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{TERMS—FIFTEEN SHILLINGS PER ANNUM, WHEN PAID IN ADVANCE—SEVENTEEN SHILLINGS AND SIX PENCE WHEN NOT SO PAID.}

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SECOND REPORT.

OF THE

CANADA COMMISSIONERS.

[Continued.]

Extracts of the Minute of Proceedings on Monday, 14th March, 1836.

SIR CHARLES GREY delivered in the following paper:—

1. The single measure to which I would advise His Majesty's Ministers to have recourse at the present juncture is to procure from the Imperial Parliament without any delay, an enactment of which the substance should be, that where the different branches of the Provincial Legislature of Lower Canada have been or shall be unable from disagreement, to exercise the power which it was intended to transfer to them by the 1 & 2 Will. 4, c. 23, that power shall be exercised by those who had the exercise of it before.

2 As the Commissioners are unanimous in recommending this, it is very reluctantly that I qualify my signature to this second Report by any notice of dissent; but it is necessary that I should do so to preserve a consistency, without which my opinions must be worthless. The Report enters rather loosely as it seems me, into a discussion of the most important objects of our Commission, which discussion is shown to be immature by the uncertainty and incompleteness of the conclusions in which it results. I should have deemed it sufficient to have marked in our Report, on the present occasion, the absolute incompatability of the demand of the Assembly with our instructions, and then to have recommended rather more fully and distinctly than we have done, the step which we all think ought to be taken. Upon the Report as it has been settled, I am obliged to remark, that there are sentiments and opinions interspersed in it which I do not entertain; and that of the reasoning, and even of the narrative, there are parts in which I am not able to concur.

3. The objections against substituting popular election for the appointment by the Crown of the members of the Legislative Council, are presented much more dubiously in the report than they are impressed upon my mind. I think there would be many advantages in establishing a different arrangement of districts within the province from that which exists at present, and with municipal institutions for the management of their internal affairs; but it will be found upon examination, that this would not necessarily involve a repeal of any portion of the Act of 1791; and I certainly do not recommend it with the view of its leading, as the Report suggests, to the introduction of an elected Legislative Council for the province.

4. There is a great deal of the reasoning in the Report as to an Elective Council to which I cannot assent, though I agree in thinking that it would be pernicious to establish either by enactment, or by the instructions of His Majesty's Ministers, any rule that the Executive Council should from time to time be changed, so as to keep it always *en unite* with the majorities of the Assembly. It ought to be borne in mind, that it is the Government of a Province which is in question, and that there are certain relations with the Empire which are to be preserved. With a view to these, the appointment of some of the Executive Council ought to be made in England, whilst a larger number might be appointed by each successive Governor, for the period of his own Government comprising the leading men of all parties in the province: and of these, two or three at a time only might be summoned to each ordinary Council held for the dispatch of business. This would enable the Governor to have the counsel of those who at the moment should be in possession of the chief influence; and to bring together those whose opinions though different should approximate.

5. I will not enter further into the subject of the Tenures Act, than to observe, that the 1 Will 4. c. 20, does not enable the Provincial Legislature so far to alter the provisions of the Tenures Act, as to prohibit changes from the tenure of fief to that of soccage, which is what the Assembly demands.—The repeal of the Land Company's Act is put out of all question by our instructions.

6. As to the wild lands, it is pretty clear that the real meaning of the address is, that instead of the Crown lands and wild lands being subjects which can only be taken up by the Houses of Legislature upon message from the representative of the Crown the Assembly asserts a right of passing bills respecting these and all other hereditary Crown revenue or property, whenever it may please to do so, and of addressing the Governor on the subject, and of enforcing a compliance with its address, by withholding the supplies necessary for the subsistence of the executive power.

7. Having thought myself obliged to make the preceding statements, I will add to them some corroborations of the recommendation into which the Report resolves itself, but which does not appear to me to be placed by the Report on its strongest grounds.

8. The duties imposed by the 14 Geo. 3. c. 88, were not affected by what is called the Declaratory Act of 1778. Whatever opinions, at one time or another, may have been entertained, this is now a settled principle of legislation for the British colonies, an instance of which may be seen in a statute so recent as that of 3 and 4 Will. 4, c. 59, ss. 10, 11. The Act, therefore, of the Provincial Legislature did not recognise a pre-existing right of the Provincial Legislature, but was meant to permit the exercise by the three branches of that Legislature in conjunction, of a power which was before lawfully exercised by the officers of the Crown under the sanction of an Act of Parliament.

