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EXTRACT of a Despatch from Major-General Sir John Colborne to the Right Honourable Secretary Sir George Murray, dated York, Upper Canada, 16th February 1829.

WITH respect to the constitution of the Executive and Legislative Councils, on which subject you require information, it is evident, that whatever persons may be appointed members of the Executive Council, there will be a considerable degree of jealousy existing in this limited community of their influence and authority; they must necessarily reside at York, and will seldom be able to accept the charge without holding other offices under the Crown. On many accounts it is very desirable that the Chief Justice should retain his seat in the Executive Council; but there can be no doubt that occasionally he must, as a judge, be led too deeply into the political affairs of the colony.

Composed as the Legislative Council is at present, the province has a right to complain of the great influence of the Executive government in it. The Legislative Council consists of seventeen members, exclusive of the Bishop of Quebec; of these, from accidental causes, not more than fifteen ever attend to their legislative duties. Thus, out of the number generally present six are of the Executive Council, and four hold offices under the Government; I have therefore intimated my intention of recommending to His Majesty's Government to increase the Legislative Council.

It is exceedingly difficult to find persons qualified for it; but if about eight or ten more can be selected from different parts of the province; and the majority be considered independent, there can be no good reason assigned for excluding the Executive Council.

Since the date of the Despatch from which the above extract has been taken, the Right Rev. Dr. Macdonell, Roman Catholic Bishop, and John Elmsley, Esq. two additional members, have been added to the Legislative Council; and it is not intended that the Chief Justice of Upper Canada should continue a member of the Executive Council.

Downing Street, }
14 June 1830. }