

May 22, 1872

Benoit
Blanchet
Bown
Cameron (Inverness)
Caron
Cayley
Cimon
Costigan
Currier
De Cosmos
Fortin
Gaudet
Gibbs
Grover
Howe
Jackson
Killam
Lacerte
Langlois
Little
McDonald (Lunenburg)
Masson (Soulanges)
McKeagney
Moffatt
Morrison (Niagara)
Nathan
O'Connor
Pinsonneault
Pouliot
Robitaille
Ryan (King's, N. B.)
Shanly
Smith (Selkirk)
Stephenson
Sylvain
Tilley
Tupper
Walsh
Willson—81

Bertrand
Bowell
Brousseau
Carling
Cartier (Sir George-É.)
Chauveau
Colby
Cumberland
Daoust
Drew
Gaucher
Gendron
Gray
Heath
Irvine
Keeler
Kirkpatrick
Langevin
Lapum
Macdonald (Sir John A.)
McDonald (Middlesex West)
Masson (Terrebonne)
Merritt
Morris
Munroe
Nelson
Perry
Pope
Renaud
Ross (Champlain)
Ryan (Montreal West)
Simard
Sprout
Street
Thompson (Cariboo)
Tourangeau
Wallace (Vancouver Island)
Webb

THE SENATE

Hon. Mr. BLAKE moved the second reading of the bill securing the independence of the Senate. He said that he had proposed a measure of this kind last session, but the vote then taken was not a true test of the opinion of the House upon it. When he proposed that measure, he had endeavoured to point out that it was of extreme importance to this House that some step should be taken in the direction he suggested. The constitution of the Senate was not very satisfactory, and the dissatisfaction regarding it was he thought, increasing; but those who discussed that question a while ago upon the motion of the hon. member for Bothwell (Mr. Mills) pointed out some of the difficulties in the way of changing the present constitution of that body. It did appear to him (Hon. Mr. Blake) that all the arguments that applied to the necessity of preserving the independence of the House of Commons applied, and applied, a fortiori, to the Senate.

That body was not like the Commons, subject to an expression of the will of the people at fixed intervals. If in the absence of a law regulating the independence of this House, any member should accept an office of emolument under the Crown, his constituents, when a dissolution took place, would have an opportunity of rejecting him if they thought he had placed himself in a position incompatible with the proper discharge of the duties he owed to them. That security, however, had been found inadequate and by consequence, knowing their weakness and liability to err, knowing the difficulties that would arise from the absence of a more stringent law, the members of this House had passed a law recognizing the propriety of the seat of any member being at once vacated who should place himself in the position of accepting an office of emolument.

NAYS

Members

Anglin
Bécharde
Bodwell
Burpee
Carmichael
Coffin
Delorme (Saint-Hyacinthe)
Ferris
Fortier
Geoffrion
Hagar
Jones (Leeds North and Grenville North)
Magill
Mills
Pâquet
Pickard
Ray
Ross (Dundas)
Ross (Victoria, N. S.)
Rymal
Smith (Westmorland)
Stirton
Wallace (Albert)
Whitehead
Workman
Young—51

Barthe
Blake
Bourassa
Cameron (Huron South)
Cheval
Coupal
Dorion
Forbes
Fournier
Godin
Jones (Halifax)
Mackenzie
McDougall (Renfrew South)
Oliver
Pelletier
Pozer
Redford
Ross (Prince Edward)
Ross (Wellington Centre)
Scatcherd
Snider
Tremblay
Wells
Wood
Wright (York West)

The Ministers, when they secured that law, thought it would sufficiently secure the independence of this House; but there had occurred, as there would occur whenever a breach of a well understood rule took place, a shocking example to the country, and his hon. friend, the member for St. John, was that example. (*Laughter.*) That example was so shocking indeed that Ministers themselves in passing the Act, to which he had referred, promised last session to bring down a bill by which they acknowledged that it was necessary to protect hon. members against the seductions of the Government, by making Ministers incapable of seducing, and by placing the law in a much more rigid state, and the House acknowledged its imperfections, acknowledged its liability, acknowledged the propriety of removing all chance of seductions, by passing the bill unanimously. That was the state of the law now with reference to the Commons; but with reference to the Senate, which had been established to a certain extent upon the representative principle with reference to the various provinces of the Dominion; which was managed upon the theory that there was a certain number of Senators to be chosen from each province in order that the interests of each province might be protected; which was constituted, so far as the Province of Quebec was concerned, upon a theory which still further recognized the principle of representation, the Senate which occupied the important place

theoretically in our constitution, which was responsible to the people and the country, but which was chosen by the Crown and the members of which being appointed for life were not subject to be punished by dismissal as the members of the Commons were, had no protection for independence in the same way that this House was protected.

