

and Her Majesty may use public money for so and so—whether with or without the consent of parliament—I think we are going outside the limits of private Bill legislation. The question raised by the hon. member for Yarmouth (Mr. Flint) as to whether this clause, if passed, would authorize the government to spend this money without further legislation is a somewhat difficult one to decide. If it would, there is no doubt that the motion is out of order. Indeed, there is great reason for arguing that the particular words used might confer that power. If the amendment were phrased something like this:

Her Majesty may agree to expropriate this railway and pay for it out of moneys already voted for that purpose by parliament,

the objection might be removed, because such moneys could not be voted without the recommendation of the Crown and without the responsibility of the government of the day. As the clause stands, it certainly gives a great deal of colour to the contention of my hon. friend (Mr. Flint), that it professes to give power to the government to act in a certain way with the public moneys. Apart from that particular contention, it seems to me that the matter of the amendment is so incongruous with a private Bill that it does not appertain to that class of legislation at all, and therefore should be ruled out of order as an amendment to a private Bill. Private Bill legislation is legislation regarding the company interested, and not legislation regarding the handling of public money. Ipso facto, and in the nature of the amendment, it is incongruous and therefore out of order.

Mr. W. F. MACLEAN (East York). On this question of order, I would like to point out that the proposed amendment is something that binds the company, but does not bind parliament. It is to protect the public interest as regards the company, but in no way does it commit parliament as regards the expenditure of public money. On that ground alone, the question of order raised by the hon. member (Mr. Flint) and the hon. member (Mr. Casey)—

Mr. JAMES SUTHERLAND (North Oxford). In what way does this amendment protect the public interest?

Mr. MACLEAN. In this way: That if it is seen that on a subsequent occasion that the government of this country should control this railway, then, the provision is in the original Bill securing that control to the country and to parliament.

Mr. SUTHERLAND. Not at all. At most it could only be considered by the railway company as a notice that under certain conditions they might expect this to be done. Parliament has the power to do with this

Mr. CASEY.

matter all that is necessary to do, and perhaps with more advantage without this amendment than with it.

Mr. MACLEAN. That is the old story. We are told here time and again that we are proposing to interfere with vested rights without any notice to the company concerned. This provision retains to parliament the right of taking over this road if it wishes to do so. In no way is parliament committed to the expenditure of a single cent. You cannot hold up the interpretation of the constitution prohibiting the introduction of a money measure unless the money is specifically voted, and there is no proposal in this amendment to vote money. It only proposes that in the event of something happening, this parliament can interfere with this private company, in any right it gets under this Bill.

Mr. SPEAKER. I do not propose to deal with the right to put in a private Bill a provision to give the government power to make an expropriation. That is not the point before the House. I draw the attention of the hon. member from Yarmouth (Mr. Flint) to the two particular examples he quotes from Sir John Bourinot, as to the precedents in this matter. The hon. gentleman has referred to the resolution introduced into the House providing for the purchase and exportation by the government of certain depreciated silver coinage then in circulation; and, the hon. gentleman's other citation was: An address to the Queen for a change in the Union Act so as to assign the public debt of old Canada to the Dominion entirely, and to compensate Nova Scotia and New Brunswick in connection therewith. It seems to me that those were direct examples of cases in which it was necessary to immediately make provision for additional cash burdens falling upon the community. The silver that was depreciated could not be exported without loss, and the debt could not be assumed without a direct public charge upon the Dominion treasury. This resolution, to my mind, does not impose anything on the Dominion, except in the one distinct statement: 'With the consent of parliament.' Taking that view, I am obliged to hold that with that provision, it is competent for the hon. gentleman (Mr. Clarke) to move the amendment.

Mr. CAMPBELL. Having settled that point, I may say to the House that the only objection I have to inserting this clause in the Bill is that I am advised by legal gentlemen, and also by the Minister of Railways (Mr. Blair), who is acknowledged as an authority on these questions: That this amendment will cast as it were a cloud upon the title and prevent the issuing of bonds of the company. If it will have the effect that the bondholders would be unable