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Appendix.

Sir,

Front Street, 12 April 1836.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

In answer to your letter of this day, in which, after referring to a paragraph in the Lieutenant-Governor's Reply to the Address from the citizens of Toronto, you add, "as you and your late colleagues are charged with having first entered into an arrangement clearly forewarning you of the extent to which you would be counselled, and then altogether in a body disputing it, I write this communication, that you may give any justification of your conduct you may desire." I beg to state, that the expressions to which you allude, seem to be understood by the Committee in a sense much more extensive than could have been intended by the Lieutenant-Governor, for though, as stated in my letter to you of the 16th ultimo, his Excellency frankly avowed his dissent from my views of the constitution, so far from his giving me the least reason to suppose that I was never to offer my advice, except when called upon for it, or that my view of the practical administration of the Government under the constitution was not again to be resorted to, he himself "suggested, as an inducement to me to accept of a seat in the Council, the increased facilities which, by my place in the Executive Council, *would be afforded towards the more efficiently representing and urging* my views, his Excellency declaring that his doors should at all times be open to me, and that he should be happy to listen and give his most serious consideration to *any subject which I might at any time think it important to lay before him.*" And indeed the whole tenor of my official intercourse with his Excellency was inconsistent with the presumption that my advice was never to be given except it was asked.

Another circumstance, which would seem to show that a sense has been put upon the Lieutenant-Governor's words which they could scarcely have been intended by him to bear, is, that his Excellency alleges "that we parted on a point of dry law," he could not therefore intend to impute to us the breach of any agreement, either express or implied.

Again, his Excellency more than once declared that he should not have been at all surprised had the representation proceeded from me. Whereas, had it been any breach of a supposed previous understanding, I was as much a party to that understanding as either of my colleagues, Mr. Dunn or Dr. Rolph, and of course equally involved in the consequences.

But, not to multiply reasons, I need only add, as finally conclusive upon this subject, that his Excellency's words, understood in the sense alluded to, would be wholly inconsistent with the fact. It was never understood previous to our being sworn in, nor did any thing whatever transpire previous to that period which could have given his Excellency any ground for supposing it to be understood by us either that we were not to offer our advice whenever we thought it proper to do so, or that the subject of the adoption of my views of the constitution was to be dropped.

In fine, I can safely assert, that, had his Excellency given me the slightest hint that he expected that I was never to offer my opinion except when required to do so, I should have unhesitatingly rejected the proposal to join the Executive Council on such terms; but the whole tenor of the conversations which I had the honour of holding with his Excellency previous to my being sworn in, to say nothing of the express assurances above alluded to, excluded such a supposition from once suggesting itself to my mind. I therefore feel bound to state, that any other construction put upon the terms on which I accepted office, than such as is to be gathered from the statement contained in those paragraphs of my former letter above quoted, is wholly erroneous.

I have the honour to be, Sir,

Your obedient humble servant,

Robt. Baldwin.

To P. Perry, Esq.

Chairman of the Committee, &c. &c.

Committee Room, 13 April 1836.

Robert Baldwin, Esq. called in; and Examined.

Evidence of
R. Baldwin, Esq.

Question 1. On what day were the Hon. John Henry Dunn, Dr. Rolph and yourself, sworn into office as Executive Councillors?—Answer. On Saturday, the 20th of February last.

Q. 2. Was the Lieutenant-Governor's note to you, a copy of which you appended to your letter to Mr. Perry of the 16th of March last, received by you previous to your being sworn in?—A. It was not.

Q. 3. When was it received?—A. At ten o'clock in the evening of the day on which we were sworn in. But I was given to understand that an accidental circumstance had occasioned its not having been delivered at an earlier period on the same day.

Q. 4. Is it such a note as you had reason to expect from the conference mentioned by you in your letter to Mr. Perry, in which it was settled to be written?—A. I conceive not; I cannot pretend to recollect the exact terms of the draft written by his Excellency on that occasion, and then read to us; but I do not hesitate to say, that it materially differed from the note I afterwards received. Dr. Rolph happened to be with me at the time I received the note, and I at once expressed my entire dissatisfaction with its contents, and proposed taking it back to the Lieutenant-Governor, and refusing to receive it. I was, however, persuaded by Dr. Rolph and Mr. Dunn, whom I called to see upon the subject on the Monday after, that, as it could not be that his Excellency intended any thing disingenuous

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