

either by law or by practice, to limit the proportion of the members of the Upper Chamber to about one-half of the number composing the Lower House, and this more especially appears to have been the case in the latest Constitution granted by the Crown, where the number of members of the Senate of the Dominion of Canada is not allowed to exceed seventy-eight; whereas the number of its House of Commons is 181. There are many and obvious reasons why this limitation should be enacted. Among others might be mentioned the fact that an undue extension has a tendency to impair the value attached to a seat in the Upper Chamber, and might expose the Chamber at any moment of popular or party strife to have its independence sacrificed through the sudden introduction of members, with a view to carry out some object. While the Upper Chambers of all constitutional Legislatures recognize their position as one removing them entirely from party considerations, and as designed to be a guard against hasty and immature legislation, they would doubtless feel it to be their duty to weigh with more than ordinary anxiety and care the explicit declarations of public opinion, when deliberately given by all classes of the community, upon any measure, after the period of excitement which might have given rise to it had passed away. When such a spirit pervades the Upper Chamber there need be no apprehension of a conflict between the two branches composing the Legislature. Moreover, the experience of the past, as exhibited in statement (B) hereto attached, makes it evident that in the course of one or two sessions at most the Ministry of the day could have at command a sufficient number of vacancies to fill up, which, aided by the discretion, judgment, and good sense of the members of the Council, would enable them to pass any measures which had at least more than once received the unquestionable approval of a marked majority of the House of Representatives, and would thus avert the injurious consequences likely to arise from a conflict of opinion. Nevertheless it is necessary, should a limit be fixed, that some precaution should be taken by means of which a new Government might, where the limit has been attained, have an opportunity of appointing one or more Ministers to represent them in the Council.

Your Committee are therefore of opinion—

1. That a Bill for limiting the number of members of the Legislative Council should be introduced during the present session.

2. That the Council should press on the Government what it has so repeatedly urged—namely, the expediency of causing important Bills to be submitted to the Council at an early period of the session; and, further, should express its strong repugnance to entertain any Bill when, by reason of the late period of its introduction, it would be impossible duly to consider its provisions.

(A.) STATEMENT showing the Number of Bills introduced into the Legislative Council, either originating therein, or sent from the House of Representatives; with the Total of Each of the Four Weeks preceding the Day of Prorogation, and also of the Month.

	Year.			
	1864.	1865.	1866.	1867.
Number of days of the session..	20	97	101	95
„ „ Bills introduced ..	19	87	89	103

	1864.	1865.	1866.	1867.
—				
Bills introduced during the last week of the session—				
House of Representatives ..	10	21	19	11
Legislative Council ..	4	2	2	1
Bills introduced during the last week but one of the session—				
House of Representatives ..	..	5	14	11
Legislative Council ..	..	..	2	2
Bills introduced during the last week but two of the session—				
House of Representatives ..	..	..	5	13
Legislative Council ..	5	..	1	1
Bills introduced during the last week but three of the session—				
House of Representatives ..	..	6	4	15
Legislative Council ..	..	1	2	9
Total of Bills introduced during the last month of each session ..	19	35	49	63
Percentage upon the total of the whole number of Bills introduced during the session ..	..	40·02	55·05	58·33

(B.) STATEMENT showing the Number of Members at the Close of each Session, and also of those added or subtracted before the Close of the following Session, from the Year 1854 to 1868.

	No. of Members at Close of Session.	Before Close of following Session.	
		Added.	Subtracted.
Session I., ending 14th August, 1854	14	Nil	Nil.
Session II., „ 16th Sept., 1854 ..	14	Nil	Nil.
Session III., „ 15th Sept., 1855 ..	14	Nil	Nil.
Session IV., „ 16th August, 1856	13	2	3
Session V., „ 21st August, 1858	20	9	2
Session VI., „ 5th Nov., 1860 ..	19	1	2
Session VII., „ 7th Sept., 1861 ..	20	5	4
Session VIII., „ 15th Sept., 1862 ..	25	6	1
Session IX., „ 14th Dec., 1863 ..	28	5	2
Session X., „ 13th Dec., 1864 ..	28	Nil	Nil.
Session XI., „ 30th October, 1865	35	10	3
Session XII., „ 8th October, 1866	35	7	7
Session XIII., „ 10th October, 1867	36	4	3
Session XIV., commencing 9th July, 1868 ..	34	6	8

N.B.—Average number of members at the close of the sessions 1865, 1866, 1867—35. Average number of members added to or subtracted from the Legislative Council during the last three years respectively—Added, 6 nearly; subtracted, 6.

Ordered, That the said report do lie upon the table.

Extract from Journals of the Legislative Council, 21st August, 1868.

Legislative Council Committee further Report.—The Hon. Colonel Kenny, from the Select Committee appointed to inquire into the powers and privileges of the Legislative Council, with a view to a modification of its constitution, brought up a report, which was read as followeth:—

Your Committee, having considered certain “papers relative to the appointment of members of the Legislative Council,” remitted to them on the 20th instant for report, have to state as follows:—

On the 5th December, 1867, the Attorney-General forwarded a memorandum to the Hon. the Colonial Secretary on “the course followed in summoning persons to the Legislative Council,” which course he considered not to be in accordance with the Constitution Act. He is of opinion “that the instrument whereby Her Majesty confers on the Governor authority to summon persons to the Legislative Council must specify the persons to be