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 Constiution can only be changed by the Imperial Parliament, and no resolution or practice can alter a word in 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 farther. 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 and 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.