

Government. The prerogative is in the hands of Sir Charles Metcalfe, was only fit to be put into their pockets; but the prerogative in their own hands must sanction, (to use Mr. Hincks's words) "*everything necessary for their complete junction*"—whatever it might be, whether truth or not—whether impeachment o' Sir Charles or praise of themselves; as advisers of the Crown, *they were* entitled to the *whole* of its patronage—not even Sir Charles himself had a right to a *crumb*, as he was no longer of *their party*!

Such is the source of these unprecedented proceedings; and such is the stream which has already issued from it—a stream which, if not turned into the legitimate channel of British responsibility, may undermine the very pillars of the throne and sweep away the best bulwarks of our constitution; and what is still more affecting to a human mind, overwhelm in its darkest waters of disgraceful obliquity, nay of perpetual infamy, the hard earned and hitherto unsullied reputation of one of the most upright, most generous, and most universally admired character in the British dominions.

A comparison of the present and former language of the late Counsellors towards Sir Charles Metcalfe affords a melancholy illustration of Tacitus' remarks—*Proprium humani ingenii est, odisse quem lasseris*. (It belongs to human nature to hate the man whom you have injured.)

Thus much then on the single point relating to the *mode* of proceeding on the part of the late Counsellors in their resignation, and the consequences of it. I shall next examine the still more important subjects of their explanatory statements and omissions.

NUMBER III.

HAVING proved I trust to the satisfaction of the candid reader, that the proceedings of the late Councillors, in their resignation, and against Sir Charles Metcalfe, were informal in every respect and unconstitutional in several respects; I now proceed to shew, that those gentlemen have failed to establish the allegations which they have made against his Excellency.

When I use the term "late Councillors," I do not mean to include each of them individually. Several of them are known to have been reluctantly acquiescing parties in the proceedings of the leaders; the circumstances in which they were placed were perfectly novel; they had not examined British precedents; the whole complex affair transpired in less than three days, so that they had not time for cool, minute, thorough, independent examination; they felt themselves bound in party hands; they submitted themselves into the hands of their capitals, since the prorogation they have acted with the silent dignity of retired ministers of the Crown; they have neither been party organizers, nor political disorganizers; some of them, I believe, have viewed the steps into which a temporary pressure led them, with concern, if not with misgiving and regret, and would

be happy of an honorable and safe escape from their present dilemma. To such parties I do not refer; their assent was general; and their conduct since has been unexceptionable. I refer especially to those Counsellors who made allegations against the Governor-General in the Legislature; who have repeated them with sundry additions and exaggerations at public meetings.—To Messrs. Baldwin, Sullivan, and Hinecks.

It may be also remarked that the retirement of the late Councillors was expected to be of short duration—some of them intimated that they thought it would be only a few days.—Had such an expectation been realized, a feat would have been performed worthy of the days of chivalry—a resignation—a restoration—a victory over the Crown itself—and all this in less time than the 16 days required by Cincinnatus to subdue the *Æquid Volsci* and re-establish the safety of Rome. However, the former only has as yet been accomplished.

The first anomaly that strikes the mind of an attentive observer of their proceedings is, the position in which they place themselves before the Legislature and the country. Their constitutional position is that of *defendants*; their *real* position is that of *plaintiffs*. They come before the jury of the Canadian public to answer for *their own* views and conduct: they answer, by arraigning the views and conduct of the *Governor General*! Now, a Canadian jury cannot constitutionally sit in judgement on the views and conduct of the Governor General; for the Resolutions of September 1841, declare, "that the head of the Executive Government of the Province, being within the limits of his government the representative of the Sovereign is *responsible to the Imperial authority alone*." No man can be justly arraigned before a tribunal to which he is not amenable. Cromwell had a *shadow* of constitutional pretension for arraigning Charles the first before even his Rump Parliament; but the late Counsellors have the Constitutional Resolutions of 1841, positively *against* their arraigning the views and conduct of the Governor General before any other tribunal than that of "the Imperial authority alone." Whatever therefore may be the intentions (with which I have nothing to do,) their proceeding involves a *direct* blow against a fundamental principle of the Resolutions of 1841, and an *indirect* blow against the colonial connection of Canada with Great Britain. If the Governor General can be arraigned before the Canadian Legislature for his views and conduct, he cannot be "responsible to the Imperial authority;" *at all*, for "no man can serve two masters." The very arraignment, therefore, of the views and conduct of the Governor General before the Colonial Legislature, *assumes* independence of the mother country. Nor is that all. It assumes the power of the Assembly over the Monarchy, and involves the destruction of Monarchical government itself. For, as De Lolme says—in the passage quoted in the preceding number—"the King himself can-

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