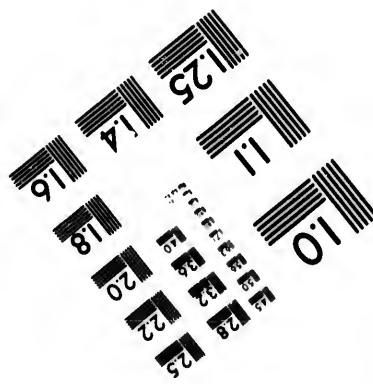
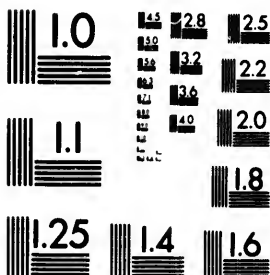


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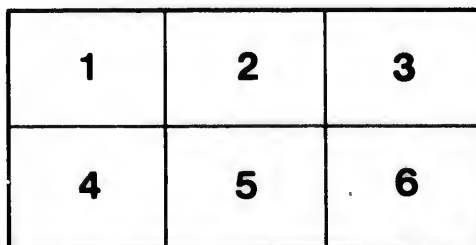
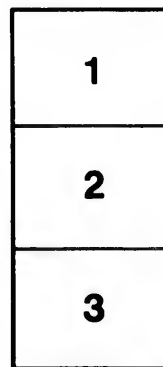
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FUNCTIONS OF THE SENATE.

[From THE GAZETTE, Montreal, 28th April, 1890.]

Responsibilities and Duties of the Upper Chamber.

ITS VALUE TO THE PUBLIC.

Senseless Criticisms of its Work An- swered by Senator Abbott—An Able and Eloquent Speech.

Hon. J. J. C. Abbott's speech in the Senate on Wednesday last in reply to Senator Poirier's motion for a remodeling of that chamber will take place among the most valuable speeches of the session. It is valuable as tending to open the eyes of the people to the position of the upper house in our constitution, and will bear careful perusal:—

Hon. Mr. Abbott said: I am disposed to regret that even the slight color which my hon. friend's address has given to what is sometimes said with regard to us, should have been afforded by him on this occasion; but, perhaps, the difficulty which that may cause to us, the unpleasantness which we may feel from having the senseless cries occasionally heard about the Senate, supported by a voice from within, may be compensated for, by the full discussion which has taken place on the constitution of this body in the debate we have had to-day. My hon. friend and one or two other hon. gentlemen with him, very few in number, I must say, in so large a House—have not found fault with the position of the Senate as regards its *personnel*, I am happy to say, because on that point every one who has spoken has declared that we could not be better off in that respect within the limits of our own Dominion. It is quite true that no one has used these words, but the hon. gentleman from Halifax, who smiles at me and shakes his head, himself spoke with

laudation of the body which sits in this House.

Hon. Mr. Power—Certainly.

Hon. Mr. Abbott—So it appears to me that the antidote was furnished almost as quickly as the poison was administered, because if we succeed by our present method, or any other method, in filling this house with a body of men whose opponents cannot find any ground upon which to find fault with them, we have discovered, I think, a fairly good mode of selecting its members. However, I think we can go a little further than that. I propose to take up the proposition which my hon. friend makes, and look at it with a view to see how far it would suit our circumstances in this country. My hon. friend suggests that we should adopt the mode which is said to be adopted in the United States—to elect the senators by the several provinces. He does not, I observe, propose to assimilate the elective body in numbers, or in its proportions in the different states, therein differing from the system adopted in the United States, where, as has been already remarked, the great state of New York only represents the same influence in the Senate of the United States, as the small state of Rhode Island. I do not understand him to advocate that principle, but he proposes that our senators shall be elected by the provinces, as he thinks they are elected by the states, instead of being appointed by the Crown or selected by the Parliament of Canada, which is practically the mode by which the members of this House are chosen. Now, in reality the body which constitutes the Senate of the United States is elected by the people—not by the states, but practically by the people.

THE NOMINATION OF THE SENATORS

is taken into consideration in the caucus, and voted on at the election, virtually as much as any member of the legislative body. If any hon. gentleman desires to have that statement verified he will find it in Brice's recent book, which is, I think, the latest and best of the commentaries on the constitution.

of the United States, and it is the work of one who is a great admirer of the United States. I shall not trouble the House with reading it, but the conclusion he comes to, and which is undoubtedly the right conclusion—that these senators are elected in the United States by the indirect vote of the people—that is to say, when the members are elected the senators are practically elected also. They are considered in the election. Those who are returned are pledged to vote for the appointment of named senators of their own party, and the moment the election is over, the senators are as fully chosen, and as certain to be appointed, as if the vote of the legislature with regard to them had passed.

