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In a short time she was quite healed.

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## The Lords and Money Bills

Correspondence of the London Times.

The power of the House of Lords was permanently diminished by the Great Reform Bill and the Commonwealth. Even the Cavaliers could not overlook the facts that the Commons had successfully resisted the forces of the Monarchy, that for four critical years—1649 to 1653—the Rump had practically governed England, and that after 1653 a single House had been the only check upon a military despotism. In 1660 the old Constitution of King, Lords and Commons was restored, but it was restored with two fundamental differences. The Monarchy could no longer hope to free itself from Parliamentary control; and within Parliament the balance between the two Houses had undergone a complete change. These alterations made themselves conspicuous in the reactionary Parliament which sat from 1661 to 1678. In its earlier Sessions this Assembly is described by Macaulay as "more zealous for Episcopacy than the Bishops," and in its later Sessions it was known to contemporaries as the "Pensionary Parliament." Yet it was this Parliament which shackled the Monarchy by insisting upon the appropriation of supplies, the audit of accounts, and the responsibility of Ministers. And it was this Parliament which struck the great blow against the financial powers of the House of Lords.

The jealousy with which, quite irrespective of party, the action of the Upper House was regarded made itself apparent in the very first Session. In 1661 the Lords carried, and sent to the Commons an apparently harmless Bill for the paving and repairing of the streets of Westminster. The Commons approved the object of the Bill, but on the ground that it laid a charge upon the people and that it was a privilege inherent to this House that Bills of that nature ought to be first considered here, they asked the Lords to expunge the Bill from their records, and promised to bring in a measure to the same effect. The Lords contended that this was contrary to the inherent privileges of their House, and inserted a proviso to that effect in the Commons' Bill. The Lower House refused to accept the proviso, and, as neither would give way, Westminster remained unpaved for four years.

This was the first beginning of the controversy which was to be fought out in the next decade, and of which the details have more than an antiquarian interest at the present moment. In 1671 the Commons passed a Bill imposing additional duties upon foreign goods for the protection of home and colonial industries. The Lords introduced several amendments, of which the most vital was the lowering of the duty on white sugar by a farthing and a half per pound. The Commons rejected the amendments and resolved nem. con. that in all aids given to the King by the Commons the rate or tax ought not to be altered by the Lords. In the ensuing conference between the two Houses the Attorney-General asserted that "there is a fundamental right in the House of Commons as to the manner and the measure and the time, unalterable, and which they cannot part with." He added that "your Lordships begin a new thing." Another speaker gave a grossly irrelevant answer to the significant contention of the Lords that "by this way the Commons might annex things of foreign nature to Bills of money, and make another Magna Carta."

The question of principle was now fully raised, and the Lords resolved, also nem. con., that the power of making amendments in a money bill was "a fundamental, inherent, and undoubted right of the House of Peers, in which they cannot depart." To support this resolution they drew up arguments for a new conference, of which the following are still worth quoting. "If this right should be denied, the Lords have not a negative voice allowed them in Bills of this nature, for if the Lords cannot amend, abate, or refuse a Bill in part, by what consequence of reason can they enjoy a liberty to reject the whole? When the Commons shall think fit to question it, they may pretend the same grounds for it." "By this new maxim of the Commons a hard and ignoble choice is left to the Lords, either to refuse the Crown supplies when they are most necessary, or to consent to ways and proportions of aid which neither their own judgment nor the good of the Government and people can admit." "If positive assertion can introduce a right, what security have the Lords that the House of Commons shall not in other Bills (pretended to be for the general good of the Commons, whereof they will conceive themselves the fittest judge) claim the same peculiar privilege, in exclusion of any deliberation or alteration of the Lords, when they shall judge it necessary or expedient?" They went on to cite conclusive precedents to prove that they had frequently exercised the power in the past.

To this powerful state paper the Commons drew up a reply in writing. They dispute the precedents advanced by the Lords, pointed out that, if admitted, they would justify a claim to initiate as well as to alter money bills, and put forward rival precedents in their own favour. As to the argument that the two Houses are mutual checks on each other, they reply, "so are they still, for your Lordships have a negative voice to the whole." On the distinction between the whole and part, they veto but cannot amend a bill. Finally, they urge that, if the Lord's claim were admitted, they would be able to increase as well as to reduce taxation, which, from the point of view of the Commons, was a reductio ad absurdum. The Lords decided nem. con. that they disagreed with the arguments and disliked the

unusual expressions of the Commons. There the matter ended for the time, as Parliament was prorogued on April 22 and the bill was consequently lost.

