

Charles' reply to the Gore District Council, as the basis of the system of Responsible Government in that Province, and as containing all that he desired. The Toronto Associationists demand what the Reformers in the other Provinces of British North America do not ask for, and what the Imperial authorities declare is incompatible with monarchical institutions, and with the existing connexion between Great Britain and Canada. This is another trumpet voice fact, which I entreat the reader to consider deeply before he follows the Toronto Associationists another step.

But a careful examination of what Sir C. Metcalfe has stated, will demonstrate the agreement of his views with the resolutions of 1841. First, then, let those resolutions be stated and understood. They are as follows, as quoted by the late Councillors in their communication to the Governor General:

"That the head of the Executive Government of this Province, being within the limits of his Government, the Representative of the Sovereign, is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the Province;" and "that in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the Representative of the Sovereign constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

Such are the resolutions which are called the "Magna Charta" of Canada, and which Sir Charles Metcalfe is charged with having violated in practice and in theory. Let the reader consider their import. Do they involve any thing like the demands which I have shown in the preceding part of this discussion the late Councillors and the Toronto Associationists have made of the Governor General? Do they imply that the Representative of the Sovereign must state beforehand his views as to his future policy in regard to appointments to office, or any thing else?—Do they imply that H. E. must come to some previous understanding with his advisers as to the principle upon which the government is to be conducted? That he is to engage to make only one kind of appointments? That he is to consult only with the leaders of the majority? That he is to have no correspondence with persons on any of the affairs of the Province, except through his "chief advisers?" That he is to make no offer of an appointment without consulting his Council?—That he is not even to have a list of the names of applicants for office, except in the name of the Secretary of the Province?

shall agree to make the influence of his advisers the rule of distributing the patronage of the Crown?

Again, do the above resolutions require or imply that the chief advisers of the representative of the Sovereign should be *Heads of Departments*? I know that Lord Durham's Report recommends it, and that Sir Charles Metcalfe has expressed his own opinion to the same effect. But do the above resolutions—our Magna Charta—the only authority recognized by the Crown or House of Assembly—require it? Do those resolutions require that the "chief advisers" of the Crown shall consist of three, or six, or nine individuals? Do those resolutions require any thing as to the mode of intercourse between the Crown and its advisers?

Furthermore, do those resolutions, interpreted by the practice of men in various and less important positions in society, imply that no act whatever—how ordinary soever—can be performed by the head of the Executive without the formally expressed opinion of the Council? Is not the fundamental principle—the public "guarantee"—in those resolutions this:—That the advisers of the Crown shall consist of men who possess the confidence of Parliament,—having a right to retire from office whenever, in their judgement, the acts of the Executive are not in accordance with the wishes of Parliament, and the Parliament having a right to influence their removal whenever they countenance a policy adverse to the public interests? From this it is, I think, obvious, that the advisers of the Crown should be competent and have the right of offering advice on every act for which they are responsible—a right which the Governor General has as explicitly avowed as any of the late Councillors. But it does not therefore follow—taking usage as an interpreter—that any act performed by the Crown without consulting its advisers, is therefore, unconstitutional. A merchant has an agent or clerk; and strictly speaking, that agent or clerk has no right to perform any act without the sanction of his employer; yet he may perform many acts of which that employer is ignorant until after they are performed; but he is nevertheless responsible for those acts, and in most cases voluntarily adopts them after they are thus performed. And if an agent or clerk can do so as a matter of common usage and necessary convenience, may not a Governor do so without the actual advice of his own subordinate officers? Those officers could assume the acts of the Governor in either of two ways—by recommending them, or by adopting them, after they were performed.—They would act alike voluntarily in both cases; and there would be no more hardship in the one case than in the other. It has been represented as a hardship for a man to be held responsible for an act that he did not advise. It would be so if his responsibility were compulsory. But as an adviser of the Crown, no man need be responsible for an Executive act,—either before or after accomplishment unless he chooses. He can retire from office

any hour spontaneously. But suppose inconvenient their royal vice, and him that—this was for them gagement nothing v. i. g. contr coming d advisers of their o the Crow invading "tool."

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