

in their own persons, would present an essential portion of the existing means and capitals of the country; much more, they could not counterbalance in importance and in wealth any one single county of the Province; and even supposing that such a body could be collected, the above-mentioned circumstances would very soon bring it into decay. In fact, several persons heretofore called to the Legislative Council, and whom we may reckon, then possessed a large and permanent interest in the country, have since found themselves entirely destitute of fortune.

As to the idea of perforce creating an Aristocracy, through the medium of Law, either by endeavouring to establish a system of *substitutions*, (entails,) or otherwise, a state of things which the moral and physical circumstances in which the country is placed, forbids; or by making provision out of the public funds for legislators for life, and without responsibility: it is one that is so contradictory to the conceptions entertained of the constitution of England, as a practical model to go by, that your Committee will not stop to consider it.

A pecuniary qualification required in the persons called to the Council, if the choice of them be left to the Executive, would not probably produce any perceptible change in the composition of the body, with relation to the nature of the various other portions of our colonial institutions. The appointments must in that case, necessarily be made upon the recommendations of Governors, who, being only transitorily in the country, and not having it in their power to become properly acquainted with the inhabitants of the country, until after a long residence, most frequently have recourse to irresponsible advisers in the colony. The persons who are qualified, being much fewer in number than those who would have to be chosen, the result would be, that the worst would be chosen of those, and that the supposed qualification would only serve to legitimate the abuse, and to render its disappearance more difficult. Then, although each of those who were called to the Legislative Council might be capable of having a seat there, the majority would collectively have been chosen in an exclusive sense, and from amongst such as had the fewest relations of interest and feelings with the people. We should see, as we have in times past, this body far from being attached to the country and making part of it, representing only favouritism, monopolies, and privileges; and through its unconstitutional influence upon the march of public affairs, perpetuating that tendency of the men in power in the province, to oppose themselves to every measure demanded by the people, and creating and maintaining a separate interest, and feelings of distrust and even hostility in the minority, instead of labouring in conjunction with your Honorable House, to unite all the inhabitants of the country by means of a uniformity of views and institutions, possessing the same confidence in His Majesty's Government. The abuse here pointed out is, as your Committee humbly conceive, sufficiently exemplified in the present composition of the Legislative Council, the appointments made during the last few years, having only in a small number, a relation with the mass of the people generally, whilst the majority has been such as your Committee have supposed it would continue to be along with a pecuniary qualification.

There only appears to remain for the consideration of your Committee, the principle of Election to rest upon, as being capable, in practice, of analogy with the second branch of the Imperial Legislature. Your Committee entertain no doubt of the result of the adoption of this principle, if the Election depended upon a numerous body of Electors, composed of the best ingredients and the best interests of the colony; and if the choice were confined to persons possessed of a certain easy degree of fortune, without, however, raising that qualification so high that such choice could only be made, in any case, but out of a small number of eligible persons. Your Committee would expect to see the best effects from a legislative body, constituted upon those bases, if, whilst its principle of action was found in the interests of His Majesty's subjects in this Province, as a general and common motive, it found itself, in its formation and its proceedings, independent of the popular Assembly. It would undoubtedly be thus with the above qualifications, and with a different mode of renewal, so as to give more permanence to the body that is now in question.

It is upon these several considerations that your Committee submit the following details:—

An elective Legislative Council, chosen by landholders, having a nett annual income of £10 in the country, and £20 in cities; and who have been residents for at least one year within the circle wherein the Election takes place. The