

in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

From that I think the conclusion may be drawn that when it was deemed proper that the powers of the Upper House should be curtailed, the Imperial Parliament did expressly curtail those powers. The Imperial Parliament expressly curtailed the powers, as far as our own constitution is concerned, by sections 53 and 54 of the British North America Act. They did not go any further. A few years after, in dealing with the creation of another Confederation, when it was thought advisable to go further, they did curtail the powers in a larger measure. I think it is to be inferred that if it had been advisable to do it in dealing with the Canadian constitution it would have been done, and that we cannot import into our constitution anything that is not in it.

Hon. Mr. DANDURAND: Honourable gentlemen, I do not intend to cover the ground which the committee has gone over, and which, in the main, appears in the report which is before this Chamber. As a member of that committee I concurred in the report and approved its conclusions. I simply want to add a word on the last question treated by my honourable friend from De Salaberry (Hon. Mr. Béique), when he spoke of the action of the British Parliament in enacting section 53 of the British North America Act, which alone contains a limitation of the powers of this Chamber. That section says:

Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

This represents the sole limitation of this Chamber in dealing with money Bills. This limitation of the powers of the House

of Lords was proclaimed by the House of Commons in England as far back as 1661. But the House of Commons went further, and a few years afterwards passed a resolution, in which they denied to the House of Lords the right to amend money bills. This resolution was in the terms of rule 78 of our own House of Commons, which reads as follows:

All aids and supplies granted to His Majesty by the Parliament of Canada, are the sole gift of the House of Commons, and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit and appoint in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

This old claim of the House of Commons of England, which it has asserted for over two hundred years, has always been denied by the House of Lords. It was reaffirmed in England in 1861 by the House of Commons, which went a step further and asserted the right to include all financial proposals in the annual supply Bill which the Lords would be powerless to amend. The House of Lords declared that it should not be limited by the resolution which I have just read, yet it conformed generally to the will of the House of Commons. I draw the attention of this honourable House to the fact that though in 1861, five years before the British North America Act was passed, the House of Commons again solemnly declared that the House of Lords had no power to amend money Bills; yet when our constitution was under discussion and was being enacted, it was not the powers of the British House of Commons as claimed by it only five years before which were included in our constitution, but simply the first step, that of 1661, towards limiting the powers of the House of Lords—the declaration that the right of initiative remained with the House of Commons and did not belong to the House of Lords. The House of Commons could well have gone a step further and vested in the House of Commons of Canada powers similar to those which it claimed for itself. It did not do so. It went no further than to give to the Canadian House of Commons the sole power of initiative.

The House of Commons of Canada at its first session appointed a committee to help the Speaker in framing rules for the House, and the Select Committee in its report, dated December 20, 1867, submitted the rules, including rule 78, which I have read,