

BRITISH NORTH AMERICA ACT.

PETER MCEACHREN, B.A.

MONEY VOTES; ROYAL ASSENT.

Appropriation and tax Bills.

53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

NOTES: The constitution of Canada is "similar in Principle to that of the United Kingdom." It is therefore interesting to note the time at which the Commons established their right to originate Bills of Supply. Since 1339 the division of Parliament into two Houses has continued permanent. During the long reign of Edward III, the Commons succeeded in firmly establishing as essential principles of our government three great rights:

1. That all taxation without the assent of Parliament is illegal.
2. The necessity for the concurrence of both Houses in legislation.
3. The right of the Commons to inquire into and amend the abuses of the administration.

Growing out of these main rights, the Commons exercised the right to examine public accounts and appropriate the supplies.—*Taswell Langmead*.

Recommendation of Money Votes.

54. 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.

NOTES: S. 53 restricts the power of originating money votes to the Commons. S. 54 restricts the power

of the Commons in dispensing with supplies. In sending messages to the Commons recommending the purposes for which money is to be voted, the Governor-General acts on the advice of his Cabinet. Any member of the Commons who desires to secure an appropriation for an enterprise in his constituency must therefore obtain the assent of the Cabinet before the appropriation can be granted, Lord Durham's Report attributed the misgovernment of the Canadas before the rebellion partly to the abuse of the system of Provincial Grants for local public works. Section LVII of the Act of Union 1840, contains the following: "Provided also that it shall not be lawful for the said Legislative Assembly to originate or pass any vote, resolution, or bill for the appropriation of any part of the surplus—to any purpose which shall not have been first recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution or bill shall be passed."

"Before 1840 there was no such restriction."—*Houston*.

Royal Assent to Bills, &c.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare according to his Discretion, but subject to the Provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the Signification of the Queen's Pleasure.

NOTES: The Governor-General is to be guided by three considerations—his Discretion—the Provisions of the B. N. A. Act—Her Majesty's