

go back to pre-Confederation days and ascertain the intentions of the framers of our Constitution. During the Confederation Debates of 1865 Sir John Macdonald outlined what he and his associates had in view with regard to Parliament in these words:

The legislature of British North America will be composed of King, Lords and Commons. The Legislative Council will stand in the same relation to the Lower House, as the House of Lords to the House of Commons in England, having the same power of initiating all matters of legislation, except the granting of money.

On the same occasion Sir John proceeded to amplify the remarks that I have just quoted, as follows:

In order to protect local interests, and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated should be represented in the Upper House on the principle of equality. . . . Accordingly, in the Upper House . . . which has the sober second-thought in legislation, it is provided that each of those great sections shall be represented equally by twenty-four members.

There would be no use of an Upper House if it did not exercise, when it thought proper, the right of opposing, or amending, or postponing, the legislation of the Lower House. It would be of no value whatever were it a mere Chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body.

The three great divisions of the country to which Sir John Macdonald referred were Ontario, Quebec and the Maritime Provinces. Each of these being represented by 24 members made the initial membership of the Senate 72. This number was later increased to 96 by the representation given to new provinces.

Now let us begin our journey through the records of Parliament with the year 1868. Few subjects have been more frequently discussed in this Chamber than that of securing for it a greater volume of legislative business. Scarcely had the first Parliament after Confederation got into working order when it was felt that, under the then existing parliamentary procedure, something should be done to originate more bills in the Senate. Accordingly, in 1868, a select committee was appointed to "consider and report whether by any alterations in the forms and proceedings of this House the despatch of public business can be more effectively performed," and that committee, through its Chairman, Sir Alexander Campbell, presented its report on May 7, 1868.

The situation which confronted that select committee and its report bear such close

relation to what we are confronted with to-day that, with the permission of the House, I will read the whole report:

The Committee are of opinion that the forms and practices of the Senate are well calculated to prevent delay in the passing of bills, or in the transaction of other business; but bills will, according to the present practice, be sent up by the other House of Parliament at so late a period of the session as to render it impossible to give them that full consideration which the public interests require. This complaint has been constantly made in the House of Lords, and in the upper branches of the several colonial legislatures, and has formed the subject of repeated discussions, but no sufficient remedy has been suggested.

The Committee have under their notice, the modes of remedying the evil in question suggested by the committee of the House of Lords in a report of the 7th of May, 1851. These modes were either that some portion of the legislation which originated in the House of Commons should commence in the House of Lords, or that some alteration should be made in the forms and proceedings of the Commons which would enable it to devote more time and attention to legislative measures during the early part of the session.

The Committee would observe that independently of financial measures which begin as of course in the House of Commons, the representative character of that House, and the system of responsible government, render it expedient that some other classes of important bills should be first discussed there; the Committee are, nevertheless, of opinion that it would be quite possible to originate a much larger number of bills in the Senate than has hitherto been the practice in the Legislative Councils of any of the provinces of the Dominion. It appears to the Committee that it must rest chiefly with the Government of the day to accomplish this; the business of Parliament will hereafter, the Committee believe, be principally in connection with public measures, and in the hands of the Government, and it will depend upon Ministers themselves in which House of Parliament many of these measures shall originate. The Committee think that the public interest in the more thorough consideration of legislative measures, as well as in the dispatch of business, would be much better served by a persistent effort on the part of the Government of the day to originate in the Senate as many of their measures as the law and usage of Parliament will permit.

The Committee would further remark that the Constitution, in establishing an Upper House of Parliament composed of life members, contemplates on the part of that branch a supervision, undisturbed by temporary political currents and partisan warfare, of the legislation of the day. It is impossible, the Committee believe, that the Senate shall adequately fill its place in the Constitution and discharge those functions upon which its usefulness to the country so much depends, unless ample opportunity is given for the discussion in that House of all measures submitted for its consideration. In the absence of any other remedy, it might become necessary to secure this, even by the extreme measure of declining to consider bills, with certain exceptions, brought up from the Commons within a fixed period of the end of a session—

Hon. Mr. MURPHY.