

Thirty years ago, it was accounted a kind of sacred duty for every Briton to hate every Frenchman, especially every French warrior; but we have seen *SOLIER* paraded through London with *WELLINGTON*, and apparently received with equal favour by the multitude.—To guard against this fickleness, we find that the American republic makes provision for a check on the voice of the people, not believing it to be at all times the voice of God. The Senate of the United States is not chosen as the representatives are, but by the several States, and for a longer term; and the President has a veto on all acts of Congress. This veto we have seen him exercise more than once, thus opposing his single will to the will of the people's representatives, and of the Senate chosen by the sovereign States; and the people sustained him in his course, by which the fallibility of the popular will was loudly declared, and it was admitted that Congress did not at all times speak the sense of the people. If then, even in a republic, the popular will, as expressed through the people's representatives, cannot be always followed, we must admit that there exists a necessity for continuing that check on the popular voice which is supplied by the independence of the second branch of the Canadian Legislature, an independence both of the Executive and the Assembly.

It is obvious, however, that the Legislative Council in Canada is much less likely to oppose the people's will than the House of Lords is in England; because the former has no interests, rights or privileges, save one, separate from those of the people. With the single exception that the Council retain their seats for life, unless they become disqualified, in every other respect they are of and from the people. In England, some of the people may rise to be nobles, but the nobles cannot fall to become the people; whereas when a member of the Canadian Council dies, his family, if he have any, is resolved again into the general mass.—His sons do not fill their father's place, unless they prove themselves worthy. They must, like true knights, win the spurs before they can wear them. Now it is evident that a body taken from the people, and possessing no hereditary privileges to transmit from father to son, cannot have any interest separate from that of the people, and therefore if they impose a check on the popular will, it must be of the

mildest kind, and be exercised only when necessary—when the reason of a body of men not influenced by popular election tells them that the check ought to be applied, and the people's will in this instance opposed until they have time to re-consider their course. This check is one, therefore, which need cause no alarm in the warmest lover of freedom, for the men into whose charge it is given are all liable to be influenced by the same causes that move the public mind, and it is therefore far more probable that they will move with that mind than against it. They are not large land-holders or fund-holders, as in England, but are generally men who are engaged in the trade or agriculture of the Province, and whose prosperity rises or falls with that of the people. In the nature of things, then, the Council is much more inclined to agree with the people than to settle down into a permanent hostility to them.

We shall be met here by an appeal to facts. It will be said that the Councils have opposed the most determined resistance to the popular will. But that was because they were largely composed of office-holders, who, as such, had an interest opposed to that of the people.—These office-holders, being generally shrewd, active men, contrived to manage the non-official members, so as to keep a majority in favour of them and their measures. But that day, in which office-holders ruled the Councils, and thereby ruled the Colony, has passed away, never to return. The new Council will be, as it ought to be, and as our argument supposes it to be, independent both of the Executive and the people, and thus able to mediate between them, or throw its weight into either scale as justice may dictate. One or two officers of government will be members of the Council, in order to manage government business there, but nothing more. A Council that should be a mere creature of the Executive we should utterly despise. Unless it be independent it cannot command respect, (for who respects a slave?) and unless it command the people's respect, it will soon incur their hate. Its members must be respected as private individuals, but as a Council they will be abhorred as a positive evil, if their decisions are not marked by the exercise of a sound, enlightened, and independent judgment. In this case they would be respected, even if the wisdom of some of their proceedings was doubted; for the man who honestly follows the dictates of reason and