Then the Senate is an Upper House in a federation and not in a unitary State or Legislative Union as is the House of Lords. The Senate is more like that of the United States or the Upper House in Germany or Switzerland. If it is not the first duty of the Senate to protect Provincial interests it is impossible not to infer from the terms of the Act that this is a duty cast upon it. Why else the appointment by Provinces and Electoral Districts with the qualifications of property and residence? Why not an appointment to the Senate simply as in the House of Lords or the nominated Legislative Council already referred to? Such fundamental changes are not made for nothing. The first duty of the Senate is to protect and preserve Provincial rights and interests. No such duty is required of the House of Lords or of any of the Legislative Councils in the Provinces. More than that from the Act it is quite clear that to enable the Senate to do this it was made an independent body by the abolition of the swamping power, and making the tenure of the position for life. It has, of course, other powers and duties consequent on its being an independent part of the Constitution.

The British North America Act imposes one extremely important limitation on the powers of the Senate. Sections 53 and 54 of the Act reads:—

"(53) Bills for appropriating any part of the Public Revenue or for imposing any tax or impost shall originate in the House of Commons.

"(54) It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address or Bill is proposed."

It is worth noting that this last Section simply embodies the practice of the Imperial House of Commons. That House may reduce; it can not of itself increase the sum recommended by the Ministry. (See Todd's Parliamentary Government, Vol. 1, p. 702 and cases in notes thereto.) See also Keith, p. 568.

It is quite clear that if the House of Commons in Canada increased an amount recommended, the increase would be illegal unless a further recommendation should be had.

Section 53 embodies the only point on finance ever conceded to the House of Commons by the House of Lords. (See Todd, Vol. 1, p. 811.) When the House of Commons passes an appropriation or tax Bill it must be either for the sum recommended or for some smaller sum. When the Bill is for a smaller sum and the Ministry of the day continues to hold office it must be assumed that the Crown has assented to the reduction. (See Todd, Vol. 2, p. 391.) When such a Bill goes to the Senate the amount mentioned in the Bill is therefore the sum recommended by the Crown. The Senate could not increase this sum without coming in conflict with the prerogative of the Crown to say what money is wanted. (Todd, Vol. 1, p. 689.) The foundation of all Parliamentay taxation is the necessity for the public service as declared by the Crown through its constitutional advisers. The Senate therefore cannot directly or indirectly originate one cent of expenditure of public funds or impose a cent of taxation on the people. This is involved in Sections 53 and 54 and the Clauses of the Act defining the executive power. This is, however, the only limitation of the powers of the Senate in regard to "Money Bills" in the British North America Act. In all other respects the Act leaves with it co-ordinate powers with the House of Commons to amend or reject such Bills.

One objection urged against this statement is that the Senate is bound to follow the practice of the House of Lords and not amend a Money Bill. There is nothing in the British North America Act which says this. The preamble says: "With a Constitution similar in principle to that of the United Kingdom"