The law so stood that a man who would not be allowed to take a seat in this House, or retain it while in the pay of the Government, might be sent to the Senate, and this was a flaw in the constitution which would allow Ministers to reward men who served them in the Commons by giving them offices of emolument and seats in the other branch of the Legislature if they were unable to convince their constituents that their acceptance of office was in the interests of the public. He mentioned the case of one member who had been so appointed and who, being a Senator, still drew pay from the Government, and he thought that practices of this kind cast a stigma upon the Senate to which it ought not to be subjected. He submitted, therefore, that a case had been made out by the action of the Government themselves which entitled the House to say that this was an evil that ought to be redressed.

Hon. Sir JOHN A. MACDONALD said the hon. gentleman had correctly stated that the Senators were responsible to the country and to the people. They were individually and collectively responsible, as was every man who held a position which imposed public duties upon him, but they were responsible in precisely the same way and to the same degree that the House of Lords was responsible to the people of England. The only difference between the House of Peers in England and the House of Peers in Canada, for the latter was also a House of Peers, was that in England the Peers transmitted their honours and responsibilities to their children, whereas ours did not, but as long as a peer lived his duties were precisely similar to those of a Senator in Canada, neither more nor less, and he (Hon. Sir John A. Macdonald) ventured to say that the doctrine the hon. gentleman had laid down in his attack upon the Senate was, to repeat what he had formerly stated, un-British as well as uncalled for. The hon. gentleman had said that great progress was making in England, and that what was British one day might be un-British next. Well it was not at all impossible that within the life time of the hon. member the same principle would be adopted in England that now prevailed in Canada, and that the peerage instead of being hereditary would be made a peerage for life. In that case the position of the Senate and the House of Lords would be precisely the same.

Hon. Mr. BLAKE: No.

Hon. Sir JOHN A. MACDONALD: The hon. gentleman had said "no," because he (Hon. Sir John A. Macdonald) presumed that the representative principle was to a certain extent acknowledged in those clauses of the British North America Act, which constituted the Senate. He would ask, however, whether that principle was not acknowledged also in the House of Lords, in regard to the Irish and

Scotch Peers; and in fact whether the three great divisions of the United Kingdom were not as much represented in the House of Lords as the Provinces of Canada were represented in the Senate.

The theory of our Constitution was this, that while this House was composed of men emanating directly from the people, representing the people, acting as the people, and forming the substitutes of the people; the other branch, the intermediate branch of the Legislature, neither emanated directly from the people, nor was responsible to them, nor was obliged to return to them for approval of their actions. The Senate stood in the same way as the House of Lords, between the Crown on the one hand and the Commons on the other. What would be said in England if it was proposed that the peerage should be deprived of any participation in the public service, except in the cases of the two, three, or four lords, who held seats in the Cabinet? (*Hear, hear.*)

Why in 1841, when the old provinces of Canada were united, the new administration commenced under Lord Sydenham, who was promoted to the peerage for his services as Governor, and who, while a peer, continued to perform his duties as Governor-General of Canada, drawing a salary for the office. He was succeeded by Lord Metcalfe, who earned his peerage by a long period of service under the Imperial Government, and whose duties as an officer of that Government did not end because he was made a peer. Was the peerage an unmeaning honour? Did it simply give a man the right to walk down the street, take his place at St. Stephens, and wear a coronet? Why the rank would be spurned if there were any such bar placed upon the usefulness of those upon whom it was conferred.

Here we found that the gentleman who now administered the Government in this country had recently been made a member of the House of Lords. Was it to be supposed that he was unfitted to perform his duties as Governor-General because he had been made a peer; and his successor, whose arrival was expected next month, was he not also a peer, but had that fact been regarded as preventing him from being employed in a position where he could be of public service? Again, had not the immediate predecessor of Lord Lisgar—Lord Monck—been made a peer because of the great work he had performed in Canada? And was he not at this very moment a salaried officer of the Imperial Government as one of the Commissioners of the Irish Church? He (Hon. Sir John A. Macdonald) might refer to many others—to Lord Clyde, to Lord Lawrence, and numerous others who adorned the House of Lords—who were recipients of the honours of the Crown, and who yet held offices of emolument conferred upon them by the Government; men who had won their honours in war or diplomacy, in colonial or political service, and who continued to perform the duties they had formerly performed, and for which they were paid, while they still held seats in the House of Lords. Was it to be said then that members of our House of Lords should be debarred from rendering useful service to the country? Was not their position precisely the same?

