

One of the plans suggested in England from time to time, avowedly for the purpose of facilitating public business, has been the substitution of a single inquiry, for the existing double inquiry into Contested Bills. This plan was much discussed by a Commons' Committee of 1853. Mr. Lowe, one of its members, moved, "That the House of Lords be invited to concur in some arrangement by which a Private Bill may be investigated, at the same time and place before a Committee of the two Houses, or by which one joint tribunal may be formed from both Houses." The opinion in the Committee was divided, and the Chairman eventually gave a casting vote against the proposal, which was then supported by Mr. Gladstone and other eminent parliamentarians. Similar proposals were made in subsequent years. In 1869 a joint Committee of Lords and Commons was appointed "to consider whether any facilities could be given for the despatch of business in Parliament." This Committee considered it expedient that opposed Private Bills should be referred to a joint committee consisting of three members of each House, and were of opinion "that this change would introduce greater simplicity and rapidity of proceeding and a corresponding economy." This plan included joint Standing Orders Committees. Upon an opposed bill, the chair was to be taken by a member of the House to which the bill belonged. A bill, after being reported, could be always recommitted to the former or some other joint Committee as might be expedient.

The sentiment of Parliament, however, has been, so far, in favour of the two Houses dealing separately with private bills, and of each of them acting as a court of appeal on the decisions of the other. Sir Vernon Harcourt, who once practised with success at the parliamentary bar, told the House of Commons in 1872 that "over and over again he had known decisions on private bills reversed by the House of Lords, and never recollected any in which that reversal was not right." That was natural, he added, because upon a second hearing mistakes were corrected, evidence was strengthened, and the case better understood. Besides the general testimony borne by Sir William Harcourt and other high authorities, other facts have been adduced to show that public interests would suffer were there not such a Court of Review as the House of Commons or House of Lords affords when the bill comes before either in the ordinary course of procedure.

II.—SUGGESTIONS FOR THE CONSIDERATION OF THE CANADIAN HOUSES.

We may now proceed to review the present condition of business in the Senate and the House of Commons of Canada, and consider whether it is not possible to follow the practice of the English Parliament in this particular; but before doing so, it is interesting to note here that it has become the established custom in the colony of South Australia to introduce all Private Bills in the Legislative Council, thereby securing greater expedition in passing, owing to the pressure of business in that House being so much less than in the Assembly.

The rules of the Canadian Houses, with respect to the initiation of Private Bills, imposing fees and charges for services performed and not in aid of the public revenue, are the same as those of the English Houses, and consequently no difficulty can arise on this account with respect to the presentation of a greater number of Private Bills in the Senate.

It is not necessary here to refer at length to the evidence that the records of the Parliament of Canada have afforded us for years of the unequal division of business between the Senate and the Commons, which has obliged the former House to adjourn for days and even weeks at a time, and has forced them towards the very close of the session to consider practically the bulk of important legislation, when there is relatively little time for that deliberate discussion and review, which seems to be essentially the function of an Upper House under a parliamentary system of government.