

Then he cites rule 87. In thus dealing with that important subject, Bourinot was to a great extent following Todd, who, in discussing the same question, referred mainly to the practice in England.

I must confess that, for my part, from the time that I became a member of this honourable House until last year I never gave proper attention to the question, and was inclined to accept the opinion of Bourinot or Todd as to the practice which should be followed, namely, that appropriation or supply Bills could not be amended by this honourable House. But when the honourable member from Middleton (Hon. W. B. Ross) last session drew our attention to the very important distinction which exists between our written constitution and the unwritten constitution of England, his statement acted as a flash of light thrown on the question, and I am quite sure it became apparent to at least all who are members of the legal profession that the honourable member from Middleton had seen the question from a new angle, and that it deserved very serious consideration. That is what prompted the formation of the committee appointed last year, and again this session, which has finally made the report with which we are now dealing. Immediately after the honourable gentleman from Middleton had drawn our attention to that distinction, I took the liberty of adding a few words to what I had stated a few minutes before. I refer now to the Debates of the Senate of last year, page 555:

May I be allowed to add a word to what I have already said? When I spoke first I took it for granted that it had always been assumed by this House up to this moment that money Bills were within the exclusive jurisdiction of the House of Commons. That is a practice which has been followed and upon which we have been acting heretofore, with two exceptions. Ever since I have been in this honourable House, I, for one, have contended that a Bill may contain provisions which pertain to money Bills and provisions which are foreign to money Bills. In other words, I have claimed that matters which, strictly speaking, should be covered by two different Bills could be united in one; and I have claimed the absolute right of this House to amend such clauses, as I did not consider that they were money clauses at all. I think that doctrine was adopted in this honourable House on several occasions. The other doctrine which has been followed by this House heretofore is, as stated by my honourable friend from De Lorimier (Hon. Mr. Dandurand, that—although the Senate dealt with clauses which were, strictly speaking, money-Bill clauses—this House has deemed it advisable under certain circumstances to offer amendments and to send them to the House of Commons; and as a rule those amendments are accepted by the House of Commons. That is what I intended to suggest when I spoke a

few moments ago. I must confess that the honourable gentleman from Middleton (Hon. W. B. Ross) has thrown a good deal of light on the question, and, as presently advised, I must say that I think he is quite right. He has stated the unquestionable principle that the Parliament of Canada is not governed by common law, so to speak, as are the Imperial House of Commons and the House of Lords. They are not acting under any statutory law; they are acting under customs and usages, which are the result of long practice; but the Parliament of Canada is acting under a written constitution and must remain within the four corners of that statute. So far as they are within the four corners of the statute they are entitled to exercise all the rights and privileges which are given to them by that statute.

Then I referred to the clauses which the honourable member from Middleton had mentioned, sections 53 and 54 of the British North America Act, the only sections curtailing the powers of this honourable House in respect to money Bills. I took the liberty of referring to sections 17 and 91, of the British North America Act, as placing this honourable House on a par with the House of Commons as far as legislation is concerned. Those are the sections of the British North America Act conferring legislative power upon the Dominion Parliament Section 17, under the heading of "Legislative Power," says:

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Section 91, under the heading, "Distribution of Legislative Powers—Powers of the Parliament," reads as follows:

It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make Laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislature of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated.

Then, after enumerating these classes of subjects which are committed to the jurisdiction of the Parliament of Canada, the section proceeds:

Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

This is really the section defining the powers of this Parliament, and it will be noticed not only that it makes no distinction as between financial matters and other matters, but it entrusts the whole legislation falling within the jurisdic-