

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.

The honourable member from Middleton has referred to sections 53 and 54 of the British North America Act. Let me add that reference should also be made to sections 17 and 91, in order to make it more complete. The honourable member no doubt did not lose sight of those sections. I refer to them for the benefit of the lay members of this House. Section 17 says:

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

This is the Parliament by which the powers are exercised by the Senate and by the House of Commons, and of course by the Queen or the Governor General, as the case may be, who sanctions or refuses to sanction any Bill that is passed. Then, we have section 91 of the constitution, which says:

Hon. Mr. BEIQUE.

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 legislatures 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; that is to say:

Then we find the enumeration of subjects which are exclusively within the jurisdiction of the Parliament of Canada. The next section gives a list of those subjects which come within the jurisdiction of the provinces. But there is a proviso that anything which does not come within the exclusive powers of the provinces shall appertain to the Federal Parliament. In section 17 and section 91 we have the enunciation that the legislative power of this Parliament is exercised by the Queen, by the Senate, and by the House of Commons. Now, if the constitution had remained there, the Senate and the House of Commons would have been on a par as far as powers are concerned, and we have to look into the constitution to see whether there is any restriction to be found as regards one branch or the other. Then, we must refer to section 53 and section 54, as did the honourable gentleman from Middleton (Hon. W. B. Ross) and ascertain what the powers are. Section 53 says:

Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

The honourable gentleman very properly cited section 54 first. It says:

It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue or of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General in the session in which such vote, resolution, address or Bill is proposed.

Section 54 limits the power of the House of Commons to this extent, that any recommendation of money votes must first be approved by the Governor in Council. Section 53 contains the restriction as regards this honourable House; but one cannot find any restriction other than that. Therefore, I think the honourable gentleman from Middleton has clearly shown that to say there are other restrictions would be importing restrictions which are not to be found in the constitution and which are merely to be found in a rule of the House of Commons. Surely it will not be contended