9. Those duties were not only imposed permanently by the Parliament of Great Britain in 1774 for defraying the expenses of the administration of the Government, & generally of Civil Government in the Province; but the particular application of them was vested in officers of the Crown; and the 14 Geo. 3. c. 88, is regarded by a party which is of great influence in the Province, not simply as a statute, but as partaking, in some degree, of the character of a public compact, upon the faith of which many persons, and especially many American loyalists, were induced to settle in the Province, who considered that a revenue at the disposal of the Crown, sufficient for all the ordinary expenses of the executive and judicial branches of the Government, was an essential and indispensable element of order and of peace.

10. It was rather hastily concluded in 1828-29, that as the revenues at the disposal of the Crown in Lower Canada then fell short of the expenses of the Civil Government, the Government was altogether in a state of pecuniary dependence on the Assembly. The fact is, that if the contingent expenses of the two Houses of Legislature had been deducted from the estimates, and a few retrenchments had been voluntarily made, which were afterwards compelled by the Assembly, the executive and judicial branches of the Government might even then have been sustained without any absolute necessity of recurring to the annual vote of the Assembly. The duties under 14 Geo. 3, c. 88, were gradually increasing, and at the moment of the passing of the Act of 1 and 2 Will. 4, c. 23, they had actually, by that increase, released the Government from its difficulty, if not from its perplexity, and constituted, with the other monies at the disposal of the Government, a fund more than adequate to all the expenses of the executive and judicial branches.

11. The course of proceeding as to the hereditary revenue and civil list of the United Kingdom which was adopted for the first time, I believe, on the accession of His present Majesty, was the example probably which induced the Secretary of State for the Colonies, in 1831, to give up the power of appropriating the duties of 14 Geo. 3. c. 88, without securing by the same, or by a synchronous enactment, an adequate list of permanent appropriations for the support of the Civil Government. But although the Commons of the United Kingdom, after the concession of the hereditary revenue was made by one enactment, did not hesitate to provide permanently by separate and subsequent statutes for the Civil Government, experience shows that the Assembly of a Province, distracted as this is by parties, ought not to be subjected to the same temptation. It is better to appear over cautious, or even suspicious, than to hazard the stability of a Government; and at all events, as the Act 1 and 2 Will. 4, c. 23, conferred a power which was to be executed by three parties, it would not have been superfluous to have provided against the contingency of the parties not being able to agree, or of the power, for any other reason not being exercised. This is no more than what is done in the ordinary transactions of private life, as where a matter is referred to the arbitration of two or more, or where anything is to be done by the appointment of a party who may omit to make any.

12 The urgent difficulty of the present moment, and the peculiar applicability of the remedy to the crisis, might, without overcharging them, have been more forcibly stated than in the Report. Sir James Kempt, in the report of the 1834 Committee of the House of Commons on Lower Canada, pp. 111-113, acknowledged that he could not undertake to govern Lower Canada without having the duties of the 14 Geo. 3, c. 88, or some equivalent revenue placed permanently at his disposal. The necessity of discharging the arrear, and the circumstances by which the faith of Government is pledged to this measure might have been more fully detailed; the progress and increase of the mischief arising from the present state of affairs more pointedly expressed; and the attention of His Majesty's Ministers might have been drawn to the strong, though justifiable, measure of the Legislative Councils having stopped the greater part of the money bills, to prevent the money due for the services of the Civil Government from being dissipated in miscellaneous appropriations.

13. The bill which I would submit to His Majesty's Ministers for the purpose of its being laid before the House of Commons upon the present emergency, is neither a repeal nor a suspension of the 1 and 2 Will. 4. c. 23. nor can it even be called an amendment so properly as a supplementary enactment, which as it seems to me, ought to have been an original clause of the Act; and it would leave the three branches of the Provincial Legislature at liberty to exercise at any time, in the whole or in part, the power conferred on them by the 1 and 2 Will. 4, whenever they can agree in doing so. I deliver to the Secretary to the Commission a draft of that bill to be sent home herewith.

