKER ruled :—“That these Petitions could not be received, on the ground that Aliens, not resident in this country, had no right to petition this Parliament, and that this House could not receive any Petitions from such persons.”

Journals, House of Commons. Vol. 11, Page 41.

April 26, 1878.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

The time for receiving Petitions for Private Bills having expired, such Petitions are out of Order and cannot be received.

The Petition of Ferdinand Maccullough, and others, of the city of Montreal, praying for the repeal of the Act incorporating the Canadian Securities Company (Limited), being read ;

A motion was made and seconded, That the said Petition be now received ;

MR. SPEAKER ruled :—“That in accordance with Ruled 49, the time for receiving Petitions for Private Bills having expired, it cannot be received.”

Journals, House of Commons. Vol. 12, Page 217.

February 24, 1879.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

A Petition is out of Order and cannot be received, when the sheet containing its prayer does not contain the signatures of at least three Petitioners.

The Petition of David McDonald, and others, of the County of Victoria, Province of Nova Scotia, presented on Thursday last ; praying that Telegraphic communication may be established connecting the Islands of the Gulf of St. Lawrence with the remote points of the mainland, being read ;

MR. SPEAKER ruled :—That in accordance with Rule 85, which requires the signatures of at least three Petitioners on the sheet containing the prayer of the Petition, and the sheet of the prayer of this Petition not having any signature at all, it cannot be received."

Journals, House of Commons, Vol. 13, Page 32.

March 10, 1879.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

1—Petitions ruled out of Order, because the granting of their prayers would involve the expenditure of Public Money.

2—Petitions not in Order, because the sheets containing the prayers do not bear the signatures required by the Rules of the House.

The three following Petitions were also read :—

Of Allan Macdougall, Harbor Master, of Inverhuron, and others, Merchants and others, of the Townships of Bruce and Kincardine ; praying that such further sum of money be granted as will place the Government Pier at Inverhuron in an efficient state of repair.

Of the Rev. Joseph Sirois, Curé, and others, of the parish of Baie St. Paul, County of Charlevoix ; praying that a sufficient sum of money may be voted to complete the landing stage at Baie St. Paul.

Of the Honorable G. W. Allan, and others, of the city of Toronto; praying that a sufficient sum of money may be voted for the protection and preservation of the Toronto Harbor.

MR. SPEAKER ruled :—

“That as the granting of the prayers of these petitions would involve the expenditure of Public Money, they cannot be received.”

The two following Petitions were also read :—

Of John Doull, and others, Merchants and others, of Halifax; and L. E. Baker, and others, Merchants and others, of Yarmouth, Province of Nova Scotia; severally praying for the suspension or repeal of the present Insolvent Law, and the substitution in its place of an Act for the prevention of preferential assignments.

MR. SPEAKER ruled :—

“That in accordance with Rule 85, which requires the signatures of at least three Petitioners on the sheet containing the prayer of the Petition, and the sheets of the prayers of these Petitions not having any signature at all, they cannot be received.”

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

Petitions ruled out of Order, because the granting of their prayers would involve an expenditure of Public Money.

March 14, 1879.

The Petition of François Xavier Dion, Mayor, and others, of St. François, Ile d'Orleans ; praying for a sum of money towards the construction of a wharf in the said locality.

March 19, 1879.

The Petition of Andrew Hood, of Dunnville, County of Haldimand, Province of Ontario, late a Provincial Land Surveyor ; praying that action may be taken by the House as will ensure the payment of a long deferred claim against the Government.

Journals, House of Commons. Vol. 13, Pages 87 and 134.

March 30, 1880.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

Petitions of Aliens, not resident in Canada, cannot be received by the House.

The Petition of O. N. Brown, and others, Mariners and Vessel Owners, of Oswego, New York, presented on Tuesday, the 23rd March instant ; praying that the House may take such measures as may seem most desirable for

the construction of a Harbor of Refuge at or near Long Point, Lake Erie, being read ;

MR. SPEAKER ruled :—

“That this Petition could not be received, on the ground that Aliens, not resident in this country, had no right to Petition this Parliament, and that this House could not receive any Petition from such persons.”

Journals, House of Commons. Vol. 14, Page 165.

December 23, 1880.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

A Petition containing no prayer cannot be received by the House.

The Petition of John Leckie, and others, of the Village of Brussels, County of Huron, presented on Tuesday last, representing that the terms of the Contract relating to the Canadian Pacific Railway now before Parliament, are not advantageous to the people of Canada, as the proposed scheme creates a land monopoly which must be detrimental to the greatest possible extent to the best interests of Canada, being read ;

MR. SPEAKER ruled :—

“That this Petition cannot be received, as it contains no prayer.”

Journals, House of Commons. Vol. 15, Page 63.