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Hon. Mr. BLAKE: No. (*Opposition cries of "No, no."*)

Hon. Sir JOHN A. MACDONALD defied the hon. gentleman to show that there was any difference between them. The hon. gentleman could draw no distinction, and why should there be any distinction? Why should not the Senate be placed in this respect in as good a position as the House of Lords? Had there been any abuse of the power of appointing Senators to offices of trust and emolument? If a large number had been so appointed there might be a practical evil for the hon. gentlemen to endeavour to redress; but the evil must first exist before a necessity could arise for reform. (*Hear, hear.*)

He would ask the hon. gentleman even if any such evil existed in the remotest degree, why not leave to the Senate the obligation and duty of purifying itself? This House had not asked the Senate to originate any measure for the purpose of preventing any member of the House from holding office under the Crown, and he would venture to say that the House would look with great disfavour upon any measure which might be sent from that body ordering the House to change its system in that respect. (*Hear, hear.*) Why, then, should the House interfere with what was the duty of the Senate itself? There was no occasion for any such action, for the Senate was as pure, as independent, and as responsible a body as this House, and without any proof whatever that that body was unable to purify itself, if it needed purification; it was a wanton and causeless insult to the Senate to force a measure upon it which was founded upon mere theory, and which no basis of wrong to justify it as necessary. (*Cheers.*)

He wondered what reception the hon. gentleman thought this bill would receive at the hands of Senators, if it should pass this House and go there for their approval. Would it not elicit the strongest rebuke upon those who insulted them; and would not that rebuke be joined in by all without reference to party? (*Hear, hear.*) It would be far better, and might be of some public service, while it would certainly not embitter the relations between the two Houses, if the hon. gentleman, instead of making undeserved attacks upon the Senate, would confine his speeches and his efforts to the cure of corruption where it really existed. Let the gentleman devote himself to that, in future. If he should see Government agents, men employed by ministers and paid out of the public funds, sent through the country to bribe constituencies, let him set to work to cure that. (*Cheers.*) There was an opportunity for him to cure corruption. Let him go to the township of Broughton—or rather "Proton" was it not called (*Laughter*)—and see whether he would find there a Government official who had first been closeted with ministers, and then following up that closet into interview, who was going around from door to door among the people, and telling them that if they voted so-and-so the reduced valuation of their farms would be allowed. (*Cheers and laughter.*)

Let the hon. gentleman confine his attention to shameless examples of corruption of that kind, and he would probably be able to do some good, for he must know that the transaction to which he

(Hon. Sir John A. Macdonald) alluded had cast a stain upon and become a disgrace to the party of which the hon. gentleman was an honoured member, and all those hon. gentlemen who felt with the hon. member that there should be an absence of corruption, that there should be a purification of the representative system, should take care before they became solicitous about the purity of the elected, not to make any attacks upon the purity of the electors. These were practical evils which this House knew or had heard of, and in dealing with them the hon. gentleman would have the cheerful assistance of every member on that side, who would help him and wish him God speed in all his efforts to put down corruption of that kind.

In the meantime he would do well to leave the purification of the Senate to the Senate itself. The senators needed no efforts of the hon. gentlemen on their behalf. They were as pure a body, taking them man for man, they bore as high a character, their standing was as exalted, their independence as unquestionable, as any similar body in the world; and there was no branch of any legislature with which they would not bear favourable comparison. This attempt to introduce purity in theory, while there was no such evil to be corrected by the hon. gentlemen nearer home, would prove as nugatory as he might say it was audacious and insulting. (*Loud cheers.*) He (Hon. Sir John A. Macdonald) moved that the bill be read a second time that day six months.

Hon. Mr. MACKENZIE said when the hon. Gentleman failed in argument he resorted to slander. The statement he had referred to was an abominable falsehood, and the hon. gentleman knew it was not correct. (*Laughter.*) No Peer in England had been appointed to any analogous position to that to which the senator had been appointed; neither was the House of Lords at all an analogous body to the Senate. As to the Commons originating a bill respecting the Senate, it was quite in keeping with practice that such should be done, and it was necessary that such should be the case. In 1852-53 the Lower House originated a measure entirely changing the Constitution of the Upper House. The hon. gentleman had transgressed his own rule in defending the Senate, for could not the Senate defend themselves. (*Laughter.*)

The question was whether the Government could send their placemen to the Senate, when they could not keep them in the Lower House. The Intercolonial Act never contemplated that Commissioners should sit in the Senate, and the door should be shut against such appointments. The argument that in England placemen could hold seats was not correct, and then if it were it was not to govern them. Prevention was better than cure, and they were not to wait for evils before providing against them.