Hon. Mr. Dever—So are we, when our Government is sustained at the polls.

Hon. Mr. Abbott—My hon. friend, I think, does not quite seize the distinction, for when this Parliament, which supports this Government, was elected, a good many of the hon. gentlemen having seats in this House were not thought of as senators. They were the choice of the representatives of the people, made by the Government, who are the executive of the people, after the Government had been constituted, and had been a long time in power; while the distinction I make is that at the very moment of time that the members of the House of Representatives were elected in the United States, that very moment of time Senators of the United States were practically elected.

Hon. Mr. Power—I think that the hon. gentleman is pressing that point too far. I do not think that is the uniform practice in the United States at all.

THE AMERICAN SYSTEM.

Hon. Mr. Abbott—My hon. friend compels me to read, to show what Mr. Brice says on the subject, and I am prepared to pin my faith to Mr. Brice:—

"The method of choosing the Senate by indirect election has excited the admiration of foreign critics. . . . Meantime it is worth observing that the election of senators has in substance almost ceased to be indirect. They are still nominally chosen, as under the letter of the constitution they must be chosen, by the state legislatures. The state legislature means, of course, the party for the time dominant, which holds a party meeting (caucus) and decides on the candidate, who is thereupon elected, the party going solid for whomsoever the majority has approved. Now the determination of the caucus has almost always been arranged beforehand by the party managers. Sometimes, when a vacancy in a senatorship approaches, the aspirants for it put themselves before the people of the state. Their names are discussed at the state party

convention held for the nomination of party candidates for state offices, and a vote in that convention decides who shall be the party nominee for the senatorship. . . . The choice of senators from the state legislatures is supposed to have proved a better means than direct choice by the people of discovering and selecting the fittest men. I have already remarked that practically the election of senators has become a popular election, the function of the legislatures being now little more than to register and formally complete a choice already made by the party manager's and perhaps ratified in the party convention."

THE INFLUENCE OF PARTY.

Now, what is the consequence of that? What is likely to be the result of that kind of election? My hon. friend from British Columbia tells us that if the state legislatures—that is, if the provincial legislatures elect the senators, they will know no party. That was my hon. friend's expression. In other words, by adopting the American process, we shall cease to have party men imported into this House, and those who come here and sit within its walls will know no party. How is it possible that such a result will follow? It is not so in the United States. The men who are elected to the Senate of the United States are so strongly partizan, that they would sacrifice any interest rather than that a Democrat should poll a Republican vote. We know perfectly well that there is no consideration that will induce a majority of the Senate to go against their party; and that the man who voted against his party would be held up to the scorn and contempt of the 60,000,000 of people of the United States, and would be as much despised by his opponents in politics as by his own friends. How is it we are going to change human nature so that the men who are returned here by the exertions of the dominant party in a provincial legislature, shall cease the moment they arrive here, to have any political opinions? That I think is easily answered. That I think is already completely answered.

A DIFFERENCE OF OPINION.

Hon. Mr. MacInnes (B. C.)—The hon. gentleman is really putting a strange interpretation on the words I made use of. The words I used four years ago, which I read to the House and endorsed to-day, were that if an election was made by the different provinces that members would come here free and untrammelled, under no influence or under any sense of gratitude to the leaders here at the Federal capital, as they would owe their position to the Local Legislature, and many of the local legisla-

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tures are not actuated by the same principles that prevail here at the capital.

Hon. Mr. Abbott—If I could only be certain that when I take down what I hear with my ears, I place before myself something which I have a right to discuss, it would facilitate my labors here a good deal. I took down at the moment my hon. friend spoke, the language he used, which was in so many words that these men who would be sent here by the local legislatures would know no party.

Hon. Mr. MacInnes (B.C.)—I read it out of the book, and I can denote no mistake.

Hon. Mr. Abbott—I am not speaking of my hon. friend's speech of four years ago. I had not the advantage of hearing that speech, or reading it, and I am only speaking of what my hon. friend said in the House within the last three hours, which I wrote carefully down, and which I read in making the statement to the House, when he insisted that the persons sent by the legislatures to this House would know no party. But while I am referring to the hon. gentleman, I would remark upon another curious statement he made about the defects of this system of appointment. He said that one great objection to this mode of appointment is, that a senator so appointed would be so influenced by gratitude to the men who appointed him, that he would not be able to give an independent vote against them. Now, I point to my hon. friend himself as a living, walking and speaking proof to the contrary.

