

this troublesome advocate of the second, third or fourth order of talent, and place him on the bench, whilst by leaving these appointments to the Central Government, we are satisfied that the selection will be made from men of the highest order of qualifications, that the external and local pressure will not be so great, and that the Government will be in a position to act more freely. It may be remarked, in passing, that in the proposed Constitution there is an article which provides that the judges of the courts of Lower Canada shall be appointed from the members of the bar of that section. This exception was only made in favor of Lower Canada, and it is a substantial guarantee for those who fear the proposed system. Besides, the honorable member for Hochelaga, who fancies that he sees danger in the powers given to the Central Government, knows by experience, as having himself been a minister of the Crown, that in respect of every appointment of a judge the Cabinet always consults the ministers for the section in which the appointment is to be made, and accepts their choice. The same practice would necessarily be followed by the Central Government, who would be forced to respect it, because behind the ministers from each section would be found the members from that section, and behind our ministers for Lower Canada will be found the sixty-five members whom we shall have sent to represent and protect our interests in the Federal Parliament. It is then advantageous, and there could be no danger in the provision that the judges should be appointed by the Central Government; indeed, it is for our interest, and the interest of all, that it should be so. And although it may be looked upon as a secondary consideration, yet it may as well be mentioned now, that by leaving the appointment of our judges to the Central Government, we are the gainers by one hundred thousand dollars, which will have to be paid for their services by the central power. This consideration will perhaps have some weight with the honorable member for Hochelaga, who makes such an outcry to alarm the people that we shall be obliged to have recourse to direct taxation to defray the expenses of our Local Legislature. Notwithstanding the advanced hour of the evening, I cannot pass over in silence another observation made by the honorable member, and I beg he will accord me his undivided attention at the present moment. The honorable gentleman has asked the Government what meaning was to be attached to the word "marriage," where

it occurred in the Constitution. He desired to know whether the Government proposed to leave to the Central Government the right of deciding at what age, for example, marriage might be contracted. I will now answer the honorable gentleman as categorically as possible, for I am anxious to be understood, not only in this House, but also by all those who may hereafter read the report of our proceedings. And first of all I will prove that civil rights form part of those which, by article 43 (paragraph 15) of the resolutions, are guaranteed to Lower Canada. This paragraph reads as follows:—

15. Property and civil rights, excepting those portions thereof assigned to the General Parliament.

Well, amongst these rights are all the civil laws of Lower Canada, and among these latter those which relate to marriage; now it was of the highest importance that it should be so under the proposed system, and therefore the members from Lower Canada at the Conference took great care to obtain the reservation to the Local Government of this important right, and in consenting to allow the word "marriage" after the word "divorce," the delegates have not proposed to take away with one hand from the Local Legislature what they had reserved to it by the other. So that the word "marriage," placed where it is among the powers of the Central Parliament, has not the extended signification which was sought to be given to it by the honorable member. With the view of being more explicit, I now propose to read how the word marriage is proposed to be understood:—

The word marriage has been placed in the draft of the proposed Constitution to invest the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy, without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong.

This is a point of great importance, and the French Canadian members ought to rejoice to see that their fellow-countrymen in the Government have not failed in their duty on a question of so serious a nature. On many other points many of them will doubtless claim that we have not thoroughly fulfilled our duty, but as regards the matter in question there can be no difference of opinion, as we have all a common rule to guide us; and I repeat that they ought to rejoice that their co-religionists in the Conference have not been found wanting on this occasion. The whole