

Commons do not accept our amendments, they would be seized of the Bill and could go on with it.

Hon. Mr. LANDRY: If we pass the Bill with amendments and the House of Commons reject our amendments, the Bill drops or they ask for a conference.

Hon. Mr. DANDURAND: I draw the attention of this honourable House to two precedents one in 1900, and one in 1903. The one of 1900 was a Bill increasing the salaries of judges and containing money clauses. One clause increased by three the number of judges of the Superior Court in the province of Quebec. On the motion of the honourable gentleman from Hastings (Hon. Sir Mackenzie Bowell) that clause was eliminated, many other amendments were adopted, and the Bill was sent back to the House of Commons; and it pleased the House of Commons to accept our amendments. In 1903 the same Bill came from the House of Commons increasing the salaries of judges by \$2,000 a year, and containing other clauses which bore upon the expenditure of money. It was to a clause in that Bill that the honourable gentleman from Hastings referred the other day when he cited the case of a judge who resigned his position before he had been fifteen years on the bench, and before he had earned the right to his pension, but who was appointed to one of the Lieutenant-Governorships of Canada. In that case the Government reserved to itself the right to give the judge his pension, although, I might say incidentally, the clause did not say that he would have to cover the fifteen years in those two functions. The Senate differed from the House of Commons and struck out that clause of the Bill which authorized the Government of Canada to pay a certain amount of money in the form of pension to a judge who had not completed his fifteen years. The House of Commons accepted our amendment and the Bill became law. In those two cases the Senate amended a money Bill and sent it to the Commons; and I draw attention to the fact that one of those amendments was initiated by the ministerial party of to-day, and the second by the party on this side of the House. So that in those two instances both parties went on record as asserting the right of the Senate to make the amendment. What would have happened if the House of Commons had differed with the Senate I do not know; but at all events it seems to me that we have in those two instances the fact

Hon. Mr. CASGRAIN.

that we have proceeded to amend money Bills. The honourable gentleman from Victoria division (Hon. Mr. Cloran) says money Bills cannot be amended. Well, there are Bills which deal with money matters only in certain of their clauses, while other clauses can by common consent be amended. That is the reason why I said that we should await an amendment, and then discuss the question now raised.

Hon. Mr. NICHOLLS: I think the case cited by the honourable member from De Lorimier (Hon. Mr. Dandurand) is hardly parallel with this Act. But in order that the matter may be clear in my mind, I would like to ask the honourable leader of the Government, if this Bill were sent back to the Commons with one or two amendments, and the Commons refused to accept those amendments, whether the Bill would fall to the ground, or whether it could be sent back here for reconsideration in its original form. My own views would be governed largely by that decision. If we amend the Bill and it is sent back to the Commons at this late date of the session, we run the risk of having no income tax at all during the next ensuing year, by reason of the Commons not accepting the amendment. Therefore I ask the honourable leader of the Government for his opinion on that question.

Hon. W. B. ROSS: I desire to make a few remarks upon the question which is now before us, because it is important not only with regard to this Bill, but with regard to all Bills of a similar nature involving taxes or the appropriation of public revenue. The first remark I wish to make is that it must be borne in mind that we have a statutory constitution, the British North America Act. We are not on the same footing with regard to our constitution as the House of Lords and the House of Commons in England. They grew up with the country and their procedure is largely built upon precedents; but I do not think it makes the slightest difference how many precedents are set up to-day about what has been done in this House in the past. If those precedents are in accordance with the British North America Act, our constitution, they are right; if they are not in accordance with the Act, then we are not bound by them—they are all wrong. It is necessary to go back every time to the original constitution. Now, with regard to Bills for appropriating public