

to Mr. Roebuck's motion, "that a Select Committee be appointed to inquire into the political state of the Canadas," declared as follows: Sir F. B. Head to
Lord Glenelg.

"The first point to which the honourable Member referred, was the constitution of the Executive Council. It may, perhaps, be necessary for me to inform the House, that the Executive Council is a body acting in the nature of the Privy Council in this country, advising the Governor, but not responsible to him, and forming a council, against whose opinion, as well as with it, he may act."

My Lord, I solemnly offer, as my most deliberate opinion, that if this doctrine be ever subverted, democracy, in the worst possible form, will prevail in our Colonies; the two branches of the Legislature have their respective interests to attend to, which too often are made subservient to their private views, but the Lieutenant-governor is the King's sentinel, and if he be disarmed of the power he has received from the Imperial Parliament, and be fettered by his provincial council, the republicans will move Heaven and earth to become the individuals to govern him.

If the power of the Lieutenant-governor is to be surrendered, I respectfully recommend that the deed be done openly and in broad daylight, for to hamper him by the number of his councillors, or to oblige him to consult them when he does not need their advice, would most surely produce the same effect, in a weak, discreditable manner.

As the subject is of vast importance, and as I believe our Colonial possessions now hang upon your Lordship's decision, I will proceed to show with what artifice the republicans of the House of Assembly of this Province have endeavoured, in their petitions against me, to attain this object.

The House of Assembly, in their own Grievance Report of last session, actually undertake to prove to His Majesty's Government the non-responsibility of the Executive Council of this Province, by the following evidence of the councillors themselves:

Honourable *George Markland*, examined. (See Grievance Report, p. 77.)

Question. Is the Lieutenant-governor obliged, in matters of state policy, to ask your advice as an executive councillor?—*Answer.* In some cases the law directs that he shall consult his council, but not in others.

The Honourable *P. Robinson*, examined. (See Grievance Report, p. 91.)

Question. Is the Lieutenant-governor obliged, in matters of state policy, to ask your advice as an executive councillor?—*Answer.* Only in cases where the 31st of the King requires that he shall act with the advice of the Executive Council.

The following is an extract of Sir John Colborne's evidence on the same subject, transmitted in a message to the House of Assembly, and ordered by them to be printed in the Grievance Report (see p. 301):

"The Lieutenant-governor is requested by the same address to give whatever information it may seem to him proper to communicate in respect to the powers, duties, and responsibilities of the Executive Council; how far that body is responsible for the acts of the Executive Government, and how far the Lieutenant-governor is authorized to act with or against their advice.

"Upon this request of the House of Assembly, the Lieutenant-governor acquaints the House, that in respect to the powers of the Executive Council, in no case, he believes, are powers committed to them except by the express provisions of British or Colonial Statutes which are known to the House of Assembly. In respect to the duties of the Executive Council, in addition to those which are imposed by Statutes, it is necessary that the Executive Council should concur with the Lieutenant-governor in deciding upon applications for lands, pursuant to His Majesty's instructions, and in making resolutions relative to that department of the Government.

"It is also the duty of the Executive Council to afford their advice to the Lieutenant-governor upon all public matters referred to them for their consideration."

The Grievance Committee having obtained the foregoing evidence, submitted