

right, privilege, and duty of the house. It has been achieved by means of struggles lasting through centuries, beginning from the fourteenth century down to the seventeenth century, when it was fully confirmed, and since then it has never been practically disputed.' 'Ut quod omnes tangit, ab omnibus approbatur.' The quotation by Edward I of this legal maxim transmuted it into a great and constitutional principle. In other words, the cardinal principle on which the whole of our financial system is based is that of parliamentary control, and by this it is understood not the control of parliament in its constitutional sense as composed of Sovereign, Lords, and Commons, but control by the Commons alone. 'Upon this fundamental principle, laid down at the very outset of English parliamentary history and secured by three hundred years of mingled conflict with the crown and peaceful growth, is grounded the whole law of finance and, consequently, the whole British constitution.'

The most ancient, as well as the most valued, prerogative of the House of Commons is the right of supreme control over taxation, to which the right to control issues is a natural corollary. The prohibition of raising taxes without parliamentary authority would be nugatory if the proceeds, even of legal taxes, could be expended at the will of the sovereign. The right, therefore, of appropriation was a logical consequence of the right of levying supplies. 'The chain of historical evidence undeniably proves that a previous and stringent appropriation, often minute and specific, has formed an essential part of the British constitution.' Though the practice of appropriating supplies, in a general sense, is of early origin, that of appropriating them to the specific purposes for which they were granted did not become an established usage until the Revolution, when the principle that 'the grant of supply, and the control of public expenditure in conformity therewith, belongs inalienably to parliament, and pre-eminently to the House of Commons' was formally incorporated amongst the maxims of the constitution, and in the early days provision was made for severe penalties for diversion or misapplication. The control over public expenditure which resulted therefrom has, more than any other cause, vested in the Commons the supreme power of the state. 'It is, indeed, ultimately to the power of the purse, to its power to bring the whole executive machinery of the country to a standstill, that the House of Commons owes its control over the executive. That is the fountain and origin of its historical victories over the other organs of the state; and since that power was recognized and confirmed towards the end of the seventeenth century, the House of Commons has remained, whether reformed or unreformed, whether corrupt or incorrupt, the chief arbiter of the national destinies.'

Yet, in the face of a statement of the constitutional position, such as is there expressed by this eminent authority, and which every one knows to be the only true position, we are being asked this afternoon by the power sought by the executive through this measure to stab the constitution of the country at the very heart and destroy, to the extent to which it may be possible to do so in the course

of a short time, the very foundations of government in this Dominion of Canada. I shall quote further from two brief paragraphs in the same chapter. The first on page 9 reads:

The supreme control of the commons over public grants, as already mentioned, necessarily demands the complete right of control over the manner in which those grants are spent. This second right must be inseparable from the first if the control over the grants is to be effective; but it is a right which was not claimed nor enforced by the House of Commons until long after the right of control over supply had been established.

And on page 10:

In its constitutional aspect then, the English system of finance and the rules of financial administration are based upon the principle of supreme control by the House of Commons, and the machinery, by which it works, has been built up, developed, extended or modified to meet the requirements of that principle.

It is this most important, most sacred and most far-reaching of all the principles which underlie British constitutional procedure, practice and government that we are being asked by the ministry of the day to violate in the measure now before the house.

That is one aspect of the constitution which we are being asked to violate by this legislation. The other is the right of parliament and of parliament only to do what may be necessary in the way of legislating. I fail to understand how hon. gentlemen opposite could have been led so far astray in their thinking on this matter as to forget the very constitution of the country. I suppose that almost every schoolboy in the land, when he begins to study constitutional questions and matters pertaining to parliament, is taught the provisions of the British North America Act. What does this act say with regard to legislation concerning peace, order and good government? I read from the British North America Act as I find it bound with these Parliamentary Rules and Forms in Beauchesne's volume so entitled. Section VI, which is headed Distribution of Legislative Powers, contains the following subsection entitled Powers of the Parliament:

91. 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,—