

never gone beyond that and ascertained what our powers were. Discussions in this chamber up to the present time have been along the line as to what constitutes a money Bill, and not as to the Senate's original powers. It seems to me quite manifest that the rule passed by the House of Commons some time ago dealing with money Bills, and which would certainly fetter this Senate, was passed without any authority. Rule 78 of the House of Commons is as follows:

All aids and supplies granted to His Majesty by the Parliament of Canada are the sole gift of the House of Commons, and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit, and appoint, in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

From that I dissent. I think the House of Commons has no authority whatever to pass such a rule. That authority must necessarily come from the British North America Act. Nevertheless, it seems to me that in considering a money Bill, what we have to determine is how far the Bill constitutes an appropriation originated by the House of Commons, or the imposing of the tax or impost in question.

Hon. Mr. ROCHE: Might I ask the honourable leader of the Government at what period the right of the House of Commons and also of the Senate was reduced? Undoubtedly under the original provisions of the British North America Act the House of Commons had all the powers of the House of Commons in England, and the Senate had all the powers of the House of Lords.

Hon. Mr. POWER: No.

Hon. Mr. ROCHE: Yes, but afterwards they were reduced.

Hon. Sir JAMES LOUGHEED: The House of Commons and the Senate as we have them to-day are bodies which were created by the British North America Act. Our Constitution is a written one, and we cannot go outside of the four corners of the British North America Act to determine what are the powers and authority of the House of Commons and the Senate.

Some question has arisen as to what the result would be if the House of Commons did not concur in any amendment made by the Senate. My honourable friend from Halifax (Hon. Mr. Power) has properly explained that, so it is not necessary to enter into it; but we have two rules which enter very fully into that subject, namely,

Hon. Sir JAMES LOUGHEED.

Rules 66 and 67, and honourable gentlemen will find those Rules more explanatory than I can make them. They are as follows:

66. In any case where a Bill, originating in the Senate and amended in the Commons, is returned to the House of Commons with any of the amendments made by the Commons disagreed to, or where a Bill originating in the Commons has been amended in the Senate, and has been returned to the Senate with any of the Senate amendments disagreed to, and the Senate decides to insist on such amendments, or any of them, and returns the Bill to the Commons, the message accompanying such Bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Commons, or for the Senate insisting on its own amendments, as the case may be; and such reasons shall be drawn up by a committee of three senators, to be appointed for the purpose when the Senate decides to disagree to, or insist on, as the case may be, the amendments in question.

67. In cases in which the Commons disagree to any amendments made by the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the Commons for their disagreeing or insisting, as the case may be, by message, without a conference; unless at any time the Commons should desire to communicate the same at a conference.

Hon. Mr. CLORAN: This discussion has been of vast importance to the administration of public affairs in this country. The leader of the Government has just stated that money Bills originating in the House of Commons cannot be amended by this honourable body. I venture to state that that view is not well founded. All money Bills do not originate in the Commons at all. Such Bills—call them money Bills, appropriation Bills or aid Bills—originate in the Cabinet—in the Government of the country.

Hon. Mr. LANDRY: Not a Bill—a resolution.

Hon. Mr. CLORAN: Money expenditure has to come from the Government, sanctioned by the Governor General; so such Bills do not originate even among the members of the House of Commons.

Hon. Mr. LANDRY: The Bill does.

Hon. Mr. CLORAN: But I mean the sanction of the money. The offering of the money must come from the Governor General through his ministers. Then whatever the Bill may be, it is presented to the House of Commons, and it lies with the representatives of the people there to discuss that Bill, not to increase the amount suggested by the Governor in Council to his Cabinet, but the House of Commons may diminish the amount. The Government may call for a customs tax, say, of 35 per