

The motion was then carried.

SENATE

Mr. MILLS moved, seconded by **Mr. GEOFFRION**, and the Question being proposed,

“That, in the opinion of this House, the present mode of constituting the Senate is inconsistent with the Federal principle of Government; and that our Constitution should be so amended as to confer upon each Province, in some way, the power of appointing the Senators which represent it.”

He said that if the question of a nominated Chamber had been submitted to the country at the time of Confederation, they would have decided against it. It was simply a step in the direction of the English House of Lords, and he maintained that such a House was altogether unsuited to the circumstances of Canada. In England the peers gained great experience in a Lower House, and by their action there gained the confidence of the country. They represented a great power in the country there. They possessed power which was not conferred on the Senate here. In England each body, the Crown, the Lords, and Commons was a check on the other, whereas in Canada what power had the Commons over the Senate? The Government of course raised their own friends to that Chamber, and so when there should be a change of Government the Senate would not be in harmony with the incoming administration.

There was no valid reason for the principle of nomination being introduced into this second Chamber. The power of the Commons lays in its representative character, and until the Senate is on the same basis it would never be a great power. If a House was formed of the representatives of one class only, it could never be an influential body. He complained that a Senate, while nominated, must necessarily be greatly one class. He stated the Legislative Council while nominated, had little influence but that so soon as it became elective, its character at once changed, and it very soon included some of the ablest men of the country. He believed that a nominated body must steadily degenerate. In a country like Canada changes succeeded each most rapidly, villages became cities, hamlets became towns, and in proportion as the country prospered and progressed so it became necessary that a Legislative body should not be long-lived.

The Senate at present had no hold on the popular sympathy, and was no check on the Commons. The only benefit of a second Chamber was to press on the other Chamber, the thought that their action had to be submitted to another power, and so there was less likelihood of the rights of a minority being overridden. Each Province ought to have the control of its own appointments so that they might be confident that the rights were upheld by both bodies. The two modes in which only a Senate could properly be appointed were first to divide the whole country into Electoral Districts for the

Senate, or that the appointments should be made by the local Governments. He did not think that reform should be delayed until that reform was absolutely needed and thought the Constitution of the Senate should be modified at an early day.

Mr. ROSS (Victoria) complained that such matters should be allowed to occupy the time of the House.

Hon. Sir JOHN A. MACDONALD said he always listened with pleasure to the remarks of the member for Bothwell (Mr. Mills) but in this instance he would have preferred that his speech had been presented as an essay or review in one of the periodicals of the day. The hon. member, however, had not exhausted the subject, and he would suggest therefore that he should elaborate his address and give it to them in a paper which could be read quietly in leisure time.

Mr. MILLS: Will you act on it?

Hon. Sir JOHN A. MACDONALD said he would act on it if he agreed with his hon. friend. The hon. member had said however that the English constitution was a matter of slow development, and was only altered when expedience showed that some portions of that constitution acted prejudicially to the public interest. Then Canada might take an example from that. Her constitution was one under which the country was well governed, and prosperous, and against which there was no complaint. No evil as yet had arisen from the constitution of either Chamber or the balance of power between the Executive and the Legislative. Why then not follow the example of England, and work the system so long as no evil resulted? If it should be found that the Upper Chamber was obstructive and that a change was absolutely required for the well working of the Commonwealth, it would then be open to move the resolution, but at present he thought the House would certainly vote it down.

Hon. Mr. BLAKE was surprised the Premier appeared undecided on this subject, and willing to consider it again; but considering his antecedents, perhaps they should not wonder at his want of fixed principles, on this as well as all other subjects. His remark that it might in future be for the benefit of the commonwealth to abolish the Upper Chamber altogether was not one fit to be made, having regard to the constitution under which we lived. He (Hon. Mr. Blake) believed the institution of an Upper Chamber was essential to the federal system, and should be regarded as absolutely sacred. It was to make it efficient that Mr. Mills propounded his resolution.