14. I am not aware of any other practicable method than that which we have recommended, of at once discharging the arrears due for the administration of justice and service of the Civil Government, and of sustaining the executive and judicial branches in the discharge of their respective functions, unless indeed the Imperial Parliament should think fit to advance what might be necessary for these purposes out of the revenues of the United Kingdom, as in fact it was wont to do, until the Province offered to take the whole on itself. It is questionable, perhaps, in more instances than that of Canada, whether it would not be both politic and just that the mother country should provide for a share of the expences of the governor and Executive Council of a Province, on the ground that a part of their duties at least are the management, not of the internal affairs of the Province, but of the relation between the Province and the Empire. If Parliament were to authorize only a loan, it might be secured to an amount more than sufficient for the occasion, upon the hereditary revenue in Canada, and on the proceeds of the sales of wild lands. These suggestions, however, are made only to meet the case of unforseen objections existing against taking the course which we have pointed out. In preference to any other remedy, I recommend distinctly and decidedly the supplementary enactment set forth in the preceeding paragraph; and that although annual accounts should be laid before the Assembly by the Government, of the application of the monies thus to be placed at its disposal, nothing should be included in any estimates for which an appropriation by the Assembly is not really necessary. A great deal of the present misunderstanding in Canada, as to revenue and finance, will be found to have grown out of a practice of observing no accurate or steady distinction between accounts and estimates.

15. I cannot express as I should wish the importance which ought to be attached to a prompt use of the opportunity which is presented by the address of the Assembly to His Majesty. If it is missed the Government will go rapidly down stream: if it is rightly, by which I mean temperately, but firmly, used, I see nothing in Canada affairs which with skill and forbearance, is not capable of adjustment. The proposal to Parliament of such a bill as we have suggested, ought not to be clogged or encumbered by any other measure of Canadian policy; but probably before it can have passed into a law the Commissioners may be prepared to recommend definite and practical measures—

1. For the alteration in the Executive Council.
2. In the Legislative Council.
3. For the establishment of municipal districts.

Of these the two first might, according to my opinion, be effected by instructions issued by His Majesty in council to the Governor, the third by a provincial statute, if the two houses of Legislature could be brought to agree in it.

16. I wish to close my remarks by a statement that I am decidedly adverse to a repeal of the Act of 1791, which is spoken of in the Report. This measure would not be really disagreeable to any of those who from any motives, however discordant and various, desire to change the relations of the Province with the mother country, but to a certainty it would throw the Canadas into confusion, and would be held forth to the world by some as a justification for a declaration of independence.

(True extract.)

(Signed.) *T. Frederick Elliot.*

Extract of a Minute of Proceedings on Monday 14th March, 1836.

Sir George Gipps stated that in conformity with the course of proceeding prescribed to the Commissioners, in their instructions of the 17th of June, 1835, No. 2, part 11, he desired to place upon the Minutes some remarks connected with, and arising out of, their second Report, and he accordingly handed to the Secretary a paper, of which the following is a copy:—

1. In the Report which we have this day adopted there is nothing to which I decidedly object; but it does not appear to me to contain so clear and comprehensive a review of the subjects which must now force themselves on the consideration of government, and of the Imperial Parliament, as will be expected of us, now that we have been upwards of six months in the country, and I am therefore desirous of placing on record, is a more decided manner, my own views and the opinions which I have formed on some of the points at issue. It may indeed be said, that the question as to what is now to be done, is a narrow one, and that we should not travel beyond it; but I cannot help thinking that more will be looked for from us, and that the occasion is one in which a general review of the political state of the country is called for.

2. I join in the main recommendation of the Report, namely, that as an immediate measure, recourse must be had to a suspension or alteration of the 1 and 2 Will. 4, c. 23; and I do so, because, whilst I think the demands of the Assembly cannot be complied with, I know no way by which the means of paying the public servants, and of carrying on the government, can be procured, except by the resumption of the revenues of the 14 Geo. 3, unless, indeed, the Imperial Parliament should be disposed to furnish the money, which I think very improbable; or that it be determined at once to suspend the Constitutional Act of 1791. This latter course is one which I cannot take upon myself the responsibility of advising, though in some respects I think it would be hardly more objectionable than suspension of the Act of Will. 4, whilst it would unquestionably be more efficacious. I am indeed very far from regarding the resumption of the revenues of the 14th Geo. 3, as a safe, easy or efficacious measure; and it is only with the greatest reluctance that I can contemplate a course of proceeding which will take from the reprsentatives of the people their now acknowledged privilege of disposing of all monies raised within the Province by taxation. A thorough conviction that there has been on the part of the government a sincere desire to avoid the necessity of such a coercive measure, and that the Assembly have brought it on themselves by their own violent and unconstitutional proceedings, can alone reconcile me to its adoption. I do indeed feel that it is necessary, and therefore I cannot refuse to take my share in the responsibility of advising it.

