

I shall first examine the evidence which the late Councillors adduce in proof of the assertion. I shall then adduce the evidence which has been furnished in support of the Governor-General's statement.

Here let it be observed that the naked conflicting statements of the two parties decide nothing on either side. As no man can be a witness in his own case, the assertions of the parties are not testimony. There is therefore from such statements no proof for or against either party. Such a case, without the shadow of proof either for the plaintiff or defendant, no judge would submit to a jury: and if he did no jury could come to any legal decision in favor of either party, as they would be bound by oath to give according to evidence, and as there would be no evidence in the case.

To what evidence, then, have the late Councillors appealed in proof of their statement? I answer, a resolution of the House of Assembly, seconded by Mr. Lafontaine, and voted for by his colleagues! That is, they adduce their own assertion on one Saturday to prove the truth of their own assertion of the previous Saturday!!! Was their assertion any stronger evidence on Saturday the 2d of December, than it was on Saturday the 25th of November? It was not evidence on the latter day, how came it evidence on the former day? Such is the evidence (!!) by which the late Councillors proposed to annihilate the statement of the Governor-General. Mr. Hincks says, "The votes of the ex-ministers for Mr. Boulton's resolution, which was seconded by Mr. Lafontaine, afford the best evidence that can be offered, that they did not require a "stipulation," in the ordinary acceptance of that term." (*Reply to Mr. Viger, p. 11.*) The last part of this sentence is significant on another point—it implies that the late Councillors did require a "stipulation" in some acceptance of that term.—But more on this point presently. Mr. Baldwin says: "Again, an attempt has been made to mislead the public into the belief that the disruption turned wholly on a demand by the ministry for a stipulation—as it is called—of an unconstitutional character. (Hear, hear.) But he (Mr. Baldwin) thought that his learned friend, Mr. Lafontaine, having seconded Mr. Boulton's addition to the address, was a sufficient proof that all they asked was that mutual understanding which Mr. Boulton's resolution not only recognised, but indeed declared to be absolutely necessary. (Cheers)" (*Toronto Association Speech, 25th March.*) Here then is the assertion of the late councillors as evidence in proof of their assertion! What a curious institution the administration of justice would be, were it conducted on such a principle! What admirable logicians! How profoundly learned in the law of evidence!—It is by the same sort of logic that Mr. Hincks proposes to sweep the Governor-General's whole protest by the board. In his reply to Mr. Viger, Mr. Hincks says, (p. 10), "We assert with perfect confidence, that the present Governor-General considers Responsible Government, as understood by the majority

of the House of Assembly, by Mr. Viger himself, by Mr. Buchanan, and Mr. Wakelield, his own great champions, to be inadmissible, as requiring a "virtual surrender of the prerogative of the Crown to the Council for party purposes." What then becomes of the protest?" Sure enough, after Mr. Hincks "asserts with perfect confidence," what becomes of the protest? Is it annihilated? No, it still survives. Is it in the nether world?—No! it still exists in this. Where is it then? Why after looking for it a moment or two, I find it just where it has been from the beginning; and I suppose it will require something more than the blast of Mr. Hincks to extinguish it, as little as he may think of the protest of the Representative of his Sovereign in comparison of his own "assert with perfect confidence."

But what does the resolution appealed to contain? Let the reader ponder its import, especially that of its concluding sentences.—It is as follows:

"This House, in dutiful submission to their gracious Sovereign, and with the utmost respect for the exalted station and high character of his Excellency, is most anxious to guard against any misconception which possibly might be placed upon the affirmative declaration of their opinion upon this delicate and vitally important constitutional question, and therefore most humbly beg leave to disclaim in a negative form, any desire that the head of the Government should be called upon to enter into any stipulation as to the terms upon which a provincial administration may deem it prudent either to accept or continue in office; that mutual confidence, which is essential to the well being of any government, necessarily presumes that they are understood, while a due respect for the prerogative of the Crown, and proper constitutional delicacy towards her Majesty's Representative, forbid their being expressed."

Such is the evidence to which Messrs. Baldwin and Hincks appeal in support of the assertion that the late Councillors had not required from the Head of the Government an understanding or stipulation as to the terms upon which the provincial administration had deemed it prudent to continue in office. Let it be noted, that the resolution says nothing of what has been, or has not been, but of what ought not to be. The question at issue involves a fact, as to what the late Councillors did, or did not; the evidence they adduce relates to expediency, as to what they ought not to do. Would such evidence be received in a court of justice? If it ought not to be received by a jury of twelve men, ought it be received by a whole country? Would the reader like to be condemned on a witness opinion, or rather the opposite party's assertion of what ought not to be, instead of testimony as to a fact? We enquire what the late Councillors did on Saturday, the 25th November. In reply, they tell us what they voted ought not to be done on Saturday, the 2nd December.—This, Mr. Baldwin calls "sufficient proof;" I dare say it is "the best evidence that can be

offered" by their "best" deserve ever

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