

CANADA NATIONAL RAILWAY AND TRANSPORT COMPANY.

Mr. A. CAMPBELL (Kent, Ont.) moved the third reading of Bill (No. 115) to incorporate the Canada National Railway and Transport Company.

Mr. E. F. CLARKE (West Toronto) moved in amendment that the said Bill be not now read a third time, but that it be referred back to Committee of the Whole for the purpose of amending the same by adding the following clause :

13. Her Majesty may, at any time, with the consent of parliament, on giving to the company one month's notice in writing, take over the undertaking, property, rights and franchises of the company.

(2). The notice may be given by the Minister of Railways and Canals, and upon the expiration of the period of notification, the said undertaking, property, rights and franchises shall vest absolutely in Her Majesty.

(3). Compensation to the company shall be fixed by the Exchequer Court upon information filed by the Attorney General of Canada, and shall be based upon the reasonable value of the undertaking, property and rights of the company at the time of the giving of the notice, but shall not include prospective values or prospective profits.

(4). In so far as they are not inconsistent herewith, sections 24, 25, 26, 27, 28, 31 and 32 of the Expropriation Act, chapter 13 of the statutes of 1889, and sections 29 and 30 thereof as amended by an Act of the present session, shall apply to any action taken under this section.

(5). The compensation adjudged shall stand in the stead of the said undertaking, property, rights and franchises, and any claim to or encumbrance upon such undertaking, property, rights and franchises shall, in so far as Her Majesty is concerned, be converted into a claim to such compensation money or a proportionate amount thereof, and shall be void as against Her Majesty, and as against the undertaking, property, rights and franchises vested in Her Majesty under the provisions of this section.

Mr. CAMPBELL. I desire to ask whether that amendment is in order. We have had no notice of it.

Mr. SPEAKER. Yes, it was printed in the Journals of Friday last.

Mr. T. B. FLINT (Yarmouth). I desire now to press the point of order which I raised when the resolution was introduced the first time. Although the Minister of Railways and Canals (Mr. Blair) appeared to believe that from the peculiar form of this resolution it evaded the provision of the British North America Act, limiting to the action of the government measures involving the expenditure of money, yet I venture to think there is more in the contention I raised than at first glance might appear. Hon. gentlemen are familiar with the provision of the British North America Act.

Sir WILFRID LAURIER.

Mr. SPEAKER. Let me draw the attention of the hon. gentleman to the first line of the amendment: 'Her Majesty may at any time with the consent of parliament.'

Mr. FLINT. I noticed that phrase, Mr. Speaker, but I respectfully submit that that does not seriously alter the question. That this resolution, if adopted, does commit parliament and the government to an expenditure of public money, I think, is quite apparent from the amendment; and that such expenditure of public money should be first recommended to parliament by the government of the day as a matter of public policy, can scarcely be denied. Looking at the form of this resolution, I think we can clearly see that if it is adopted, and if this amendment is adopted, without any further action by parliament than that provided for by this Bill, the House may commit the country to an expenditure of three or four million dollars. The resolution is :

Her Majesty may, at any time, with the consent of parliament, on giving to the company one month's notice in writing, take over the undertaking, property, rights and franchises of the company.

The notice may be given by the Minister of Railways and Canals, and upon the expiration of the period of notification the said undertaking, property, rights and franchises shall vest absolutely in Her Majesty.

Compensation to the company shall be fixed by the Exchequer Court upon information filed by the Attorney General of Canada, and shall be based upon the reasonable value of the undertaking.

And so on. If this amendment is made to this Bill, I contend that parliament is ipso facto giving its consent to the assumption by the government and to further action by parliament in the direction of carrying out the form of the resolution that it is proportionally binding on parliament and on the government as well as upon the company, and I think, in a case of that kind, no step should be taken without the previous sanction of the Governor in Council and the permission of this House. I think the House will generally agree with me that this is a radical departure from anything that has ever taken place here before. Without quoting all the references that could be found on this particular point, and they are very numerous, I may say, in a general way, that Bourinot lays down, in reference to this very clause of the British North America Act, the principle, very broadly, that the adoption of a measure which either directly or indirectly involves government or parliament in the direction of an expenditure of public money should be recommended by the Crown. At page 532, he observes :

The constitutional provision which regulates the procedure of the Canadian House of Commons in this respect applies not only to motions directly proposing a grant of public money, but also to those which involve such a grant. The Canadian Commons, indeed, observe the