

out to his council or advisers, in their collective capacity.

It will be observed, that he carefully and clearly distinguishes between *their competency or right* and *his obligation* that the former extends to "advice on all occasions, whether as to patronage or otherwise;" that the latter extends to "all cases of adequate importance." Yet has the Governor General been charged throughout with having denied the right of advice to his late Councillors.

It is the phrase "cases of adequate importance," which has been perverted and made so much capital of by the Associationist.—Let us examine it, before we proceed to the other parts of his Excellency's reply. The accusers of his Excellency represent that he is to be the judge of the "cases of adequate importance," and therefore that in the exercise of the undefined discretion which he thus reserves to himself, he can swamp the whole system of responsible government. This I entirely deny. I deny it not merely "upon authority;" but I affirm that his Excellency can be the judge of the "cases of adequate" *only in the initiatory part of an Executive act*, but that ultimately the *Council themselves*, either in their *collective or individual capacity*, are the judge of "all cases of adequate importance" in which their advice shall or shall not be given.

In the preceding (fourth) number of this argument I adverted to the fact that *two methods* had been adopted in the distribution of patronage intimated in the following words of his Excellency's protest: He appealed to the number of appointments made by him on the *recommendation of the Council, or members of it in their DEPARTMENTAL capacity*."—Here then, in "cases of adequate importance," the "recommendation of the Council" was given; in "cases not of adequate importance," the recommendation of individual "members of the Council in their departmental capacity" was acted upon: a distinction understood and acted upon by the late Councilors themselves. Now, this distinction the Governor General expressly states in the former part of this same reply to the address of the Gore District Council, and to which he of course refers in the phrase under consideration. He says, "If you mean that every word and deed of the Governor is to be previously submitted for the advice of the Council, then you propose what, besides being unnecessary and useless, (or not of "adequate importance") is utterly impossible consistently with the due despatch of business." Here then is the very doctrine of the heretical and awful phrase "cases of adequate importance."—Now, what does Mr. Hincks, in behalf of himself and colleagues, say in regard to this very doctrine? In his review of Mr. Viger's pamphlet, page 13, he says—"Every member of the late Council was as well aware as the Governor can be, that it is "physically impossible to make formal reference to the Council of every matter that comes up for decision;" nor did any of them desire such a system to be practiced. Every act [no conversation]

tion] of the Governor, however, must be communicated by his Secretary, and that Secretary should be a responsible minister thoroughly acquainted with the policy of which he is a member, and capable of advising the Governor on every subject *not of sufficient importance* [or not of "adequate importance"] to be referred to the Council. If the Secretary recommends any step, which for his own sake, he will not do, his colleagues will of course hold him responsible to them.'

This then is the identical doctrine, expressed in the almost identical words, which the Governor General stated in his reply to the address of the Gore District Council; and the phrase, "case of adequate importance," in the latter part of that reply, is a mere recognition of that doctrine in his Excellency's avowed course of proceeding with his Council. Neither the Governor General, nor any other person that I have ever heard of, has ever otherwise than professed that "every act of the Governor must be communicated by the secretary, and that secretary a responsible minister;" and I can further state upon unquestionable authority of that secretary (as he will doubtless state in Parliament,) that no act of the Governor has been communicated except by him since the resignation of Mr. Harrison. I have heretofore shown that it was impossible that any act of the Governor General could otherwise than be communicated by the responsible provincial secretary, as he alone kept the seal of the Province, the stamp of which was necessary to render any decision of the Governor General an act.—That any gentleman can, and doubtless will, state that such has been the invariable practice without exception.

But I am not yet done with this abused phrase "cases of adequate importance." In a preceding number I have shewn that admitting—contrary to fact, contrary to the declaration of his Excellency—the very worst construction that his accusers have sought to put upon his mode of making appointments; supposing him to have decided upon making appointments without knowing the sentiments of any member of the Council (the reverse of which his Excellency states to Lord Stanley) respecting it, his purpose could not become an act except through his *responsible* secretary, according to the doctrine of the late Counsellors themselves, as stated by Mr. Hincks in the passage above quoted. On receiving information, or direction as to that purpose or determination, the responsible secretary could, if he thought it *not* a "case of adequate importance" to require further ceremony, make out the commission and affix the official seal to it; or, if he thought it a "case of adequate importance," he could go and state his views to the Governor General respecting it; or, if he thought it a "case of adequate importance," he could lay it before one or all of his colleagues; and if they thought it a "case of adequate importance," they could send one or two of their number, or go in a body to his Excellency, and offer their advice and remonstrance, and if they thought it a "case of

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