

ing parties in that case? What was that first Government in Canada? Was it a party Government, or was it a coalition Government? It was made up of members of both of the parties precedent to confederation, both of whom had friends, both of whom joined together to make the first Government and to carry on the affairs of the country for the first time. These two sitting down together, prominent Liberals and prominent Conservatives, stipulated amongst themselves that in the formation of the first Senate, the two political parties precedent to that time should be equally represented, and the appointing powers who were representatives of both parties sat down together and made the nominations upon the basis they had agreed upon. It is here stated in the extract, a part of which was read by the leader of the Opposition, that the Hon. George Brown, although a party to that, and having gone into the Government, went out before the appointments had been actually made, but Sir John A. Macdonald carried out the appointments on the line which they had agreed upon before, and thus kept faith with the Liberal section of the party. Others of the Liberal party, of course, remained in that first Government and were there when the appointments were made. Now, Sir, if there is any basis I think which follows from the constitutional rule, which follows in Great Britain as well as here, it is that if there is an appointing power, and that appointing power is the Government of the day, the appointing power, that is the Government of the day, has perfect freedom as to whom its appointees shall be, and unless there is something in the constitution of the country itself to make it necessary that a certain portion of both political parties, or of certain creeds, or of certain classes, should be represented in the Senate, then there is nothing binding. The circumstances are as different as they could be. The first was a coalition Government, made up of the two parties, both of whom had friends in the Government, and there was this circumstance in addition. It was this, that there were a certain number of legislative councillors, friends of both parties, and every one knows that upon making the first change from the old Government to the new in every case, as much as possible, old rights or old privileges, whatever you may please to call them, are tenderly dealt with. What was more natural than when two great parties came together to establish confederation and sat down in order to make the first nominations to the Senate, that they should say to each other: Let us have both parties represented, and let us take them from the existing legislative councils, whose offices we have abolished by the Act of Confederation, and let us translate them in their proportions to the new Senate. There is a circumstance that is not present when nominations are

Mr. FOSTER.

made now and which was present then: and that makes all the difference. That arrangement was loyally carried out by Sir John A. Macdonald, and the Liberal-Conservative party, and it was that understanding alone which was carried out. The hon. gentleman has gone very far afield in order to make an argument, because what was actually done under that state of things was that the old legislative councillors were provided for by the two parties, who were acting in perfect agreement, and they were looking after prominent men to translate from the legislative councils to the Senate—a set of circumstances which then prevailed. but the circumstances now prevailing when the Government are called upon to make appointments are quite different, and we cannot argue from the first to the second, and can only argue on the constitution itself. Now as to the practice in Great Britain. Does the principle exist there that when a Conservative Government comes into power and makes appointments to the House of Lords, those appointments are made equally from both parties? My hon. friend knows it is not so. He knows it is exactly the opposite, and that the disparity in the representation of parties in the House of Lords is greater than it is in the Canadian Senate to-day. So I think my hon. friend is not very strong as regards the ground taken by him, and he is still less strong in the argument he has used in order to make his ground appeared more tenable.

The MINISTER OF MARINE AND FISHERIES (Mr. Davies). I desire to say a word on the point referred to by my hon. friend opposite. The hon. gentleman has stated in the course of his remarks that the late election of Mr. Murray in Nova Scotia could have nothing to do with the point in dispute between Senator Power and the leader of the Opposition, inasmuch as the points which were determined by the people of Nova Scotia were altogether foreign to the points of difference then existing between the hon. gentleman and Lieutenant-Governor Mulgrave. I think if the hon. gentleman will refer to the remarks of Senator Power and if he will read the history of the time, he will find that the decision of the people of Nova Scotia given the other day had as much reference to the points in dispute as had the decision regarding the points in controversy with respect to the action of Lieutenant-Governor Mulgrave when the hon. gentleman (Sir Charles Tupper) appealed to the people of Nova Scotia. I am not old enough to have taken any part in those elections, but I have read the history of that time, and if my memory serves me when the legislature became divided, an appeal was taken to the people—

Sir CHARLES TUPPER. That was three years afterwards.

The MINISTER OF MARINE AND FISHERIES. Perhaps it was three years—