

Report of Com-  
mittee to Commons  
House of Assembly.

aid the conduct of public affairs, if subjected to ignominy and reproach, without vindication by the representatives of the people, whose highest interests in the King's Councils they have undertaken to serve.

It is therefore with pain your Committee notice, in the conclusion of his Excellency's reply to the late Council [hereto appended, marked (B.)], the discreditable alternative offered them. It appears from Mr. R. Baldwin's letter, that when he and his colleagues accepted the invitation to join the Executive Council, their political principles were made known, and very fully explained to Sir Francis Head; and when jointly waiting upon him more formally, to receive a united invitation, it appears he accepted their services with the avowed retention of the opinions they had hitherto publicly entertained and acted on, even declaring with great apparent frankness and magnanimity, that their seats in the Council would afford them a better opportunity of confidentially presenting and urging their views. With such a latitude professedly given them, it became their duty, in the opinion of your Committee, upon assuming their office, to advise his Excellency upon the affairs of the province, and, in their opinion, as to the constitutional manner in which it might be best administered, in the terms of their oath, "for the good of the King and this province, and for the peace, rest, and tranquillity of the same." Such is the substance of Mr. Baldwin's manly and honourable letter.

Animated with these loyal and patriotic feelings, and conversant with the condition and expectation of the country, it appears they joined in the representation, dated the 4th of March 1836 [hereto appended, marked (A.)], embodying their united views in a manner unreserved, candid, and respectful.

To this representation Sir F. Head sent a reply, also hereto appended [marked (B.)], concluding with the following words: "The Lieutenant-Governor assures the Council, that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed, should they deem it necessary to leave him. At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the *principles* they have avowed, he begs that, on his account, they will not for a moment hesitate to do so."

It appears to your Committee that, however sensible the Council might be to the honour of being confidential advisers of the King and his representative in this province, and however anxious to avert the embarrassments his Excellency justly apprehended, yet having entered His Majesty's service with known principles, and as a duty communicated them officially, they could not honourably retire from these principles, to which, as their representation testified, they properly attached so much importance and truth. Hence, upon this delicate subject Mr. Baldwin nobly observes [See his Letter in the Appendix, marked (C.)]:

"Having, in the representation alluded to, but reiterated in a more formal manner, in conjunction with my colleagues, under the sanction of the oath (which I had in the mean time taken), the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate when the alternative presented to me was the abandonment either of my principles or my place."

Your Committee cannot hesitate to remark, that this proposition of Sir Francis Head, in the secret Council Chamber, to retain them in his service if they would retire from their principles, was highly objectionable, derogatory to the honour of the King, and demoralizing to the community.

Among the criminating views urged by his Excellency against the late Council, since the date of the correspondence, will be found a complaint against their concluding prayer, as follows, "that should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them."

This request might, in the opinion of your Committee, have been answered by a frank avowal of the alleged intention, "after a few moments more afforded for reflection," to consult them to such an extent as to render their prayer "practically useless;" but being in the strange misapprehension of his Excellency "sworn to be *dumb*," and therefore kept by him religiously mute, from giving him any advice, the late Council appear to your Committee to have had before them only two courses, viz. either to obtain a more cordial and constitutional intercourse with his Excellency, or discreditably to keep up the prevailing public deception respecting their duties. If the Council would have recanted, and kept the *great secret*; viz., that there were *no secrets*—they might, as the reply shows, have dishonourably retained his Excellency's confidence.

But for what honest purpose could it be desired not to undeceive the public, who had so long, under a misapprehension of the nature and duties of the Council, directed their reproach against them as the presumed concurrent advisers of misgovernment? If it is *wrong* that the Council should advise upon the "affairs of the province," is it *right* falsely to make the people ascribe to them such duties? Was it criminal, as is pretended, for them to ask leave to communicate to the public, not any particular matter, or their advice upon it, but merely to correct a public misapprehension of the nature and extent of the duties confided to them? Was it generous or just for his Excellency, under the pretence

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