

SESSIONAL PAPER No. 18

People, or to the speedy & impartial Administration of Justice? A great Majority was of Opinion that it would not.

It was with Equal Regret that the L. Council found themselves under a Necessity to withhold their Assent to a Royal Instruction and which had been proposed by the Governor of the Province in Order to be Carried into Execution. It was therefore resolved on motion of Mr. Mabane that an Address Should be presented to me containing the Reasons.¹

The other Business of the Sessions prevented the Address from being presented till the 7th of March. Tho' I was convinced of the Strength and Truth of the Reasons which were contained in it. I disapproved of the Manner in which some of them were expressed and therefore remanded it to be re-considered by the Legislative Council²—: However irregular Some of them might think this proceeding, the Majority did not hesitate to alter the Expressions which had given me Offence. Mr. Caldwell further Moved that the Original Address should be expunged from the Minutes.—This was Strongly & very inconsistently opposed by Mess^{rs} Finlay, Alsop & Grant, who, tho' they had voted against it, yet as it was capable of giving me Offence or of indisposing the King's Minister against the Majority wished Ardently that it should remain on the Minutes. In this the Majority acquiesced. Thus the Original Address is preserved in the Minutes.³ I inclose you that, which was presented to me,⁴ with an authenticated List of the Causes which had been decided in the Court of Appeals. I likewise inclose the opinion or advice which Mess^{rs} Finlay, Alsop, Pownall & Grant gave me on the Occasion,⁵ all of them are Sensible either of the Impropriety or Impracticability of Carrying the Instruction into Execution, & yet they are dissatisfied with the Legislative Council for not having passed an Ordinance in Conformity to it. Such Conduct needs no Comment, Party Spirit is the Enemy of every Private, as well as Public Virtue, since my Arrival in the Province I have Stiered Clear of all Parties and have taken great Care not to enter into the Resentments of my Predecessor or his Friends, but this present Occasion obliges me to Declare to Your Lordship that in general Mr. Livius's conduct has not impressed people with a favorable Idea of his Moderation, At the same time My Lord that I do not in the least call in Question the Propriety of the Decision which has been made by the highest & most respectable Authority.

As it is my Duty, it has been my Business to inform myself of the State of the Country & I coincide with the Majority of the Legislative Council in Considering the Canadians as the People of the Country, and think that in making Laws and Regulations for the Administration of these Laws, Regard is to be paid to the Sentiments and Manner of thinking of 60,000 rather than of 2,000—three fourths of whom are Traders & Cannot

¹ See Minutes of Leg. Council, v. D., p. 65.

² See *ibid.*, p. 81.

³ See *ibid.*, pp. 76-7.

⁴ See p. 710.

⁵ See p. 707.