

all such cases you are to decide, either to extend or to withhold a pardon or reprieve, according to your own deliberate judgment, whether the members of our said Privy Council concur therein or otherwise."

*Lepine's Case.*—One Lepine had been sentenced to death for the part which he took in the North-West rebellion. In 1875 Lord Dufferin, upon this authority, had reprieved Lepine, acting on his own judgment. It is true that he had consulted with his Ministers, but the consultation was to assist him in forming his own judgment. This case brought up very acutely the question of ministerial responsibility for the Governors' acts, and incidentally other questions arising under the Governor's Commission and instructions. At the instance of our Government Mr. Blake went to England and discussed the questions with the Government there.

*Mr. Blake's memorandum.*—A very important memorandum was submitted by him to the Colonial Secretary in July, 1876, in which he pointed out various objections to the terms of the Commission and instructions, particularly with reference to assenting or withholding assent to bills, and to the exercise of the prerogative of pardon where ministerial responsibility was excluded. I quote this extract from the memorandum:—

"The existing forms in the case of Canada have been felt for some time to be capable of amendment, for reasons which require that special consideration should be given to her position, and which render unsuitable for her the forms which may be eminently suited to some of the Colonies.

"Canada is not merely a Colony or a Province: she is a Dominion composed of an aggregate of seven large provinces federally united under an Imperial Charter, which expressly recites that her constitution is to be similar in principle to that of the United Kingdom. Nay, more, besides the powers with which she is invested over a large part of the affairs of the inhabitants of the several provinces, she enjoys absolute powers of legislation and administration over the people and territories of the north-west, out of which she has already created one province, and is empowered to create others, with representative institutions.