

ment, no one could reasonably doubt. But how to select them, and how to place them in a position where their high qualities might be of service to the country, was the difficulty.

So much by way of introduction. I now desire to approach the consideration of this important subject from a purely constitutional point of view, for none other would be suitable for the columns of a legal journal; but from that standpoint it is eminently one which deserves the attention of the profession, who are so deeply interested and so largely engaged in all matters affecting the making of the laws which they are called upon to assist in administering.

The first suggestion in view of the difficulties hereinbefore alluded to, would be, as the easiest and simplest course to adopt, and the one most in accord with purely democratic ideas, to abandon altogether the scheme of a second legislative body, and to throw the whole responsibility of legislation upon the popular representatives. The men of really conservative opinions, though representing both the Reform and Conservative parties, who framed the British North America Act, such a course would have been highly objectionable. Not only would it have been opposed to all preconceived ideas of statesmanship, but it would have been opposed to the practice and experience of governments the most democratic in their representative institutions. The establishment of a second chamber being thus held to be a matter about which no question could be raised, two plans naturally suggested themselves—one the selection and appointment of the members by the nomination of the Crown, that is to say of its responsible ministers; the other, nomination by popular election. The idea of a body partly elected and partly nominated, we dismiss without consideration, as containing in itself elements of antagonism which would entirely destroy its usefulness. To both the nominative and elective principles of appointment, serious objections present themselves. In the former case the nominations practically made by the party in power would, it may be contended, necessarily result in the appointment of friends and supporters, and would be regarded as a fitting reward for political services; and to persons so appointed the ties of party might seem more binding than the obligation to rise above party considerations which should be the chief characteristic of the second legislative body. The tendency would be to become the mere registrars of the acts of the ministerial majority, to regard its maintenance in power as the chief object to be accomplished, and