

Enclosure 1, in
No. 1.

Petition from the
House of Assembly
to The House of
Commons.

the throne invited us to render him "that loyal, constitutional, unbiassed and fearless assistance, which your King expects, and which the rising interests of your country require:" and when we saw our often repeated dissatisfaction with the Executive Council removed, and the highest public confidence secured by the addition of the Hon. John Henry Dunn, Robert Baldwin and John Rolph, Esquires, we fully believed that we were about to enjoy under his Excellency the full benefit of our Charter, by a wise, impartial and constitutional administration of our affairs. The reign of universal thankfulness and tranquillity under this change of things was, we lament to state, of short duration. The country had always supposed that the Executive Council of the province from time to time appointed by His Majesty under the 31st Geo. 3, c. 31, to advise His Majesty and His representative upon the affairs of the province, actually discharged the important duties assigned to them by the constitution in consequence whereof all public odium of the mismanagement of our affairs has been heretofore visited on the Executive Council, while every Lieutenant-Governor has been acquitted upon the presumption of his being, as pleaded to us by Sir F. B. Head, "a stranger lately arrived among us," and therefore unintentionally misled by corrupt advisers. But it has now come to light that the Executive Council have been almost limited in their duties to a Land Board and Board of Audit, while the affairs of the province, so unsatisfactorily managed, seldom passed under their review or were submitted for their advice. It appears from the Appendix to this Memorial, to which we refer your Honourable House, and to which we earnestly pray a patient, candid and impartial regard, that the late Executive Council, composed of the whole Council with the aforesaid additions, after remaining three weeks in office under the old but concealed system of withholding from their advice the affairs of the province, addressed to his Excellency Sir F. B. Head the confidential representation hereto annexed, praying either that the affairs of the province might be systematically submitted for their advice, preparatory to his Excellency's final and discretionary action thereon, or that they might be allowed to disabuse the public respecting the nature and extent of the duties confided to them. And the need of this request must have been injuriously felt, from the fact, notorious to us and to the country, that every act of his Excellency's administration proved either that the late Council had betrayed public confidence, or that his Excellency followed the advice of uncertain, unsworn and irresponsible persons, neither possessing nor entitled to political confidence.

In the above constitutional, just and reasonable representation made to his Excellency in official confidence under oath, his Excellency made the reply also appended hereto, and concludes, after denying the constitutional origin and duties of the Council, with the assurance to his 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." Under these circumstances, the Council feeling themselves under the alternative of abandoning either their principles or their place, honourably chose the latter. The afore-said representation and reply, his Excellency's Answer to us accompanying the same, and various other popular explanations given by his Excellency to the public, with the public proceedings on the same, together with various other documents connected with the subject, and the adopted Report of a Select Committee thereon, are all appended hereto for the more full information of your Honourable House, and the more ample communication of our wants and views. It is with pain, disappointment and humiliation, we notice the reiterated declaration of his Excellency to conduct our affairs without the advice of the Executive Council, according to his own will and pleasure, which his public acts have already proved to be arbitrary and vindictive. And this view of his own sole ministerial power and authority, with a nominal responsibility to Downing-street, he has sustained before the public by misstatements and misrepresentations so palpably opposed to candour and truth as to destroy all hopes of further justice from his government; all which is more fully set forth in the documents appended hereto. Since the registration of the late Council his Excellency has formed another, composed of Robert Baldwin Sullivan, Esq., and the Hon. William Allen, Augustus Baldwin, and John Elmsley; neither enjoying nor entitled to the political confidence of the people or their representatives. Upon the formation of this Council, although R. B. Sullivan, Esq. was sworn in and appeared to the public as Senior Councillor, upon whom, in the event of the death or absence of his Excellency, might devolve the administration of the government, yet a secret agreement was entered into, written in the Council Chamber by his Excellency himself, by which was to be defeated the apparent succession of the Senior Councillor to the administration of the government. This arrangement was denied by his Excellency to us in his answer to our Address on the subject; while on the other hand, the facts so derived are proved by the testimony of R. B. Sullivan, Esq. and the Hon. Captain Baldwin, both of whom are still retained by his Excellency in the Council. For other instances of his deviation from candour and truth, as well as of his utter unacquaintance with the nature of our constitution and the mode in which it should be administered, we refer to the appended documents, wherein are also detailed other grievances of an urgent and serious nature, to all of which we humbly pray the serious, speedy and impartial attention of your Honourable House. Being denied the beneficial and constitutional operation of our local institutions for the management of our local affairs; being threatened with the exercise of the unadvised, arbitrary government of his Excellency, virtually irresponsible, and being satisfied