

Historians say that without this protection there would have been no federation. As George Brown, a prominent father of Confederation from Upper Canada, said: "Our Lower Canada friends have agreed to give us representation by population in the lower house, on the express condition that they could have equality in the upper house. On no other condition could we have advanced a step."

At the same time, it is our understanding that there was also a concern to ensure representation for the English-speaking minority in Quebec. This group, already protected in the Quebec Legislative Assembly by section 80 of the *Constitution Act, 1867*, received additional protection in the Senate. Each of the 24 senators for that province was to represent one of the 24 electoral divisions of Lower Canada and was to reside or own property there. Because of the way the anglophone and francophone populations were distributed within the province, this helped to ensure that some Quebec senators would be English-speaking.

The Senate's other role — acting as a counterweight to the popularly elected House of Commons — was reflected in the way senators were chosen. They were to be appointed rather than elected, and only from among those citizens who were at least 30 years of age and who possessed property worth at least \$4,000.

Implicit, therefore, in the role of the Senate were the representation and protection of several minorities: the people of the less populous provinces, the French- or English-speaking people of Quebec, and people with property.

The evolution of the Senate's role

The most important development affecting the role of the Senate since 1867 has been the gradual change in public attitudes, not only in Canada but worldwide, toward appointed or indirectly elected legislative bodies. The resulting loss of political authority meant first that the Senate's use of its so-called absolute veto over federal legislation came to be resented and, subsequently, that the Senate was no longer prepared to use its powers except on rare occasions. The last bill to be rejected by the Senate was a 1961 government bill to change the *Customs Act*, although the Senate has successfully amended a number of bills since then. One important consequence of this development was that senators could no longer act as politically powerful representatives of regional interests. The Senate's role therefore evolved toward one that complemented rather than competed with the popularly elected House of Commons. Its principal functions are now improving legislation and investigating questions of public policy.

The arguments for Senate reform

Criticisms have been directed at the Senate for some years. They include the partisan nature of some Senate appointments; the poor attendance of some senators; the under-representation of women, aboriginal peoples and ethnic groups; the numerous Senate vacancies that are allowed to continue unfilled; the lack of balance in the number of senators affiliated with the different parties; the constraints that party