

No. 13.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

separation and independence of the principal bodies of the Government, that out of the limited number of executive councillors in this province, several should hold offices under the Legislative Council and House of Assembly. The adoption of this maxim will, we presume, go to the extent of what is wished in the province; for we do not suppose that any party would desire to render a seat in either of the legislative bodies incompatible with the office of Executive Councillor.

3. "Our own opinion is, that although the holding of office under the Crown ought not to be a disqualification, yet the number of office-holders in the council should never be considerable, probably not more than on an average one in four. We should further say, that there are some functionaries whose duties are such as to render it inexpedient to place them in the executive council, such for instance as the Civil Secretary of the Governor and the Attorney-general. The close connexion of the Civil Secretary with the Governor appears to us to furnish obvious reasons against his belonging to the council; and with respect to the Attorney-general, as he is, in the matter of public prosecutions and in other duties, in some degree the servant of the council, it would be somewhat incongruous that he should sit in it also.

4. "We recommend that it should never consist of a greater number than fifteen, nor (for any period exceeding six consecutive months) of less than nine. It seems prudent that this interval of six months should be allowed, to obviate any difficulties which might be experienced in filling up the council on the occasion of any change of its members.

5. "We would advise that the councillors should be appointed in the name of his Majesty by the Governor, under the great seal of the province, and enter at once into all the rights of their office, but subject to confirmation or disallowance by his Majesty within a limited time, say one year.

6. "For reasons before-mentioned, we think there should be no-exclusion of persons holding office under Government, but that in practice it would probably be expedient that the number of that description should not exceed one-fourth of the whole council.

7. "We further submit, that amongst the members of council there should be no distinction as to powers, functions or form of appointment, excepting that members holding paid offices under Government should not receive salary as councillors.

8. "We consider it desirable that the remainder of the councillors should be paid equally not less than the present amount of 100*l.* per annum; and that it should be proposed to the Assembly to provide for this in any permanent grant hereafter to be made by them; but should the Assembly object to the payment of an increased number of executive councillors, we scarcely think these salaries should be made an indispensable condition in any proposal that may be submitted to them on the basis of our first Report. If all cannot be paid, the junior members might be required to serve without salary, in like manner as the office-holders.

9. "We would suggest, although of course no imperative rule can be laid down upon the subject, that in the Executive Council there should be at least one, and not more than three legislative councillors; at least two, and not more than five members of the Assembly; some gentlemen belonging to the class of landed proprietors, and others connected with commerce; one individual at the least of the legal profession; and that of the persons chosen for the council, it should be endeavoured to take a moderate proportion from different districts of the province, though it will be necessary that a number sufficient to ensure at all times a quorum should be resident at or near the seat of government.

10. "We think that the appointment of the councillors should not be made to last during good behaviour, nor require for its termination the assignment of any fault, but that the Governor should be able to remove them whenever on general grounds he might deem it advisable, reporting his reasons without delay to the Secretary of State.

11. "We would propose the following to be amongst the rules of the council:—That during the presence of the Governor at the seat of government, there should be stated days, not less than two in each month, on which the council shall assemble without a summons.

12. "That