January 17, 1881

HONORABLE JOSEPH GODERIC BLANCHET, Speaker

A Petition with an Appendix, having been received by the House.

The Petition of J. C. McEwan, Reeves and others, of the Village of Tiverton, County of Rice, presented on Thursday last; praying that the agreement entered into with the Syndicate for the construction of the Canadian Pacific Railway, may not be ratified by Parliament, being read,

MR. SPEAKER ruled:—

“That as this Petition contains several Appendices, it cannot be received.”

Journals, House of Commons. Vol. 15, Pages 88 and 89.

February 15, 1881.

HONORABLE JOSEPH GODERIC BLANCHET, Speaker.

A Petition complaining of the undue Return of a Member for an Electoral Division is out of Order, Parliament having referred such matters to the jurisdiction of the Courts of Justice.

MR. SPEAKER gave his decision on the point of Order raised on Thursday, the 3rd february instant, by the Honorable Member for *Bagot*, on the Question for the reception of the Petition of *Edmund Ritter* and others, of *Sorel*, as follows:—

“ After having given a most careful consideration to the Petition of *Edmund Ritter* and others, of *Sorel*, representing that there has been a failure of justice in the matter of the trial of the Election Petition complaining of an undue Return for the Electoral Division of *Richelieu*, and praying to be allowed to make proof before this House of the allegations therein made, I am of opinion that the same cannot be properly received, for reasons which I now propose to state.

“ The Petition sets forth, that on the 4th November, 1878, a Petition was filed in pursuance of the Statute in the Superior Court at *Sorel*, by two duly qualified Electors, contesting the Election of the Member elect for *Richelieu* for corrupt practices by himself and agents. Later in the same month a counter Petition was filed by the Member elect against Mr. *Barthe*, his opponent at the said Election. On the day appointed for the trial, Mr. Justice *Gill* dismissed the two Petitions for want of proof. His judgment, declaring the sitting Member duly elected, was forwarded to this House, in accordance with the law governing such matters, and was recorded in the Journals. The present Petitioners now allege that the trial was not brought to issue in good faith, but that it was conducted collusively with the view of preventing any full investigation into the corrupt practices charged against the sitting Member. They declare that had they been substituted for the original Petitioners and permitted to come into Court, they would have been able to prove that the Member elect

had been returned to Parliament by means of corrupt practices committed by his agents and himself personally. They declare that he has no right to the seat he has occupied up to the present time, and pray the House to allow them to come forward and lay before it all the evidence necessary to prove their various allegations. In other words, they wish this House to re-open the whole case, and review not only facts previous to the judgment of the Court, but such evidence as they may desire to adduce with respect to the serious allegations set forth in their Petition.

“ Now the only question that this House has to consider is whether this Petition is not in effect a Petition, questioning the return of a Member, which, as it has been admitted on both sides, cannot be properly received by The House, in view of the fact that it has divested itself of its right of trying such matters by referring them to the jurisdiction of an independent judicial tribunal. In handing over this power to the Courts, the House still reserved to itself the right of taking notice of any legal disabilities affecting its Members, and issuing writs in the room of Members judged to be incapable of sitting, but the Petition now under consideration, both in its terms and scope, is a Petition questioning the Return of a Member, and not within the purview of this House.

“ By the Act 37 *Victoria*, Chapter 10, the House of Commons divested itself of its original jurisdiction for the trial of all matters growing out of the Election and Return of

Members having the right to sit therein, including the withdrawal and abatement of any Election Petition in consequence of alleged corrupt agreement between the parties concerned. That power now belongs to the Courts of Justice, which try all election cases in conformity with the Statutes in that behalf provided.

The 63rd Section of the Dominion Controverted Elections Act, 1874, expressly provides that all Elections held after the passing of the said Act shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith, showing clearly that the determination of the judicial body to whom that power has been delegated is final to all intents and purposes.

Now the Petition in question declares in express terms that the sitting Member has no right to the seat he occupies; and were the prayer of the Petitioners granted, the logical result would be the virtual resumption by The House of the jurisdiction which it has in its wisdom handed over to the Courts. It asks the House to sit as a Court of Appeal upon a judgment rendered by a Court of Justice, though such judgment ought to be final according to the law.

“ It the Petition should be received it would then be competent for any Member to move that it be referred to a Committee; and if such a motion were agreed to, the various allegations in the Petition would constitute the order of reference by which the Committee would be governed in its proceedings. In this

way, a door would be opened to the indiscriminate reception of Petitions attacking generally the Return of Members, though not governed by any of those formalities necessary even in those times when the House possessed full jurisdiction over Controverted Elections. To grant the prayer of the Petition, would be to violate the general principle which lies at the basis of all the Legislation adopted by the English Parliament since 1363, and by the Canadian Parliament since 1873, that the Court should alone adjudicate on matters of Controverted Elections. When the law has been proved to be inadequate to provide a sufficient remedy in any case, then Parliament has always come forward, as the various Statutes in Amendment of the Act of 1874 prove, and passed the Legislation necessary in the premises.