3. I cannot, however, concur in the opinion entertained by one of my collegues, that the non insertion in the Act of the 1 and 2 Will. 4, of a clause authorising an appropriation by the Treasury, in default of any being made by the local Legislature, was either an oversight or an omission to be deplored. I consider that Act to have been passed in consequence of the opinion broadly expressed by the Committee of the House of Commons in 1828, that "the real interest of the Province would be best promoted, by placing the receipt and expenditure of the whole public revenue under the superintendance and control of the House of Assembly;" and I conceive that the measure was intended to carry with it a full recognition of the principle, that England ought not to interfere in the internal pecuniary concerns of the country; a principle which I believe to be just and proper.—I must even add that I can see no good reason why the hereditary revenue was by the Committee excepted from the rule, or why it was not in 1831, conceded with the rest, conceded, I of course mean, in exchange for a civil list.

4. And although I do not mean to deny that an Act of appropriation, like any other Act of Parliament, to be complete must be enacted by the three branches of the Legislature, I am firmly of opinion that the practice which has obtained in England, of vesting the control over the whole revenue, not only primarily, but virtually the representative branch of it, is a salutary one, and conducive to good government; & I believe the practice would be no less salutary in Canada than in England.

5. In being forced, then, by the pressure of present circumstances, to recommend a deviation from this wholesome rule, I would earnestly desire that it should be done in the least objectionable manner; and I think it would be less objectionable to suspend the operation of the 1 & 2 Will. 4 for a definite period, say three or five years, or until some stated conditions (such, for intance as that of paying up all arrears, and providing a civil list) should be complied with, than to suspend it in the indefinite way that would be effected by an additional enactment providing that in any year in which the three branches of the local Legislature could not agree in the appropriation of the revenues, they might be appropriated by the Treasury, or in other words, by the Governor, who is one of the three. Such an enactment, if not limited as to time, would have the effect of excluding for ever any efficient control on the part of the popular branch of the Legislature; and even if limited to three, five or seven years, would seem to carry with it the acknowledgement, that the Legislative Council is to have as much weight in the disposal of the public money as the Assembly, which is what in my opinion, it ought not to have; I believe it to be absolutely essential for the preservation of harmony between the several branches of any Legislature, that the duty or privilege of controlling the public expenditure should be exercised by one of them only; had this principle been recognised in Canada, I believe that most of the dissensions of the last 20 yeas would have been avoided, and the mutual respect for each others privileges, so necessary for the well being of the whole, have been maintained, which is now so unhappily and so utterly destroyed.

6. With respect to the working of the measure which in default of any other we have been forced to recommend, I cannot entertain the hope, that unless combined with others of a very firm and judicious, but the same time healing character, it will prove either efficacious or safe. The Assembly, by the suspension of the Act 1 & 2 Will. 4, will be deprived, it is true, of a portion of its power, but it will still remain in possession of ample means of thwarting the Government, and these means we may expect to see it exert with an unscrupulous hostility. This suspension of this Act is moreover the measure which they expect, for they had due notice of it in 1834, and for which they, to a certain extent, are prepared. The Assembly, even when deprived of the revenues of the 14 Geo. 3, will retain its control over funds nearly twice as great as those in the hands of the Executive; and although the House may not have power to dispose of them at its discretion, it will at any rate be able to lock them up, and especially to prevent the application of them to any purpose favourable to the Government or to the interest of the British party. It may also refuse to pass bills required by the commercial interest, such for instance as bills for the renewal of the characters of the Quebec and Montreal banks, both of which will expire in July, 1837. When I consider, therefore, the bitter hostility, or rather fury, with which the Assembly will be animated, against the British Government, and against British interests; the invectives which, under the direction of its practised leaders, it will pour forth against England; the power it will possess of spreading disaffection within the Province, and inviting interference from without, I am at a loss to imagine how the Government can be carried on with advantage, and I cannot help fearing that we shall ultimately be driven to abandon the country with all the shame of failure upon us, or to maintain it at a cost infinitely beyond its value.