In 1677 the controversy was opened. The Commons had voted supplies for building thirty ships of war. The Lords amended the bill, and inserted a requirement that accounts should be presented to them as well as to the Lower House. The Commons rejected the amendments on the now familiar ground that "the granting and limiting of all aids and supplies did wholly belong to the House of Commons." After a conference the Lords resolved that they were not convinced but that their right held good, but, in view of the danger to the country if the bill did not pass, they waived their amendments. At the same time, in an address to the Crown, they asserted that only out of loyalty they had "laid aside for this time so great a right."

In 1678 the question was raised for the last time, in the Restoration Parliament. The Treaty of Nimeguen was now believed to be assured, and the Commons, dreading the military power of the Crown, voted supplies for disbanding the forces which had been raised for an expected war with France. Again the Lords introduced amendments. Notably they postponed the date of disbandment, which involved extra pay to the troops. The Commons rejected this as trenching on their rights, but offered to meet the wishes of the Lords by adding a proviso in place of the proposed amendment. The Lords, however, refused the compromise, pointing out that the proviso, while it conceded that the amendment was reasonable, was in itself unsatisfactory and inadequate. The usual conferences followed, the Commons adhering to their assertion that the Lords could not amend, while the Lords maintained that the sole right of the Commons was that bills of money should begin in their House (thus conceding what they had disputed in 1661), but that "in all other respects, and to all other intents and purposes, our legislative power was as full and free as theirs." On July 3, on receiving a report of the conference of the previous day, the Commons adopted the famous resolution which remains to this day the foundation of their claims: "That all aids and supplies, and aids to his Majesty in Parliament, are the sole gift of the Commons; and all bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted, sole right of the Commons to direct, limit and appoint in such bills the ends, purposes, considerations, conditions, limitations and qualifications of such grants; which ought not to be changed by the House of Lords."

As the Lords resolved on the same day to adhere to their amendments, there was an absolute deadlock. What the result of the quarrel would have been it is impossible to say. But news had arrived that Louis XIV. refused to surrender any of his conquests until his allies, the Swedes, had recovered the territories lost in the war. This endangered the prospects of peace; it was no longer possible to disband the forces, and so the much-disputed bill was abandoned.

The last occasion on which the same matter of dispute was prominent in the 17th century was in 1689, the year of the Revolution. The Lords had amended an additional poll bill by inserting a clause that they should appoint commissioners to rate themselves and a collector to receive their assessments. The Commons rejected their amendments and drew up some noteworthy arguments for use in a conference. In these they renewed the assertion that taxes are the sole grant of the Commons.

And the Lords are not to alter such gift, grant, limitation, appointment, or modification by the Commons in any part or circumstances, or otherwise interpose in such bill than to pass or reject the same for the whole, without any alteration or amendment, though in ease of the subjects. As the Kings and Queens, by the Constitution and laws of Parliament, are to take all or leave all in such gifts, grants and presents from the Commons, and cannot take part and leave part, so are the Lords to pass all or reject all, without diminution or alteration.

In reviewing the controversy, it is obvious, as Hallam long ago admitted, that the Lords had the best of the argument, both in the matter of precedents and in that of reasonableness. But, although they actually gave way on only one occasion—viz., in 1677—the ultimate victory rested with the Commons. This was due partly to their unanimity in the matter—very unusual at a time when political parties were in acute conflict with each other—but mainly to the weakened position of the Lords in the country. If public opinion had been on their side, there is little doubt that they would have made good their claim. Nothing but the support of public opinion could have enabled the Commons successfully to enforce resolutions which in themselves had no legal validity. From that day to this the Lords have in practice abandoned the claim to amend a bill which is obviously and demonstrably a money bill. But it is evident from the documents quoted above that they have retained in complete fulness their right of rejection—a right which is only limited in practice by considerations of unity and policy.