“ The principle which guides Parliament in such cases can be understood by reference to a Statute passed in 1876. When no Petition charging the existence of corrupt practices has been presented under the Act for the trial of Controverted Elections, then 25 or more Electors of a district can sign and present a Petition in which they state that corrupt practices have prevailed, or that they have reason to believe that such practices have extensively prevailed at an Election; but that Petition must be accompanied by a solemn declaration under the Statute in that behalf, signed by the said Electors stating that their allegations are true to the best of their knowledge and belief. They must also deposit with the Accountant

of the House of Commons a sum of One thousand dollars. That Petition must be presented within 60 days after the publication in the *Canada Gazette* of the Return of the Election if the House is sitting, or if Parliament is not sitting, within 14 days after the next meeting of Parliament. Even in this case the House does not take cognizance itself of the allegations set forth in the Petition. It may only present an address to the Governor-General praying him to cause an inquiry to be made in such matters, and accordingly a Commission of inquiry is issued with such powers as determined by Statute.

“It will therefore be seen that this Petition is irregular :

“1st. Because it asks The House to sit in appeal of a judgment rendered in conformity with the provisions of the Dominion Controverted Elections Act, 1874 ;

“2ndly. Because it is not in compliance with the requirements of 39 Victoria, Chapter 10, ‘An Act to provide for more effectual enquiry into the existence of corrupt practices at Elections of Members of the House of Commons,’ nor with those of 42 Victoria, Chapter 6, ‘An Act to amend an Act to provide for more effectual inquiry into the existence of corrupt practices at Elections.’

“In view then of the fact that the Petition is in conflict with the letter and spirit of the law which goverus The House in such cases, and does in effect question the right of an Honorable Member to his seat, I have to decide that the Objection raised by the Honorable

Member for Bagot is well taken, and that the Petition cannot be received."

Journals, House of Commons. Vol. 15, Pages 199 and 200.

March 23, 1892.

HONORABLE PETER WHITE, Speaker.

Petition for a Private Bill ruled out of Order, the time for receiving such Petitions having expired.

The Petition of the Cobourg, Northumberland and Pacific Railway Company, presented on Monday last; praying for the passing of an Act to extend the time for the commencement and completion of their Railway, being read;

MR. SPEAKER decided:—

"That the time for presenting Petitions for Private Bills having expired, it cannot be received."

Journals, House of Commons. Vol. 26, Page 160.

DECISIONS
ON
QUESTIONS OF ORDER.

RESPECTING
"SUPPLY"—"WAYS AND MEANS"

— ALSO —

THE FINANCIAL CLAUSES OF A BILL RESPECTING
THE MILITIA

May 1, 1868.

HONORABLE JAMES COCKBURN, SPEAKER.

No sub-amendment can be proposed to an amendment to the motion that Mr. Speaker do leave the Chair—for the House to resolve itself into Committee of Supply.

The Order of the Day for the House again in Committee of Supply, being read ;

The honorable MR. ROSE moved, seconded by the honorable SIR. JOHN A. MACDONALD, and the Question being proposed, That Mr. Speaker do now leave the Chair :—

The honorable MR. HOLTON moved, in amendment to the Question, seconded by MR. MACKENZIE, that all the words after " That " to the end of the Question be left out, and the words " it is expedient to provide for the reduction, on the first day of July next, of the salary of the Governor-General to \$35,000 per annum, and of the salaries of all officers and employes of the Government receiving more than \$800 per annum, to the extent of all least twelve and one-half per cent, and also to provide that no salaried officer shall receive any emolument for special services, " inserted instead thereof.

And objection being taken by the honorable MR. DUNKIN, that this motion is out of order, on the ground that being in its nature complex and such as to require division in order to a regular vote thereon, it is yet moved as an amendment to the motion to go into Committee of Supply, therefore by the Rules of the House (if so put) cannot be divided or any amendment thereto so much as moved.

MR. SPEAKER then decided on the objection of the honorable member for Brome to the proposed amendment to the Question, That Mr. Speaker do now leave the Chair (for the House again in Committee of Supply) as follows :—

" This motion which contains three distinct propositions, on each of which a separate question might be put (and is consequently a complex motion) is not therefore irregular or out

of Order. The House could in general, according to precedent, order a complicated motion to be divided. But that could only be done by amending the motion, which cannot be done now, for but one amendment can be moved in going into Committee of Supply. Therefore the motion must stand or fall as a whole. The difficulty pointed out by the honorable member for Brome is one which does not affect the regularity of the motion, and that is all that I have to deal with."

