as declared by the Crown through its constitutional advisers. The Senate therefore cannot directly or indirectly originate one cent of expenditure of public funds or impose a cent of taxation on the people. This is involved in Sections 53 and 54 and the Clauses of the Act defining the executive power. This is, however, the only limitation of the powers of the Senate in regard to "Money Bills" in the British North America Act. In all other respects the Act leaves with it co-ordinate powers with the House of Commons to amend or reject such Bills.

One objection urged against this statement is that the Senate is bound to follow the practice of the House of Lords and not amend a Money Bill. There is nothing in the British North America Act which says this. The preamble says: "With a Constitution similar in principle to that of the United Kingdom" and therefore it is said the Senate is bound by the practices of the House of Lords. Resolutions, practice and disuse go to form the constitution of the United Kingdom. The Canadian Constitution can only be changed by the Imperial Parliament, and no resolution or practice can alter a word of it.

Principles and practices or customs are very different things. On principle the House of Lords is co-ordinate with the House of Commons, and the Senate of Canada is co-ordinate with the House of Commons, except in this one matter of originating Money Bills. The House of Commons in England, by its use of the "swamping power," has reduced the House of Lords to a state of impotence in all financial matters. The House of Commons in Canada has no such power. A law without a sanction is nothing. A practice or custom or convention without the power to enforce it is nothing even if the practice were applicable.

The Constitution of the Senate as already outlined is fundamentally different from the House of Lords and its functions of safeguarding Provincial interests in a federal system is one unknown to an Upper House in a unitary system as is the House of Lords. Then the Senate is in a measure representative although nominated. This is brought about by the property and residence qualifications of Senators.

The division of the Dominion into Senatorial Districts differentiates the two Upper Houses. The Senators first of all represent their Provinces or Districts and their first duty is to them. Then the "swamping power" was taken away for the express purpose of making the Senate independent of the House of Commons as a condition precedent to Confederation. On what implication or analogy can a practice forced on the House of Lords by an all-powerful House of Commons be applicable to an independent House like the Senate? It would require a Statute to effect this, like Sections 53 and 54.

Again why did the Imperial Parliament when passing the British North America Act insert as Section 53 only a part of the Resolution of 1678, knowing that the power of imposing the practice of the House of Lords by the swamping power was gone? The contention that it expressed part of the 1678 Resolution and left the other part to be implied or settled by a practice of the House of Lords is not a reasonable one. The fact is that it was the Resolution of 1661 that was so inserted.

It is evident that the Canadian Senate, subject to the limitations of Sections 53 and 54 of the British North America Act, is an independent body with co-ordinate powers with the House of Commons and entitled to make its own Rules and Practice.

The contention that the word "originate" in Section 53 excludes the change of a word or figure by the Senate is altogether inconsistent with the ordinary meaning of the word and with the whole history of its use in Imperial Parliamentary Practice and in the Provincial Constitutions with elected Councils and in European Constitutions with similar clauses to 53. We have seen that "nominated" Councils with the swamping power were held to the practice of the House of Lords, but those with elected Councils were not, but both had clauses corresponding with our Sections 53 and 54. It is a principle that a limitation goes as far as it says and no further. Section 53 is a limitation of the powers of the Senate and does not go beyond what it necessarily includes. What this is has already been dealt with.

When the House of Commons of Canada claims that it can drag the Senate beneath it as the Commons did the House of Lords in England through the "swamping power," the answer is that it has not got this power and is as much bound by the British North America Act as the Senate. We have a Constitution that can only be altered by the Imperial Parliament. The House of Commons can not by passing Rules add to its powers or diminish those of the Senate. Rule 78 of the House of Commons is quite outside of the powers of that House.

If the Senate has not the power to amend Money Bills it has no practical power to see fair play to the Provinces in finance or to protect an interest unfairly used financially. If it threw out a Money Bill under the practice in England, as of 1860, the Commons could the next Session tack a new Bill in the same words to the Supply Bill and say: You can not amend; pass or reject the whole Bill. To reject a Supply Bill might in olden times have been feasible, but to-day with the functions of Government so vast and complicated it is unthinkable. There would be no pay for the Army, Navy, Civil Service, Judges, Government Railway men, or money to pay any public charge. It would mean chaos. A Supply Bill should be passed as a matter of course by the Senate in almost any conceivable circumstances if it contains nothing but Supply. If other matters are inserted in the Bill or "tacked to it" these should be struck out and be made into a separate Bill or Bills.

Subjoined are a few references to the debates on the Quebec Resolutions in the Canadian Parliament, and also a few references to works on the Constitution of Colonial Governments, for convenience, so that those interested may have access to those which are found in the Parliamentary Library.

In the Parliamentary Debates, 3rd Session, Provincial Parliament of Canada on the subject of the Confederation of the British North American Provinces, at page 21, Mr. Campbell gave the reasons for the Conference determining as they had on the Constitution of the Upper House and says: "And the main reason was to give each of the Provinces adequate security for the protection of its local interests a protection which it was feared might not be found in a House where the representation was based on numbers only, as would be the case in the General Assembly. The number of