

400 WILBROD STREET,

OTTAWA, 27th April 1918.

The Hon. Senator W. B. Ross,

The Senate, Ottawa.

DEAR SIR,—In reply to yours of the 23rd instant, I beg to say that I have read with much interest the "Memorandum re rights of the Senate in matters of financial legislation," and I find in it a great deal that, were the matter now being discussed for the first time, might well be urged in support of what is evidently the writer's view.

In considering all subjects of the class to which the present belongs, regard has always—and very rightly—been paid to history and precedents; and the relations between our Senate and House of Commons are, as I think, so firmly established that no change could be introduced save by constitutional amendment. I do not mean, necessarily, by amendment of the British North America Act—amendment of constitutional practice, agreed upon by both Houses, would suffice.

From the very earliest time, the Colonial Assemblies have successfully contended for the same privilege with reference to financial bills as that enjoyed by the British House of Commons. The cases in which contention arose are very numerous, but I do not know of any in which the quarrel between the two Houses has resulted in substantial victory for the Council—as, in the earlier constitutions, the second chamber was styled.

A glance at the histories, furnishes me with two instances which may be taken as containing typical assertion of the privilege of the Assemblies. The first of these is noted in *Dickerson's American Colonial Government, 1696-1765*: The author says (p. 160) that, in the time of Governor Cornbury of New York:—

"The Council sought to amend the revenue bill so as to remove this objection, but it was met by the point blank assertion that the assembly would permit no amendment of Money Bills."

The second instance I take from Dr. Kingsford's book, the *History of Canada*, volume 9, p. 217. On that occasion (1818) the Council and Assembly were brought into sharp conflict, with the result, as the author says, that:—

"The Council did not conceive an amendment to the money bill as a breach of privilege; but as it was so asserted, the Council would hereafter forbear from all amendment, and simply reject any bill submitted to it, should occasion suggest."

There can be no doubt that the difference between the British House of Lords and the Canadian Senate referred to in the Memorandum are of substantial character, but, after all, the two Houses, with reference to the subject under consideration occupy the same position. For the members of neither House are elected by the people, and the privilege of the Assembly with regard to money bills has always been based upon the fact that the House was composed of popularly elected members.

In the United States, it is because both the Senate and the House of Representatives have always been composed of men elected by the people—either by direct vote or, indirectly, by the State Legislature—that the two Houses have concurrent authority.

I am, Sir,

Yours truly,

(Sgd.) JOHN S. EWART.