Journal, House of Commons. Vol. 1, Pages 268 and 270.

May 16, 1868.

HONORABLE JAMES COCKBURN, SPEAKER.

Sub-amendment and amendment ruled out of Order, because their adoption would involve the expenditure of a larger sum of money than that recommended by His Excellency's Message.

The House resumed the adjourned Debate upon the amendment, which was, yesterday, proposed to be made to the proposed amendment to the Question, that the report of the Committee of the whole House on the Bill respecting the Militia and Defence of the Dominion of Canada, be now received ; and which amendment was, that all the

words after "now" to the end of the Question be left out, and the words re-committed to a Committee of the whole House for the purpose of considering the following Resolutions :—

1. Resolved, That it is inexpedient and unjust that the Militia Staff Officers should receive large sums of money for their services, while the Battalion and Company Officers, upon whom the expense and labor of keeping up the Volunteers devolve, are most inadequately paid for their labor and expense.

2. Resolved, That no money shall be paid to the Staff Officers for their services until such time as all the Officers of the Force are properly considered and provision made for their payment upon a just and equitable basis, according to their respective duties and rank, "and amendment to the said proposed amendment was that the words" considering the following Resolutions :—

1. Resolved, That it is inexpedient and unjust that the Militia Staff Officers should receive large sums of money for their services, while the Battalion and Company Officers, upon whom the expense and labor of keeping up the Volunteers devolve, are most inadequately paid for their labor and expense.

2. Resolved, That no money shall be paid to the Staff Officers for their services until such time as all the Officers of the Force are properly considered and provision made for their payment upon a just and equitable basis, according to their respective duties and rank, "be left out, and the words" so adjusting the expenditure for the Militia purposes, that the officers of the service Militia and Volunteers, when employed as such, may receive such

allowance as will distinguish between their respective ranks and that of the men," inserted instead thereof.

And the Question on the amendment to the said proposed amendment, being again proposed ;

And notice being taken by the honorable MR. HOLTON, that the said amendment to the proposed amendment is not in order ;

MR. SPEAKER decided :—

"That the amendment to the said proposed amendment is not in order, inasmuch as its adoption would involve the expenditure of a greater sum than that recommended by His Excellency's Message."

And the question on the amendment to the original Question being again proposed ;

And notice being taken by the honorable SIR JOHN A. MACDONALD, that the said amendment is not in order ;

MR. SPEAKER decided :—

"That the said amendment is not in order, inasmuch as, if adopted, it would be an instruction to the Committee to consider certain Resolutions which could have been considered without any instructions from the House, and moreover that it involves an increase of the public expenditure over that recommended by the Message from His Excellency the Governor-General."

April 21, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

A sub-amendment not pertinent to the amendment to the main motion is out of Order.

The 15th Resolution being read a second time, as followeth :

15. Resolved, That a sum not exceeding Six Thousand five hundred dollars be granted to Her Majesty, to defray expenses of Dominion Offices, New-Brunswick, for the year ending 30th June, 1871.

MR. MACKENZIE moved, seconded by the honorable MR. HOLTON, That this House regrets that the Gouvernement should have deemed it necessary to increase the salaries of Officers in the Public Service, at a time when the utmost economy is absolutely necessary, when there is a deficit in the Revenue, and when this House has reduced the salaries paid to its Officers.

MR. MASSON (Soulanges) moved, seconded by MR. PINSONNAULT, That no Public Employee shall receive more than one salary, and that the word " Salary " shall mean annual or temporary salary, emolument, fee, payment, compensation, or allowance of any kind whatsoever ;

And objection being taken, that this motion is out of order, inasmuch as the two motions have no connection with one another :

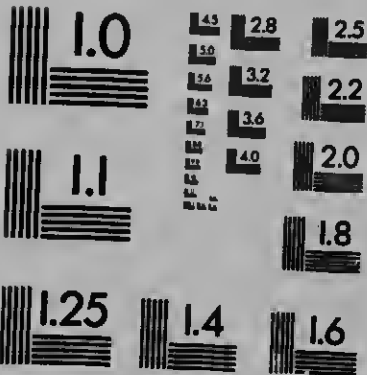
MR. SPEAKER decided as follows :—

" The question is on the motion for granting the sum of \$6,500.00 for the Dominion offices,



