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All articles, contributions, and letters on matters pertaining to the editoria department should be addressed to the Editor, and not to any other person who may be supposed to be connected with the paper.

"I AM convinced there is something wrong with the Senate," said Senator Poirier, in introducing his motion looking to a gradual reconstruction of that august body by vesting the power of future appointments in the Local Legislatures. That there is something wrong with the Dominion Senate, in so far that it fails to do the work, or wield the influence, that should belong to the Upper House of the Dominion Parliament is, it is pretty safe to say, the opinion of the great majority of the people of Canada. As to the source of the defect, whether it is inherent in the mode of appointment, or is the result of misuse of the power of appointment by the Dominion Premier, or is to be found in the fact that there is really no proper place for a legislative body not representative in character, in so democratic a country, are questions upon which there would be found very wide differences of opinion. There is certainly much to be said against the present mode of appointment. Few thoughtful persons would, we think, deny that the ideal Senate would be a purely non-partisan one. That the Senate as now constituted is as intensely partisan as the Commons itself, might be too much to say, but no one believes that in matters involving party issues, direct or remote, the Senators are able to divest themselves of party feeling, or that the majority of them even attempt to do so. It would be absurd to expect this when, as Senator Scott pointed out, but three out of the twenty-four Senators to whom the Province of Ontario is entitled were selected from the party which has been dominant in this Province for many years. It is incredible that had the selections been made, with a view solely to the merits of the men, such a result could have followed. But Senators appointed on party principles may be expected to record party votes. At the same time it is possible, as Senator Abbott forcibly argued, that the change in the mode of appointment proposed by Mr. Poirier would rather intensify than lessen the evils of partisanship. Mr. Abbott, however, rather "gave away," if we may be pardoned the expression, the present Senate, when he added, as another argument against appointment by the Local Legislatures, that under that system there would be danger of want of harmony between the two Houses, by reason of the Senate having a party majority opposed to the dominant party in the Lower House. The value to the country of a harmony which exists merely as the result of selecting the majority of the nominees to the Upper House from those wearing the party stripe as the majority in the Commons can easily be computed. Senator Abbott said that the Senate had certain functions, and asked what one of these functions it had failed to perform. To this it might have been retorted, What functions has it ever performed—save in its dealings with divorce cases, which, being judicial questions, could be better dealt with by a court of justice—of sufficient importance to justify the expense of its maintenance? The list would certainly be a short one. The day of reconstruction of the Senate is far off, but it will go down to history as one of the blemishes on Sir John A. Macdonald's escutcheon, that he failed to hold to the good practice of the first few years of Confederation, if he did not actually violate an implicit compact, when he ceased to call Senators in equal numbers from both political parties, and began to fill the vacancies with men chosen almost exclusively from the ranks of his own followers.

SINCE the above paragraph was written the *Empire* has come to hand with a fuller report of Hon. Mr. Abbott's able speech. That speech was, perhaps, successful in showing that the mode proposed by Senator Poirier, viz: election by the Provincial Legislatures, would not have the effect desired, the effect distinctly claimed for it by Senator McInnes, of eliminating partyism from the Senate. Mr. Abbott was able to fortify his argument with the high authority of Mr. Bryce, who shows that under the system of election by the state legislatures in the United States, the election of senators has become practically a popular election, the choice of state senators being really made by the party managers, and perhaps ratified in the party convention, so that the subsequent act of the legislatures is little more than a formal registering of a choice already made. Mr. Abbott did not, probably, take sufficient account of the fact that the important executive functions entrusted to the Senate, under the constitution of the United States, supply a very powerful motive for making the election of senators a party question, which would not exist in Canada. Nor did he give due weight to the fact that in the States there is a much closer parallelism between national and state party lines than in Canada, where the tendency is more and more towards divergence. Nor did he deal with the crucial question that emerges, if his argument be thus far admitted, viz: Whether the new plane of party cleavage which would be made under the system of election by the Provincial Legislatures might not more justly represent the opinion of all sections of the Dominion than that which at present obtains. And, what is no less essential to the conclusiveness of his argument, he did not consider the point, which, it is true, was probably not presented, whether, in the case of election by Provincial Legislatures, some system of minority representation might not be adopted which would obviate the evil of having all the senators elected by a province, during a given regime, of the same party complexion. Coming to the positive side of Senator Abbott's argument, it must be admitted that he made a fair argument in support of his position that the Senate is successfully performing its functions, if it be first admitted that those functions be simply those which he ascribes to it. Those functions he describes as follows: "What are our duties? We have, in the first place, to examine and revise carefully the legislation which comes to us from the other House and the legislation which we introduce ourselves. We have to scrutinize carefully the general policy of the government so far as it comes within our purview under our constitution. These are two of the most important functions that we perform, if not the most important of them. But we have another, and it is no less vital to order and good government. We must stand in the way when hasty or inconsiderate legislation or some popular paroxysm or excitement leads to measures which are injurious or disadvantageous to our country." Most well-informed persons will probably give the Senate credit for having performed the first and third of these duties with a good degree of efficiency. No opponent of the Ottawa administration will admit that the Senate, as now constituted, can possibly perform the second independently and impartially. The one instance on which Mr. Abbott mainly relies to prove that it has done so, that of the Harvey-Salisbury Railway Bill of last session will fail to convince the sceptical, for reasons which wil readily suggest themselves, and which some will think may almost be read between the lines of Mr. Abbott's speech. But can it be that the discharge of these three functions, as they have been hitherto discharged, is a sufficient justification for the maintenance of so expensive a branch of the Dominion Parliament, or can ever give it that legislative influence and dignity which should belong to the Canadian Upper House?

