

NEW CONSTITUTION FOR LOWER CANADA.  
(From Neilson's Quebec Gazette, March 22.)

The following is the new constitutional project adopted by the House of Assembly of this Province, and embodied in an Address to the King on the 20th inst.:-

"Without the express orders of your Hon. House, your Committee would have felt hesitation in reporting their own opinion as to means of providing a remedy for this constitutional defect in our government, as the basis of representation to be made on the part of your honorable house. Although all the interests of the country are therein fully and equally represented, those to whom a defective system of government have given an unconstitutional preponderance, might make a handle of it to cause the expression of your opinion not to be looked upon as that of the population in general; and, by the operation of the same system, the representation of interested public functionaries, and of privileged persons in the Colony, might reach the general government of the empire, carrying in their train those representatives freely elected by the whole people. This danger added to the wide local distance might cause measures adopted in the United Kingdom with the best intentions, but without practical and local knowledge, to be discordant with the true interests of the Province, and even to hurt those interests in essential points.

"Your Committee humbly suggest, that in the event of the Imperial Government becoming convinced of the difficulties that have been laid open, there would be the certain means of preventing them, by placing the people of the Province in general in a situation to express their opinion, and to recommend proper modifications through the delegates freely and indiscriminately chosen for that purpose, by all classes and not of all classes of the community, so as to harmonize with the interests of the Province, and with those of His Majesty's Government, which cannot be separated from each other. Such a body, constituted in virtue of an Act of Parliament of the United Kingdom, to whom they would have afterwards to make a report of their labours would, whilst it could be no disparagement to the Supreme authority of the empire, be in unison with numerous examples in the free institutions of this continent, with respect to which it has often been declared that England desired to leave nothing to be wished for by the inhabitants of these Colonies.

"A General Assembly of that kind, would prove to be a faithful interpreter of all the interests of the Colony taken collectively, including those which it was the intention to be caused to be represented by the Legislative Council, and those which that body claim to represent. Those interests would in effect possess therein all their weight and all their legitimate influence. Unless indeed it be maintained, that whilst the Executive Branch of the Colonial Government, established by His Majesty in the persons of His Governors, represents the interests of the Metropolitan State, there ought to be also another constituted Branch out of the country, and compounded of elements without any affinity with the varied states of being of those who inhabit it.

"However that may be, in the event of your honorable house not considering it at the moment expedient to solicit such a measure, your Committee having shewn the result of their deliberations, will not take upon themselves to determine whether the entire abolition of the present Legislative Council of this Province, and the assimilation of its government to that of several of the adjacent Colonies, would tend

to cause peace and harmony to be re-established in the conduct of affairs. The people of the Country, if they had an opportunity of being legally constituted for that purpose, would be the best judges to decide this weighty question. Your Committee have therefore proceeded upon the supposition that an immediate Legislative Branch, may, in certain cases, produce more maturity in the deliberation and examination of Bills than if only one body were called upon to assent to them—at the same time, circumstances of re-occurrence might happen in which the popular representation might for the moment, contravene the interests of the body of their constituents, and that those interests might be cherished in the second Branch, and guarded, until the wishes of the people were more fully expressed, either by more decided representations or by the means of new elections. \* \* \*

"There only appears to remain for the consideration of your Committee, the principle of Election to rest upon, as being capable in practice, of analogy with the second branch of the Imperial Legislature.

Your Committee entertain no doubt of the result of the adoption of this principle, if the Election depended upon a numerous body of Electors, composed of the best ingredients and the best interests of the Colony; and if the choice were confined to persons possessed of a certain easy degree of fortune, without, however, raising that qualification so high that such choice could only be made, in any case, but out of a small number of eligible persons. Your Committee would expect to see the best effects from a Legislative Council constituted upon this basis, if whilst its principle of action was found in the interests of His Majesty's subjects in this Province, as a general and common motive, it found itself, in its formation and its proceeding, independent of the popular Assembly. It would undoubtedly be thus with the above qualification, and with a different mode of renewal, so as to give more permanence to the body that is now in question.

"It is upon these several considerations, that your Committee submit the following details:—An elective Legislative Council, chosen by landholders, having a net annual income of 10l. in the country, and 20l. in cities; and who have been residents for at least one year within the circle wherein the election takes place.

"The eligibility to be restricted to the subjects of His Majesty having attained the age of at least thirty years; residents of the Province, and having resided therein at least fifteen years, and possessing an annual freehold income arising from property situated within the Province, for at least one hundred pounds for those elected for the country, and of at least two hundred pounds for those for the cities of Quebec and Montreal.

"The duration of the Body limited to six years; the renewal to be made by one sixth part every year, it being to be determined during the first five years by lot which of the Members chosen at the General Election shall have to retire. When there shall happen to be any vacancies, those who succeed to them to be Members only for the period which would have remained to their predecessors.

"The numbers of the Members to be equal to that of the counties, cities, and divisions thereof, or other circles, sending Members to the House of Assembly, with the exception of Boroughs whose population does not amount to 2000 souls, who would only have to vote in the Counties of which they make part. So that the number of Councillors would be nearly half of that of the Members of the Assembly.

"The Speaker or Chairman of the Body to be chosen by the Members, subject to the approbation of His Majesty.

"The Judges to be intelligible, as well as the Clergy.

"The Members of the present Legislative Council not to belong to the new Council, except they are re-elected; at all events, should His Majesty's Government insist upon retaining them, they should only be considered as supernumerary Members, and would have to justify qualification in landed property, and resign their places of profit, in conformity with the present Report.

"The Legislative Council not to be subject to dissolution.

"The Members not to accept, otherwise than by Bill, places of profit or honor during good pleasure, excepting those of Justice of the Peace and in the Militia, nor become accountable for public money, nor receive any directly or indirectly from the Executive Government, under whatever denomination, without subjecting themselves to a re-election.

"The individuals who offer themselves as Candidates shall make oath as to their qualifications; if the Candidates are not present, three Electors must make affirmation as to that qualification to their best of their knowledge. The Members elected, shall before they take their seats, take the same oath, and shall be bound to renew it at all times upon order of the Body.

"When it happens that Members are elected at the same time both for the Legislative Council and for the Assembly, they shall make choice of either one or other of the Houses, within a prescribed time.

"Your Committee cannot close their Report without expressing their regret, that the special statement of the views of His Majesty's Government on this important matter, promised by the Right Hon. Lord Viscount Goderich, His Majesty's principal Secretary of State for the Colonies, in his despatch of the 7th of July, has not reached your Honourable House, so that they might be aided in their endeavors to remedy an acknowledged evil.

"The whole nevertheless humbly submitted.

"E. BEDARD,  
CHAIRMAN

"14th March, 1833."  
(The Committee who agreed to this Report were Messrs. Elzeur Bedard, Bourdages, De Wit, Lafontaine, Morin, and Poulip. It was taken into consideration and passed the same evening; yeas 42 to 22 and 37 to 27. About a dozen of Members who were present at the call of the House that evening, being absent.)

## THE BRITISH AMERICAN.

May 4, 1833.

Our paper has been unavoidably delayed until this day (Monday.) The schooner Earl Grey, Capt. James, arrived in this port late on Saturday night, bringing the Mail from Pictou. The Steam-boat Pocomantas, made her first appearance this season yesterday morning, after remaining very short time; she returned with the Island mail for Pictou. The Halifax papers contain English dates two days later than our last, but the news they contain are unimportant.

Cholera.—It is stated in a late New-York paper, that this disease raged with such violence