

has been borne to his talents and integrity, both by your Lordship's predecessors and by the commissioners collectively, and the important and responsible offices which he has at different times held under the Crown, entitle him to every consideration from Her Majesty's Government. It would therefore be with much satisfaction that I should find it in my power to submit his name to The Queen for an appointment in Her Majesty's service.

I have, &c.

(signed)

Glenelg.

No. 12.

Lord Glenelg to
Earl of Gosford,
14 July 1837.

— No. 13. —

(No. 240.)

COPY of a DESPATCH from Lord *Glenelg* to the Earl of *Gosford*, dated
Downing-street, 14 July 1837.

My Lord,

THE delay which has occurred in acting on the Third Report of the Commissioners of Inquiry in Lower Canada has not been occasioned by any serious doubt respecting the wisdom of the suggestions which they have there made for improving the constitution of the Executive Council of that province.

The selection of the candidates best qualified for seats at that board has formed the real and almost the only difficulty. Your Lordship is aware of the circumstances which have prevented our hitherto reaching a satisfactory conclusion as to the choice to be made; and it would be superfluous to make any more particular reference to them in this place. The result, however, is, that I am still unable to submit to The Queen a list of new executive councillors.

I feel, however, that it is impossible to acquiesce in further delay. I have therefore humbly advised The Queen to delegate to your Lordship the duty of making the necessary appointments at once, without any further reference to Her Majesty's Government on the subject; and I have accordingly received Her Majesty's commands to convey to you her authority for immediately issuing commissions to any nine gentlemen to be of Her Majesty's Executive Council in Lower Canada, whom your Lordship shall consider best deserving of that trust. I need scarcely add, that until those appointments shall have received Her Majesty's final confirmation, they must be regarded as provisional only.

It would have been very satisfactory to me to have been able to submit to The Queen warrants for Her Majesty's signature, appointing the proposed new councillors by name. In that case they would have entered at once on the judicial as well as the administrative duties of the office. It is still more important to remark that such nominations would have enabled The Queen to relieve the existing executive councillors from duties which I have reason to know have, in some cases, become onerous and irksome to them, while such members of the present board as have at once a just claim and a wish to remain of the executive council might have been reappointed. The entire body would thus at once have acquired a new composition and character. The necessity of leaving a sufficient number of members competent to act judicially, forbids the immediate adoption of this measure; but it should be clearly understood by the whole council, that it is intended to dissolve and to re-constitute the board so soon as it shall be possible to lay before The Queen the names of the future members.

In proceeding to execute the duty of selecting for immediate and provisional appointments nine new councillors, your Lordship will be guided by the principles laid down in the Third Report of the Commissioners of Inquiry. On mature reflection, Her Majesty's Government are convinced of the foresight and wisdom by which the advice of the Commissioners on this subject has been dictated; and without affecting to substitute any language of my own for theirs, I will, to prevent misapprehension, transcribe, although at the expense of a very long quotation, the precise passages of the Report to which it is Her Majesty's intention that effect should be given. They are as follows:

1. "We are of opinion that, although not liable to be changed at the will of the Assembly, the Executive Council should be so composed as to secure as much as possible of the confidence of the people.

2. "The earliest complaint which was made related, as we have already said, to the too great connexion alleged to subsist between the two councils. On this point the Governor-in-chief has pronounced his intention to act upon the principle, that it is neither right nor consistent with the wholesome

No. 13.

Lord Glenelg to
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