

“It follows accordingly that the Lords may not amend the provisions in Bills which they received from the Commons, dealing with the above mentioned subjects, so as to alter, whether by increase or reduction, the amount of a rate or charge, its duration, mode of assessment, levy, collection, appropriation or management, or the persons who pay, receive, manage or control it, &c., &c., &c.”

“To this the Hon. the Leader of the Opposition said that there is in that amendment neither a question of increasing or reducing the expenditure of money, but of transferring the grant of land from one line to another. But in reading the amendment as it is, I cannot now come to any other conclusion than this amendment would really interfere in the disposition of public money, and the very words of the amendment say:—‘And the Company’s lands subsidy shall apply to the line hereby authorised.’”

“By this, the amendment goes to say that the disposition of the land grant will be changed. And, as the Honourable Gentleman from Montarville pointed out, if this amendment is carried, then the land already granted will be removed from its destination or appropriation, that it is from one line to apply it to another, and then there will be no grant of land for one line which had it before—and as I am of opinion that public land ought to be considered as public money, I cannot come to any other conclusion than that the point of order is well taken, and that the amendment is out of order.”

In 1903, the Honourable Mr. Power, then Speaker of the Senate, ruled out of order an amendment to a money Bill, on the ground that it was reducing the expenditure asked for by a certain Bill and that such an amendment was attacking a clause which might have been a Bill by itself.

Taking all these authorities and decisions into consideration, my ruling is that the privileges of the Commons cannot be trampled upon by any amendment made by this House to a money Bill.

If the amendment attacks any money clause, it is evidently out of order. If it relates to clauses which may be the subject of an independent Bill, the Upper House may run the risk to adopt it, provided it is an amendment in the line of the subjects pointed out by Bramwell, as quoted, and with the perfect understanding that should the Commons persist in the upholding of its privileges, even if it slightly maintains its objections, the Upper House should give in. Now, the only amendments in that line which can be allowed, under the reserve of an ulterior action by the Commons, are the amendments bearing on the subjects which I have enumerated when I quoted Bramwell.

Coming down presently to the Bill before us, we have a Bill giving twofold powers to the Minister of Railways, the power to purchase and the power to construct. The power to purchase is directly a money clause inasmuch as the power to purchase enables the Minister to take the money out of the Consolidated Fund to pay for the purchase; and the power for construction is given to the Minister, but subject to a money vote which should take place afterwards, should such construction be applied to a line exceeding 25 miles. Within that length the Minister is authorized to pay without waiting for a special appropriation. For these reasons, I declare the point of order well taken, and that this is really a money Bill.

The Honourable Mr. Dandurand moved, seconded by the Honourable Mr. Kerr, That the Ruling of His Honour the Speaker be not accepted.

The question of concurrence being put on the said motion the House divided and the names being called for they were taken down as follows:—