7. It may be said, on the other hand, that I have drawn an exaggerated picture of the difficulties which the Government will have to encounter; that these difficulties will be found to melt away under a firm yet liberal and impartial administration; or that a sense of patriotism, or even of self-interest will lead parties to act in harmony; and this more especially should the sense of Parliament against their recent proceedings be unequivocally pronounced; all this may, I admit (and sincerely do I hope it will) come to pass under a wise and firm administration, but nevertheless I cannot but feel an apprehension that it will be otherwise, and entertaining such a feeling, I think it right to express it.

8. The effect, too, that the measure will produce upon the people, and especially on the House of Assembly of the Upper Province, is matter of very important consideration. The English of Lower Canada look, and I apprehend with reason, for support from the Upper Province, should they ever be engaged in a contest of a national character with the French Canadians; but in a contest growing out of a measure such as that now under discussion, the course to which the democratic portion of the population of Upper Canada, or even the House of Assembly might take, is to me doubtful, to say the least.

9. And so in Lower Canada, should a contest ever arise (as but for the presence of the English authorities and English troops I believe it would) between the French Canadians and the English, I believe that all parties speaking English, including settlers from the United States, would unite with the latter, and probably in the end prevail; but so long as the contest can be made to appear as one, not of nationality, but of political principle, the Americans and a portion even of the British will be on the democratic side. It is the policy of the leaders of the majority in the Assembly to give the dispute the character of a contest between the aristocratic and the democratic principle, rather than one of nationality, and they have succeeded to a great extent; for, of the members from the townships, where there are no persons of French, but numbers of American origin, nearly as many vote with the French party in the Assembly as against them, and if to the persons thus returned by the American or democratic interest be added the Englishmen who are sent to the Assembly by French constituencies, we shall find that of the twenty two individuals with English names, or of English origin, who have seats in the Assembly, thirteen generally vote with the French party, and only nine against them. It is, I believe, the apprehension that their democratic allies of British origin would change sides, should the dispute become one purely of nationality, that renders the leaders of the French party desirous of remaining for the present under the protection of Great Britain.

10. It is by considerations such as these, that I am led to adhere to the opinion expressed in the Report, that even were all the demands of the Assembly conceded, it would not necessarily follow that the connexion of the country with England would be broken, or the duration of it materially abridged. I would myself even go farther, and say that if the question only were, by what means the sovereignty of England over Canada could be prolonged for the greatest possible period, I think it would probably be done by keeping the country as much as possible French; but although the first duty of every person employed under the Crown should be, and is, to preserve the integrity of the empire, I think I may be permitted to say that it is not to be aimed at by such means. It is not bare empire, but the raising an enterprising, happy, and enlightened population, and spreading as far as possible over the globe our laws, our language and our institutions, that I look on as the legitimate ends of colonization; especially when undertaken on the scale that is alone suited to North America: and in the pursuit of such a course, we should not, I think, be deterred by the apprehension that our colonies may eventually become independent; rather should we accustom ourselves to look upon it as the natural termination of the connexion. In Canada, however, at the present, the larger portion of the inhabitants of British descent entertain feelings of affection and reverence to the mother country, and next to a subjection to the French party, dread a separation from England as the greatest evil that could befal them. If, therefore, it be not desirable to render the country more French than it is, for the purpose of prolonging a dominion that would be scarcely more than nominal, neither would it be consistent with our honor to abandon it altogether, if in so doing we must desert the interests of a large portion of our immediate fellow countrymen, who desire and deserve our protection.

11. A withdrawal of the protection of England would, I believe, lead to an immediate struggle between the two races, and indeed I can scarcely doubt, that, but for the presence of overwhelming force, the same consequences would ensue were even the present demands of the Assembly complied with; and, as in this case the English party would probably be the aggressors, the power of Government would have in the first instance to be directed against men who are not only our fellow subjects, but for the most part the natives of our own isles. The apprehension of this would alone be sufficient to prevent my entertaining the idea of an immediate compliance with the demands of the Assembly, even if those demands were far less extravagant than they are. I wish, however, here to put on record more distinctly than is done in the Report, that my chief objection to a compliance with their demands, at least with such of them as do not involve a violation of the pledged faith either of Government or the Parliament, would not apply to a case in which similar changes were demanded by an equal majority of an homogeneous people. I consider that it is unwise to endeavour to put out of sight the fact that there is on the continent of America a leaning towards elective institutions, and that this will continue, and must increase in intensity so long as the republics of America continue to exhibit the marvellous display they now make of energy and advancement.

