

sponsibility, except that which proceeds from a just desire to be constitutionally answerable to His Majesty, in case I should neglect the interests of his subjects in this Province.

With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives of the *Crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

For *their* acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because being sworn to silence, they are deprived by this fact, as well as by the Constitution, of all power to defend themselves.

EXECUTIVE COUNCIL CHAMBER AT TORONTO,  
Friday, 4th March 1836.

To His Excellency SIR FRANCIS BOND HEAD,  
K. C. H., &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

The Executive Council, impressed with the oath they have taken to discharge the duties necessarily resulting from their appointment "to advise the King and his Representative in the Government of this Province," in the terms of the Constitutional Act, "upon the affairs of the Province," deem it incumbent upon them most respectfully to submit the following representation :—

The Executive Council recognize the truth of the opinion expressed by LORD GLENELG, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of His Majesty's dominions." This unhappy condition they ascribe, in a very great degree, to the hitherto unconstitutional abridgment of the duties of the Executive Council. It appears from the proceedings of the House of Assembly, and from the reiteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of Local Government is altered and conducted according to the true spirit and meaning of the Constitutional Act. The delay of this just and indispensable course has already excited in the great mass of the people, a lamentable jealousy

and distrust, and has also induced the discussion of constitutional changes, the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st George 3, chapter 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition, seldom passed under the review of the Executive Council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the Constitution, as advisers upon public affairs. But amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing, in their defence, any participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium, has been the perpetuation of the misbelief that the Executive Council are conversant with the affairs of the Province, upon which they are appointed to advise: and although an opposite practice has generally prevailed between former Lieutenant Governors and their Council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the Executive Council and their duties, has been founded upon the terms of the 31st George 3, chapter 31, to which Statute the people used to express a firm attachment, an attachment which the Council believe never would have been impaired had the Constitution been administered either according to its letter or its spirit.

In several clauses of 31st George 3, chap. 31, the Executive Council is mentioned in general terms. In the 34th clause the terms are "together with such Executive Council as shall be appointed by His Majesty for the affairs of such Province," and not as it would otherwise have been expressed, "together with such Executive council as shall be appointed by His Majesty *for that purpose*." In the 38th clause the terms are "with the advice of such Executive Council as shall have been appointed by His Majesty, his heirs, or successors, within such Province for the affairs thereof," and not, as it would otherwise have been expressed, "with the advice of such Executive council as shall have been appointed by His Majesty, his heirs, or successors, within the Province *for that purpose*."

The same may be said of similar terms used in the latter part of the seventh clause.

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