

overcome the difficulty by the appointment of more members. Well, under the British system in the case of a legislative union that might be a legitimate provision." At page 88, col. 1, he says, speaking of the loss of influence to Ontario, "Hitherto we have been paying a vast proportion of the taxes with little or no control over the expenditure. But under this plan by our just influence in the Lower Chamber we shall hold the purse strings." At page 92, he says, "We are to have seventeen additional members in the House that holds the purse." At page 90, he says, "The desire was to render the Upper House a thoroughly independent body—one that would be in the best position to canvass dispassionately the measures of this House and stand up for the public interests in opposition to hasty or partisan legislation." Mr. Dorion at page 254, at the foot of col. 2, points out that the effect of abolishing the swamping power was to make the Senate entirely independent.

"The Federal Upper Chamber guards in fact the principle of state rights against the numerical majority and the will of the people and its function may therefore be and frequently is the exact opposite of that of an Upper Chamber in a unitary state. In regard to finance this is especially the case. In a federation the smaller states always wish to be protected against the larger ones exploiting the Federal finances to their own profit; hence the Upper Chamber possesses powers of financial control that may fairly be called extraordinary in almost all Federal States." (Temperley, *Senates and Upper Chambers*, p. 15.)

"The United States comprise forty-five independent states, some as small as Cambridgeshire, others as large or larger than Yorkshire or Wales yet each state has two representatives and two only in the Federal Senate. The reason is obvious. The stipulation which each petty state made when it entered the union was that its interests and rights should not be at the mercy of a numerical majority in the Federal Lower House elected on universal suffrage and therefore largely representing the bigger and more populous states." (Temperley, *Senates and Upper Chambers*, p. 15.) For the composition of Upper Chambers in the Colonies, see Temperley, p. 48. For the swamping of the Upper Chamber in the Colonies, see Temperley, p. 269, App. 6.

*"The Federal state is the most complex and ingenious of modern political communities and its Upper Chamber usually exhibits one aspect of that ingenuity. One principle is, however, common in all such formations. The federation is based on a union of individuals, and of states, and that union is expressed in the constitution of the two Chambers. The lower one represents the rights and powers of the people—the total numerical majority. The Upper Chamber represents the rights and powers of the states in their separate and individual capacity. Population has always full representation in the Lower Chamber."*

*In the unitary state the Upper Chamber only represents the rights of property or individuals or of the classes. In this respect then a Federal Senate always has an advantage which no Upper Chamber in a unitary state (as for example the House of Lords in England) can ever claim to possess and it is this fact which lessens the possibilities of comparison and renders many apparent analogies totally misleading." (Temperley, p. 209.)*

At page 224 Temperley says, "In theory the Senate of Canada Possesses equal rights with those of the Lower House except that it can not originate money bills. It has, however, the full power either to amend or reject them."

Speaking of the Australian Senate, Marriott at page 168 says: "But like the American Senate, it accords to each state equal representation—a principle not asserted without strong and intelligible protests from the larger States. To the smaller States on the other hand, this principle was the condition precedent, the 'sheet anchor' of their rights and liberties. And, once asserted, it is fundamental and (except in unimaginable conditions) unalterable."