

Correspondence on the subject of the alleged acceptance of office by Mr. Speaker.

my thanks for the same; but, under the circumstances, I am under the necessity of declining the appointment and returning the Commission, and will by to-morrow's Post address His Lordship more fully on the subject.

I have, &c.

(Signed.) ALLAN N. MACNAB.

The Hon. D. Daly,  
&c. &c. &c.

Dundurn, 8th July, 1846.

My Lord,

Your Lordship will undoubtedly have heard from Mr. Secretary Daly, of my having returned the Commission appointing me Adjutant General of Militia; and I have now the honor to explain more fully to Your Excellency, what compelled me to take that step. In the first place it is due to Your Lordship that I should express my best thanks for the honor intended me, and for the kindness and courtesy which I have always experienced at Your Excellency's hands, and I trust you will not attribute my prompt return of the Commission, in any degree, to a want in the high respect that is due, and which I entertain for Your Lordship.

In the various conversations which I have had the honor of holding with Your Lordship on the subject of the Militia, and of my appointment to the Adjutant Generalship, it was my desire and endeavour to impress upon Your Excellency how anxious I was to be well supported in the subordinate officers of the Department. It was because I look upon the task of re-organizing the Militia, and of carrying out with effect the earnest desires and comprehensive views of Your Lordship on this subject, and of permanently and usefully superintending the whole body of the Militia throughout this extensive Province, as a difficult and weighty undertaking, and one to which I did not feel myself adequate, without the aid of able and efficient assistants.

Notwithstanding his want of military experience, I consider Dr. Taché quite eligible to the office of Deputy Adjutant General, more especially with a view to the Lower Canada population, and so expressed myself to Your Excellency: but he being a civilian, and unacquainted with military matters, I deemed it the more desirable that the other Deputy should be conversant with military affairs, and familiar with their details, and I took the liberty of submitting Colonel Cameron's name, as in my estimation possessing these qualifications. Although Colonel Macdonell was also spoken of, as proposed by some gentlemen of the Executive Council, I did not understand Your Excellency to entertain his recommendation in opposition to Colonel Cameron, and left Montreal under the full impression that Your Excellency had finally resolved in favor of the latter. With Your Excellency's sanction, I have communicated with him on the subject, and have done so in the persuasion that he had been selected for the appointment.

After leaving Montreal, I heard nothing more on the subject until the receipt of Mr. Daly's letter of the 3d instant, transmitting the Commission for myself, and intimating that after the fullest consideration with the members of the Council, Your Excellency had come to the conclusion, that it was more expedient to appoint Colonel Macdonell, Deputy Adjutant General, than any other person, and that you had directed the immediate issue of his Commission accordingly. Your Excellency may readily believe my surprise, when I found that he had been substituted for Colonel Cameron. I felt at once that, under such circumstances, I could not satisfactorily accept the office of Chief of the Department; and to preclude the possibility of any question respecting my seat in the

Legislative Assembly, and the Speaker's chair, which would be vacated by my accepting office, I, without a moment's delay, addressed a few lines to Mr. Daly, declining the appointment, and returning the Commission. (This I trust will satisfactorily account for what might otherwise have appeared an abrupt proceeding on my part.) I much regret that my name has appeared in the Gazette before he could possibly have received my communication. I of course can have no personal objection to Colonel Macdonell—his claims for the favor of the Government are well known to Your Lordship, and I would in no degree wish to detract from them. So far therefore as respects him individually, I am very glad that he is to receive preferment, though I could have wished his interests had been promoted in some other way; for I must frankly confess that I do not consider him the most eligible selection that might have been made, or possessed of the qualifications which I deemed essential: and distrusting my own ability to manage with advantage to the public, or with satisfaction to the Government, or to myself, so extensive and important a Department, without the aid of those in whose ability and fitness I can confidently rely, I am unwilling to venture upon the arduous duty under existing circumstances.

Mr. Daly's letter informs me that it has been determined to appoint Colonel Macdonell, in accordance with the advice of the Council; still I would respectfully remark that the office is not a political one, and that I do not understand the Council have, nor would I concede to that Honorable Body, the privilege of controlling in appointments of this kind.

That principle was, I believe, settled with the approbation of the Home Government under the Administration of Lord Melville, and his steadfast maintenance of the right of the Queen, and of Her Majesty's Representative, to exercise a free discretion in Militia appointments were, I supposed, clearly established. On the present occasion I believed that Your Excellency, in the exercise of an undoubted prerogative right, had approved of Colonel Cameron for one of the Deputy Adjutants General, an appointment to which the Council, I am sure, could urge no objections on political or personal grounds; and while I would strenuously maintain Your Excellency's constitutional right to make it irrespective of the Executive Council, I at the same time freely confess that it was equally in Your Excellency's discretion to defer to their advice, and relinquish the intention which had been formed, and to bestow the patronage of the Crown upon another, since it seemed to Your Excellency more expedient so to do.

Assuring Your Excellency that I have adopted the course which I feel best becomes me under the altered state of the arrangements, I will only trespass further to repeat my acknowledgments for the honorable and valuable office Your Excellency has been graciously pleased to design for me, and my regret at being obliged to decline its acceptance.

I have the honor to be, &c.,

(Signed.) ALLAN N. MACNAB.

The Right Honorable

The Lord Cathcart, K. C. B.

&c. &c. &c.

On motion of the Honorable Mr. Baldwin, seconded by Mr. Price,

Ordered, That the Honorable Dominick Daly, a Member of this House, now present in the House, be examined in his place respecting any certificates, warrants, or writs, or any other matter affecting the Representation of the City of Hamilton.

The Honorable Dominick Daly examined; as followeth:—

Correspondence on the subject of the alleged acceptance of office by Mr. Speaker.

Evidence on the subject of the Representation of the City of Hamilton.

Examination of Mr. Daly.