To the Editor of the Times:

Sir,—I cannot help protesting against the language used by responsible politicians and journalists about the constitutional power of the House of Lords to reject bills of aid and

supply. We hear from speakers and writers who ought to know better that the rejection of the Budget by the House of Lords would be revolutionary, would be a return to a Stuart times, would be to tear up the precedents of 300 years. Such language is extravagantly untrue. It might indeed be applied with propriety to any proposal that the House of Lords should impose taxes, or initiate bills of aid and supply, or make amendments which would alter the character, amount, or incidence of a tax. These things would certainly be a violation of well-established precedent. But every student of constitutional law and history must be aware that the distinction between initiating or amending a money bill and rejecting it has always been most strongly emphasized.

The constitutional law and practice of Parliament has this peculiarity. There are two bodies of law and practice equally authoritative and not always identical. One of them emanates from the House of Lords, and the other from the House of Commons—for the Houses are absolutely independent of one another, and are both supreme within their own sphere. When, therefore, we speak of the "Constitution" or of "constitutional" we speak vaguely unless we go on to explain that we mean the Constitution as interpreted by the House of Lords or the Constitution as interpreted by the House of Commons. But in this instance the Constitution according to the Commons recognizes the power of the Lords to reject a taxing bill not less certainly than the Constitution according to the Lords. To the best of my recollection the House of Commons has never protested against the House of Lords rejecting a taxing bill except in 1860. And the Resolutions of 1860, which may be regarded as the utmost claim of the Commons in respect to finance, expressly recognize the power of the Lords to reject taxing bills. They state that the Lords had exercised that power, although infrequently, and then go on to say that it is a power "justly regarded by this House with jealousy." To regard a power with jealousy is plainly not to deny its existence. It is to insist that it should be the ordinary practice of Parliament, but only for grave causes and in exceptional circumstances. This is, I think, unquestionably the meaning of the Commons in 1860. The impression is confirmed by the language of their final resolution which speaks of guarding the rightful control of the Commons in the future "against an undue exercise" of the power of the Lords, and indicates that the Commons have the remedy in their own hands by combining all the financial proposals of the year in a single bill. Certainly the Commons were right. They had it in their hands to stop what they regarded as an undue exercise of the power of the Lords. The Lords cannot frequently, or as part of the ordinary practice of Parliament, reject the whole financial arrangements of the year. They can only do it on very rare occasions when grave and special reasons require such rejection. In a word, the Lords are precluded from the exercise of their powers and restricted to that exercise which is not undue.

The constitutional power of the Lords to negative the whole of a money bill has never been denied by the Commons. Nay, it is so well recognized that, although the Commons usually object to the Lords amending a money clause in an ordinary bill, the analogy of rejecting the whole of a money bill is allowed to be applied to such money clauses, and it is not deemed to be a breach of the Commons' privileges if the Lords, instead of amending a money clause, strike it out altogether. But this is only another illustration of the emphatic distinction which has always been drawn between initiation and amendment on the one side and rejection on the other.

Whether the Lords would be wise to pass or reject the present Budget—in what direction preponderating considerations of public interest point—is of course a wholly different question. Much may be said on either side. And it is to be hoped that the House of Lords will not prematurely or hastily come to a decision. But so far as the question of constitutional right goes, it certainly seems to me that no well-informed person can sincerely doubt that the House of Lords has a constitutional right to reject the finance bill.

I am yours faithfully,  
23 Bruton street, W. HUGH CECIL.

### JOHN BRIGHT'S BOGEY.

John Bright once described the variety of stage fright with which he was familiar, with telling point. He was discussing public speaking with George Dawson, an eminent Englishman of his day, when, according to a paragraph in the late David Christie Murray's "Recollections," he said—

"Tell me, friend George, you have, I suppose, as large an experience in public speaking as any man in England. Have you acquaintance with the old nervous tremor?"

"No," Dawson replied, "or if I have it is a mere momentary quail, which is gone before I can realize it."

"Now, for my part," said the great tribune, "I have had practice enough, but I have never risen to address an audience, large or small, without experiencing a shaking at the knees and a sense of a scientific vacuum behind the waistcoat."

### STEVENSON ON HIS TRAVELS

In The Macmillan Pocket Classics Series, the latest volume, published this week (October 13), contains Stevenson's "Travels With a Donkey and An Inbound Voyage." This puts, in attractive form, the two famous narratives at the disposal of any one with twenty-five cents to spend. In none of his works are the charm of Stevenson's personality and the brilliancy of his style more striking than in the story of those wanderings.