12. And of the Legislative Council of Lower Canada, I would repeat in the langaage that has been addressed to a former Secretary of State, that "in a country where the people are becoming every day less disposed to respect any authority that does not emanate from themselves, the members of it stand only as nominees of the Crown," without any of those reverential ties to bind them to the people, which are derived in the old countries of Europe, and particularly in England, from the early establishment of an aristocratic maxim, from the historical and traditional recollections which attach themselves to our feudal and chivalrous ages, and above all from the splendour of their high rank and riches. With no such holds on the affections of the people to compensate for the want of respect, and of moderation towards them evinced by the other House, it is difficult to conceive how they can ever regain the position they occupied before their discussions with the Assembly, or when the full power over the public purse shall have been recognised as an attribute of the Lower House, (as I at least think it must,) how the Council can avoid sinking into insignificance, how it can act as an efficient check on the more popular body, or as a barrier between it and the Throne.—An elective Council would bear probably less of affection and of deference to the person of the Sovereign or his representative than the present Council of Lower Canada; but it would have, at any rate, more power to support his authority whenever it might be disposed so to do; even its right to participate in the control of the public purse might be maintained (should circumstances require it, though I think that they would not) on the grounds of their being, as well as the Assembly, the representatives of the people. The local Government seems to me to have leant hitherto for support too much on the Legislative Council, and taken too little pains to gain adherents in the Assembly, the consequence of which was, that when, towards the end of the late administration, the Assembly had become the most powerful of the two, there was not in it (nor is there indeed now) a single member connected with the Government, or one in any way pledged to the support of its measures. I would add, that although there has never been in the Assembly, since the commencement of the constitution, more than a proportion of about one English to three or four French Canadians, the policy of conciliating the French party, or of gaining adherents amongst them by a show of confidence, or by appointments to office, seems seldom to have been adopted; on the contrary, as far as I can make out, it seems that in earlier times the Government acted on the expectation that the English population of the Province would shortly outnumber the French, and then become dominant in the Assembly, as well as in the Executive Council.

13. I think our Report is deficient in not stating, as we ought surely by this time to be prepared to do, how far the Legislative Council may, in our opinion, admit of modification; and the more particularly so as in the event of Canadian affairs being brought in the present session before Parliament, it may be desirable to dispose at once of all questions for the settlement of which the intervention of the Imperial Parliament is necessary. At present no legislative councillor has the power of resigning his seat, nor is there any way of removing, except by an Act of the Imperial Parliament, a person who may have become a bankrupt, or even of forcibly depriving of his seat a public defaulter, or other delinquent. The idea thrown out in the Report of making persons who had filled certain municipal offices legislative councillors for a term of years, is, I think, a modification of the elective principle that might be advantageously introduced. As yet there are but two municipalities in the country (those of Quebec and Montreal.) But if the chief magistrates of those towns, on the completion of their term of service, were to become of right legislative councillors for an equal term, I think it would add at once consideration to the municipal office, and popularity to that of a councillor.

In the same manner, in the event of the establishment of a university, I do not see why the superior, or some officer of it, might not be a legislative councillor, or that one or more legislative councillors might not be elected by the fellows of the university to serve for a definite term of years. So also any other public bodies, say the advocates practising at the bar of Quebec and Montreal, might elect each one legislative councillor, and the chambers of commerce at Quebec and Montreal each one; and if in this way six or eight persons could be elected, I do not see why five or more might not be chosen by districts to represent the agricultural interests; say two for each of the districts of Quebec and Montreal, and one for that of Three Rivers, by means of a double election; that is to say, that each parish might send a deputy or deputies to the chief town, and that the deputies should there elect a councillor; and to whatever might be the number of councillors got together by these various means of election, it might not be unreasonable to stipulate, that an equal number should be added by the King or his representative; the whole to serve, not for life, but for a period of seven years, and to be renewed, not all at once and in a body, but individually, as each individual should complete his term of service. This idea, I beg to say, is merely thrown out for consideration in the event of its being found absolutely necessary to make some alteration in the constitution of the Council.