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New Brunswick, and the honorable member for Lambton moves, "That this House regrets that the Government should have deemed it necessary to increase the salaries of Officers in the Public Service, at a time when the utmost economy is absolutely necessary, when there is a deficit in the Revenue, and when this House has reduced the salaries paid to its officers." This latter motion I must treat as a distinct substantive proposition. It is not offered in amendment to the Resolution; the House is not asked to reduce or recall that vote; it is not proposed to refer the Resolution back to the Committee, but is a substantive proposition, and as proposed to the House I must treat it *per se*. Then the Motion of the honorable member for Soulanges, who has moved an amendment respecting salaries, I think, is not pertinent to the motion of the honorable member for Lambton, and I think cannot be said to be in order. It seems to me to be most unreasonable, most illogical, that a general proposition, such as that of the honorable member for Lambton, should be amendable by the proposition of the honorable member for Soulanges. The latter is not in its form proposed as an amendment; it does not propose to strike out or to add anything to the motion. It is a separate proposition standing alone, and quite distinct from the other. Therefore, I decide that it is not in Order."

May 10, 1870.

HONORABLE JAMES COCKBURN, SPEAKER.

The House can concur into a Resolution reported from the Committee of Supply, even when by Supplementary Estimates a revote of the same sum is asked for the same object, for the reason that the House cannot know what is going on before the Committee of Supply until the Committee reports.

The Order of the day being for resuming the ajourned Debate on the amendment which was, on Thursday the 21st April last, proposed to be made to the Question, That this House doth concur with the Committee in the said Resolution.

2. *Resolved*, That a sum not exceeding one Million three hundred thousand dollars be granted to Her Majesty for opening communication with, establishing government in and providing for settlement of the North-West Territoires (Revote) for the year ending 30th June 1871, and which amendment was, that the words, " Provided no portion of the said sum or of the Dominion funds shall be expended in employing troops, or the Militia of the Dominion for the purpose of regaining by force of arms the possession of the said territory, nor until the peaceful possession of the same shall have been secured to this Dominion according to, and under the terms of, the agreement entered into between the Imperial authorities and the Government of Canada, " be added at the end thereof ;

The Honorable Mr. DUNKIN moved, an amendment to the said proposed amendment, seconded by the Honorable Mr.

LANGEVIN, that all the words after "That" to the end thereof, be left out, and the words "the said Resolution be referred back to the Committee of Supply for re-consideration in connection with the Message of His Excellency the Governor-General, transmitting Supplementary Estimates for the year ending 30th June 1870, and with such Estimates presently under reference to said Committee," inserted instead thereof.

The Honorable MR. HOLTON raised the point of Order, that in as much as this was a revote of an appropriation of last year, and the Committee of Supply had already before it a second message accompanying the Supplementary Estimates recommending a revote in another form, one or other must be withdrawn.

Mr. SPEAKER decided as follows :—

"I do not agree with the honorable member for Chateauguay in his objection to the motion. The House can know nothing of what goes on before the Committee of Supply until it reports. The Resolution which stand for concurrence, and which is proposed to be referred back to the Committee may, or may not, in point of fact, be intended for the same sum of money as that in the Supplementary Estimates which have also been referred to the same Committee. If two Resolutions are reported for two distinct sums, the House can then deal with the question by refusing to concur in one or other of them."

Journals, House of Commons. Vol. 3, Pages 339 and 340.

March 22 and 23, 1871.

HONORABLE JAMES COCKBURN, SPEAKER.

The House having decided to add certain words to a motion, it is out of Order to propose merely to strike them out.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Acts relating to duties of Customs, and after some time spent therein Mr. SPEAKER resumed the Chair; and Mr. MILLS reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

The Honorable SIR FRANCIS HINCKS moved, seconded by the Honorable SIR GEORGE E. CARTIER, and the Question being proposed, That the Bill be read the third time, to-morrow;

The Honorable Mr. HOLTON moved, in amendment, seconded by Mr. Mills, That all the words after "be" to the end of the Question, be left out, and the words "now recommitted to a Committee of the Whole House, for the purpose of so amending the same as to repeal the duties on Coal, Coke, Wheat and Flour, "inserted instead thereof;

The Honorable Mr. BLANCHET moved, in amendment to the said proposed amendment, seconded by Mr. RYAN (Montreal), That the words "and also Salt, Peas and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat, and all other grain, Indian Meal, Oat Meal, and Flour or Meal of any other grain," be added at the end thereof;

And the Question being put on the amendment to the said proposed amendment; the House divided, and the names being called for, they were taken down:—

For : 102.

Against : 28.

And the Question being proposed on the Amendment to the Original Question as amended ;

MR. COLBY moved in amendment there unto, seconded by the Honorable MR. GRAY, that all the words after " That to the end thereof, be left out, and the words "it is inexpedient during the present session of Parliament to make any alteration in the existing duties on Coal, Coke, Wheat, Flour, Salt, Peas, and Beans, Barley, Rye, Oats, Indian Corn, Buckwheat, and all other grain, Indian Meal, Outmeal and Flour or Meal of any other grain, " inserted instead thereof.

