

responsible, instead of the Governor? Would that restore the dead to life? Would that make good any injury that might otherwise accrue to individuals, or to the Colony?—But that was not all. The responsibility contended for was a mere shadow—[hear, hear]—a mere illusion of the fancy. The Governor was really, and tangibly responsible for his acts, and might be punished; as he should they occasion to show in the course of his argument. But how would you punish the Council? It was impossible to do so otherwise than by dismissing them, for this obvious reason, that as they are, and must of necessity be sworn to secrecy, it would be impossible to find who among them gave bad advice, and who opposed an improper measure. Thus, the punishment, if such it could be called, must be inflicted on the innocent as well as the guilty, or all must go free. If he had not misunderstood some hon. gentlemen who were in favor of the new system, they had contended that the Council should be consulted on all occasions, but admitted that the Governor might act upon their advice, or reject it, at his pleasure. How then would they hold the Council responsible? To be sure the late Council have said, We have labored under much odium, and we wish to be allowed to tell the people that we are not guilty, when any unpopular act takes place without our advice. Suppose this were granted, would not common candor require that they should tell the people that they did not deserve the credit of a popular act, if done against their advice? Where would be the obligation of their oath, if, contrary to it, they were thus to "respond to the people." Such a system of responsibility might have peculiar charms for some hon. gentlemen, but it was really beyond his comprehension to perceive its propriety. Just look at the absurdity of the Council communicating with the public whenever their advice was not acted on, and telling the people "We are not tyrants, but the Governor is a despot." Sworn agitators! [Hear, hear.] However fond of new things reformers might be, and whatever they might declare to the contrary, they did not, they could not wish for such a state of things, if they really had the peace of the country at heart. [Hear, hear.]

It had been argued that the Executive Council is here what the Cabinet is at home. Now this was just as absurd, and betrayed the same ignorance of facts, as the declaration in the Report, that the Governor has power to de-

CLARE WAR!—The Executive Council strictly resembled the King's Privy Council, and it might be worth while to direct attention for a moment to that body, and its powers. Some hon. gentlemen seemed to imagine that the King consults the Privy Council on all occasions; but in this they were entirely mistaken. The King could call on his Privy Council or any portion of its members for advice whenever he pleased, and they were bound to give him their assistance whenever required of them, & that too whether they agreed with the general policy of the government or not. The Privy Council, at present, was composed of a great number of gentlemen of different political views, and the King could act with or without their advice. They were altogether differently constituted from the Cabinet Ministers, which last held their offices virtually at the will of the House of Commons; but the changes of the Cabinet do not at all affect the Privy Council. The latter are bound by their oath to give their advice in any case in which it may be asked, but His Majesty is not obliged to ask it; but he may send for other persons, if he pleases, and consult them, and then act according to the best of his judgment.

During this discussion there had been various authorities quoted on the other side, and among others, that of Lord Stanley had been adduced; now he was also willing to refer to that able and honest nobleman's opinion given when he was a member of the Cabinet. He says,—

"—The Executive Council is a body acting in the nature of the Privy Council in this country—advising the Governor, but not responsible to him, and forming a Council against whose opinion as well as with it, he may act—and subject also to the control of the Treasury here as auditing and passing the accounts of the Province, so far as the jurisdiction of the Treasury extends."

So much for the opinion of Lord Stanley when a Cabinet Minister, and when it became necessary for him to inform himself of the constitutional duties and powers of the Executive Council. It will scarcely be found to favor the notion that the Executive Council were responsible to the people rather than to the Crown—and far less will it establish the opinion, that the Governor was bound by the Constitution to consult them except when he thought it proper and necessary to do so. He would next adduce that of the Hon. James Stuart, late Attorney General of Lower Cana-

da, a very that "it v Council w he never in quired the He, (the S the Execut he knew they were and the Go upon it, on Majesty ha Privy Coun Governor w his advise against wh Council, m jority of th annihilate t Such was n of this Pro hon. membe was much men did no rushed into more reman Councilors, Province int agined that secrecy, they upon all occ people the res hear.) Anon which had n alluded to th to the admin had been eul had ever bee (the Sol. Gen gentleman to a most excell last to detract When in Eng sed, and much ld monument memory of th men of Devon Exeter, bearin priate inscrip vices commen during the A Governor of person prove government diff point which v ate? No, it