

Privy Council." which sprung from the above extract Patent constitution of Quebec, allusion is made to the Governor, Council, might summarily, "in such and directed in America which government." Now that the Council could be responsible himself. There years afterwards, the Colony; and it had an assembly of the power, it (the assembly) the "other Colonies," and it does clothed with great. No assembly the authority had continued to be, assisted by a Council. For eleven could exist clearly to any power but of powers great- present Council, tion of the Act by the Governor which the in- bound. This the first passed by a settled form of Council, possessing that Act author- certain number councillors, who their offices for laws and ordi- nances to be by the Council, should su- perintended by the Council. The Ex- ecutive Council, on the other hand, is to advise the Governor, and the Council and Go- vernor, and the Court of Appeal and the Council, and the ordinance is re- lated to the Constitutional

Act, 31st Geo. 3d, ch. 31, sec. 34. Before proceeding to examine the provisions of the important act last mentioned, it might as well be asked whether the Executive Council of Quebec, between the years 1774 and 1791, could be said to be responsible to any other power than the King for their official conduct? It would be manifestly absurd to say that it was responsible to the people, at a time when the people had no voice in the government.—The Governor and the Legislative Council were both appointed by the King; the Executive Council was a body created by the King which he could continue or suppress at his mere will and pleasure—there being no law or ordinance that required their existence. Being appointed, their duties were defined by the King, and lessened or extended according to his sole decree, unless where particular duties were imposed by ordinance; and when so, those duties were of a character distinct from those of advisers of the King's Representative. Where then should we seek for their responsibility to the people? It could no where be found. [Hear, hear.] If then up to the time of passing the Constitutional Act the Executive Council were alone responsible to the King, the next and most important question to be decided was, whether by that act their character was changed,—whether in fact, as is now alleged, "*The Executive Council of this Province is by the Constitution responsible to the people, and not to the Crown—and like the Cabinet in England should go out of office upon a vote of the Assembly, and that the Governor is bound by their advice, and is not responsible for his acts any more than the King is for his acts.*" Those who blindly contended for a principle so dangerous to the peace, welfare, and good government of this Province, would search in vain for support from the great Charter conferred upon its inhabitants for the protection of their liberties. That act recognizes a Council to be appointed by the King, but it creates no such body. It was manifest that when the 31st Geo. 3d was passed, the British Parliament had before it the King's Proclamation of 1763—the Royal Instructions to the Governor—the Act of 14th Geo. 3d, ch. 83—and the ordinances of the Province of Quebec, passed in virtue of the last mentioned act; each of which was specifically referred to in the Constitutional Act; and Parliament assuming that the King in the exercise of his royal prerogative would continue a Council which

had previously existed, required of it when created certain specified duties, but no where making it a Cabinet which by its advice was to govern the Province, and assume the power and responsibility of the Crown,—rendering the King's Representative a mere cipher, subject to its domination and control. A principle so preposterous as this could no where be found in the Constitution. [Hear, hear.] Nothing could be more clear than that it never was intended that the Council should have greater powers than were entrusted to it prior to the passing of the Constitutional Act; which powers were defined in the King's instructions, and in the laws and ordinances then in force in the Colony, passed in pursuance of the powers given by the 14th Geo. 3d. By an ordinance of the Province of Quebec, the Governor and Executive Council were constituted a Court of Appeals, and were continued such by the 34th section of the Constitutional Act—and by another section the Governor was required to act with the advice of his Council in erecting parsonages and endowing them: these are the only duties specifically required of the Council; all others depend on the will of the Sovereign. If, as is contended, it was meant that nothing could be constitutionally done without the advice of the Council, was it to be believed that so important a principle would have been left in doubt by the eminent statesman who framed the Constitution? It was inconsistent with common sense to suppose they would have been so blind to their duty. [Hear, hear.]

But in truth, there could be no doubt in the minds of dispassionate and intelligent men—the Constitution itself gave a plain and distinct negative to the assertion, that the Governor is at all times and upon every public occasion to consult the council. It would be admitted that no duty which a Governor has to exercise can be of greater importance than deciding on the Laws presented to him by the other branches of the Legislature for the Royal assent; and it may be fairly argued, that if upon any one point more than another he stands in need of the advice of a council, it must be in coming to a decision on questions which may involve the safety of the liberties and property of the people of the country; notwithstanding this, however, he is not to be guided by the advice of his Council, but by the Royal Instructions. This was a provision of the Constitution itself, and in the following