## Discovery and Invention

In disclosing to acquaintances what he believed to be some of the causes of long life, the late Sir Isaac Holden, after dilating on the advantages of bananas as a food, used to conclude: "and, above all, not too many baths: they are weakening." This receding observation is recalled by some remarks of Dr. Remlingen, which are quoted in Cosmos, on the infective dangers of water, even when used externally. Dr. Remlingen has found several instances of botanists when their work has taken them into contaminated waters. The inference is either that the water has been accidentally swallowed or that it has come into contact with their food. Cosmos, which is inclined to make merry over the danger, points out that bathing is evidently an operation attended by the gravest risks, and suggests that the only way to avoid them is never to wash except in water that has been boiled, or, better still, never to wash at all. But the risks of water contaminated by the Eberth bacillus of typhoid are not wholly imaginary. A very curious instance of infection is described in the Journal de Medicine et de Chirurgie pratiques (September). The regiment of the 11th Dragoons was stationed near the Savoureuse, a river fifty named, which waters a typhoid-infected valley. The river was so unsavoury that the men never bathed in it; but the horses were daily watered on its banks. The horses after being walked in the pools of the river, which was nearly dry at that time of year, were groomed and taken back to camp. The implements of their toilet were usually kept in the nosebags, and a good many of the troopers who took a piece of bread with them to eat the way back were in the habit of putting this also with the brushes. An epidemic of typhoid in the regiment was most clearly traced to this cause, and the epidemic ceased when the use of the river was stopped.

Halley's Comet is expected to have now so far increased in brightness that it will be visible through 12-inch telescopes, and it will by calculation be nearly as bright as a fourteenth magnitude star and will appear as a very faint nebulosity. But, though it will be in position for observation all the winter, it will remain, according to Mr. W. F. Denning, a small and faint object till it blazes forth next April. At its last appearance its usual brilliance was not attained. No tail was visible for some time after its first appearance, and the shortening of its tail was speculatively attributed to the loss of matter while travelling near the sun in its perihelion periods. Another influence which may lessen the brightness of a comet during its approach to the sun is lessened solar activity at the time. It is sometimes supposed that the comparative absence of sun-spots indicates lessened solar activity, and in the eleven years cycle of sun-spots observed on the sun the minimum period is now approaching, though during the last month one very large sun-spot has been observed, and its appearance was coincident with a magnetic outbreak which was perceptible on the earth. The sun's surface is believed to be charged with negative electricity, and a magnetic storm on the earth has been supposed to be caused by a flight of negatively-charged electric corpuscles, which being expelled from the sun fall on the earth. By similar reasoning the comet's tail streaming away from the sun is believed to owe its appearance partly to the pressure of the sun's light on the very tenuous gaseous particles of the comet, and partly to the pressure of streams of corpuscles of the kind we have described. If, owing to comparative solar quiescence, the expulsion of such particles from the sun should not be very active, the comet's tail might suffer a diminution of brightness.

It will be remembered that though Greenwich Observatory made the calculations which enabled Dr. Wolf, of Heidelberg, to be the first to identify the image of the expected comet on a photographic star plate, yet the image had actually been registered, unperceived, on two Greenwich plates. To an astronomer the explanation of such an oversight is very simple. An article by Professor A. H. Turner, F.R.S., on the recent discovery of new satellites explains the difficulties very well. Some ten years ago, says Professor Turner, the announcement of the discovery of a ninth satellite of Saturn was made by W. H. Pickering. The image of the satellite was very faint on the plates, but a rough prediction of its future position, when Saturn should next be favourably placed for observation, was given. When Saturn next presented itself the satellite could not be found! It was looked for with the most powerful instruments, but on photographs of the region surrounding Saturn there seemed to be not the faintest impression on the film at the place where the satellite ought to be. Some very plain and not very complimentary things were said in print about bogus discoveries, to which there seemed to be at the time no suitable repartee, and the matter was almost dropped out of memory. It was not till six years later that W. H. Pickering, after prolonged search, succeeded in finding the tiny ninth satellite of Saturn on no fewer than thirty photographs taken at Arequipa, in Peru, with the Bruce telescope. The reason why the satellite had been so difficult to discover was partly because its motion had been calculated in the wrong direction and partly because it was so very faint. The seriousness of the second difficulty will be realized when it is mentioned that it took Professor W. H. Pickering on the average four

hours to find the image of the satellite on each one of the thirty plates, even when he had ascertained the clue of its retrograde motion and knew, therefore, where to look for it. Professor Turner mentions that all discoveries of planetary satellites since the Seventeenth Century have been made in England or America, and are at present equally divided between the two nations, the share of each being eight.

