

form a cabinet. "If I had only the hope of forming another administration," said he, "I would have considered it my duty to do so," (despatch 3rd. Nov.) On the 1st. January, 1868, the Colonial Office, at London, approved of his conduct.

All this agrees with the instructions that the colonial offices gives to its governors. It forbids them to favor any party at the expense of the tranquillity of the Province, and it authorises them to choose, where they deem best, elements to form a cabinet when they see their advisers are powerless to carry on affairs. It goes farther still, after advising them to refuse dissolution to the ministry. The following is an extract from the instructions which serve as a basis for the conduct of all English Governors.

EARL GREY TO LORD METCALFE.

If your advisers succeed in submitting to you an arrangement to which there is no objection, you ought naturally to continue them in office as long as they give satisfaction. But if the present (Executive) Council cannot propose an arrangement to you that you can accept, *your most natural step will be, in accordance with the practice in this particular cases, to address yourself to the opposite party*; and if you can find there the elements of a satisfactory council, there will be NOTHING IRREGULAR ON YOUR PART IN DISSOLVING THE ASSEMBLY ON THEIR ADVICE. That will be the only means of removing the difficulties, otherwise inevitable, of conducting the affairs of the country in a constitutional manner. (Grey, Colonial Policy, vol. 1 p. 510)

§ 3.—To sum up all that is in accordance with the constitutional authorities which speak for themselves.

Earl Grey says:

• Upon such an occasion, the Sovereign ought by no means to be a passive instrument in the hands of his ministers; it is not merely his right, but his duty to exercise his judgment in the advice they may tender to him. And though, by refusing to act upon that advice, he incurs a serious responsibility if they should, in the end, prove to be supported by public opinion there is, perhaps, no case in which this responsibility may be more safely and more usefully incurred, than when the ministers ask to be allowed to appeal to the people from a decision pronounced against them by the House of Commons. For they might prefer this request when there was no probability of the vote of the House being reversed by the nation and when the measure would be injurious to the public interests. In such cases the Sovereign ought, clearly, to refuse to allow a dissolution. (Grey, Parliamentary Gov. p. 80).

Here is another high authority:

A valuable security against the improper exercise of this prerogative is that, before a dissolution can take place, it must be clearly approved of by