

SESSIONAL PAPER No. 29c

be offered to induce the present House, or any House that can be formed, to entertain the proposal for a moment.

Short of the decisive step of taking away the House altogether, one or other of these two measures either of reuniting the Provinces, or of forming a new division of the Counties<sup>1</sup> seems to offer the only option, from which a hope can be entertained of rendering that House less capable of doing mischief; when I say this, I mean as offering the only expectation of ever effecting a Balance, to the Canadian Party, but under any shape in which it may be thought proper to continue the House, the enactment of a qualification with respect to the Representatives seems to be indispensably necessary. It really My Lord appears to me an absurdity, that the Interests of certainly not an unimportant Colony, involving in them, those also of no inconsiderable portion of the Commercial concerns of the British Empire, should be in the hands of six petty shopkeepers, a Blacksmith, a Miller, and 15 ignorant peasants who form part of our present House, a Doctor or Apothecary, twelve Canadian Avocats, and Notaries, and four, so far respectable people that at least they do not keep shops, together with ten English members complete the List: there is not one person coming under the description of a Canadian Gentleman among them.

The qualification that I think best adapted to the circumstances of the Country, would be one hundred pounds Currency, clear annual revenue arising from Land actually the property of the person presenting himself, for twelve Calendar Months previous to the day of election, or two thousand pounds Currency in personal property clear of all debts or demands.

With respect to a qualification for the Electors, tho' I am clear that such would be advantageous, and that the present one as established by the Constitutional Act<sup>2</sup> is of little use, yet I feel much greater difficulty in proposing an alteration, forty shillings yearly value of their lands, scarcely excluded one farmer in a thousand, in fact, nearly every head of a family possesses a farm, and every farm is of a value exceeding that amount; the farms in general run so nearly of the same value, or vary only on account of being in a more or less favorable part of the Province, that any qualification under the general average, would bear the right of suffrage very near where it now is, and if it were established at a higher rate, it might perhaps narrow the right below its fair limits; It undoubtedly would be desirable that the very lower class should be excluded, but I think the number is not yet so great as to induce the risk of what would be a greater inconvenience, to effect their exclusion, for I should consider as such the reducing the number of Electors within too narrow bounds.

In the meantime however an opportunity appears to me to present itself by which much may be done towards keeping the House itself within proper bounds; by shewing it, that its proceedings are watched, and that it will not be suffered to out-step those limits by which its subordination to the Imperial Parliament is established, while it would tend to manifest that subordination to the people, & perhaps lessen the confidence they may possess in their leaders, by shewing them that they are not all powerful, and that they may be in the wrong.

The House by rendering a certain class of His Majesty's subjects ineligible to a seat, by a vote of their own,<sup>3</sup> has clearly violated the Act of the British Parliament by which they themselves exist, and should this assumption of theirs be submitted to, they will successively vote every class of His Majesty's servants to be ineligible, I do not speak this hypothetically My Lord, as what they may do, I mean it Literally

1. For the opinion of Mr. Sewell, when Attorney General, on this point see page 312.

2. The property qualification established by Article XX, of the Constitutional Act was the possession of property in the rural districts of the yearly value of forty shillings and in the towns of the yearly value of five pounds sterling or the payment for the rent of the dwelling house occupied of two pounds sterling per annum. See *Constitutional Documents*, 1759-1797. Shortt and Doughty, 1907, page 699.

3. See the proceedings relating to the expulsion of Mr. DeBonne, page 370, and Sir James Craig's comments in his speech on proroguing parliament, page 371.