

to prevent, for example, a Squatter's bill—(laughter)—being passed at the very first opportunity in the Local Parliament, demolishing all the rights of property. I see my hon. friend opposite (Hon. Mr. CRAWFORD) look melancholy, because he foresees that, when the new Constitution is adopted, twelve months will not pass before that becomes law in Lower Canada, and all protection for proprietors, so far as that is concerned, brought to an end. But this is only one instance, significant of what will take place. It is perfectly well known, and none can realize it better than those who have a much greater horror of the progress of popular sentiments than I have, that the tendency in the popular mind is to break down monopolies of every kind, and to go to extremes in dealing with vested rights, even those which are established and founded on substantial principles of justice. Now, these rights, at the very least, ought certainly to be confided to the highest legislative authority. I go further and maintain that guarantees for those rights ought to be placed in the written Constitution, that they ought to be beyond the power of interference by the legislative authority, and that they should be guarded by the judicial decisions of the highest courts in the country. In that case there would be a protection for property, but in this Constitution there is no such protection for property either in Upper or Lower Canada. And here is the point to which I ask the attention of my honorable friends of all parties—a point which I think all of them have been too little concerned about, and which applies just as well to Upper as to Lower Canada. For I say that, if some security is not given to the people in one of those ways for maintaining vested rights and interests of this character, the most disastrous results will arise in every Local Parliament; because, when these parliaments are constructed, they will necessarily consist of a different class of men from those who now compose the legislatures of the various provinces. There will be such inducements to men of the highest order to get elected to the Central Parliament, that the consequence will necessarily and naturally be the result to which I point. (Hear, hear.) I should like to refer to one argument which was used by my hon. friend from Saugeen (Hon. Mr. MACPHERSON)—who is not now in his place—that the appointment of members of the Legislative Council in

the proposed Federal Parliament is not in fact an abandonment of the elective principle, because the appointments are to be by the Ministry of the day, who must have the confidence of the people. That is certainly a most extraordinary argument. If it held good at all, it should apply equally to both Houses, and the Legislative Assembly should be appointed by the Ministry, because the Ministry have been selected by those who have been elected by the people. This is the clear, logical deduction from my hon. friend's argument, if it is good for anything—because, if appointment by the Ministry is not an abandonment of the elective principle, you would still have an elective Legislative Assembly, although its members were appointed by the Government (Hear, hear.) But this was also well answered on a former occasion by my hon. friend behind me (Hon. Mr. AIKINS.) It is not simply the first appointment that we oppose. It is the appointments afterwards, as the first members die out or resign, and their successors are appointed on the nomination of the future local governments. Instead of this producing a favorable result, it appears to me it will have just the opposite effect. The reason is plain. If, in the very first instance, the prerogative is exercised, not by the Sovereign or the Sovereign's representative, unbiassed, but is exercised by a party government, you have a House constituted at its very first meeting of a party character. In the other branch that particular Government has a majority. But it is possible, that that party may not long retain power. In the nature of things it is not probable that they will. No party does. But the Upper House remains permanent, and you provide by your very first operation for that dead-lock—that conflict between the Upper and the Lower House, which has been spoken of. (Hear, hear.)

On motion of HON. MR. MOORE, the debate was adjourned till to-morrow.

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{THURSDAY, February 16, 1865.

HON. MR. MOORE said—Honorable gentlemen, it is with a great degree of diffidence that I rise to address this House, after the very able speeches that have been made on both sides of this question, but I shall endeavor, honorable gentlemen, as briefly as