Hon. Mr. MacInnes (B.C.)—I must rise to a question of order again. I am misrepresented again. The hon. gentlemen must know, as every hon. member of this House must know, that I never was elected as a Conservative or a Grit—that in both of my elections to the House of Commons I was distinctly an independent. I defeated the candidate of the Mackenzie Government in 1873, when the Reform party was in power; at the next election I defeated the Conservative candidate that was run against me, and I was returned to the Commons thoroughly independent, and hon. gentlemen who will take the trouble to turn up the Parliamentary Companion of 1878 will find there in my biography that I am in favor of unrestricted reciprocity with the United States and thoroughly independent.

THE INFLUENCE OF GRATITUDE.

Hon. Mr. Abbott—My hon. friend has not yet interfered with or disputed the statement I made as to what he remarked a few mo-

ments ago. The objection which he made remains there. This speech which he has favored us with, which shows the chamelion character of his politics, has not altered the position he took, that the fact that an hon. gentleman was appointed by a particular minister or particular party would so affect him with gratitude to the benefactor who placed him in the House, that it would be impossible for him, or next to impossible for him, ever to vote against him afterwards. Now, we have proof, as I said—living, walking and speaking proof—that that is not a valid objection. I think I may conclude that the mode of election proposed would not cause party feeling in this House to disappear; and in my opinion it would not have the effect of giving to this House as good a selection otherwise as we now have from another body. I venture to dispute and doubt the assertion, that the local legislatures are better fitted to appoint members of the Canadian Senate than the central or Federal Parliament, in which, as a matter of course, this House itself has a voice. The appointments are made on the recommendation of the government in power, and, generally speaking, although in the case of the present Government that rule has not been universal, the candidate shows the color in politics which fairly describes the party appointing him. My hon. friend was one instance, but then he would have been an equally good instance on the other side if his appointment had been made by a Liberal government, for he alternately fought and conquered first one and then the other party. But appointments here are naturally in accord generally with the party tendencies of the Government of the day.

PARTIES IN THE SENATE.

But my hon. friend from Ottawa thinks that is a bad mode of appointing senators. He thinks it has not been successful. He says there are only three Liberal senators from Ontario in the House, and he desires a larger representation of that party in this House.

Hon. Mr. Power—From Ontario!

Hon. Mr. Abbott—Yes, from Ontario. My hon. friend has been asking for a change for some time, and his party in Ontario has long been desiring a change. And if they had long got the change they wanted, there would soon be a change in the senators, too. But supposing the Liberal party in Ontario had been in office all this time, what position

would a Conservative Government now be in, if a Liberal Government had had the opportunity of filling all the vacancies in the Senate for the last twenty-five or thirty years? Then would there have been plenty of Liberal senators in the House. In fact the appointment of senators accompanies the confidence of the people. But I maintain that the members who come to this House appointed for life, having a proper sense of the grave duties that appertain to them, drop party tendencies to a large extent, and in so far as those party tendencies bear towards faction they have disappeared from the members of this House altogether. My experience of the Senate proves, that whether its members be appointed by a Liberal or Conservative Government they have shown, since I remember this House, and I have observed it more since I have been more intimately acquainted with it of late—they have shown that disposition to study the true interest of the country in disregard of party feeling and party discussion, that befits them in the high position they hold as senators of this Dominion. The result, therefore, in the opinion of my hon. friend, of the change he proposes to make would be that we would have better men, men of higher standing in the country, and men with less party feeling. In my opinion we would not have men of equal standing in the appointments which would be made by the local legislatures; they would not probably be equal to the selections which are made by the Dominion Parliament from the whole Dominion of Canada. And probably they would be more likely to be animated by party feeling than those men who have had a large experience of the affairs of the Dominion itself, which is actually the case with three-fourths of the men sitting round me in this House. They would have a larger training on the great questions which are constantly arising, and would have a larger grasp of the measures which are fitted for the welfare and progress of their country. I think, therefore, on all these grounds, on the ground of independence, on the ground of absence of party feeling, on the ground of experience and breadth of view; and on the ground of better training for the high position which they hold, a better selection would be made by the Parliament of the Dominion, than could be expected to be made by the legislatures of the provinces, without any exception.