Hon. Mr. HOWE referred to the Senator in question as a man of the most incorruptible integrity, and he mentioned cases in England where persons had held Government positions, and asked whether the country should be deprived of the services of a gentleman simply because he sat in the Senate.

Mr. JONES (Leeds North and Grenville North) said the position in England was very different from that in Canada. Formerly there were numbers of office-holders in the House of Parliament, but they had been and were being diminished. The feeling throughout Ontario was that placemen should sit neither in the Senate nor the Commons. He should vote for the bill.

Mr. FERGUSON said if he had any proof of corruption the matter would be different, but such was not the case. The member for Lambton (Hon. Mr. Mackenzie) had taken the Minister of Justice (Hon. Sir John A. Macdonald) to task with respect to some expressions respecting the privity or impurity of the Ontario Government, and with reference to the matter referred to, had stated that no letters were written. He could say, with reference to the Proton outrage—and there never was a greater outrage on the rights of man—it was attempted and performed by the Government of Ontario. There was no shadow of doubt that Mr. Lewis, who he knew well, was telegraphed for by a member of the House to go to Proton to carry the votes against the consciences and principles of the voters. Instead of his going, however, to Mr. McKellar's room in the dead of the night, Mr. Lewis himself told him that Mr. McKellar went to him. He then referred to a note from the member for Durham West (Hon. Mr. Blake) to the member for Brant (Hon. Mr. Wood).

Hon. Mr. WOOD said there was not a word of truth in the matter.

Mr. FERGUSON said it was no use contradicting him, because the member for Durham West wrote to the member for Brant. "Speak now." There was never more corruption practised in so short a time than by that Government.

Mr. MILLS desired to show the difference between the Senate and the House of Lords. The difference in the social circumstances of the members of the two Houses destroyed all analogy between them. There was no analogy in the social positions of a nobleman worth say from £50,000 to £100,000 a year in the House of Peers in England, and a gentleman to whom it was a matter of consequence to go up to the Senate.

Hon. Mr. BLAKE replied. He was responsible for the position he had taken with reference to this matter, repugnant as it had been to his feelings to hear the accusations made against him. If it was expedient he could bring cases of Ministerial interference, and could show how gentlemen had in numerous cases prostituted their position by interfering in local elections and otherwise. He referred to the case last year brought against the President of the Privy Council (Hon. Mr. Tupper), and said that he at all events acknowledged that a Senator, in his opinion, could be corrupted.

Hon. Mr. TUPPER said that, after the undeserved attack made upon him by the member for Durham West (Hon. Mr. Blake), he hoped the House would listen to a few observations in reply. He

then referred to the circumstances of the case in question, stating the full details of the affair, and asking the House whether in all this there was anything that justified the member for Lambton (Hon. Mr. Mackenzie), in his zeal for party, attempting to strike down a gentleman to whom he could have no possible objection, except that he had come forward with straightforward and hearty support in building up Confederation. That was his crime; because he felt it his duty to give his public services in sustaining gentlemen on that side of the House, who had remained true to the great principle of building up the Confederation, he became the object of this unprovoked and undeserved attack.

He had stood as a public man for seventeen years. He had stood front to front with as fierce an opposition as ever a public man faced in the world; and if, in the seventeen years it could be shown that he had ever prostituted his public position for his own advantage, and if he had ever forgotten what was due to his position as a public man, it would require no vote of the House to induce him to retire into private life. He challenged his opposers to substantiate their slanders. It seemed that the men now holding the position of leaders of the Government of Ontario, who had stood up for four long years, pledging themselves to the principle of striking down coalitions, are building up pure party Governments, when they saw a chance of grasping office and position, and the question presented itself whether they should stand true to their principles and forego office, found the temptation too strong, and grasped office at the sacrifice of every principle they had held most dear. These gentlemen claimed the position of purists. Where did they get the idea that everyone else was corrupt? The result showed that it came from their own black hearts.

When the temptation came, and when they seized power that the people of Ontario licensed them at the polls, and when the question arose how the power which they had obtained by staining their reputation, and shewing that all their past professions were utterly worthless, should be maintained, what did they do? They committed those acts to which the First Minister (Hon. Sir John A. Macdonald) referred, and which had made them and their party a scandal throughout the Dominion. (*Cheers.*) It was known to the remotest end of the country that when a vacant seat had to be filled, the member for Durham West (Hon. Mr. Blake) got his partner, his relative, and the man who was in his confidence, to lend himself to one of the foulest and blackest acts of corruption that ever stained the reputation of a public man. (*Loud cheers.*) The member for Lambton (Hon. Mr. Mackenzie) had dared to call the statement of this transaction an "abominable falsehood."

