

The SOLICITOR GENERAL began by observing, that when this important subject was referred to a select committee, the house and the country had a right to expect that an able, statesman-like and temperate report would have been made, containing intelligible, if not convincing arguments, and referring to authorities which would at least have the appearance of plausibility, if they were not found absolutely conclusive in favor of the views of its framers:—he regretted however to state that in these expectations the country at least, if not the house, would be completely disappointed. The dispassionate and intelligent reader of the voluminous document then lying on the table, would search in vain throughout its pages for dignity of sentiment, patriotic views, or calm, convincing argument illustrative of truth: while, as a literary production, it would be found to be beneath criticism,—and in its general style and language, so marked with an utter disregard of all delicacy of feeling, and the ordinary courtesies of life, as to render it a disgrace to any legislative body that might sanction its promulgation. The speech of the Chairman of the committee, which had been addressed to the house, was but a repetition of the leading statements contained in the report, and like the report itself, contained not one solid argument, to sustain the new and most extraordinary interpretation of our Constitution which had suddenly broken in upon the minds of some of our self-styled reformers. It would not be surprising, therefore, if, in the course of the remarks he should address to the house, he should not refer very frequently either to the report or to the speech of the Chairman, as in fact his principal duty would be, to endeavor to supply information which had been altogether overlooked or disregarded by the advocates of the new theory. It appeared to him that the point to which the committee should have turned their attention, was the origin of Executive Councils in the Colonies,—the duties originally assigned to them,—and the responsibility, if any, which attached to them as Councillors:—had this course been adopted by the Committee, they would have been greatly assisted in coming to a correct conclusion—and why they had not done so, he would not stop to enquire, but leave it to the public to conjecture motives of which they could form as good an opinion as he could. Another advantage which would have resulted from this plan of investigation,

had it been adopted, would have been, that the committee would have informed themselves of the utter impossibility of the Lieutenant Governor's divesting himself of responsibility; and that by the Laws and Constitution, he is emphatically and distinctly responsible to the King as the head of the Empire, politically; and to the people of this Province, individually, in his private capacity, for every act of his Government, and that the Executive Council are not and cannot be made responsible to the people for any acts of theirs. Without further remark he (the Sol. Gen.) would proceed to show on what grounds and upon what authorities he rested these opinions. There were not many works extant containing a history of the Constitutions and forms of Government in the Colonies, but there were a few, and some of them giving a very explicit account of the Councils appointed by the Crown,—their duties and responsibilities, especially in the Colonies in America; and in order to attract the attention of the House to the line of argument he intended to pursue, he begged hon. members would bear in mind that it would eventually appear, that the Executive Council of Upper Canada, which it was contended was created by, as well as identified with, the Constitution of the Province, (as conferred by the 31st Geo. 3.) was merely the continuation of a body that had existed in Canada from the first moment of an organized Government after the Conquest, down to the period of the passing of that Act which divided the Province of Quebec into Upper and Lower Canada,—and which was precisely similar to those existing in the old Colonies, on this Continent and the West Indies.—The first authority he should cite in support of this argument was that of a gentleman who held the office of Chief Justice of Georgia, during the time that State was a Colony of Great Britain, and subsequently held high legal appointments in the West Indies. This gentleman in his remarks on the Council says,—

“They are to give advice to the Governor or Commander-in-Chief for the time being when thereunto required; and they stand in the same relation to the Governor in a Colony, that the Privy Council does to the King in Great Britain: in some cases the Governor can act without their advice and concurrence, and there are other cases in which the Governor is required by his instructions not to act without the advice and concurrence of his

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