

Hon. Mr. BEIQUE: Has the honourable gentleman the wording of the Act before him?

Hon. W. B. ROSS: Yes. I quote from Bourinot:

On the assembling of the first parliament of the Dominion in 1867-8, an Act was passed "to define the privileges, immunities, and powers of the Senate and the House of Commons, and to give summary protection to persons employed in the publication of parliamentary papers." Under this Act the Two Houses respectively and their members shall exercise like privileges as at the time of the passing of the British North America Act, 1867 (sec. 18), were enjoyed by the Commons House of Great Britain, so far as the same are consistent with the said Act. These privileges are deemed part of the general and public law of Canada, and it is not necessary to plead the same, but they shall be noticed judicially in the courts.

All of Bourinot's comments on this point are in the same direction: they simply deal with the powers and rights of the Houses on the lines I have indicated, and not with the legislative jurisdiction of the two Houses. Most members of this House will remember that a rule was made by the Senate with regard to the taking of evidence on oath. The law officers of the Crown said it was ultra vires. Then there was other legislation with regard to the taking of oaths. But the question of examining witnesses under oath is now on a very distinct footing; that is to say, it is done by Act of Parliament, not by rule of the House of Commons or by rule of the Senate. All this, to my mind, points to the same thing—that if the House of Commons want to make rule 78 law, they must drop it as a rule of the House of Commons and get it embodied in an Act of the Parliament of Canada and assented to by the Imperial Parliament. Until that time comes we shall be governed entirely by section 53 of the British North America Act, which leaves us unfettered. I am strongly of the opinion that until new legislation is passed we are bound simply by the two limitations of which I have spoken, namely, that we cannot originate a money Bill and we cannot increase the amount involved. Apart from those limitations, we are free to deal with it as with any other Bill.

Hon. Mr. THOMPSON: The honourable gentleman from Middleton (Hon. W. B. Ross) has certainly taken down the restrictive fences to a considerable extent. If the only restriction against the right of the Senate to deal with money Bills is a rule of the House of Commons, and if there is nothing in the constitution against it, the honourable gentleman has let in a great deal

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of daylight upon the situation in this House. I have never heard that doctrine before. I am quite delighted to hear it. Do I understand the honourable gentleman to say that when a money or appropriation Bill comes into this House we are at liberty to take out items, or reduce items, or to change that money Bill? The honourable gentleman has taken the ground that we can decrease them or cut them out. Well, I am delighted to know that. I should like to hear the opinion of the honourable the leader of the Government on that question, and the sentiments of other honourable gentlemen who have been members of this House for many years.

Hon. Mr. CLORAN: That question deserves an answer. I suppose I must give it. For many a year I have been preaching practically the same doctrine as that laid down by a competent authority, a man in touch with the lines of democratic government. And I am glad to know that the honourable gentleman from Middleton (Hon. W. B. Ross) holds that opinion. How many times have I been called to order by the honourable the ex-Speaker here and the honourable the ex-Speaker there for discussing matters of this kind. Time and time again has my mouth been closed because the proposal which I had been discussing on behalf of the people was a money Bill. Now we have, to my mind, one of the brightest, ablest and best men in this Senate giving his view on the subject. I have listened to him with delight, as to a man who has common sense, and I have listened to the honourable gentleman from Toronto (Hon. Mr. Nicholls) who asked the honourable leader of the Government a pointed question, which he should have answered on the spot. The honourable gentleman from Toronto asked the leader of the Government: if the Senate adopts an amendment to a money Bill and that Bill goes down to the House of Commons with such amendment and it is not accepted by the Commons, does the Bill drop there and ipso facto become law, after signature by the Governor General, without coming back to the Senate? That was a fair question. The honourable leader of the Government has not yet answered it. If he does not answer it, I am on the horns of a dilemma. I do not know why he does not answer it. He is just as good as the Minister of Justice. I believe he is better. If, though the amendments made to a money Bill by this honourable House are not accepted in the Commons, the Bill becomes law, then I will take extreme objection to such a procedure. What would be