He would ask him to read the report of his own packed committee in the columns of the *Globe*, and blacker and more damning evidence of corruption could not be found in any record in the world; and the member for Durham was implicated as closely as possible. It was proved most clearly by evidence, that they had broken down the administration by ventures of the most corrupt and disgraceful character to members of that administration, and the

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member for Durham West could only save himself from a report, damning and ruinous to his character as a public man, by packing the committee, and ultimately when one member had to leave, stating that he would consider it a vote of want of confidence if a certain gentleman was put on the committee. Those were the measures to which the hon. gentlemen had to resort to save himself and his Government from a report of his own party, fastening upon him as in the case of the Proton scandal, one of the most disgraceful proceedings possible, and those were the gents who undertook to purify the Senate, and to assail the reputation of a body of men who were as deserving of the confidence and support of the country as anybody in the world. These were the gents who, in order to draw away attention from acts which had struck them down from the position they occupied a year ago, and which had blasted their characters and utterly ruined them in the estimation of every honourable man in the country, came down to the House with a measure respecting the purest body of men in the country.

He believed they misjudged Ontario, for he knew enough of the people of that Province to feel assured that they, in common with the people of the rest of the Dominion, from the Atlantic to the Pacific, would know how to estimate their professions when contrasted with their acts. He apologized for having detained the House so long; but he was sure that, under the circumstances, the House would feel that, having been arraigned by the member for Lambton (Hon. Mr. Mackenzie), and having been tried at the bar of the House, and having received a verdict that the charge was unmanly and undeserved, he had a right to speak. The member for Durham West must have felt that his case was weak indeed, when he had to assail a gentleman whose only crime was that, in a great crisis of his country, he had come forward and thrown himself into the great work of building up a magnificent Province. (*Loud cheers.*)

Hon. Mr. BLAKE desired to say that the statements of the President of the Privy Council (Hon. Mr. Tupper) with regard to himself were absolutely untrue.

A vote was then taken on **Hon. Sir JOHN A. MACDONALD'S** motion with the following result, Yeas, 77; Nays, 51.

(Division No. 16)

YEAS

Members

Archambault
Bellerose
Bertrand
Bown
Cameron (Inverness)
Caron
Cayley

Beaubien
Benoit
Blanchet
Brousseau
Carling
Cartier (Sir George-É.)
Chauveau

Chipman
Coffin
Costigan
Daoust
Drew
Fortin
Gaudet
Gray
Houghton
Irvine
Keeler
Kirkpatrick
Langevin
Lapum
McDonald (Lunenburg)
Masson (Soulanges)
McKeagney
Morris
Nathan
O'Connor
Pinsonneault
Pouliot
Robitaille
Ross (Victoria, N. S.)
Ryan (Montreal West)
Simard
Stephenson
Sylvain
Tilley
Tupper
Walsh
Willson-77

Cimon
Colby
Cumberland
Dobbie
Ferguson
Gaucher
Gendron
Grover
Howe
Jackson
Killam
Lacerte
Langlois
Macdonald (Sir John A.)
McDonald (Middlesex West)
Masson (Terrebonne)
Moffatt
Morrison (Niagara)
Nelson
Perry
Pope
Renaud
Ross (Champlain)
Ryan (King's, N. B.)
Savary
Sproat
Street
Thompson (Cariboo)
Tourangeau
Wallace (Vancouver Island)
Webb

NAYS

Members

Anglin
Béchar
Bodwell
Bowell
Carmichael
Coupal
Dorion
Fortier
Geoffrion
Godin
Jones (Halifax)
MacFarlane
Magill
Merritt
Munroe
Pâquet
Pickard
Redford
Ross (Wellington Centre)
Scatcherd
Snider
Tremblay
Wells
Whitehead
Workman
Young-51

Barthe
Blake
Bourassa
Cameron (Huron South)
Cheval
Delorme (Saint-Hyacinthe)
Ferris
Fournier
Gibbs
Hagar
Jones (Leeds North and Grenville North)
Mackenzie
McDougall (Renfrew South)
Mills
Oliver
Pelletier
Pozer
Ross (Prince Edward)
Rymal
Smith (Westmorland)
Stirton
Wallace (Albert)
White (Hastings East)
Wood
Wright (York West)

The House adjourned at one o'clock.