

plain and intelligible words:

"Sec. XXX. And be it further enacted by the authority aforesaid, That whenever any bill, which has been passed by the Legislative Council and by the House of Assembly in either of the said Provinces respectively, shall be presented, for His Majesty's assent, to the Governor or Lieutenant Governor, of such Province, or to the person administering His Majesty's Government therein, such Governor, or Lieutenant Governor, or person administering the Government, shall, and he is hereby authorised and required to declare, according to his discretion, but subject, nevertheless to the provisions contained in this act, and to such instructions as may from time to time be given in that behalf by His Majesty, his heirs or successors, that he assents to such bill in His Majesty's name, or that he withholds His Majesty's assent from such bill, or that he reserves such bill for the signification of His Majesty's pleasure thereon."

This section of the constitutional act was important for several reasons, but principally because, in the first place, it at once overthrows the doctrine that the Governor is on all occasions to consult his council, or act by its advice; and secondly, as showing that the King's instructions from time to time given, were recognised by Parliament, and embodied in the Constitution as binding on the Governor. [Hear, hear.] The clause just quoted required the person administering the government to assent to or reject bills "according to his discretion," not by and with the advice of his Council, but in conformity with the instructions he may "from time to time" receive from His Majesty. How absurd would it then be for a Governor, were he to apply to his Council in a doubtful case for advice, and acting upon it, assent to a bill contrary to the orders contained in his instructions, which, by the express terms of the Constitution were to be his guide. How would he excuse himself by alleging that he acted upon the advice of his Council, instead of his instructions?—Where then must the responsibility rest?—Upon himself, of course; and it would be out of his power to rid himself of it, and cast it upon another. [Hear, hear.]

The Constitution having thus emphatically recognized the Royal Instructions, as binding upon the Governor, and forming a part as it were of the Constitution itself, it would be proper again to refer to those Instructions for

the purpose of placing before the house, in a clear and connected manner, the duties required by the Sovereign of the members of his Council when he appointed them to their office: the following were the words used:

"To the end that our said Executive Council may be assisting to you in all affairs relating to our service, you are to communicate to them such and so many of these our instructions, wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

Language could scarcely be more intelligible or free from ambiguity, than was here employed; and let it be borne in mind, that these instructions were brought to this country by Governor Simcoe, who was also the bearer of the Constitution conferred upon this Province, and which he was charged to put in operation. They were moreover delivered to him after the Constitutional Act had passed the British Parliament, and by the same statesman who had conducted that great measure to maturity. [Hear, hear.] If then the principle now contended for was correct, those statesmen were the first to attempt to violate the Constitution they had framed, and Governor Simcoe was selected and agreed to assist them in their design!—There was something so wicked and preposterous in the mere mention of such a conspiracy that the mind instantly repels it, without further investigation.

The Councillors named in the Instructions containing the paragraphs just quoted, were sworn into office in the presence of Governor Simcoe, and it would be too much for the most credulous to believe that such would have been the case if that able and excellent man believed that the duties of these councillors were unconstitutionally circumscribed by the King, from whom he had just received his commission as the first Lieutenant Governor of Upper Canada.

And here he [the Sol. General] would pause on this branch of the subject, and calmly, but earnestly entreat hon. members to consider the question as he had attempted to present it to them. An attack has been made upon the Lieutenant Governor of a most violent—one might say ferocious character,—and he is charged with an attempt to change the Constitution, or to prevent His Majesty's subjects from fully enjoying it, by refusing to surrender his power and responsibility to the Executive

Council! will any ferociously f Were he the report himself in of the Sol. struction, uor has h question i house is c his repres wrong, th the King must affect that this successful as unconc ed without Upper C nations. F earnestly and tranqu now made success he terests of t he had too integrity o mment to to bring de tutions cou blustering and abusiv obtain so i our govern majority of tion, hard t avail but lin ings would sought for, themselves, lic docume body, whose ty, forbear were few m more cordia seph Hume, ry; but let laid before t ed that it w by him, for tion of digi might, if it the country through all c