And objection being taken by the Honorable MR. HOLTON, that this amendment is out of order, inasmuch as it proposes to strike out certain words which the House has already decided shall form part of the Question.

And the House having continued to sit till after Twelve of the clock, on Thursday morning.

Thursday, 23rd March 1871.

MR. SPEAKER decided as follows :—

" The point of Order is well taken. It seems conclusively so by English authority, and there is good reason for it. The House has pronounced its decision upon the proposition that salt and other articles shall form part of the Question to be submitted to the House, and now the House is asked to say that they shall be struck out of the Question. This would be a contradiction and is clearly out of Order."

Journals, House of Commons. Vol. 4, Pages 131, 132, 133.

June 11, 1872.

HONORABLE JAMES COCKBURN, SPEAKER.

Amendment ruled out of Order, because it would involve a tax upon the people which is not recommended by the Crown.

The 44th Resolution being read a second time, as followeth.

14. *Resolved*, That a sum not exceeding Three Million four hundred and ninety thousand dollars be granted to Her Majesty, to defray expenses for works of construction to Canals, for the year ending 30th June, 1873.

And the Question being proposed, That this House doth concur with the Committee in the said Resolution ;

MR. MCCONKEY moved in amendment, seconded by MR. LITTLE, That all the words after " That " to the end of the Question be left out, and the words " The said Resolution be recommended to a Committee of the whole House with a view of considering the propriety of granting a subsidy, either in land or money, towards the construction of the projected Georgian Bay Canal, a work in the opinion of the House of great National importance to this Dominion, and calculated if prosecuted to completion to develop its best resources," inserted instead thereof.

MR. (ACTING) SPEAKER (MR. FORBES) Member for the Electoral Division of Queen's, N. S., ruled :—

" That as the granting of this motion in amendment would involve a tax upon the people, and the subject matter thereof is not recommended by the Crown, the amendment is out of Order."

Journals, House of Commons. Vol. 5, Page 311.

May 2, 1873.

HONORABLE JAMES COCKBURN, SPEAKER.

An amendment to an amendment to the Motion for the House to go into Committee of Supply is not in Order.

The House then resumed the debate upon the amendment which was this day proposed to be made to the Question, That MR. SPEAKER do now leave the Chair ; (for the House again in Committee of Supply.)

And the Question on the amendment being again proposed ;

The Honorable MR. TUPPER moved in amendment thereto, seconded by the Honorable Mr. Tilley, That all the words in the said proposed amendment be left out, and the words, " this House is of opinion that in the final settlement with the Contractors for Section Five, the Commissioners should, as in the Contract provided, make such deduction for a diminution of work, or such allowance for increased work consequent upon change of grade or location as they may deem reasonable," inserted instead thereof ;

The Honorable MR. HOLTON raised a question of Order, on the ground that an amendment to an amendment to a Motion for the House to go into Committee of Supply was not in Order.

MR. SPEAKER decided as follows :—

" No amendment can be made to an amendment to a motion for the House to go into Committee of Supply. This motion is therefore out of Order."

Journals, House of Commons. Vol. 6, Page 262.

February 26, 1875.

HONORABLE TIMOTHY WARREN ANOLIN, Speaker.

Any motion to change the destination of a grant of money recommended by the Crown is out of Order.

The 16th Resolution (reported from the Committee of Supply) being read a second time as follows :—

Resolved, That a sum not exceeding three hundred and sixty thousand dollars be granted to Her Majesty to defray the following expenses in connection with Immigration, viz : Mennonite Loan, \$100,000 : transport of Mennonites, \$70,000 ; towards assisting Immigration and meeting Immigration expenses, \$190,000, for the year ending 30th June, 1876 ;

And the Question being proposed That this House doth concur with the Committee in the said Resolution ;

MR. MASSON moved in amendment to the Question, seconded by MR. BABY, That the words, " and that out of the sum to be set apart for the benefit of the Mennonites, a proportionate sum be assigned towards inducing Canadians residing in the United States to settle in Manitoba or the North-West Territory, " be added at the end thereof.

And objection being taken to the constitutionality of this motion ;

MR. SPEAKER ruled :—

" That it was not competent for the Honorable Member to move to change the destination of a grant recommended by the Crown ;

consequently he must decline to put this motion in amendment."

Journals, House of Commons. Vol. 9, Pages 132 and 140.

March 9, 1875.

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

It is out of Order to propose a motion involving an increase of the amount of a Resolution reported from the Committee of Supply.

