

Government House, Toronto, Friday, 18th October 1839.

No. 1.
 Sir G. Arthur
 to
 Lord J. Russell,
 22d Oct. 1839.
 ———
 Enclosure.

PRESENT,

His Excellency the Lieutenant Governor.
 The Hon. Robert Baldwin Sullivan.
 The Hon. William Allan.

The Hon. Augustus Baldwin.
 The Hon. William Henry Draper.
 The Hon. Richard Alexander Tucker.

Upon the Meeting of the Council the Subject was resumed, and after an Expression of Opinion on the Part of the Members, and much Deliberation, it was agreed that a Report should be framed embodying the Opinions and Advice of the Council.

Government House, Toronto, Monday, 21st October 1839.

PRESENT,

His Excellency the Lieutenant Governor.
 The Hon. Robert Baldwin Sullivan.
 The Hon. William Allan.

The Hon. Augustus Baldwin.
 The Hon. William Henry Draper.
 The Hon. Richard Alexander Tucker.

The following Report was read, discussed, and finally adopted:—

May it please your Excellency,

The Executive Council, in pursuance of your Excellency's Commands, have taken into Consideration the important Question of a Dissolution of the House of Assembly, and have agreed upon the following Report:

Previously to the last Elections, the Majority in the Provincial Assemblies of Lower and Upper Canada, after urging a Series of Measures involving Principles which the Representatives of the Sovereign in both Provinces felt themselves bound in Duty to resist, and after impeding the Course of Government by the most factious and unreasonable Opposition, asserted the Principle of responsible Government, or, in other Words, of Supremacy of the local Assemblies; and in both Provinces the Majorities in these Bodies prepared to carry out these Doctrines, and to force them upon the Government by refusing the ordinary Supplies.

The Council do not feel it necessary to advert to the various Questions upon which the Disputes between the Assemblies and the Government originated and proceeded, until Issue was fairly joined upon this One Point. It became evident, that after the Claim of the Assemblies should be conceded all Considerations of Right or Expediency with respect to the Policy of the Government must cease, and that the Will of the Assembly must thenceforth become the only Rule of Action.

It is perhaps too late to inquire how far the Assemblies were encouraged to assert this supreme Authority by Attempts on the Part of the Government to conciliate, by yielding up minor Points, without a positive Declaration that Executive Powers should at all events be retained by the Queen's Government unimpaired; nothing could be more natural, however, than that the Assumption of Power should be carried to any Degree of Usurpation by the Assemblies, if they imagined that it only required Perseverance and Firmness for the Accomplishment of these Objects.

When the Point came to be tested in Lower Canada, the Assembly refused to continue expiring Laws, to vote Supplies, or exercise any of their Legislative Functions.

In Upper Canada, however, the Evils of a Suspension of Legislative Proceedings were looked upon with more grave Apprehensions than in the neighbouring Colony. The Plans of public Improvement into which, in accordance with the enterprising Spirit of the People, the Province had entered deeply, and the commercial Interests of the Country, in which the whole Population were concerned, made the Refusal of the ordinary Supplies of the Government a Matter of essential Importance. The Continuance of a State of Affairs in which the Legislature would refuse to act, and the Government merely carry into effect existing Laws, was most calamitous in the Lower Province, but in Upper Canada it could not be endured.

After Sir Francis Head had assumed the Government of this Province, it became necessary for him to try, by Test of a General Election, whether the People of the Colony concurred with their Representatives for the Time being in their Endeavours, at all Risks, to force their Plan of Government upon the Executive; and after trying the Experiment whether by a modified Course of Policy the direct Trial of the Question at issue could be avoided, he openly declared his Opinions as to the Incompatibility of the Plan of local Supremacy of the Assembly with Colonial Connexion, and by a Dissolution of the Assembly he left it to the Electors to say whether they would assist in carrying on a Government on what he considered Colonial Constitutional Principles.

Several General Elections in Lower Canada had previously shown that no favourable Result could be expected there from a new Appeal to the Constituency.

In Upper Canada a large Majority of Members in favour of the Principles upheld by the Lieutenant Governor were elected.

In Lower Canada the Government, not being willing to accede to the Claims of the Assembly, continued the vain Endeavour to conciliate the opposing Party, and to exercise Executive Functions as well as they could without Legislative Assistance.

The Opportunity offered by the Vicinity of the United States for calling in Foreign Aid to bring about the Independence of the Colonies led to Rebellion in both Provinces. In

Lower