The form we had, the substance we had not, because nobody could deny that, however respectable the second Chamber might be individually, its deliberations had not that influence on the country, nor did it take that prominent part in its affairs, nor exercise that control over general legislation that was expected, and which it was, in his opinion, essential it should have. It owed a very great proportion of whatever influence it possessed to that large number of members, who represented the people through having been

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elected from among those who ran for the former Legislature of Canada. The Senate would not exercise a wholesome influence on public affairs until the provinces obtained power to elect a Senate. When this power was obtained, the federal principle would then come fairly into play, and a seat in that body would become an object of more ambition than at present. The hon. member for Victoria (Mr. Ross) had deprecated the introduction of that question; but would the hon. gentleman have the House, called so late as it had been called, to sit idle waiting for Government measures? (*Hear, hear.*) There could be little doubt that, if Sir John saw the opportunity, he would adopt the proposition of the hon. member for Bothwell (Mr. Mills), and hold himself up as a saviour of the country. (*Hear, hear.*)

Hon. Mr. HOWE said that the second Chamber had always been nominated in all the provinces, and he asked whether the Senate was not a body of intelligent and hon. men, discharging their duties in an efficient and proper manner. No harm had yet resulted, and it was certainly unnecessary to have a change. The reason of the greater influence of the Commons was that it dealt with all money matters.

Hon. Mr. MACKENZIE said that in the debates on Confederation he had strongly supported a nomination principle for the Upper Chamber, presuming that every Government would endeavour to fill the Upper House with representative men, and he believed that such a plan fairly carried out would be the best. The experience of the past few years, however, had modified his opinions, and whether the time for change had yet come or not, he believed a change to be inevitable. Hon. gentlemen opposite could not deny that the power of nomination to the Senate had been abused, and that their supporters who could not retain their seats in the Commons had been placed there, and this was one reason that had induced him to modify his opinions. Where such an outrage was possible, a remedy must be provided.

Hon. Sir JOHN A. MACDONALD said he could not possibly allow the remarks of the hon. member to pass without reply. He denied the statement, that the Government had in any way acted improperly in the matter of appointments to the Senate, and said that they had used wise discretion in every appointment from the time of the first election till the present moment. There was not a single gentleman appointed who was not a credit to the Government and to the Chamber. The Senate, as now constituted, was equal to the Commons, or to the Senate of the United States in standing and intellect, and would compare favorably with any similar body in the world. When the hon. gentleman had used such language as that, an outrage had been committed; he must have been ignorant of the force and value of language, and he challenged the hon. gentleman to mention one instance in which there had been any improper appointment.

With regard to the Provinces of Upper Canada and Lower Canada, a full selection was made without reference to political principles. In the Province of Upper Canada a fair arrangement was made between himself and the Hon. George Brown, then and now,

the leader of the party of which the hon. gentleman (Hon. Mr. Mackenzie) is a member, and although Mr. Brown retired from the Government before the selection was made, he (Hon. Sir John A. Macdonald) felt that still the arrangement made was obligatory, and he asked his hon. friend from Lanark North (Hon. Mr. McDougall) and the present Lieutenant Governor of Ontario (W. P. Howland)—the representatives of the Reform party in the Government of the day—to sit down with him and select the twenty-four men for the Senate. He (Hon. Sir John A. Macdonald) wrote a name, choosing from his own party, and they selected their man, and the consequence was 12 Reformers and 12 Conservatives were elected to sit in that Chamber, and no one knew better than his hon. friend that it was a fair understanding that the claims of members of the Legislative Council of old Canada to seats in the Senate should be considered as vacancies might take place, and that had been faithfully carried out.

Hon. Mr. MACKENZIE: Hear, hear.

Hon. Sir JOHN A. MACDONALD: As vacancies had taken place Legislative Councillors had been appointed, with one exception. Mr. Walter McCrae, a Reformer, from personal and family reasons, desired to get a seat on the Bench. He (Hon. Sir John A. Macdonald) was exceedingly anxious to help him, because he was a good lawyer, and a good man, and would be a credit to the Bench. When he was offered a seat on the Bench he said he was exceedingly anxious on his own and family account to take the situation, but he was in the difficulty that the remaining member of the old Legislative Council, who was at all likely to be selected to fill the office, was of the Conservative stripe, and if he should give up his seat it would be said that he had done so in order to allow him (Hon. Sir John A. Macdonald) to appoint a Tory, when he (Hon. Sir John A. Macdonald) said he would have no objection to naming a Reformer, and asked if the Hon. Frank Smith of Toronto, would satisfy that category, and no one knew better than his honorable friend from Lambton (Hon. Mr. Mackenzie) that the Hon. Frank Smith was a Reformer. He was glad to have the opportunity of offering that gentleman a seat in the Senate as also of paying a compliment to the Irish Catholics of Ontario by placing a man of their class in the Senate, and he did not think the hon. member for Lambton would say that the appointment had at all damaged the dignity, usefulness or standing of that assembly.

