

rule respecting such motions with very great strictness. A member who has not received the permission of the Crown has not been allowed to move the House into committee on a resolution providing for the purchase and exportation by the government of certain depreciated silver coinage then in circulation. In 1871 it was proposed to go into committee on an Address to the Queen for a change in the Union Act, so as to assign the debt of old Canada to the Dominion entirely, and to compensate Nova Scotia and New Brunswick in connection therewith; the Speaker decided that it was just as necessary to interpose the check of a message before adopting an address which may be followed by legislation imposing public burdens, as in the case of a Bill or motion within the direct control of the Canadian parliament.

No cases can be found of any private member in the Canadian Commons receiving the authority of the Crown, through a minister, to propose a motion involving the expenditure of public money. No principle is better understood than the constitutional obligation that rests upon the executive government of alone initiating measures imposing charges upon the public exchequer.

All of the decisions and references that I have been able to find in the short time that I have been able to give to the question bear out that proposition very thoroughly. This resolution, in my humble opinion, comes within the spirit, if not within the letter, of the British North America Act, and I believe it will be found that this is the interpretation given to this Act by jurists, constitutional writers and others who have to deal with the subject. The incorporated action of this company under the Bill involves its clear assent of parliament to future action by the government and the adoption of the principle of the acceptance by the government of this public work without the previous sanction of the Governor in Council, and I therefore, think it should be held to be out of order.

The MINISTER OF RAILWAYS AND CANALS (Mr. Blair). Mr. Speaker, as the hon. gentleman (Mr. Flint) has raised the question it becomes necessary that you should express an opinion and make a ruling upon it, so that it would be desirable that the view which I expressed the other evening may be stated that it may be in your mind when considering the question that has been raised. I admit that my hon. friend has presented his argument in a very plausible form, and I think that to non-professional gentlemen and perhaps, even to some professional gentlemen, it might appear that the hon. gentleman's argument does not admit of any satisfactory answer. But, there were some considerations which suggested themselves to my mind which appear to be a complete reply to the contention which has been raised, and I will state them briefly to the House at the present moment. It appeared to me that the question which had arisen in respect to the Bill was a question as to private legislation. I take it that it is arguable that the clause

of the Bill is similar in sense and meaning to the meaning which are attached to these words: 'The company hereby consents or is willing that the government should give notice and should follow certain provisions to expropriate the property of this company and will submit to such expropriation upon the following conditions': I would take it that it simply means that. The government may do that, not as thereby conferring upon the government, in the exercise of their constitutional powers to take any such expropriation proceedings, but that the company in their charter consent that whenever the proper steps are taken and the proper machinery is used the expropriation of their property will be satisfactory to the company. In other words: We will submit to the terms and conditions which are embodied in the Bill, as the terms and conditions which are to bind us when and if expropriation proceedings are ever taken. I do not think that the clause necessarily means anything more than that. Other Bills of very much the same character, involving precisely the same question, and intended to confer the same powers, have several times passed this parliament for instance, the St. Clair Canal Bill, and the Bill connecting the waters of Lake Champlain with the St. Lawrence. There are two or three Bills which to my own knowledge have passed during the last eight or ten years, and which contain a clause similar to this. If it had been seriously thought by any gentleman on either side, that the inclusion of such a condition in the charter powers went any further than to settle the question as between the company and the government, no doubt the question would have been raised and the legislation stopped. The question is perhaps new so far as the discussion is concerned, but it appears to me that it is clearly arguable that the view which my hon. friend (Mr. Flint) presented is not the view which ought to be taken.

Mr. G. E. CASEY (West Elgin). I am not familiar with the instances referred to by the Minister of Railways (Mr. Blair) in which clauses something similar to this have been put in private Bills; and it would be interesting to know what was the phrasing of these clauses. It is quite certain that to put in a private Bill any clause which in so many words appears to authorize the government to deal in a certain manner with the public moneys, is a very grave innovation, and is contrary to the spirit of the legislation of this House. The idea of authorizing action on the part of the government in a private Bill seems to me to be quite absurd. If, as the Minister of Railways correctly says, words can be found to simply indicate the willingness of the company to submit to action of that kind, were it taken, I do not know that we could raise any objection; but when the clause begins by saying: Her Majesty may do so and so,