The 6th Resolution being read the second time, as follows :

Resolved, That a sum not exceeding two millions of dollars be granted to Her Majesty to defray expenses of the Welland canal, for the year ending 30th June, 1876 ;

And the Question being proposed, That this House doth concur with the Committee in the said Resolution ;

MR. KIRKPATRICK moved, seconded by MR. BOWELL, and the Question being proposed, That the words, "and this House deeming the enlargement of the Welland Canal so as to pass vessels drawing 14 feet of water, to be of national importance, and such as would greatly enhance the benefits now derived by the country from this Public Work, desires to record its opinion that this enlargement should be made, provided the same can be executed at reasonable costs," be added at the end thereof ;

And objection having been taken to the said proposed amendment ;

MR. SPEAKER decided :—

“That it was out of Order, inasmuch as it asked for an increase of the public expenditure.”

Journals, House of Commons. Vol. 9, Pages 190 and 191.

February 29, 1876.

HONORABLE TIMOTHY WARREN ANGLIN, SPEAKER.

No sub-amendment can be proposed to an amendment to the Motion to form the House into Committee of Supply.

The House, according to Order, resumed the adjourned Debate upon the Question which was, on Friday last, proposed, That Mr. Speaker do now leave the Chair (for the House again in Committee of Supply ;)

And the Question being again proposed, That Mr. Speaker do now leave the Chair ;

MR. IRVING moved, in amendment, seconded by MR. WOOD. That all the words after “That ” to the end of the Question be left out, and the words “ This House, in sustaining the policy adopted by the present and the past Governments of limiting the rate of duties upon the import of those classes of articles which are produced in the country, to the extent required to meet the wants of the Revenue, fully appreciates the national benefits arising from the degree of protection to the existing manufacturing interests of the Dominion afforded under that system,

but observes with regret, that the extraordinary fluctuations in prices, resulting from the uncertain condition of foreign markets, affecting the Canadian markets, and incapable of being foreseen by Canadian manufacturers, expose our manufacturing interests to unfair competition.

" And this House while now ready to record its approval of the general policy of the present administration, is nevertheless of opinion, that the said manufacturing interests deserve the continued fostering care of Parliament, and that the time has arrived when the Government of the Dominion should inform the Imperial Government, that the Parliament of Canada deem it necessary to revive some features of a former policy, by imposing differential duties.

" And to indicate further, that in order to meet the difficulties against which Canadian manufacturers are struggling and in the general interest of the Canadian Public to bring the British and foreign manufacturer on nearer terms of equality in the Canadian market, this House would be prepared to approve of any measure to be submitted to them by the Administration, whereby a rate not less than ten per centum, should be added to the existing import tariff, against those articles of foreign production, of which the same classes are manufactured in the Dominion, by way of difference to that extent in favour of the like classes, the production of the Mother Country" inserted instead thereof ;

Mr. WORKMAN moved, in amendment to the said proposed amendment, seconded by Mr. DEVLIN, That all the words of the said proposed amendment be left out, and the words : " This House deeply regrets to learn, from the Speech of the Honorable Minister of Finance, on Friday

ast, that the Government has not proposed to this House a policy of protection to our various and important manufacturing industries,—the large amount of capital now invested therein, and their present depressed condition rendering such a policy necessary to restore them to a condition of prosperity," inserted instead thereof."

"MR. SPEAKER ruled the proposed amendment to the amendment out of Order, inasmuch as it was irregular to propose an amendment to an amendment to a motion, 'That Mr. Speaker do now leave the Chair for the House in the Committee of Supply.'"

Journals, House of Commons. Vol. 10, Pages 88 and 89.

April 7 and 8, 1876

HONORABLE TIMOTHY WARREN ANGLIN, Speaker.

Amendment ruled out of Order, because it was not relevant to the subject matter of the main Motion.

The 2nd Resolution (reported during this sitting from the Committee of Supply) being read a second time, as follows :—

2. *Resolved*, That a sum not exceeding Five hundred thousand dollars be granted to Her Majesty, to defray expenses of Pacific Railway Survey and Engineering, for the year ending 30th June, 1877 ;

MR. PLUMB moved, seconded by MR. KIRKPATRICK, and the Question being proposed, That the words : " that while

concurring in this vote, this House desires to record its opinion that the country is pledged to the construction of the Pacific Railway in its agreement with British Columbia, and that it is in accordance with agreement, and with the public interest that its construction should be proceeded with as speedily as the resources of the country will permit, without adding to the burthens of taxation," be added at the end thereof ;

Objection being taken to this amendment, on the ground that it was not relevant to the subject-matter of the particular Resolution under consideration ;

MR. SPEAKER decided :—" That the objection was well taken, and that the amendment could not be put."

Journals, House of Commons. Vol. 10 Pages 284 and 286.

April 22, 1890.

HONORABLE J. A. OUMET, Speaker.