Mr. JONES (Halifax) said that the appointments to the Senate, from the Province of Nova Scotia were created by means which a great majority of the people did not agree to, and but one of those chosen enjoyed the confidence of the people. He held that the Local Legislatures of the Provinces are the best Judges of, and should select those who are to represent them in the Upper House. He referred to the resolutions of the Maritime Provinces' Repeal Delegation, and the part the now Secretary of State for the Provinces took therein.

Hon. Sir FRANCIS HINCKS had not intended to address the House on this subject, but allusion had been made to him, both by the hon. gentleman who proposed the resolution (Mr. Mills) and the

hon. member for Lambton (Hon. Mr. Mackenzie). The hon. gentleman had said that he had seen occasion to modify his opinions on this matter, and he (Hon. Sir Francis Hincks) might also find occasion to modify his views.

He had referred to a Government of which he (Hon. Sir Francis Hincks) was a member, bringing forward a scheme to make the Legislative Council elective. It is perfectly well known that members of a Government sometimes have to give way their own opinions in order to carry on that Government. At the time the Government of which he was a member was formed, it was essentially necessary to the success of that Government that he should support the gentleman who especially enjoyed the confidence of the people of Lower Canada—he referred to the late Judge Morin—who enjoyed the respect of every one who knew him.

There was a very strong feeling in Lower Canada in favor of an elective Legislative Council. Mr. Morin insisted that the principle of an elective Legislative Council should be adopted, and it was with the greatest reluctance that he (Hon. Sir Francis Hincks) gave way on that point. His old friend, Mr. Baldwin had opposed the principle of an elective Legislative Council. He (Hon. Sir Francis Hincks) had not so strong an opinion, and as other matters of importance were carried out, and concessions made to the reformers of Upper Canada, at that time, it was considered that the measure for an elective Legislative Council should be brought forward. He had always thought that there was great danger of collision where there were two elective bodies. He hoped the hon. gentleman would withdraw his motion. He was glad of this opportunity to explain his action with a Government of which he was a member, and which proposed to make the Legislative Council elective. At that time he yielded his own opinions with reluctance, to opinions which were then entertained by all his colleagues from Lower Canada.

Hon. Mr. HOWE: In reply to the hon. member for Halifax (Mr. Jones), said that when that old manifesto was written he believed every word of it, and he was of opinion that the larger number of the representatives of the Province of Nova Scotia chosen at Confederation did not at that time entertain the opinions of many of the people. With regard to those gentlemen he had had influence in appointing to the Senate, the first vacancy was offered to Mr. William Stairs, brother-in-law of the hon. member for Halifax, one of the wealthiest and most liberal-minded men in the Province. He regretted that Mr. Stairs had not accepted, as he was chairman of the Anti-Confederate League, and had the confidence of the people. Mr. Northrup was next offered a seat in the Senate, and declined, but subsequently accepted another vacancy. He presumed that Mr. Northrup could have got a seat in Nova Scotia, where his father sat for 30 years, and his family had fought the battle of liberal opinions and responsible government, of civil and religious liberty in that province, before the member for Halifax was known, or any one supposed for a moment that his name would be classed with that of John Northrup the elder. As to Mr. Northrup, the younger, he had known the constituency he represented (Hants) to have been offered

to him by influences which could not be resisted, and when he was nominated to the Senate he held the metropolitan seat. Next came Mr. McLellan, whose father for twenty years represented a constituency of Nova Scotia, advocating all improvements and reforms, and when the old man died, young McLellan inherited his father's position in part of his will. His hon. friend had said that he could not be elected for Colchester, whereas, they had carried Colchester; in spite of all his hon. friend could do.

Hon. Mr. TUPPER felt it is his duty to repel the unjust and unfounded imputations cast by the hon. member for the County of Halifax (Mr. Jones) upon a body of gentlemen than whom he was bound to say their superiors did not sit in each branch of this Legislature. The hon. gentleman had undertaken to say that gentlemen who were recommended for the Senate by the Government of which he (Hon. Mr. Tupper) had the honor to be the head, obtained those positions in a manner undeserving the high positions to which they were called. The hon. member knew that when the leader of the liberal Opposition in the lower House in Nova Scotia, following the dignified and exalted example which had been set them by the two great parties in old Canada, joined hands with him (Hon. Mr. Tupper) in endeavouring to accomplish the great question of the union of the Provinces, he (Hon. Mr. Tupper) adopted the same course in reference to the party with which they were connected as the First Minister of the Crown had stated he felt bound to adopt with regard to the great Liberal party of Canada. When the Senate was chosen the first thing done was to tender the twelve seats at the disposal of Nova Scotia to twelve members of the Legislative Council.