THAT IS THE DELIBERATE CONCLUSION

I have come to; and I think circumstances and reason, and common sense would indicate, that from a larger field, a larger and more experienced body of men—from a larger collection of trained statesmen—we are more likely to get men fitted to be senators of Canada than from the smaller legislatures, selecting less experienced persons from the smaller circles of public men in the local legislatures. I think, therefore, we may fairly consider that we have better opportunities for a fair selection of senators by the principle which we have adopted, than we could have by allowing the local legislatures to nominate them—in other words that the Parliament of Canada or its Government, would be a more reliable guide in the choice of senators, than the premier of any of the smaller provinces, from persons within his party experiences. It may be noticed also that the constant alteration which is to be expected from time to time of parties in the Government of the Dominion will produce a corresponding alteration in the political character of the gentlemen who are from time to time appointed to this House. No such correspondence can be expected from appointments made by local legislatures, who are bound by no ties and who have no harmony as to politics, as between their party principles and the party principles of the Dominion Government. It happens at this moment that a very large proportion of the local governments of Canada are Liberal. It is very probable that party politics do not exercise so large an influence on local legislatures as they do on that of the Dominion itself, and that administration in a popular manner may tend to keep in power a party in the province of one cast of political thought, while in the Dominion the Government is guided by the other. And in the Dominion the party which in provincial matters favors the opposite political complexion, entrusts to them the power of governing the entire nation. And although possibly the number of senators appointed by the local governments might not be sufficient in number to destroy the equilibrium of the House, and set the majority in the Senate against the majority which prevails in the other House, still there is no doubt that it might result in that, and it might result in a very serious disturbance of the harmony which otherwise would exist between the two Houses, more especially as the Senators who would be sent from the

local legislatures would be more likely to be influenced by local feeling than those selected from a larger field by the Dominion Parliament. For these reasons I am in hopes that the House will prefer the present system of selecting members of the Senate to that which is proposed by my honorable friend from Acadie, that is to say election by the provinces.

THE ELECTIVE SYSTEM UNFEASIBLE.

But we have had some suggestions from other honorable gentlemen. One or two honorable gentlemen who spoke, I think sustained the proposition of my honorable friend. Other honorable gentlemen who have spoken and are dissatisfied with the present condition of things, have suggested election by the people—in some instances by a body of electors specially qualified by property for the purpose, which, to my mind is, of the various elective projects, the most reasonable and most likely to result in a strongly conservative Senate—I use the word conservative not in a party sense at all—but there are no two of the hon. gentlemen who have spoken who have agreed as to the mode in which this election should be conducted. We had, as the honorable gentleman from Acadie said, an elective council which commenced in 1856 and terminated with Confederation. We have had, therefore, the experience of 10 years of an elective upper house; and that method of selection was given up on mature and careful consideration, and after consultation with all the several provinces which then constituted the Dominion. The facts and the arguments with regard to this change are stated in the Confederation debates, and there it will be found that the whole of the Maritime provinces were in favor of the continuance of the appointing system by the Crown, and were not willing to give that up; while the leading statesmen of the provinces of Canada, although they did not think that the elective system had been a failure, were nevertheless prepared to state that there were symptoms of difficulties arising under that system. These difficulties have been referred to by most people who have discussed the system of an elective upper chamber, and these difficulties were beginning to manifest themselves. And the delegates from Canada willingly yielded to the desire of the Maritime provinces to have the Senate constituted on the principles which those provinces preferred, namely, the principle of appointment by the Crown.

I venture to trouble the House with two or three references on this subject, which I have taken from the Confederation debates, from the speeches of the present Premier, Sir John A. Macdonald, and the Hon. Geo. Brown, who was, in fact, the leader of the Liberal party at that time. Sir John Macdonald says, in discussing the various modes of electing an Upper House:—

"We found a general disinclination on the part of the lower provinces to adopt the elective principle; indeed, I do not think there was a dissenting voice in the conference against the adoption of the nominative principle, except from Prince Edward Island. The delegates from New Brunswick, Nova Scotia and Newfoundland as one man, were in favor of nomination by the Crown, and nomination by the Crown is, of course, the system which is most in accordance with the British constitution."

That is the view he takes of the elective system. Then again:—

"The arguments for an elective council are numerous and strong; and I ought to say so as one of the administration responsible for introducing the elective principle in Canada; but there were causes—which we did not take into consideration at the time—why it did not so fully succeed in Canada as we had expected. One great cause was the enormous extent of constituencies and the immense labor which consequently devolved on those who sought the suffrages of the people for election to the council. For the same reason the expense—the legitimate expense—was so enormous that men of standing in the country, eminently fitted for such a position, were prevented from coming forward. At first, I admit, men of the first standing did come forward, but we have seen that in every succeeding election, in both Canadas, there has been an increasing disinclination, on the part of men of standing and political experience and weight in the country, to become candidates; while on the other hand, all the young men, the active politicians, those who have resolved to embrace the life of a statesman, have sought entrance to the House of Assembly."