An amendment irrelevant to the Question under consideration is out of Order.

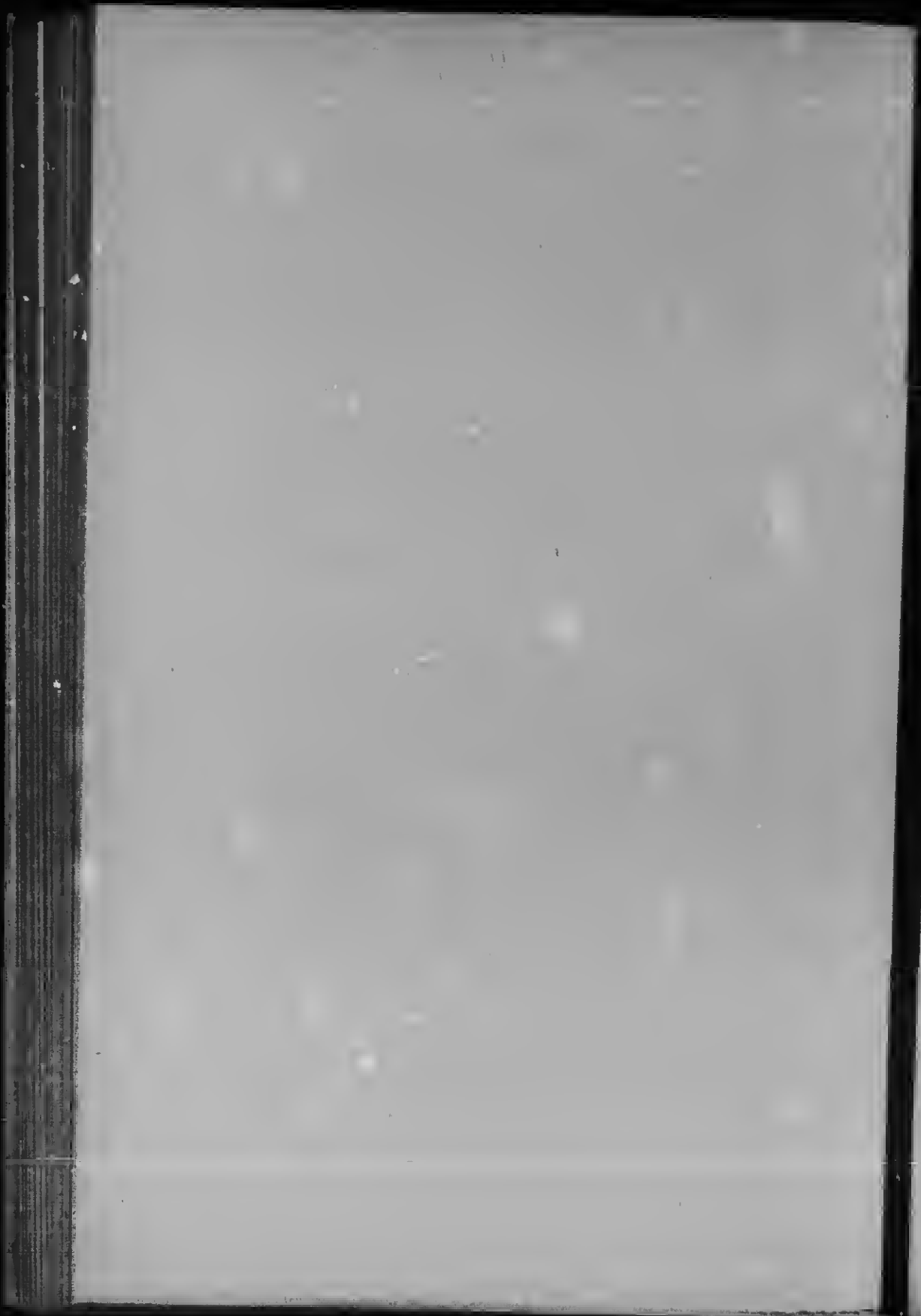
The Question being again proposed, That the said Resolutions (reported this day from the Committee of Ways and Means, respecting the Duties of Customs,) be now read a second time ;

MR. TAYLOR moved in amendment, seconded by **MR. SPROULE**. That all the words after " now " to the end of the Question be left out, and the words " re-committed to a Committee of the whole House, for the purpose of amending the same by providing that all cheese imported

nto Canada for export, be branded when in bond by marking on both the cheese and the box, the following words - " Cheese for export, the product of the United-States," inserted instead thereof ;

"MR. SPEAKER ruled the proposed amendment out of Order, as irrelevant to the Question under consideration and not coming strictly under the purview of the Tariff Resolutions."

Journals, House of Commons. Vol. 24, Page 367.



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