

CANADA.

No. 2.

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COPY of a DESPATCH from the Earl of ELGIN AND KINCARDINE to the Duke of NEWCASTLE.

No. 43.

Government House, Quebec, July 1, 1853.

(Received July 18, 1853.)

(Answered No. 87, May 26, 1853, page 15)

MY LORD DUKE,

I HAVE the honour to enclose herewith the humble Address to Her Majesty of Her Majesty's dutiful and loyal subjects the Commons of Canada, in Provincial Parliament assembled, on the subject of the Constitution of the Legislative Council, and to request that your Grace will be pleased to cause it to be laid at the foot of the Throne.

2. A proposition which goes to effect a fundamental change in the composition of one of the branches of the Provincial Legislature affords most unquestionably matter for very serious consideration, and it is, moreover, no doubt true, that independently of the important question of principle involved in the measure which is submitted by the Assembly for Her Majesty's approval, difficulties of execution and detail of a very formidable character present themselves, when the attempt is made to combine two elective chambers with a system of government conducted on the rules of British constitutional practice; difficulties, it may be observed, for which no solution is afforded by precedents drawn from the United States, inasmuch as parliamentary government and ministerial responsibility, in the British sense of the term, are unknown to the constitutions of that country. Nevertheless, I feel it my duty in transmitting this address, to state that I know of no expedient which is so likely to impart to the Legislative Council the influence which it is most desirable that it should possess as the substitution of the principle of election for that of nomination by the Crown in the appointment of its members.

3. According to the plan which is sketched in the enclosed address, the Members of either House of the Legislature will be returned by the same constituency. Exception may doubtless be taken to this arrangement; but in the absence of any unobjectionable scheme for the election of Members of the Legislative Council at two degrees, I am disposed to think that on the whole it is better that they should be elected by the constituency which elects the Members of the Legislative Assembly, than that a pretence should be afforded for raising a prejudice against the former body, and weakening its moral influence by the allegation that it represents only a privileged class.

4. The larger constituencies for which, as compared with Members of the Assembly, individual members of the Legislative Council will be returned—the more lengthened periods for which they will be elected—their restricted liability to dissolution by the Crown, and the qualifications in respect to age and fortune or previous service which they will be required to possess, will, it may be hoped, give to that body considerable weight in the political scale, and render a seat in it an object of ambition to the leading statesmen in the province. On the other hand, it is not proposed that the contemplated change in the Council should have the effect of abridging in any respect the privileges, whether as regards money votes or other matters, which the practice of the constitution has conferred on the Legislative Assembly.

5. Your Grace will not fail to perceive from the terms of the Address, that in connexion with the contemplated change it is suggested that no pecuniary qualification should hereafter be required of candidates for the Legislative Assembly, and that the existing Members of the Legislative Council should not retire at once, in order to make way for Members chosen by popular election, but in two bodies selected by ballot, and after the lapse of two and four years. This latter provision may probably tend to facilitate the transition from the present to the new order of things.

I have, &c.

(Signed)

ELGIN & KINCARDINE.

His Grace the Duke of Newcastle,

&c.

&c.

&c.