

tive; namely, its exercise of the legislative prerogative of the Crown, and because its existence has been admitted by the present Secretary of State for the Colonies, in his instructions to my predecessor, Lord Gosford,—I mean the reservation of Bills for the Royal Assent. The “too frequent reservation of Bills” is a “grievance,” says his Lordship, “of which my inquiries lead me to believe the reality.” And in a subsequent part of the same Despatch, his Lordship admits, that, owing to this cause, great mischief has been done, by the wholly unintentional delay in giving the Royal Assent to some perfectly unobjectionable Bills, having for their object the endowment of colleges by benevolent persons. This delay his Lordship describes as “chiefly attributable to political events, and the consequent changes of the Colonial Administration at home.” I know not to what cause is to be attributed a delay, which produced, with respect to another Bill, the still more serious effect of a doubt of its legality, after it had been considered and acted on as law. This Bill* was reserved; and the Royal Assent was so long delayed, through mere inadvertence, that, when it was sent out to the Colony as an Act, the question was raised whether the Royal Assent had been delayed beyond the two years allowed by law, and whether, having been so delayed, it was valid.

One of the greatest of all the evils arising from this system of irresponsible government, was the mystery in which the motives and actual purposes of their rulers were hid from the colonists themselves. The most important business of Government was carried on, not in open discussions or public acts, but in a secret correspondence between the Governor and the Secretary of State. Whenever this mystery was dispelled, it was long after the worst effects had been produced by doubt and misapprehension; and the Colonies have been frequently the last to learn the things that most concerned them, by the publication of papers on the order of the British Houses of Parliament.

Ignorance of the people as to the proceedings of their government.

The Governor, thus slightly responsible, and invested with functions so ill-defined, found himself at the head of a system, in which all his advisers and subordinates had still less responsibility, and duties still less defined. Disqualified at first by want of local information, and very often, subsequently, by an entire absence of all acquaintance with the business of civil government, the Governor, on his arrival in the Colony, found himself under the necessity of being, in many respects, guided by the persons whom he found in office. In no country, therefore, could there be a greater necessity for a proper demarcation of the business of each public officer, and of a greater responsibility resting on each. Now, I do not at all exaggerate the real state of the case when I assert, that there is no head of any of the most important departments of public business in the Colony. The limited powers of the local government in a Colony necessarily obviate the necessity of any provision for some of the most important departments which elsewhere require a superintending mind. But the mere ordinary administration of justice, police, education, public works and internal communications, of finance and of trade, would require the superintendence of persons competent to advise the Governor, on their own responsibility, as to the measures which should be adopted; and the additional labours which fall on the heads of such departments in other countries, in devising improvements of the system and the laws relating to each, would certainly afford additional occupation, growing out of the peculiarly defective legislation and administration of Lower Canada. Yet, of no one of these departments is there any responsible head, by whose advice the Governor may safely be guided. There are some subordinate and very capable officers in each department, from whom he is, in fact, compelled to get information from time to time. But there is no one to whom he, or the public, can look for the correct management and sound decision on the policy of each of these important departments.

Want of responsibility in other departments of the Government.

The real advisers of the Governor have, in fact, been the Executive Council; and an institution more singularly calculated for preventing the responsibility of the acts of Government resting on any body, can hardly be imagined. It is a body, of which the constitution somewhat resembles that of the Privy Council; it is bound by a similar oath of secrecy; it discharges in the same manner certain anomalous judicial functions; and its “consent and advice” are required in some cases in which the observance of that form has been thought a requisite check on the exercise of particular prerogatives of the Crown. But in other respects it bears a greater resemblance to a Cabinet, the Governor being in the habit of taking

Constitution of the Executive Council.

* The 9 & 10 Geo. 4, c. 77. The period began to run in March 1829, and the Royal Assent was not given till May 1831.