

fore, that not only is the proceeding of the late Counsellors anomalous—as I have heretofore shown it was unconstitutional—but that upon every principle and legal and equitable practice, they have failed to establish their allegations against Sir Charles Metcalfe.

So much for their charges in general. Let us now examine them in detail. This is rather difficult, as they are so "bungled" together. I will, however, attempt to separate two or three from the mass. The first appears to be—as stated by Mr. Baldwin in his explanatory speech—"that his Excellency entertained a widely different view of the position, duties and responsibilities of the Executive Council, from that under which they accepted office"—that is the view expressed in the Resolutions of September, 1841.

Such is the first charge. Let us now examine its import, and the principle assumed and involved in the mode of its presentation. Mr. Baldwin does not condescend to inform the high court of Parliament to *what extent* Sir Charles's "view" is different from that of the late Council: nor what meaning he attaches to the *relative* terms "widely different" as orthodox and heresy. And who is assured that Mr. Baldwin's "views" of more than one question is not so squared and nicely adjusted that a hair's breadth deviation from it is "widely different"—so "widely different" as to prevent co-operation at all? There are as many ideas attached to the terms "widely different" as there are different intellectual constitutions. Some religionists now-a-days regard a difference in the form of ecclesiastical polity to involve a "view" and a fact as "widely different" as that which exists between a church and no church; and who is it certain that Mr. Baldwin does not hold that the least deviation from his opinion constitutes the "wide difference" between Responsible Government and no Responsible Government? Then again, Mr. Baldwin does not inform the court *in what respects* Sir Charles is heretical in his view of the "position, duties and responsibilities of the Executive Council." Suppose that the reader were arraigned before the assizes for holding a treasonable "view" of the doctrine of a subject's allegiance, and in consequence inculcating treasonable doctrines and practices, and that Mr. Baldwin were Attorney General or Queen's Counsel in the case; and that Mr. B. had stated in the first count of the indictment that the reader "entertained a widely different view of the position, duties and responsibilities" of a subject's duty, from that which was involved in the oath of allegiance and required by the laws of the land; and suppose the Judge or the Jury, or both, were to ask the counsel for the Crown to *what extent* the prisoner at the bar had held and taught a view of civil duty different from that enjoined by the laws of the land? and that Mr. B. should reply, "My Lord and gentlemen, his view is *widely different*"—and the court were to rejoin, *in what respects* is it different? And the Crown Counsel were to reply again, "*widely different*, my Lord and

Gentlemen"—what would be thought of such an indictment? And what would be thought of such a Counsel for the Crown? And what would be thought of a verdict of *oultty* on such a charge? Yet such is the charge on which the verdict of the Province is demanded against the Representative of the Sovereign—a verdict which involves (to use the words of Captain Irving, for which he received the "loud cheers" of the Toronto Association, to whom he addressed them) "his Excellency's retirement in dear old England *where tyrants have no power.* (Loud cheers.)

But what is the *principle* assumed and involved in this charge? It assumes and implies, that any view which Mr. Baldwin may please in general terms to declare "widely different" from his view of the "position, duties, and responsibilities of the Executive Council," is to be adjudged heretical and unconstitutional. Although the real or full import of his proscriptive declaration may, like the secret doctrines of the Greek philosophers or Egyptian priests, be confined to his own bosom, or communicated to none but the initiated, I think the Canadian people are hardly prepared for such political vassalage as this, and that Mr. Baldwin is too modest a man to assume the prerogative of political Pope of Canada; and that after the due consideration, therefore, he will abandon his mode of dealing with the character and rights of the Representative of his Sovereign.

Had Mr. Baldwin confined himself to *facts*, "free (as Mr. Howe says) from any theoretical dispute about general principles," he would have avoided this burlesque upon all constitutional legislation, and this great injustice against Sir Charles Metcalfe.

A second charge is, that "that difference of opinion has led not merely to appointments to office against their advice, but to appointments, and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by." This charge, like the former, be it remembered, is only the assertion of one party, and denied in all its essentials by the other. In the first place, how could the late Counsellors know, and therefore with justice or reason state, that an alleged opinion of Sir Charles Metcalfe on the abstract theory of Responsible Government led him to make appointments against their advice? Mr. Baldwin says that "he had never asserted or held that the Governor General had not the right to appoint whom he pleased against that advice, and he appealed to the past for the correctness of what he now asserted." Might not this admitted and undoubted right have been exercised by his Excellency from a simple judgment of the case involved, and not from any heretical opinion on the system of Responsible Government? They *could not* know it unless the Governor General had informed them. He denies the opinion attributed to him; he could not therefore have informed them of the fact embodied in their charge. Mr. Baldwin in his Toronto dinner speech, supposed that the Governor