In the course of becoming an exact science, medicine is paying greater attention than formerly to the action of drugs. While the general public, owing to the multiplication of pills and tablets, is in most civilized countries acquiring the practice of drugging itself, the tendency among physicians is to limit both the number and quantities of drugs in use. Apart from these tendencies the most important aspect of the question is the repression of the adulteration of drugs. In some countries adulteration has grown to dangerous proportions, and the Second International Congress for the repression of adulteration in food and drugs held in Paris, has been an event of considerable interest. At the recent meeting at Lille of the French Association of Science, M. Dorveau traced the history of what is perhaps the oldest known adulteration of food—the adulteration of coffee with chicory. The name of the gifted inventor of this mixture is unknown, but after a long discussion the date of the invention has been fixed at 1690—when the Dutch practiced it. It does not seem likely that William III. brought it to England; but Prussia adopted chicory in 1763, and the French, who did not use it till 1771, have since then been more active than any other people in spreading the adulteration. In the Presse medicale, whence this information is derived, appears an instance of adulteration of a very novel kind. It appears that what are known as "blood oranges" are sometimes converted to their sanguine hue by an injection of aniline dye. The fraud in a specific instance was detected by the discovery of a fine needle which had been used in the syringe. The needle was unfortunately discovered not in the orange but in pharynx of a woman who had eaten one of the oranges.

Sometimes a vague rumour is heard that an engineer has found some way of utilizing the enormous power of sea waves for mechanical purposes. No invention has yet, however, proved of any practical value. A paper read by Signor Riccardo Salvadori before the Italian Electrotechnical Association furnishes some good reasons why this gratuitous form of power cannot be utilized. One of the difficulties is the extreme variability of the supply of energy; but even if this difficulty were overcome, and the energy were accumulated (in reservoirs of compressed air, for example) the cost of the apparatus of accumulation would be prohibitive. The principal reason, however, why wavepower cannot be profitably captured that the mean horsepower of waves is really quite small. On most coasts waves a yard high would furnish only one horsepower per yard of coast. Waves two yards high would give seven horsepower per yard of coast, but the number of days in a year when these waves occur is comparatively small. The three-foot wave is that which occurs on more than half the days of the year, and the cost of an installation which would conserve its energies would work out to £200 per horsepower—a prohibitive cost.

The last two years have been fruitful in the discovery of the remains of primitive man. At the Natural History Museum a case has been recently added which shows the various types of primitive skulls: The Pithecanthropus erectus, found a generation ago in Java, and presumed to be the oldest direct ancestor of man; the Neanderthal and Spy skulls, found in Western and Central Europe; the Mousterian skull, found in the middle Pleistocene strata of Dordogne; and latest of all the divided jawbone found at Heidelberg, and supposed by Dr. Schoetensack to be of a type dating from the earliest Pleistocene or even to the late Pliocene, and certainly antecedent to any other European skull. The Heidelberg man is by hypothesis the ancestor of various types, of which the Spy man is one and the primitive Australian type another. M. Florentino Ameghino, of the National Museum of Buenos Ayres, has now published a memoir on a primitive human skull, found in some recent excavations at Buenos Ayres at a depth which warrants the supposition that it dates like the Heidelberg skull, from the late Pliocene. To the type M. Ameghino has given the name Diprothomo, and he regards the type as the precursor of the Homo pampeus, which is another primitive skull found in the South American Pleistocene. The skull is not complete, but the upper part is nearly perfect, and, like the skulls of other primitive men, it discloses what we may call a very shallow brain pan. There is hardly any forehead at all, and the Diprothomo would have appeared to have practically no top to its head. M. Paul Combes, in commenting on M. Ameghino's photographs and drawings of the skull, and in his deductions from them, remarks that this discovery, like others of less recent date, seems to show that some of the anthropomorphic skulls—like that of the Pithecanthropus or of the Heidelberg man—were not men at all, or the direct ancestors of man. They were merely collaterals, and man has a direct descent through a pedigree not yet completely made out.