

MEMORANDUM respecting the Distribution of
Business between the Senate and the House of
Commons of the Parliament of Canada.

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I.—OBSERVATIONS ON THE ENGLISH PROCEDURE.

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The question of facilitating the business of Parliament, by the introduction during each session of a larger number of public and private bills in the Senate than has been hitherto the case, has been a matter of debate on several occasions in that chamber, and of comment in treatises on the procedure of the Canadian Legislature. Last session, in the House of Commons, the Honourable Mr. Blake briefly referred to the matter and asked the government whether, in their opinion, it would not be expedient to take it up. No step, however, was taken in this direction in the House of Commons, and the debates in the Senate have never been followed by any practical measure in the way suggested.

The same subject obtained much consideration for years in the Parliament of England, where the number of private bills are sometimes extremely large. In years of pressure the result was almost a deadlock in legislation. Opposed bills came before the House of Lords at so late a period in the session, that all were hurried and some were laid aside.

Before proceeding to review the condition of public and private business in the Canadian Parliament, it will be useful to note the experience of the English Houses in this matter.

The difficulty in England arose for years chiefly from the constitutional rule,—persistently and rigidly enforced by the House of Commons,—which prevented the Lords from initiating any legislation which involved the imposition of tolls and charges of any class. In order to obviate this serious difficulty the Commons, at the suggestion of Lord Redesdale in the Lords, agreed at last to waive a privilege which had ceased in modern times to be important or expedient save in Supply, and to allow all private bills to be apportioned equally between the two Houses. By the present Standing Orders the Lords may consider bills where the fees and tolls “are imposed in respect of benefit taken, or service rendered under the act, and in order to the execution of the act, and are not made payable into the treasury or exchequer, or in aid of the public revenue;” and when such bills “shall be a private bill for a local or personal act;” or if they refer to “rates assessed and levied by local authorities for local purposes.”

Consequently the basis of a better despatch of business in the two Houses was at once laid. A further improvement was made by the adoption of the following Standing Order:—

“The Chairman of the Committee of Ways and Means shall, at the commencement of each session, seek a conference with the Chairman of Committees in the House of Lords, for the purpose of determining in which House of Parliament the respective Private Bills should be first considered, and such determination shall be reported to the House.”

By reference to the Journals of the English House of Commons, every session, it will be seen, that, among the first business transacted, is the presentation of a report under this rule. The bills to be initiated in the Lords deal with Railways, Harbours, Corporations of Cities, Water and Gas Companies, Infirmaries and Asylums, Trust, Banking, and other Stock Companies, Vestries and Parochial Boards, Navigation Companies, and the numerous classes of subjects that naturally and necessarily fall under private legislation.