He would ask the hon. member how he dared utter the imputation in this House that he (Hon. Mr. Tupper) carried the union in the Legislature of Nova Scotia by the corrupt means which he had insinuated, while he was able to rise in his seat and say that of the two-thirds majority that carried that measure in Nova Scotia in the public assembly, not a man was offered a seat in the Senate, until all the twelve seats had been tendered to the members of the Legislative Council. Eight were accepted by those gentlemen, six of these at the nomination of the Liberal party.

The hon. gentleman has stated that these men were unworthy of the high position. Would he state to this House in the hearing of the gentlemen in the Senate, that Sir Edward Kenny was unworthy of his position? He (Sir Edward Kenny) was an Irish Roman Catholic who by his industry, talent, and his manly conduct in every position in life, had raised himself to the position of one of the first merchants in the Province. He was a gentleman who commanded the undivided respect and confidence of men of all classes. He had filled the high and honourable position of President of the Legislative Council, for a long series of years in Nova Scotia, and when called to the Senate it was felt by all that no man in the length and breadth of Nova Scotia was more deserving of high position. John H. Anderson was another Senator who had done credit to himself and country. After long and laborious service in the Legislature, and having attained a position as one of the first

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merchants in the country, he went down to his grave honoured and respected by all. He was another of the gentlemen upon whose memory this disgraceful and uncalled for imputation is now cast by the member for Halifax (Mr. Jones). The Hon. T. D. Archibald was one of the foremost men in the country. A gentleman who dignified the seat which he filled, who still had held not only a seat in the Legislative Council, but who had been honored by the confidence of a large majority of the people of the country, and had occupied the position of an executive councillor. Mr. Weir had also passed away. He was, as the hon. gentleman knew, one of the most enterprising merchants that Nova Scotia ever had, and had represented several constituencies in the Province. And yet this gentleman who had received the confidence of county after county, and who had been held in high estimation by all classes must also have his memory vilified as far as it was in the power of the hon. member for Halifax to do so. Mr. Miller was another. He was a Roman Catholic gentleman, second to no man of his creed and class in Nova Scotia in point of talent. He possessed the confidence of the country, and the imputation that he purchased his seat in the Senate by the support that he gave to Confederation was as unfounded a statement as ever passed the mouth of man. He (Mr. Miller), representing one of the constituencies of Nova Scotia, came forward in the interests of his country, and avowed in a manly manner that he was himself convinced that the great measure which it is now known involved the prosperity of the whole Dominion was worthy of his support, and he gave that support without the slightest inducement of any kind.

Of all these gentlemen called to the Senate there was not one of them but who had enjoyed the confidence of constituencies in Nova Scotia, except Sir Edward Kenny, Mr. Dickey, and Mr. Archibald. He would not pursue the subject any further, but would merely say that the insinuations of the hon. member were entirely undeserved, and unworthy of him and the occasion.

The hon. member for Bothwell (Mr. Mills) had stated to the House that in Canada where it had been tried, he would ask the House if it had no significance that the men, not of one party, but of all parties, who met together at the Quebec Conference, and who had sat down and given full consideration to the best system for the government of the Country—men who had tried the elective system—should have resolved to go back to the nominative system. The hon. gentleman said that the people would have condemned that choice, but he gave no evidence. He knew that the men who framed this scheme were sustained by popular sentiment in the country at the elections which followed. The press of the country was silent on this point, and with such evidence as this we had a right to believe, until there was something more than a mere philosophical expression of sentiment to the contrary, that the system adopted was a wise one and in accordance with the wishes of the people. The hon. gentleman had expressed fears that the Senate would become too independent, and that as the Government could not increase their number they would get beyond control, and that the Government would not be able to get a majority in the Senate. He (Hon. Mr. Tupper) thought that this result would be more likely to follow the adoption of the elective system when there

would be two bodies chosen by the people, with co-ordinate powers, drawing their power from the people directly, and claiming the same privilege in reference to the initiation of money votes. He concurred with the hon. member for Lambton (Hon. Mr. Mackenzie), that after the discussion which had taken place the wisest course would be to withdraw the resolution, and not bring it forward again until there was some indication that the public sentiment of the country desired it. The people would shortly have an opportunity of saying whether this important function of the Crown had been entrusted to safe hands or not.

