

could retire; if they did not, they were responsible for they must defend the appointment. The dilemma the Governor was in was, that with the full knowledge of that constitutional principle he had made a recommendation adverse to their advice, and never shewed them or apprised them of it; how, in his own language, could they take their own course? they were in ignorance of his course, how could they take theirs? In this the whole difficulty consisted. He (Mr. F.) had no doubt, when Lord Grey authorized the appointment, he did it under the impression that the recommendation of the Governor had been shewn to the Council as it ought to have been, and as they had neither remonstrated or resigned, that they had deferred to it. Depend upon it, Lord Grey never would have authorized the appointment in any other way; he never would have interfered with the local patronage to gratify any Governor. After the Governor saw that the Council would tamely submit to such a proceeding, he knew that he had them at his feet. From that day they were prostrate, and to it may be attributed all the subsequent acts of the Government. His whole administration after that had been a government by Despatches, and effort after effort to curtail the principle of self-government and magnify the Colonial Office. * * * Before he left the Despatch, there was a remark of the Governor's worthy of note. He says 'I confess myself to be in great perplexity.' That was a state of mind a Governor with constitutional advisors, ought never to be in; why need he perplex himself whether there were three or six Judges, or who should hold one office or the other? His whole difficulty arose from his desire to have his own way, and do as he pleased; and had he been met with that independence and firmness that the rights of the people required, he would have been in much greater perplexity. It must not be supposed that he wished to deprive the Governor of what was his constitutional prerogative. He (Mr. F.) considered the maintenance of the prerogative of the Crown as essential to the liberty of the subject, as the protection of the rights of the people."