I will conclude my remarks on the Legsslative Council by saying that, in my opinion, no attempt to improve it by the addition of new members from the popular party would be successful. It would require ten or a dozen new members to produce a sensible effect; and they could, I fear, only be obtained by taking from the Assembly the more moderate of the dominant party, and thus making it worse than it is.

14. Neither on the subject of the Executive Council does our Report, I think, express an opinion sufficiently explicit, considering that we have been six months in the Province. As the Governor in his speech of the 27th October last, declared the present constitution of the Executive Council to be vicious, and promised an alteration in it, I think we may be expected by this time to have adopted some settled opinions respecting the alterations that are required in it. I look upon the demand for a responsible Executive Council, that is to say, for a Council responsible to, or in other words, removable by the Assembly, as one of a more moderate democratic nature, and which, if granted, would form a step towards independence greater even than that of making the Legislative Council elective, because in such case, the measures proposed by the Executive to the Legislature would soon come to be considered as the measures of the Executive Council, and not of the Governor, and consequently his responsibility to the authorities at home would be weakened. To preserve his responsibility I consider it very desirable that the method in which measures are now proposed to the Assembly should not be departed from; I mean the method of proposing them by message, instead of having them introduced by a member of the Executive Council, as by a minister of the Crown.—Should this latter course ever be adopted, the Executive Councillor proposing the measure will come to be considered as responsible for the success of it, and in such case it will be difficult to avoid falling into the practice of England, and causing him to resign in case of failure. For these reasons, as well as for others that I am prepared to state whenever the subject of the Executive Council is brought more immediately under the consideration of the Commissioners, I am of opinion that it will be dangerous to make any extensive alteration in the constitution of it. I would wish, however, to see an extensive change in the personal composition of it, on the principle set forth in the Governor's speech of the 27th of Oct. last, and I think the number of its members might be advantageously reduced from nine to seven. I should add that, as the Executive Council exists only under the King's prerogative, no legislative enactment will be required to make the alterations in it that are required.

15. I think that our Report is further deficient in not stating what our prospects of success were before the events had occurred in Upper Canada which led to the adoption by the Assembly of the recent address to the King, and to the loss of the supplies. In doing this it would certainly have been necessary to advert in our Report to some of the proceedings of the Government, with which, as Commissioners, we have no concern, but we must at least be supposed cognizant of them, and therefore I do not think that, to make mention of them would have been improper.—Our Commission had avowedly its origin in a desire to conciliate; and I therefore apprehend that our duty was to follow, as far as possible, a middle course, or one of mediation between the extreme parties by which the country was distracted. We found, however, these parties so bitter in their hatred, so divided, not only by political and social habits, but also by religion and language, and so unmeasured in their expressions of contempt for each other, that we (or rather I should say I) soon perceived, or rather thought I perceived that our only chance of doing good was by keeping the great questions, by which I mean the questions, above all, of an elective legislative Council, and a responsible Executive one, as far as possible out of sight, until, by the general measures of the Government, an improvement could be effected in the public mind, and some few friends at least gained to it in the Assembly.

The demand for an elective Council had been made by the French party so unanimously and so decidedly that we could not expect men, who stood pledged to it, to turn round on a sudden at our bidding and give it up; all we could venture even to hope was, that they would do so when we had proved to them that they could have a security for good government without it. Had, we, on our first arrival, declared that the question of an elective Council was absolutely a forbidden one, we should have failed *in limine* with one party, for we have now the best reason for knowing that there would in such case have been no session of the Assembly, had we, on the other hand, spoken of our instructions as more favourable to the democratic party than they were represented in the Governor's opening speech, we should not only have sinned against the truth, but have driven, perhaps, the English party to violence. I do not think we were ever at liberty to publish our instructions in *extenso*, but had we even done so, no good effect would, in my opinion, have been produced by it. The course which we pursued was so far successful, that there was every reasonable prospect, up to the 9th of the last month, that the arrears of the last three years and supplies of the current year would have been granted. We have the most complete assurances that on the 7th of last month such a determination was provisionally adopted at a private meeting of the persons of most influence in the Assembly, the question being then to come on in the house on the 11th. On the 9th, however, the extracts from our instructions, which had been published in Upper Canada, reached Quebec, and the course of their proceeding was immediately changed. An exaggerated degree of importance was attached to the disclosures by some of the party who had only with reluctance, and from the fear of showing weakness by a division, consented to give the supplies; and their leader, who had only been waiting for an opportunity to renew the excitement of past times, gladly, and but too successfully, availed himself of the opportunity. The question of paying the arrears was entirely set aside; the supplies voted only for six months, and a new address to the King and both Houses of Parliament carried by the same majority that had carried those of 1834 and 1835. On this occasion, too, we saw the minority reduced to the old number of eight; though it had on the question of the supplies, in spite of the untoward circumstances under which they were brought forward, being carried to 35 against 47. That the new friends of Government should however have thus voted, does not much surprise me, for although the men who had been gained to its support might willingly have allowed the question of an Elective Council to stand over, and even might have voted against any proposal to bring it forward again needlessly, they could not (as they say at least) when forced to a division, refuse to vote in favour of those principles to which they had in former times so solemnly and so repeatedly pledged themselves. It is true that they might have absented themselves, and it is to timidity rather than to a want of inclination that their not having done so is, I believe, to be ascribed, for however bold or reckless the majority of the Assembly may be when acting *en masse*, the examples of fortitude or independence in individuals are unfortunately very rare.

