

reserved a certain bill; which *views* and *manner* of making appointments, are alleged to be "inconsistent with the *principles* which had been introduced into the administration of affairs,"—that is, the *principles of Responsible Government*.

Be it observed, furthermore, that it is not whether Sir Charles Metcalfe's Councillors, are the most judicial and beneficial; but are his *Excellency's views* and *acts constitutional* or unconstitutional? If his *views* and *acts* are not unconstitutional, then is he an injured as well as an innocent man, and as such deserves the acquittal and sympathy and support of all good men. If his *views* and *acts* are unconstitutional, then would he, if a Sovereign, instead of the Representative of a Sovereign, be dethroned, either by decapitation, as was Charles the First, or by forced abdication, as was James the Second; but as it is he must be dethroned by removal.

It is not then upon *their own views* and *acts* that the late Councillors have come before the country, but upon the *views* and *acts* of the *Governor General*. They have come forth in the two-fold capacity of accusers and witnesses against the Representative of their Sovereign. They allege, that in their own persons, Sir Charles Metcalfe has both by avowals and acts, violated the established constitution of the people of Canada, and they claim protection and support from the people in *defence* of their invaded rights and privileges. The Governor-General pleads not guilty on *both counts*, and (to use his own words, in reply to the late Councillors,) "protests against its being supposed that he is practically adverse to the working of the system of Responsible Government which has been established— which he has hitherto pursued without deviation, and to which it is fully his intention to adhere." In denying the charges preferred against him, His Excellency alleges that which he resisted was unconstitutional—that he is the protector rather than the invader of the constitutional rights and privileges of the people of Canada.

Such are the allegations on which the Canadian public are called upon to decide; and it is to the testimony by which these allegations are sustained, that I invite the attention of the reader in the following pages. As a man he is bound to do to another as he would be done by in similar circumstances. As a juror it is his duty, whether sworn or not, to render a verdict according to *evidence*, without "fear, favour, or affection." This is all I ask in the present case, and this I am persuaded will not be refused.

In this investigation neither the reader nor the writer has any thing to do with the *motives* or *merits* of the parties concerned; but with the *facts* at issue between them. We are not fathoming motives, or comparing characters, but weighing evidence and drawing conclusions. I am hostile to neither party; I impugn the motives of neither party; but I have a duty to discharge to my Sovereign and my country. A living American writer has remarked, "When an idea is advanced,

we do not stop to inquire the intention of him who propounds it, but we regard the idea itself intrinsically, and determine its character accordingly, irrespective of the assertions or protestations of its author." And it is an equally just observation of an English periodical writer, that "good intentions are no justification for indiscreet conduct, which may bring scandal on a great cause, and which must inevitably place a sharp weapon in hostile hands."

Nor is the prevalence of the impressions in favour or against one party or the other, to be taken into account. First and even general impressions are not always correct. After the insurrection of 1837, unfavourable impressions were made far and wide against the late Postmaster of Toronto and Mr. Bidwell. But subsequent investigations corrected those impressions. The former has been appointed to office; and Sir F. Head's proceedings against the latter has been cancelled by Sir C. Metcalfe. If impressions have not been made far and wide to the disadvantage of the Governor General, it is a most extraordinary phenomenon. His accusers, respectable in standing and considerable in number, made their statements in the Assembly, without any one present authorised or qualified to correct or reply to them; they have held public meetings, formed organizations, made and published and circulated speeches to the extent of not less than several hundred pages, and all to the same effect; while the very position of His Excellency precludes him from the power or the privilege of defence, except through his advisers in Parliament. all he can do, is, as he has done in his replies to addresses, to deny the charges, reiterate the assertion of his views and complain of the injustice done him. Nor do I in this publication pretend to write a *defence* of His Excellency—though I do profess to defend him, as far as an examination of the evidence adduced against him will authorise me to do so. His defence, properly speaking, must be left to other hands, and for another place.

In the following pages I propose to shew—

1. That the proceedings of the late Councillors in their resignation, and against Sir C. Metcalfe, are informal in every respect.
2. That they have failed to establish the allegations which they have made against His Excellency.
3. That the statements of His Excellency are fully sustained by the testimony of his accusers and adversaries, especially that of Messrs. Sullivan, Hincks, Boulton and Brown—Editor of the *Globe* newspaper.
4. That the question at issue between the late Counsellors and Sir C. Metcalfe, according to the statement of several of themselves and others on different occasions, is not that which Mr. Baldwin stated to the House of Assembly and on which the vote of the Assembly was predicated.
5. That Sir Charles Metcalfe's statements of his views of Responsible Government involve all that is contained in the Resolutions of the House of Assembly, September 3, 1841,

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