THE important motion touching the procedure of the Dominion Executive in certain cases involving the exercise of the power of disallowance, to which we referred in a previous number, was moved by Mr. Blake on Monday, accepted by Sir John A. Macdonald, and carried by a unanimous vote. The very clear and able speech of the mover, and the equally lucid remarks of the Premier, remove any doubts which may have previously existed as to the scope and limits of the proposed reference to a judicial tribunal. It is made clear, for instance, that it is not intended that all cases involving the use of the veto shall be so referred. The cases in which, in the opinion of Mr. Blake, the power of reference provided for in his motion ought to be used by the Executive, are described in the motion by the somewhat elastic terms, "solemn occasions," and "important questions." These cases, as more fully defined in Mr. Blake's speech are, in his opinion, three. First, those in which it is contemplated by the Dominion Executive to disallow a Provincial Act, because it is regarded as *ultra vires*. Second, those in which the condition of public opinion renders it expedient that there should be "a solution of legal problems dissociated from those elements of passion and expediency which are, rightly or wrongly, too often attributed to the action of political bodies." Third, cases of educational appeal which necessarily evoke such feelings. To the difficulties arising out of the last class of cases, if we correctly interpret Mr. Blake's remark, this motion is mainly due, his reference being clearly to the questions likely to arise out of the recent educational legislation in Manitoba. It is noteworthy that the Premier, also, in cordially accepting Mr. Blake's motion, made ominous reference to the educational question, as likely to assume very large proportions.

ONE point, concerning which, in a previous comment, we expressed some doubt, was made very clear both in Mr. Blake's speech, and in that of Sir John A. Macdonald. Both were at pains to point out that neither reference to the Supreme Court, as about to be provided for, nor acceptance of its judgment when delivered, are to be binding upon the Dominion Executive. It will still rest with the Government alone to decide whether a given case shall be regarded as coming within the categories which make the reasoned decision of the judicial tribunal desirable, and whether the decision so rendered shall be accepted or rejected. This is of course in keeping with the requirements of the system of Responsible Government. To have made the judgment of the Court final and binding would clearly have been to abandon the British and Canadian for the American Constitutional system in this respect, a change which no Canadian would desire. It is not quite so clear, perhaps, to the lay mind, that the same result would follow from making the reference itself imperative, in certain well defined classes of cases. If not it might go far towards reconciling the Provincial authorities and people to the exercise of the veto in a vexed matter, not only to know that that veto was based upon a judicial decision by an impartial tribunal, but also to have before them the reasons which governed the opinion. The fact that the Dominion Government may escape from the awkwardness of acting in opposition to an expected judicial decision unfavourable to its views or wishes, by simply declining to ask for the opinion in the given case, will certainly tend to impair the value of Mr. Blake's expedient for improving the working of the Constitution. On the other hand it is to be considered, however, that the very fact of the Government having failed to ask for the opinion would go far to put it in the wrong. It would at least afford room for a powerful appeal to public opinion against