Without desiring then to exaggerate the evil consequences of the disclosure of our instructions at so critical a juncture, I think I am justified in saying, that if the supplies had been obtained, and the interval that must have elapsed between the present session and the next been well employed in following up the line of policy to which the Government stood pledged, there would have been a fair chance in the next session of its having a majority in the Assembly. But circumstances are now essentially changed, and the only prospect of success from any measures that can be adopted, short of a suspension of the constitution, rests in my mind upon the probability that the Assembly will be inspired with some awe should such a measure pass unanimously or with little opposition through the House of Commons.

The House of Commons is (whatever may be their outward expressions of loyalty) the only authority in England that they now look upon with respect.

(True extract.)

(Signed) T. FRED. ELLIOT.

Extract of the Minute of Proceedings, on Tuesday, 15th of March, 1836.

Lord Gosford desired the following entry to be made:

As this Report has elicited supplementary remarks of considerable length from my colleagues, I think it right to mention, on my part, that I have not signed it without great regret, but that I feel it too plainly called for by the extreme necessity of the case.

(True extract)

(Signed) T. FRED. ELLIOT.

[To be Continued.]

THE MARCH OF COTTON.—A late English periodical gives the peripatetic history of a pound of cotton, as follows:

"There was sent to London lately from Paisley, a small piece of muslin, about one pound weight, the history of which is as follows:—The wool came from the East Indies; from London it went to Lancashire, where it was manufactured into yarn; from Manchester it was sent to Paisley, where it was woven: it was sent to Ayrshire next, where it was tamboared; it was then conveyed to Dumbarton, where it was hand-sewed and again returned to Paisley, where it was sent to Glasgow and finished, and then sent per coach to London. It may be reckoned about 5 years that it took to bring this article to market, from the time it was packed in India, till it arrived complete in the merchant's warehouse in London: whither it must have been conveyed 5000 miles by sea, nearly 1000 miles by land, and contributed to reward the labor of nearly 150 persons, whose services were necessary to the carriage and manufacture of this small quantity of cotton, by which the value has been advanced more than 2000 per cent.

TEDIOUS LEGISLATION.—When the House of Commons once sat very long, and effected nothing, Queen Elizabeth said to Popham, afterwards lord chief justice: "Now Mr. Speaker, what hath passed in the Commons' House?" He answered, "If it please your majesty, seven weeks."

A great prelate once showed to the famous schoolman Thomas Aquinas a large basin filled with ducats, and said to him "look you master Thomas, the church can no longer say, *silver and gold have I none.*" "True, replied Thomas, neither can she add, *in the name of Jesus of Nazareth, rise up and walk.*"

TALENTED.—"I regret" says 'Coleridge,' to see that vile and barbarous vocable talented, stealing out of the newspapers into the leading reviews, and most respectable publications of the day. Why not shillinged, farthinged, tenpenced, &c. The formation of a participle passive from a noun is a license that nothing but a very peculiar felicity can excuse. If mere convenience is to justify such attempts upon the idiom, you cannot stop till the language becomes, in the proper sense of the word, corrupt. Most of these pieces of slang come from America."

Dr. King, formerly bishop of London, once said of a preacher who discoursed with great fluency, and without any preparation, that it was no such a great matter *to run away with an empty cart.*

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