Hon. Mr. McDUGALL (Lanark North) asked what evidence had been adduced to show that a change of constitution was desired by the people. He thought that ought to be the first consideration. He thought the constitution had been a success, and was not aware that any part of the country desired a change. When the Quebec convention had been held he had advocated an elective principle in the Upper House, but the decision of the large majority of the delegates was against that view, and in favour of the nominative principle and the great advocate of that principle on that occasion was the political leader of the Opposition (Hon. Mr. Mackenzie). He was not disposed to make a change until the constitution had had a fair trial and until it was shown that the Senate was an obstruction, every man who wished well to his country would uphold the constitution. The Federal principle should be restrained and kept within proper bounds, and the Dominion House should represent the whole country, standing together, passing laws for the benefit of the whole country. He thought these theoretical questions should not be raised while there were so many practical matters to be dealt with.

Mr. MILLS was quite as sincere in his convictions and his desire for the public good as anyone. He believed that though the Quebec convention decided in favor of the nominative principle, the people at large held a different opinion. It had been said that no change should be made until the necessity arose, as was the case in England. Canada and England, however, were in very different cases, the constitution of Canada had not grown gradually and naturally as that of England had, and he thought it was not wise to wait for some calamity before making a change. Was there any propriety in giving a Province a number of representatives in the Senate to protect the interest of that Province and yet place the appointment of those representatives in the hands of the Government, which might be in antagonism with that Province?

Hon. gentlemen opposite had upheld the high standing of the Senate and yet in the beginning they had been compelled to come to the House of Commons for a Speaker. Why should the Speaker of the Senate be appointed by the Crown, while the Commons appointed their own Speaker? In the framing of the constitution, that of England had been copied instead of being adapted to the different circumstances of Canada. He referred to the Speech of the member for Lanark North (Hon. Mr. McDougall) at Hamilton which had been stated to be in favor of annexation. He believed that if ever there were a change it would be in the direction of a closer change with the Mother Country, and that a state of independence

under the circumstance would be the weakest possible position. If the member for Lanark North could talk on such an agitating subject, why should not he (Mr. Mills) advocate a constitutional change which he believed would be of great benefit to the country? He withdrew his resolution.

Hon. Mr. MACKENZIE referred to his statement respecting the Government having outraged the Constitution, and he now desired to state his reason for that remark, about which the Minister of Justice (Hon. Sir John A. Macdonald), not now in the House, had taken him to task. He stated that two sessions ago the Government had appointed Mr. McLennan to the Senate, so that he might retain a salary of \$3,000 as Intercolonial Railway Commissioner, and that the Constitution was outraged and the privileges of the Senate violated by the appointment. It was with great pain that the occurrences of the last few years had compelled him to modify his opinions. He referred to the speech of the hon. Mr. Dunkin at Quebec, pointing to some other mode of appointments to the Senate than that now in force and stated that he still believed the two Houses should be constituted differently and only modified that opinion because Government had not properly carried the theory into practice. He maintained that so far from the people being altogether in favour of the nominative principle, he had found, in the course of his numerous meetings at the time of Confederation that they were very generally opposed to it.

Hon. Mr. CHAUVEAU referred to the statement of the member

for Lanark North (Hon. Mr. McDougall) and denied that there had been any outrage in a simple appointment to the Senate.

Hon. Mr. MACKENZIE said that it was never intended that the Senate should be for placemen.

Hon. Mr. CHAUVEAU said there was no law to prevent the appointment of place holders to the Senate. Referring to the elective and nominative principles he said it was generally agreed at the Convention that the rights of the people would be best protected by having the Upper Chamber nominated. He did not think the hon. member for Lambton (Hon. Mr. Mackenzie) had made out any ground for the grave charge he had brought against the Government.

The motion was then withdrawn.

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COMMITTEE OF SUPPLY

Hon. Sir FRANCIS HINCKS then moved the House into Committee of Supply and several unopposed resolutions were passed.

The House adjourned at 11.40 p.m.