Then speaking of the objection that there might be a deadlock between the two Houses, he says:—

"There is no fear of a deadlock between the two houses. There is an infinitely greater chance of a deadlock between the two branches of the legislature, should the elective principle be adopted, than with a nominated chamber chosen by the Crown and having no mission from the people. There is, I repeat, a great danger of an irreconcilable difference of opinion between the two branches of the legislature, if the upper be elective, than if it holds its commission from the Crown."

So he points out the wide distinction in case of conflict between the two houses, between an elective house and a nominated house. Then the Hon. Geo. Brown, the other pole of the political sphere in this country, held a similar opinion. He always

held the opinion that there was danger in an elective house and he says:—

"I have always been opposed to a second elective chamber, and I am so still from the conviction that two elective houses are inconsistent with the right workings of the British parliamentary system. I voted, almost alone, against the change when the Council was made elective, but I have lived to see a vast majority of those who did the deed wish it had not been done. It is quite true, and I am glad to acknowledge it, that many evils anticipated from the change when the measure was adopted have not been realized. I readily admit that men of the highest character and position have been brought into the Council by the elective system, but it is equally true that the system of appointment brought into it men of the highest character and position. Whether appointed by the Crown or elected by the people, since the introduction of party government, the men who have composed the upper House of this Legislature have been men who would have done honor to any legislature in the world. But what we most feared was that the Legislative Councillors would be elected under party responsibilities; that a partizan spirit would soon show itself in the chamber, and that the right would soon be asserted to an equal control with this House over money bills. That fear has not been realized to any dangerous extent. But is it not possible that such a claim might ere long be asserted? Do we not hear, even now, mutterings of a coming demand for it?"

Again:

"But, even supposing this were not the case, and that the elective upper House continued to be guided by that discretion which has heretofore actuated its proceedings, still, I think, we must all feel that the election of members for such enormous districts as form the constituencies of the upper House has become a great practical inconvenience. I say this from personal experience, having long taken an active interest in the electoral contests in Upper Canada. We have found a greater difficulty in inducing candidates to offer for seats in the upper House than in getting ten times the number for the lower House. The constituencies are so vast that it is difficult to find gentlemen who have the will to incur the labor of such a contest, who are sufficiently known and popular throughout districts so wide, and who have money enough to pay the enormous bills, not incurred in any corrupt way—do not fancy that I mean that for a moment—but the bills that are sent in after the contest is over, and which the candidates are compelled to pay, if they wish and hope to present themselves for re-election."

I venture to think that although happily we have one of those great statesmen with us still, I am not acting improperly in laying their views, on this occasion, before the members of this House. They appear to me to have great weight—not only the great weight which attaches to the character of those statesmen, but the great weight which attaches to the strong good sense and reason which characterized these utterances. I do not propose to go further into a discus-

sion of the elective system, because that is not really presented to us by my hon. friend's motion. He only requests us to adopt the American system, and that is really all we have to decide.

THE PUBLIC AND THE SENATE.

But my hon. friend in addressing the House on the subject made use of some expressions with regard to the Senate, which I think I should refer to for a moment, and the hon. gentleman from Ottawa (Mr. Scott) also made a remark, with respect to which I desire to say a word. My hon. friend said that we had with us still, and also had lost, unhappily, a number of men of high standing and character—men we had received from the elective system; and he with justice declared his pride in the presence of men of this character in the Senate, and asked where would we get better men by the appointing system. I would have asked my hon. friend, if I had not desired not to interrupt him, how many of those gentlemen would be in this House had the elective system continued? How many of them could have stood against the enormous labor which I personally knew them to have gone through for their elections? How could they have gone to their divisions again with the increasing weight of years upon them, or have gone through the enormous labor that would have been necessary. And how far would they have been willing to stand the enormous election expenses necessary to carry through an election over such large constituencies? I, myself, assisted my lamented friend, the Hon John Hamilton, in canvassing one-third of the division which I represent in this House; and I can assure hon. gentlemen that I and my colleague found it a sufficiently heavy task, to warrant him in saying that he would never again place himself in such a position. There was no amount of labor in any legitimate occupation that could approach for a moment the labor of canvassing a territory something like 150 miles long, and of a width varying from 20 to 150 miles, through roads which I will not attempt to describe, for it would be impossible to convey any idea of them to gentlemen who never travelled over such roads themselves.

THE DUTIES OF THE SENATE.

