

and expressly prescribed, especially as the communication was to be made, "*to the end, that they may be assisting in all affairs,*" but was merely to give the Council such and so many of the King's Instructions as were necessary to enable them effectually to advise upon those affairs respecting which the King had in His Instructions imparted His precise pleasure; for without such a communication of the Instructions, the Council might, from ignorance of them, adopt a course unintentionally opposite to them. It appears, therefore, to your Committee, that even according to the Instructions so *illiberally* and *unfairly* construed by his Excellency against our just rights, the Executive Council were generously intended by His Majesty's Government to advise upon "*all affairs,*" and that the Instructions were communicated merely to enable them to do it.

Report of Committee to Commons House of Assembly.

The oath taken by the Executive Councillors (of which a copy, hereunto annexed, duly certified in the Appendix, marked G.) is equally comprehensive. It is the same as the Privy Councillor's oath. Your Committee would ask, does not the Privy Councillor's oath prescribe his duties?—Are there any important duties incumbent on him which he is not sworn to fulfil? The oath being the same, the Executive Councillors are therefore bound by their oath to perform the same duties that the Privy Councillors (including His Majesty's Cabinet Councillors) are bound by their oath to discharge. His Excellency, nevertheless, in one of the communications which he has made to the people of Toronto, and which was plainly intended for *popular effect*, says, that it is, in his *judgment*, "*an oath of non-responsibility to the people;*" so that, according to his Excellency's views, *His Majesty's Cabinet Councillors are sworn not to be responsible to the people!* It may be worth while to notice for a moment the resemblance between the Executive Council and His Majesty's Privy Council: both are appointed by the King, and both are removable at pleasure. The members of both are indefinite; the King may increase or diminish them at His pleasure. Privy Councillors are appointed without any commission, merely by nomination and taking the oath of office; so are Executive Councillors. In some cases the King is required by express enactment to do certain acts "*with the advice of the Privy Council,*" that is, not contrary to their advice; in like manner the Lieutenant-Governor is expressly required in some cases to act only "*with the advice and consent of the Executive Council.*" The Privy Council is appointed for the affairs of the Kingdom; the Executive Council is appointed for the affairs of the Province. The oath of office of the Executive Councillors is copied from that of the Privy Councillors; so that the former are sworn to perform the same duties as the latter.

Finally, the King is no more bound by any express law to consult the Privy Council on all affairs of his Government, than the Lieutenant-governor is bound by express law to consult the Executive Council on all affairs of his government: neither is the King any more forbidden to act without advice or upon the suggestions of secret and irresponsible advisers in the government of his kingdom, than the Lieutenant-Governor is forbidden to govern the province upon like advice. And his constitutional advisers, the members of the Privy Council, are no more responsible for the advice they give to him, than the members of the Executive Council are responsible for the advice given by them to the Lieutenant-Governor.

Where, then, is the difference between the Privy Council in the United Kingdom and the Executive Council here? Is not the advice of such a council as necessary for the Lieutenant-Governor as it would be for the King, if he were here? Is the *representative* of sovereignty so much *wiser* and *better* than the Sovereign *himself*; so much more thoroughly acquainted with the affairs of the country in which he is a stranger to its history, and to the habits and opinions, interests and sentiments of the people, than the King is acquainted with the people among whom he was born and educated? Has the Lieutenant-Governor, who expects after a few years to leave us, and whose future prospects and hopes, as well as past associations, give him a personal interest in a distant land, so much more at stake in the welfare of this country, than His Majesty has in the prosperity and happiness, and affection of His people, and in the honour and dignity of His Crown? In short, do history and experience teach us that a Lieutenant-Governor, at a distance of more than 4,000 miles from his superiors, is so much more immaculate and infallible than his Royal Master; that he does not require the same councils which the constitution considers, and which an experiment of ages proves to be necessary for the King himself?

Even his Excellency admits that His Majesty should, according to the constitution, be surrounded by advisers responsible to the country, and that the King must consult them in *all* the affairs of the Kingdom.

There is not an argument in support of the necessity of such a system that is not equally, if not more, applicable to this colony, where the relative weight and influence of the popular branch upon the government is so small compared with those of the similar body in the parent country.

That the affairs of the Kingdom should be conducted by the King, with the advice of known and responsible Councillors, is not a rule or proposition laid down in any statute, but is a principle that is an essential part of our constitution, and if that part is destroyed, the constitution is materially changed; it is no longer the British Constitution. This principle therefore has been established by the necessity of the cases; and the same necessity upon which it rests in the mother country exists here.

Your Committee will admit that this principle (in practice) has been hitherto disregarded in the government of this province; and what sort of government have we had? In what condition has it put us? Let the records of your Honourable House, the statements of Executive Councillors of different political opinions, the King's Instructions to Sir Francis