

own supporters, and wished to make it plain that they sought, at any rate, to create a liberal despotism.

The Instructions in the first place pointed out that legislative action by the Imperial Parliament would probably be necessary, not only to compose the difficulties in Lower Canada, but also those at issue between Upper and Lower Canada. To find out the real wishes of the colonists, Durham was authorised and advised to form a sort of provincial convention. No time was fixed for this meeting, but it was suggested that three members should be chosen from the Legislative Council of Upper Canada, and ten others elected by the Assembly of that province. In Lower Canada the matter would be more difficult; three members of the old Legislative Council could be chosen, but, as the Assembly was *de facto* non-existent, the five districts of Lower Canada should choose two members each. An obscurely worded sentence seems to suggest that if the French would not elect suitable persons, or refused to take part at all, Durham should appoint the members himself. Over this Council of twenty-six Durham was to preside, and its authority was limited to giving the Governor advice, when asked. Then followed a list of suggested subjects for the Council to discuss. The great question was that of the regulations governing commerce, for its geographical position placed the Upper province at the mercy of the Lower. The possibility of a federal union of the two provinces is hinted at, and Durham is requested to investigate the matter. Another question was the future continuance of the Constitutional Act of 1791. Its defects were recognised at least in the case of Lower Canada, and Durham is asked to suggest a means of making the Legislative Council more worthy of the public confidence, as the Imperial Parliament had suggested, although it repudiated the claim of the Assembly that it should be elective. After instancing the matter of the civil list, the land tenure, a tribunal of impeachment and a Court of Appeal, as being also in need of investigation, Glenelg