But to return to my hon. friend who made the motion, I took a note that he said, "How is it that the Senate does not hold its own?" And one or two other hon. gentlemen have

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stated that there is discontent with the Senate—that the Senate is not performing its duty. Perhaps no hon. gentleman actually went so far as to say that the Senate was not performing its duties; but certainly some hon. gentleman did go so far as to say that they were not performing the functions which were attributable to their position, in such a way as to receive the approbation of the public. Now, what are we to expect from this Senate? What has the country the right to expect from the Senate? What are our duties? What are the duties of any ordinary member of the House? The Senate is not like the Senate of the United States, which performs two classes of duties—legislative and executive duties—executive duties at least as important as its legislative duties. But if such duties were attributed to this Senate, our system of responsible government, which we admire and have confidence in, which has been handed down to us by our forefathers, which we cling to and are not willing to part with—that system of government would be done away with altogether. If members of this Senate, without being responsible to anybody until they come before the people at the next election, had executive powers—if such functions were enjoyed and performed by the Senate, what would become of responsible government? Why, there would be an absolute and immediate end to it. Again, I ask, what duties are properly attributable to us under the British constitution, which we live under, that we do not do? If we do our duty what need we care for the senseless slanders which may be propagated, or the sneers which may be cast against us anywhere, either in the public press or anywhere else? If we do our duty and do it properly we are independent of all such incidents.

WHAT ARE OUR DUTIES?

My hon. friend from Halifax, Mr. Power, gave you what I thought a very neat and proper description of the duties of the Senate. If I were to undertake to describe them I should try to do it in much the same terms that my hon. friend used. 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, results in measures which are injurious, and disadvantageous to our country. If we do these things what more does our country demand? What more have we to do than those three classes of things? Now, have we performed those duties or have we not? I think I can show you in a moment that we have done them most efficiently and effectually, and I say that has been the course of the Senate from the first. It has gradually taken up its position in the country, and it is filling that position efficiently and with dignity. We do not make ministries, nor do we mar them. It is not on the constitution that this House turns out ministries or forms them. It is not on the breath of this House that the ministry exists; it is to the direct representatives of the people that it is responsible. With regard to the finances of the country, it is not we who appropriate the revenues of the country or its moneys, to public works and other purposes; by the constitution, it is the other House that does that.

MINISTERS IN THE SENATE.

Hon. gentlemen complain, and with some reason, that we have not ministers with portfolios here. But the more I see of the working of this House, the more I doubt whether the possession of portfolios in this House would be an unmixed benefit. If there be a department which needs no money, which does not require that its chief shall stand in his own person before the representatives of the people, and state what he has done with the money entrusted to him during the previous session, and what money he requires for the use of his department for the ensuing year—if there is a minister who has such a department we might have him here; but as to the heads of departments which are obliged to spend money in the interest of the country, which have to construct great public works, which have to deal with the finances of the country, to manage them, to pay our debts, to carry on the negotiation of our loans, to collect customs, and manage our inland revenues—who is it that has a right to call the head of such a department to account in his proper person, and demand from him annually a detailed statement of everything he has done, or proposes to do; how he has spent the public money, and what more he wants to

spend? Who has to demand that of him? Not the Senate, but the other House. The people of Canada can change their constitution altogether, if they please, I presume, but until they exercise that right, it is the Lower House that must deal with the money of the country, that must settle how that money is to be spent, that must call to account every minister who handles, or expects to handle, or has power to handle the public money. He must come to that House and must in his own proper person account before the tribunal for every official act. These considerations are probably the reasons why portfolios have been gradually driven from the Senate into the other House, and any gentleman who looks calmly and dispassionately at this question must see, that, whether those reasons are conclusive or not. I do not say they are conclusive by any means, but they are growing upon me, and I am inclined to believe that they are growing in their impression upon other members of the Senate too. These considerations deserve more weight in the demand which we frequently make, and which I, myself, have repeatedly joined in making, that we should have departments in this House which will cause a larger measure of the work of the country to be done in the Senate.

GOOD WORK FOR THE SENATE.

I think there are other modes by which we can appropriate to ourselves the work that we are peculiarly fitted to do. One of the most important functions of the House of Lords is to deal with the private legislation of the country. By a skilful adaptation of the rules of the two Houses, a large portion—the greater part, I think—of the private legislation of England has been forced into the House of Lords, and it is done there, and it is done, it is admitted on all hands, most admirably. It is one of the plumes in the cap of the House of Lords, that there is no country in the world where the private legislation is done more perfectly and more thoroughly than in England. That is something we can hold out for ourselves, to attract to the Senate more of the initial on of the private legislation of the country. We have to do with it largely as it is. Every private bill that comes up receives the close attention of this House, and many of them are amended either by pruning superfluous clauses, altering them or adding to them in the interest of the public, and there

is no reason why this House should not attract to itself a great portion of the original private bill business of the whole Dominion. I do not know, therefore, and my honorable friend did not specify, in what respect it is that we do not perform the duties which are expected of us—the exact expression I think he made use of was that we did not hold our own. There are many reasons why what my honorable friend may refer to, when he speaks of not holding our own, may be a necessary consequence of our position.

