

balanced, and founded on law and justice, and not on force and coercion) of selecting and composing without any rule or limitation, or any predetermined qualification, an entire branch of the legislature, supposed from the nature of its attributions to be independent, but inevitably the servile tool of the authority which creates, composes and decomposes it, and can on any day modify it to suit the interests or the passions of the moment.

10. Resolved, That with the possession of a power so unlimited, the abuse of it is inseparably connected; and that it has always been so exercised in the selection of the Members of the Legislative Council of this province, as to favour the spirit of monopoly and despotism in the executive, judicial and administrative departments of government, and never in favour of the public interest.

11. Resolved, That the effectual remedy for this evil was judiciously foreseen and pointed out by the Committee of the House of Commons, who asked John Neilson, esquire, (one of the agents who had carried to England the Petition of the 87,000 inhabitants of Lower Canada) whether he had turned in his mind any plan by which he conceived the Legislative Council might be better composed in Lower Canada; whether he thought it possible that the said body could command the confidence and respect of the people, or go in harmony with the House of Assembly, unless the principle of election were introduced into its composition in some manner or other; and also, whether he thought that the colony could have any security that the Legislative Council would be properly and independently composed, unless the principle of election were introduced into it in some manner or other; and received from the said John Neilson answers, in which (among other reflections) he said in substance, that there were two modes in which the composition of the Legislative Council might be bettered; the one by appointing men who were independent of the executive, (but that to judge from experience there would be no security that this would be done,) and that if this mode were found impracticable, the other would be to render the Legislative Council elective.

12. Resolved, That judging from experience, this House likewise believes that there would be no security in the first mentioned mode, the course of events having but too amply proved what was then foreseen; and that this House approves all the inferences drawn by the said John Neilson from experience and facts; but that with regard to his suggestion that a class of electors of a higher qualification should be established, or a qualification in property fixed for those persons who might sit in the Council, this House have, in their Address to His Most Gracious Majesty, dated the 20th March 1833,<sup>1</sup> declared in what manner this principle could, in their opinion, be rendered tolerable in Canada, by restraining it within certain bounds, which should in no case be passed.

13. Resolved, That even in defining bounds of this nature, and requiring the possession of real property as a condition of eligibility to a Legislative Council, chosen by the people, which most wisely and happily has not been made a condition of eligibility to the House of Assembly, this House seems rather to have sought to avoid shocking received opinions in Europe, where custom and the law have given so many artificial privileges and advantages to birth and rank and fortune, than to consult the opinions generally received in America, where the influence of birth is nothing, and where, notwithstanding the importance which fortune must always naturally confer, the artificial introduction of great political privileges in favour of the possessors of large property, could not long resist the preference given at free elections to virtue, talents and information, which fortune does not exclude but can never purchase, and which may be the portion of honest, contented and devoted men, whom the people ought to have the power of calling and consecrating to the public service, in preference to richer men, of whom they may think less highly.

14. Resolved, That this House is nowise disposed to admit the excellence of the present Constitution of Canada, although His Majesty's Secretary of State for the Colonies has unreasonably and erroneously asserted, that it has conferred on the two Canadas the institutions of Great Britain; nor to reject the principle of extending the system of frequent elections much further than it is at present carried; and that this system ought especially to be extended to the Legislative Council, although it may be considered by the Colonial Secretary incompatible with the British Government, which he calls a monarchical government, or too analogous to the institutions which the several States, composing the industrious,

<sup>1</sup> No. LXXX.