

of being legally constituted for that purpose, would be the best judges to decide this weighty question. We therefore proceed upon the supposition that an intermediate legislative branch may, in certain cases, produce more maturity in the deliberation and examination of bills, than if only one body were called upon to assent to them; at the same time, circumstances of rare occurrence might happen in which the popular representations might, for the moment, contravene the interests of the body of their constituents, and that those interests might be cherished in the second branch, and guarded, until the wishes of the people were more fully expressed, either by more decided representations or by the means of new elections.

The second branch as actually in existence, in no way connected, in the majority of its members, with the superior and permanent interests of the country, is not adapted to fulfil that end; and even putting the case, of which as yet there has been no example, that a provincial administration were to send to it a majority of men of opposite principles, the following administration, or perhaps the same, might very soon hasten to recompose the body in such a way as to ensure its approbation of their measures.

The habits, the climate, the newness of the country, the changeability of fortunes, the division of estates, and the laws which facilitate it, are obstacles to the existence of a permanent aristocracy, so that an hereditary legislative body with the powers of the house of lords, would be simply an impossibility in Canada. Landed property being here almost wholly owned in small lots by the mass of the people, it would be impossible to make a choice so as to form a permanent legislative council, even supposing it to be a numerous one, of men who 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 in 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 upon a system of *substitutions* (entails) or otherwise, a state of things, which the moral and physical circumstances in which the country is placed, forbid; 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 known ideas of the constitution of England, as a practical model to go by, that your faithful and loyal subjects who now most respectfully address your Majesty, do not think it necessary to dwell upon 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 of 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 favoritism, 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 the house of assembly, to unite all the inhabitants of the country by means of an uniformity of views and institutions, possessing the same confidence in your Majesty's