A CONTRAST WITH THE COMMONS.

The public admire speeches; they like discussions, especially if they are a trifle warm. They like political questions, with which they habitually deal themselves as, matter of private conversation. They hear nothing of that kind here, or only at rare intervals. That kind of discussion is not exactly within our function—quite within our powers, but not within the functions that we assume to ourselves. It appears to me that it would not be of advantage to the Senate if every debatable question which is spoken of day after day, night after night, in the House of Commons, were dragged up in the Senate and subjected to the same treatment here. The reasons which prompt these long discussions, and cause them to be prolonged from day to day, and week to week, with a great deal—I hope I may be pardoned for saying so, but I mean no offence—a great deal of repetition, do not exist here. But there are strong motives for such debates in the other House. It is important to a man in another place, who has shortly to go before the people, to denounce the Government, if he happens to be in Opposition, for their extravagance and corruption; and if he happens to be on the Government side of the House to show how unpatriotic and corrupt the Opposition are. These are two subjects, fertile in themselves, and expanded to a degree that it is almost impossible to calculate except by those who will go through the labor of wading through *Hansard*. These are the discussions and debates which attract the public eye, and control the popular taste. They would approve of us if we talked for days and days without any results, probably, but the quiet, unobtrusive labor which this House goes through in perfecting and supervising the legislation of the country, I have no doubt they would appreciate if they knew of it.

THE PRESS AND THE SENATE.

But they do not know of it; it is not the kind of labor which presents itself before the eyes of the public in every newspaper of the Dominion. And great numbers, a large majority, probably, of our people, for whom we are earnestly, honestly and diligently working in this House and in our committee rooms, day after day, never know that we are engaged in seeking to further their welfare at all. They see nothing, perhaps, but some sentence in the papers stating that the old women of the Senate adjourned at 4.30 to-day. This produces a laugh; it is circulated in every paper and those who have not seen us may imagine that our garments are not of that virile and masculine character that they ought to be. They find fault with our adjournments, not knowing that our labors are concurrent with those of the House of Commons and that there are times when faction and oratory hold the field, and there is nothing for us to do for the moment. There is nothing too absurd for people who are not much interested in the matter, and amuse themselves by reading sneers and jokes about the Senate, to believe. They laugh at the cheap and stale jokes and take them for granted; no one is there to dispute what is said, and they form the idea that we are a parcel of imbecile old people, who are slumbering away a quiet and well paid life up here, doing nothing but drawing our pay, and allowing the business of the country to go where it pleases. It is not our fault if this be the impression of many people, and it ought not to affect us. We ought not to admit because there are jokes in the papers about us, that we are not holding our own, not fulfilling the purposes of our existence. We are independent of all that, and we are men of sufficient experience and knowledge of the world and of business, and of sufficiently thorough public training, to treat these things as not affecting us one jot. The consciousness that we are doing our work and doing it thoroughly, ought to be, and I have no doubt is, quite sufficient for us, and if we may feel a passing irritation at being characterized by contemptuous epithets, it passes away very quickly, and makes very little impression on any member of this House. It appears to me, and I am confirmed in this impression by many hon. gentlemen that the presence of the press in our House and the reports short as they are, and few as they are, which they furnish to the public of the doings of this House, are improving our position in the eyes of the country. I am satisfied of that. I hear on all

hands, and especially I hear from gentlemen in another place, of the benefit we confer by the care which we take with the legislation; and I was asked this very day where the legislation of the country would be if the Senate were gone, by one of the very men who was engaged in creating that legislation in another chamber.

SOME STATISTICS.

