

precipitate and hasty legislation, and on the other hand the encroachment of the power of the executive. In our Constitution it is the duty of the Legislative Council to exercise the conservative influence, and to modify the legislation too energetic and too full of outside effervescence, which is sent for their consideration from the House of Commons. But when public opinion gains vigor from the obstacles which it encounters, and the reforms demanded are rational and come before them in due course, there is no danger that the legislation which embodies them will be obstructed in its progress; for the people will rise in their majesty and in their sense of justice, as did the people of England in 1832, and the obstacles they might meet with on their way would be swept away as by a torrent. (Hear, hear.)

HON. MR. DORION—That is exactly where the danger lies.

HON. MR. CAUCHON—That is the danger which assailed the House of Lords in 1832, but no one would venture to confront to the last extremity a danger such as this. But the honorable member for Quebec tells us, if I understand him rightly, that we have not sufficient guarantees for Lower Canada in the appointment of the legislative councillors. The selection of legislative councillors has no bearing whatever on the question we are now considering, viz., whether the appointment by the Crown is or is not preferable to the elective principle. But in answer to him I will say, that the scheme before us seems to be quite clear. According to this plan the candidates for the Legislative Council will be recommended by the local governments and appointed by the General Government, and it is by this very division of powers that the selections are sure to be good, and made in conformity with the desire and sentiments of the provinces.

HON. MR. DORION—Only the first nominations are to be made in this manner, not those which may be made afterwards.

HON. MR. CAUCHON—The first nominations will be made by the present Governments, and the federal councillors will be taken from the present legislative councillors to the number prescribed, 24, provided so many can be found who will accept the post, and who possess the requisite property qualification. The Conference has engaged, by the terms of the scheme, to respect the rights of the Opposition, and any government who should fail to carry out so solemn an engagement would well deserve to lose the pub-

lic confidence. (Hear, hear.) I repeat that the mode of appointing the councillors in no wise affects the conservative principle of nomination on which the constitution of the Legislative Council ought to be based.

HON. MR. DORION—In the course of my observations the other night, I did not examine the question from the point of view from which the honorable member from Quebec is now looking at it. That honorable member, if I have understood him rightly, affirms that in the proposed constitution of the Federal Legislative Council there is no conservative principle to guarantee that the provinces will be represented in that Council, and he does so with justice. If the honorable member for Montmorenci will examine it attentively, he will see that the first nominations are to be made by the existing governments. Thus the Government of Canada, that of New Brunswick and that of Nova Scotia will appoint legislative councillors, but afterwards the Federal Government will make the appointments. The honorable member for Quebec can, with reason, draw the conclusion that there is no guarantee that the views of the provinces will be respected. I for my part have investigated the matter more in connection with the power that will be vested in the legislative councillors. I asserted that by appointing them for life and limiting their number, an absolute authority would be created, which would be quite beyond the control of the people and even of the Executive; that the power of this body will be so great, that they will always be in a position to prevent every reform if they thought proper, and that a collision between the two branches would be inevitable and irremediable. The danger arising from the creating of such a power is exactly that of being obliged to destroy it if they resist too obstinately the popular demands. In England there is no necessity for breaking down the obstructions sometimes presented by the House of Lords, because the Crown having it in its power to appoint new peers, can overcome the difficulty. Here there will be no means of doing it, when the number of councillors is fixed. Accordingly, I have looked at the question through the medium of the powers assigned to the councillors, whereas the honorable member for the county of Quebec fears lest the Government should make choice of men who would not represent public opinion in the provinces; that they might appoint members all of French origin or all of English origin to represent Lower Canada, or take them all from among