

by us, and as the public would, no doubt, put a liberal construction upon the letter, it was better, more particularly as we had been actually sworn in, to let it pass without further difficulty. I must, however, add, that when the draft was read over to us by his Excellency, as he did not seem quite satisfied with the wording, it was understood that he was at liberty to alter its phraseology, retaining of course its spirit and substance; and I certainly attributed the difference between the draft read to us and the note which I afterwards received, entirely to his Excellency's being unable, from his want of practical acquaintance with political life, fully to comprehend the difficulties which I felt in yielding to his request to join his council, and not to the slightest desire on his part to deviate from the spirit of the understanding. Such was certainly my impression at the time; but had I supposed it possible that such application of the unexpected terms in which his Excellency's note was couched, as is now attributed to his Excellency, could have been intended, I should certainly have returned the note, and insisted on such a one as I had reason to expect; or, if this had been refused, have resigned on that ground alone.

Q. 5. In what respect do you conceive the draft read to you and the note afterwards sent to differ?—A. The draft was more explicit as to the unfettered terms upon which I took office; and although I could not say it contained no declaration of the confidence his Excellency would place in our advice when "required," it was by no means the prominent feature in the draft; and, I can safely say, could only have been understood both by myself and my colleagues merely as a general expression of confidence, and not as a limitation of the duties expected of us; and I feel convinced that his Excellency could have used it for no other purpose, because he had no reason to suppose that we could have understood it in any other, and to imagine the contrary would be to attribute to his Excellency that he made use of terms to us to which he applied one sense at a time when he knew us to receive them in another, without explaining the sense in which he intended them to be understood.

Q. 6. It appears from his Excellency's answer to the Address of the House of Assembly of the 26th of March, that the note which he wrote to you, of which the following is an extract, "I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it," was written during the negotiation between his Excellency and the Council previously to their taking office, and, in fact, was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note. Is that the case, and is that the true inference according to your understanding?—A. For the facts I refer to my previous answers and my letter to Mr. Perry of the 16th ult.; and as to the inference, it is of course a matter of opinion; but I cannot for my own part suggest any construction of the passage referred to consistent with those facts.

Q. 7. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—A. The oath of office was administered to the under clerks in the Council-office, it having been ascertained on inquiry that they had not previously been sworn to secrecy.

Q. 8. It has been alleged that his Excellency, in his reply to the city corporation, intended to be understood as referring to the late Council, when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated." Is such a charge warranted by the fact?—A. As far as regards myself, I distinctly assert that it is not the fact, and I have no doubt that it is not the fact as respects any of my former colleagues.

Dr. Rolph, called in; and Examined.

Question 1. ON what day were the late Executive Council, of which you were a member, sworn in?—Answer. On the 20th of February last.

Q. Have you any knowledge of a letter addressed by his Excellency to Mr. Robert Baldwin, relative to the terms on which you and your colleagues took office? if so, state what you know?—A. I was present with Mr. Robert Baldwin and the honourable Mr. Dunn on the 19th of February last, at the Government-House, when Mr. Robert Baldwin informed his Excellency that we were desirous, before joining the Executive Council, to receive a written assurance from his Excellency of the unfettered terms upon which we entered into office, lest it should be supposed by the public that in doing so we had compromised the principles which we have heretofore avowed and acted on. To this suggestion his Excellency acceded, and drafted a note to that effect, adding, that, as the phraseology might be improved, he would without delay prepare and transmit it to Mr. Baldwin, who would send copies to me and Mr. Dunn. We were sworn into office in the afternoon of the following day, and I heard nothing more of this letter (except the uneasiness of Mr. Baldwin at not having received it) until 10 o'clock at night, when I was in company with Mr. Baldwin, and the letter was received. Upon reading it, Mr. Baldwin immediately noticed, as I did myself, the unexpected change, not only in the language, but in the substance of the letter, and Mr. Baldwin would have returned it, had I not expressed my reluctance to question the ingenuousness of the Lieutenant-Governor, and enter upon a discussion which might seriously interfere with the harmony of the Council. Had I supposed that the word "require" could have been intended to abridge the great and unlimited latitude before given by his Excellency, I should certainly not have consented to be sworn into office, had the letter been received on the 19th, and I should have resigned, on receiving a copy of it, on the 22d, from Mr. Baldwin. The sole object of the letter, and all it was intended to embrace, was the admission that we joined the Council without changing our principles.