

and which denies the right of the Upper Chamber to amend money Bills. This was a re-enactment of an old rule, adopted by the Canadian Parliament at its first session after the constitution of 1791, denying to the Legislative Council the right to amend money Bills; but the reason which prompted the House of Assembly to affirm that right was based on the fact that it had the power to enforce it, because the constitution of 1791 gave to the Government the right to appoint as many legislative councillors at it pleased. The Crown retained the swamping power by virtue of the constitution of 1791, and the House of Assembly could then declare to the Legislative Council what should be its limitations, because in conjunction with the Crown it could enforce its will upon the Upper Chamber. The House of Commons in England has been in a similar position. Through the swamping power it has always been able to threaten the House of Lords with forcing it to do its will and bidding by having the Crown appoint a certain number of Lords and by thus securing a majority. But far different is the situation of the House of Commons of Canada. It did pass that rule in December, 1867, denying the right of the Senate of Canada to amend money Bills; but how could it enforce its will — how did it enforce its will? It did not; it was powerless to do so. Since 1867 the Senate has in very many instances amended money Bills. I have been in this Chamber for twenty years, and we have, I will not say at every session, but in every Parliament, asserted our right to amend money Bills, and we have amended them, and the amendments have generally been accepted by the House of Commons. Only last session we amended not merely an ordinary Bill containing money clauses, but the Income Tax Bill itself. The annual supply Bills are the only important money Bills which the Senate has not amended. We have amended money Bills of all other classes that have come from the House of Commons to this Chamber. The definition of our powers is in accordance not only with the text of our constitution, but also with our practice.

I recognize that an impression has prevailed in the Senate that there were certain limitations to this Chamber's right to amend money Bills. When we were academically discussing the powers of the Senate in this connection without anyone seriously studying the question, it was often said that the limitations which the House of Commons in England imposed upon the

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House of Lords could in a sense be argued against the Senate of Canada; yet we never refrained in practice from exercising our full right to amend money Bills.

Hon. Mr. POIRIER: Limited practice.

Hon. Mr. DANDURAND: My honourable friend says, "limited practice." Whenever we were firmly convinced that a Bill needed to be amended, no limitation existed in our mind and we proceeded to make the amendment. We have, as I have said, refrained only in the case of annual supply Bills.

The right to amend money Bills, which the House of Commons by its rule No. 78 denies to this Chamber, is in general practice the same as the right to reject a money Bill, which right is not denied the Senate. The effect of our amending a Bill may be the same as if we rejected it. When we amend a money Bill, as we have very often done, it goes back to the House of Commons, and if the Commons disagrees with the Senate and the Senate insists upon its amendment, the Bill is dropped. It is true that the Commons has then taken the responsibility of rejecting the Bill as amended by the Senate, but there is no legislation passed, and the result is the same as if we had rejected the Bill.

Hon. Mr. DAVID: Qui peut le plus, peut le moins.

Hon. Mr. DANDURAND: My honourable friend from Mille Îles says, "Who can do the most can do the least." Generally speaking, we could apply this aphorism, because in reality we simply amend the Bill and do not kill it. It is the ordinary practice of this Chamber to make an amendment when it is felt that the Bill can be improved thereby.

The present definition of our powers may have, I admit, far-reaching results. In spite of what my honourable friend from Acadie (Hon. Mr. Poirier) said yesterday, I claim that the Senate represents the provinces, as senators do not simply represent themselves, as do the Lords in England. The excerpts from the speeches of the Fathers of Confederation, just read by my honourable friend from DeSalaberry (Hon. Mr. Béique), go to prove that the intention when the Senate was constituted was that it should represent the provinces and that it should maintain inviolate the federal compact. In appointing members of this House as we were appointed, a certain number for each of the three groups, the Maritime Provinces, Quebec, and Ontario, without, as in the United States, regard powers in a temperate and moderate way.