

Resignation of
Ex. Council.

vince, respecting the future exercise of the Prerogative.

"That the well known practice of the British Constitution recognizes one effectual means, and no other, of securing the observance of the aforesaid principles, namely, the Resignation of the Members of Executive Council, whenever, on an occasion of sufficient importance to warrant the application of that legitimate check upon the exercise of the Prerogative, the Governor General, shall have failed to ask, or refused to follow, their advice in some particular case or cases; but that if the Head of the Government were to enter into any general engagement with the Members of his Executive Council, or even with this House, binding himself in anywise, whether directly or by implication, as to the future exercise of any of his functions as the Representative of the Sovereign, he would openly divest the Crown of its acknowledged Prerogative, degrade the Royal Office into obvious and proclaimed subordination to the Executive Council, and most seriously impair the Constitution which it is the glory of this Province to possess."

And the question being put on the said motion of amendment, it passed unanimously in the negative.

The Honourable Mr. *Viger* then moved in amendment to the main motion, seconded by Mr. *Forbes*, that all the words after "That", be struck out, and the following substituted :

"This House adheres firmly to the principles embodied in the Resolutions of the 3rd September, 1841; but that no document or question, has on the present occasion, come before the House in a shape in which it can according to Parliamentary usage and practice, serve as the basis of an Address to the Governor General on the subject of Responsible Government."

And the question being put on the said motion of amendment, it passed in the negative.

The Honourable Mr. *Black* then moved in amendment to the main motion, seconded by the Honourable Mr. *Neilson*, that all the words after "That," be struck out, and the following substituted :

"An humble Address be presented to His Excellency the Governor General, humbly representing to His Excellency, that, understanding the claim of the late Executive Council to be solely that of being consulted and heard upon all questions of importance to the Province, and of being informed of His Excellency's determination upon any such question before it became public by any other channel, without any claim to control His Excellency in the exercise of the Prerogative of the Crown upon any such question, or to prevent his acting in such manner as he might see best after weighing their advice and hearing their reasons, this House, without feeling itself called upon to express any opinion on the policy of the late administration, are yet bound to declare their opinion, that there is nothing in the said claim of the Executive which may not be held to be the necessary consequence of the principles of Responsible Government, embodied in the Resolutions of the 3rd of September, 1841, to which this House firmly adheres."

And the question being put on the said motion of amendment, it passed in the negative.

The question been then put on the main motion, the House divided thereon; and the names being called for, they were taken down, as followeth :—

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHABOT, CHILD, CHRISTIE, CRANE, DEBISHIRE, DEWITT, DUNN, DURAND, GILCHRIST, HARRISON, HINCKS, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, J. S. McDONALD,

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MERRITT, MOORE, MORIN, MORRIS, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUENNEL, SMALL, HARMANNUS SMITH, STEELE, TACHE, THOMPSON, THORBURN, TURCOTTE, and L. M. VIGER.—(46.)

NAYS.

Messieurs BLACK, CARTWRIGHT, CHESLEY, DUNLOP, FORBES, FOSTER, HALE, HAMILTON, JOHNSTON, Sir A. N. MACNAB, McLEAN, MURNEY, NEILSON, NOEL, ROBLIN, SIMPSON, HENRY SMITH, GEORGE SHERWOOD, STEWART, D. B. VIGER, WAKEFIELD, WILLIAMS, and WOODS.—(23.)

So it was carried in the affirmative.

The Honourable Mr. *Boulton* moved, seconded by the Honourable Mr. *LaFontaine*, that the following be added to the Resolution now adopted, and make part thereof :—

"That this House, in dutiful submission to their Gracious Sovereign, and with the utmost respect for the exalted station and high character of His Excellency, is most anxious to guard against any misconstruction, which possibly might be placed upon the affirmative declaration of their opinion, upon this delicate and most vitally important constitutional question, and therefore most humbly beg leave to disclaim, in a negative form, any desire that the Head of the Government should be called upon to enter into any stipulation, as to the terms upon which a Provincial Administration may deem it prudent either to accept of or continue in office; that mutual confidence, which is essential to the well being of any Government, necessarily presumes that they are understood, while a due respect for the Prerogative of the Crown, and proper constitutional delicacy towards Her Majesty's Representative, forbid their being expressed."

Mr. *Chesley* moved, seconded by Mr. *George Sherwood*, that the House do now adjourn.

The question being put on the said motion, it passed in the negative.

The Honourable Mr. *Boulton's* motion being then again read :—

Mr. Speaker objected to the said motion as being unparliamentary and out of order.

And an appeal being made to the House from Mr. Speaker's decision, the House divided thereon; and the names being called for they were taken down as followeth :—

For Mr. Speaker's decision :—

YEAS.

Messieurs CARTWRIGHT, CHESLEY, CHILD, CHRISTIE, CRANE, DEWITT, DUNLOP, FORBES, FOSTER, HAMILTON, JOHNSTON, LESLIE, Sir A. N. MACNAB, McLEAN, MURNEY, NEILSON, NOEL, ROBLIN, SIMPSON, HENRY SMITH, GEORGE SHERWOOD, STEWART, WILLIAMS, and WOODS.—(24.)

Against Mr. Speaker's decision :—

NAYS.

Messieurs ARMSTRONG, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CHABOT, DUNN, DURAND, GILCHRIST, HALE, HARRISON, HINCKS, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, D. McDONALD, MERRITT, MOORE, MORIN, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUENNEL, SMALL, HARMANNUS SMITH, STEELE, TACHE, THOMPSON, THORBURN, TURCOTTE, D. B. VIGER, L. M. VIGER, and WAKEFIELD.—(39.)

The question being then put on the Honourable Mr. *Boulton's* motion, the House divided thereon; and the names being called for, they were taken down as followeth :—