Instead of being, as is supposed by some, mere registrars of the will of the Government in another house, bound by gratitude, like the hon. gentleman from New Westminster, to vote exactly for what they desire us to do, we find that last year we passed through this House 25 bills, introduced in this House, of which number 13 were amended, many of them in a material degree, while the House was in session. We have already dealt this year with 27 of these bills, of which 16 have been amended; and every hon. gentleman knows that there are one or two important measures we have gone through with enormous care, which it is admitted on all hands we have benefited to a most important extent, but which are not included in this list, not having been finished in this house. In the last year, from the House of Commons, we took up and disposed of 37 public bills, of which 15 were materially amended in this house; and we disposed of 59 private bills, of which 20 were materially amended in the Senate; making a total last year of 121 bills considered by the Senate, of which 48 bills were materially amended in the course of their passage through this house. This year the number is not so great because they have not all come before the Senate, but this year we have already disposed of 88 bills, of which 36 have been materially amended in this house. Now, of all the bills that have thus been amended which had first passed through the crucible of the House of Commons, and were sent back to that house, with amendments made by us, we have never had any hesitation shown by the lower House in concurring in the amendments that we made, except in one instance. Last year we received a message from the lower House informing us that they could not concur in one of our amendments, for reasons which they gave. Our committee met and examined the message, and the reasons, and they sent to the lower House an answer to those reasons, as being the reasons which had induced them to make the amendment. The House of Commons immediately accepted the reasons which were given to them in reply, and adopted the amendments without

further discussion. So in point of fact, of this immense number of bills carefully gone through and amended in this house, every one has been accepted by the lower house without objection except one, and in that case, after consideration, and hearing the reasons which had prompted this house to make the amendment, that one was accepted also, without further objection. We performed another branch of our duties last year—it was not particularly agreeable to me, but on the whole I respected the Senate for doing what the majority considered to be its duty on that occasion, and I am bound to believe that the majority was right. A Government bill passed by the House of Commons, which the majority of this House disapproved of, was brought before the Senate and was unceremoniously rejected. I did my best to carry it through: I thought it ought to pass: I thought we were pledged to it in many ways. I gave various reasons why it ought to have passed the House, and I think, abstractedly speaking, it ought to have passed the House. But the majority of the Senate were opposed to it; and notwithstanding their gratitude to the gentlemen who appointed them, they rejected the bill after a comparatively short discussion.

Hon. Mr. Dickey—The bill has never come back.

THE SENATE HAS DONE ITS DUTY.

Hon. Mr. Abbott—No. What after all does this discussion result in, now that we have got through with it. We have had offered to us various modes of electing this House, but we have not had suggested to us any reason whatever that I can see for changing our constitution. The only semblance of a reason offered—it was a good reason, too, if it had been well founded—was that which the hon. gentlemen from Acadie offered, that we were not doing what was expected of us, no properly carrying out the objects of our constitution. I think I have shown, and my hon. friend from Halifax has shown, what those objects really are. I think I have shown, and other members of the Senate have shown, that we have really performed our duties with regard to those objects; that we are daily performing them, and that every day we are seeking to take to ourselves a larger amount of work. So far from shirking work and desiring to live in indolence and luxurious ease, drawing our pay for nothing, we are seeking for all the work we can legitimately do within the sphere of our duties. What we have had before us we have done and done well. It is

not disputed—no hon. gentleman who has spoken has disputed—that we have done the work well. Some hon. members suggested that we ought to throw out more bills in order to show our independence. I do not agree with that idea at all. If anyone can point to a bill, which in the opinion of the majority ought to have been thrown out, and we did not do it, I am ready to cry peccavi, and I would be ready to say that we were guilty, if such a circumstance occurred; but it has not been suggested by those who have proposed that we should throw out bills to show our independence, that we have omitted to reject any bill that in the opinion of the majority of the Senate ought to have been rejected. We have rejected such bills, whoever introduced them or brought them before us, as we thought should not pass; we have amended those that we thought should be amended; we have improved those that we thought needed improvement. We have not delayed in the performance of those duties or the exercise of our functions; we have been equal to the work before us—we have not allowed it to get into arrears. We have been here ready to perform all the duties entrusted to us, and it is admitted on all hands that we do those duties well. What more can be required of us than that? If we do not happen to attract public attention much, what matters it? I say to hon. gentlemen let us do our work—let us guard the legislation of the country, let us revise it, let us correct it, let us amend it, let us reject it, in the interest of the country, as we are required to do. Let us take care that no temporary fit of prejudice or passion, injurious to our country or disadvantageous to our interests is allowed to force a measure through this Parliament without giving to the people a further opportunity for considering it. That is one of our most important functions, not to persist forever in resisting the will of the people—that I should never recommend you to do—but when you find ill-considered legislation, measures which you think have not received due consideration by the representatives of the people, or by the public, it will be your duty to reject them for the moment, to give the people a further opportunity to examine them. If we continue to perform those duties with diligence, if we continue to exercise with dignity and efficiency the functions which the constitution entrusts to us, we may safely leave our reputation, our services, and our character, to the appreciation of our country, which we love and revere, and from which we shall receive all the recognition we desire, of our performance of the high functions of senators of this Dominion.

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