

and has become one of the temporary rejectors and palpable alterers."

The Duke of Wellington's letter to Lord Derby quoted here is worthy of perusal: Mr. Bagehot goes on to say, "The House of Lords now is a Chamber with, in most cases, a veto of delay—with, in most cases, a power of revision—but with no other rights and powers." "As the Duke's letter in every line evinces, the wisest members—the guiding members of the House—know that the House must yield to the people if the people are determined." (P. 135.) And at page 169, "But I do not consider that, upon the broad principle of omitting legal technicalities, the House of Commons has any special function with regard to financial different from its functions with respect to other legislation." "It is to rule in both, and to rule in both through the Cabinet." And at page 270 he adds, "The House of Commons may, as was explained, assent in minor matters to the revision of the House of Lords, and submit in matters about which it cares little to the suspension veto of the House of Lords; but, when sure of the popular assent, and when freshly elected, it is absolute—it can rule as it likes and decide as it likes."

We would further observe, in reference to the third branch of the investigation, that the Constitution Act of New South Wales, of 1853, provides "that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax, or impost, subject always to the limitations contained in clause 62 of this Act, shall originate in the Legislative Assembly"—that is, the Lower Chamber; and by clause 62 it is provided "that it shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated Revenue Fund, or of any other tax or impost to any purpose which shall not have been first recommended by a message of the Governor to the Legislative Assembly."

The Constitution Act of Victoria states that "it shall be lawful for the Legislature of Victoria by any Act or Acts to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Council and Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those now had, enjoyed, and exercised by the Commons House of Parliament, or the members thereof." And also that "all Bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost shall originate in the Assembly, and may be rejected, but not altered, by the Council." And, further, that "it shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated Revenue Fund, or of any other duty, rate, tax, rent, return, or impost for any purpose which shall not have been first recommended by a message of the Governor to the Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

The Act of 20 Viet., 25th February, 1857, is "An Act for defining the Privileges, Powers, &c., of the Legislative Council and Legislative Assembly of Victoria," and differs from the New Zealand Act of 1865 chiefly as to the date from which the privileges, &c., of the House of Commons are to be taken as a guide. The Victorian Act fixes the date at 18 and 19 Viet.; the New Zealand Act at the 1st January, 1865.

The British North American or Canadian Constitution Act was passed in 1867, and it declares in clause 18 that "the privileges, immunities, and

powers to be held, enjoyed, or exercised by the Senate and the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof;" and it further provides, in clause 53, that "Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons," and in clause 54 it is declared that "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."

Judge Story, in his Commentaries on the Constitution of the United States, says that "the first clause" (sec. 7, art. 1) "declares, all Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other Bills. This provision, so far as it regards the right to originate what are technically called 'money Bills,' is, beyond all question, borrowed from the British House of Commons, of which it is the ancient and indisputable privilege and right that all grants of subsidies and parliamentary aids shall begin in their House, and are first bestowed by them, although their grants are 'not effectual to all intents and purposes until they have the assent of the other two branches of the Legislature.' The general reason given for this privilege of the House of Commons is, that the supplies are raised upon the body of the people; and, therefore, it is proper that they alone should have the right of taxing themselves. And Mr. Justice Blackstone has very correctly remarked that this reason would be unanswerable if the Commons taxed none but themselves. But it is notorious that a very large share of property is in possession of the Lords; that this property is equally taxed as the property of the Commons; and therefore, the Commons not being the sole persons taxed, this cannot be the reason of their having the sole right of raising and modelling the supply. The true reason seems to be this: The Lords, being a permanent hereditary body, created at pleasure by the King, are supposed more liable to be influenced by the Crown, and, when once influenced, more likely to continue so, than the Commons, who are a temporary elective body, freely nominated by the people. It would, therefore, be extremely dangerous to give the Lords any power in framing new taxes for the subject. It is sufficient that they have a power of rejecting, if they think the Commons too lavish or improvident in their grants. (Sec. 874.)

"This seems a very just account of the matter in reference to the spirit of the British Constitution, though a different explanation has been deduced from a historical review of the power. It has been asserted to have arisen from the instructions from time to time given by the constituents of the Commons (whether of county, city, or borough) as to the rates and assessments which they are respectively willing to bear and assent to, and from the aggregate it was easy for the Commons to ascertain the whole amount which the commonalty of the whole kingdom were willing to grant to the King. Be this as it may, so jealous are the Commons of this valuable privilege that herein they will not suffer the other House to exert any power but that of rejecting. They will not permit the least altera-