

hands, for transmission to the Colonial Minister, they had had nothing to do with it, had neglected their duty, had never even asked His Excellency for the Despatch, and were consequently in entire ignorance of its purport and contents, such an acknowledgment on their part might have been accounted some extenuation of their fault; but it would, nevertheless, still have been held that it was their duty to see that the Address was forwarded. If they knew nothing of any Despatch concerning it, how did they know that the Address was transmitted Home at all? If they knew that His Excellency had written a Despatch concerning it, and it was their duty to have ascertained whether he had done so or not, they should have respectfully requested His Excellency to show it to them; and, had His Excellency refused compliance with their request, then it would have been their duty to tell him that they would be obliged to have recourse to a Minute of Council in support of the prayer of the Address. But they have done nothing of this kind; and the position which they now occupy, sustained as they are by a majority of the parliamentary representatives of the people, is one which, I think, cannot be easily or satisfactorily defined. I do not pretend to be a constitutional lawyer; but it appears to me that Government is at an end if it does not exist to prevent or to endeavour to prevent a neutralization of the views of the people as expressed by the Legislature. I support the Resolution submitted by the Hon. the Leader of the Opposition; and, yet, I am almost sorry that the question to which it has given rise should have been brought forward. I entertain the highest respect for His Excellency, and believe in his desire to advance the true interests of the Island. The position of the Government is certainly a very peculiar one; perhaps they have got into it through their having failed to exercise due vigilance. His Excellency, in the Despatch, states that he found the Government bound by Hastings' pledges to discontinue the former allowance of £66 13s 4d sterling to the Private Secretary. That is strictly correct; it was one of the Hastings' pledges of the Government party, which, perhaps, they would now wish they had never made. Let them take care that this pledge not pay £66 13s 4d a year does not result in saddling the country with the payment of the Lieut. Governor's Salary of £1500 a year.

Hon. Mr. LONGWORTH. It might all be very well for the hon. member for East Point (Hon. Mr. Hensley) and the Hon. the Leader of the Opposition (Mr. Coles) to lay down imaginary cases, and to say how they, as Executive Councillors, would have acted with respect to them. Such cases, however, were altogether foreign to that then before the Committee. The Hon. the Leader of the Opposition, in opening his case, had attempted to fix the responsibility of His Excellency's Despatch concerning the Address of the two Houses of the Legislature upon the Executive Council. His attempt to do so had, however, proved altogether abortive. He (Hon. Mr. Coles) had, in opposition to the authority of a Despatch of the late Duke of Newcastle, bearing upon the question in general, and which had been pertinently quoted by the Hon. Solicitor General (Mr. Haviland),—maintained that it was the duty of the Lieutenant Governor to submit all his public Despatches to the Imperial Government to the inspection of his Executive Council, and that they had a right to insist upon being permitted to examine them all. The Hon. the Solicitor General had, on the contrary, argued, most ably and correctly, on the conclusive authority of a Despatch of the late Duke of Newcastle, written expressly for the purpose of finally deciding the question, that the Lieutenant Governor lay

under no official or constitutional obligation to show any of his Despatches, whether public or private, to his Executive Council. His Grace's dictum applied to all the Despatches of a Lieutenant Governor without exception. It was useless for either his hon. and learned friend (Mr. Hensley) or the Hon. the Leader of the opposition (Mr. Coles) to say that cases might occur with respect to which it would be the duty of the Executive Council to insist upon seeing the Despatches written by the Lieutenant Governor; for no such cases could occur. The hon. and learned member (Mr. Hensley) has given the Committee to understand that, with reference to His Excellency's Despatch in question, had he been a member of the Executive Council he would have considered it his duty respectfully to require His Excellency to submit it to the examination or consideration of his constitutional advisers; but, I reply, by the question, What would have been the use of his doing so, when he had no power to enforce a compliance with his request? By making such a request, he would only have placed himself in a false position. I, however, fully agree with him; that, in such position, it would have been his duty to use his best endeavours to have the views of his constituents, or those of the majority of the Legislature, carried into effect. He says, in effect, that it was the duty of His Excellency's Council to see that the views of the majority of the Legislature, by whom they are supported, were duly seconded by the Despatch, accompanying their Address to Her Majesty, the Queen; and that they ought either to have dictated that Despatch, or to have suggested the language and import of it to His Excellency. But, I again ask, if His Excellency, knowing himself to be clothed with a constitutional power to act, in the matter, independently of his Council, should have declined their dictation or interference, and asserted the prerogative of his office to write his Despatches on his own responsibility, could any good have been effected by their powerless endeavours to control him? The responsibility of all Despatches, written by His Excellency without the knowledge or concurrence of his Council, rests wholly with himself. He acts in a double capacity. As the representative of the Crown, he has the right to pen all Despatches, independently, if he thinks proper to do so, of any control, dictation, or interference, on the part of his Council. Were it otherwise, he would occupy a false position. He represents the Crown, and we, his Executive Council, cannot act as spies upon his conduct. It is a constitutional privilege of the Lieutenant Governor to write all Despatches to the Imperial Government. The Hon. the Leader of the Opposition has said that—as we, the Executive Council, were kept in ignorance of the nature of His Excellency's Despatch, relative to the Joint Address of the two Houses of the Legislature, to Her Majesty, now in question—it was our duty to draw up a Minute of Council, in support of the prayer of that Address, and to cause it to be transmitted forthwith to Her Majesty's Minister of State for the Colonies. But, I will ask the hon. member, did he ever hear of a Minute of Council—a communication to the Imperial Government—bearing the signatures of an Executive Council upon a subject previously advocated or recommended by the two branches of the Legislature? No such duty devolved upon His Excellency's Advisers, with respect to the Address in question. In the Address itself the whole subject was exhausted in a very able and argumentative manner. It was not possible for the Executive Council, by any additional arguments which they could use, to render it weightier, or to make it in any way more worthy the favorable consideration of Her Majesty, or of