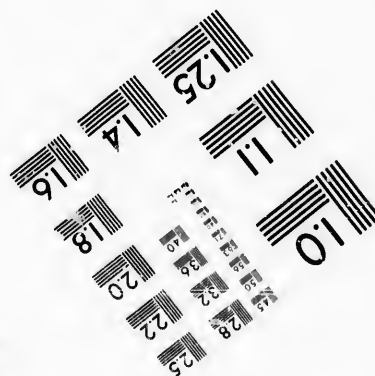
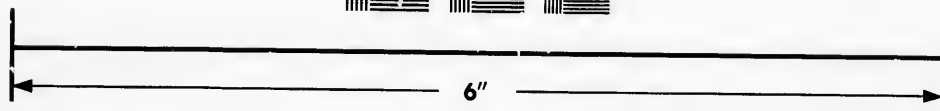
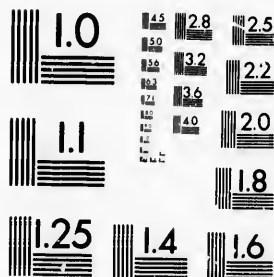


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503



**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques



© 1986

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- | | |
|--|--|
| <input type="checkbox"/> Coloured covers/
Couverture de couleur | <input type="checkbox"/> Coloured pages/
Pages de couleur |
| <input type="checkbox"/> Covers damaged/
Couverture endommagée | <input checked="" type="checkbox"/> Pages damaged/
Pages endommagées |
| <input type="checkbox"/> Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée | <input type="checkbox"/> Pages restored and/or laminated/
Pages restaurées et/ou pelliculées |
| <input type="checkbox"/> Cover title missing/
Le titre de couverture manque | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées |
| <input type="checkbox"/> Coloured maps/
Cartes géographiques en couleur | <input checked="" type="checkbox"/> Pages detached/
Pages détachées |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire) | <input checked="" type="checkbox"/> Showthrough/
Transparence |
| <input type="checkbox"/> Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur | <input type="checkbox"/> Quality of print varies/
Qualité inégale de l'impression |
| <input type="checkbox"/> Bound with other material/
Relié avec d'autres documents | <input type="checkbox"/> Includes supplementary material/
Comprend du matériel supplémentaire |
| <input type="checkbox"/> Tight binding may cause shadows or distortion
along interior margin/
La reliure serrée peut causer de l'ombre ou de la
distorsion le long de la marge intérieure | <input type="checkbox"/> Only edition available/
Seule édition disponible |
| <input type="checkbox"/> Blank leaves added during restoration may
appear within the text. Whenever possible, these
have been omitted from filming/
Il se peut que certaines pages blanches ajoutées
lors d'une restauration apparaissent dans le texte,
mais, lorsque cela était possible, ces pages n'ont
pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata
slips, tissues, etc., have been refilmed to
ensure the best possible image/
Les pages totalement ou partiellement
obscurcies par un feuillet d'errata, une pelure,
etc., ont été filmées à nouveau de façon à
obtenir la meilleure image possible. |
| <input checked="" type="checkbox"/> Additional comments: / Irregular pagination : {1} - 24, 23 p.
Commentaires supplémentaires: | |

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	12X	14X	16X	18X	20X	22X	24X	26X	28X	30X	32X
							✓				

The copy filmed here has been reproduced thanks to the generosity of:

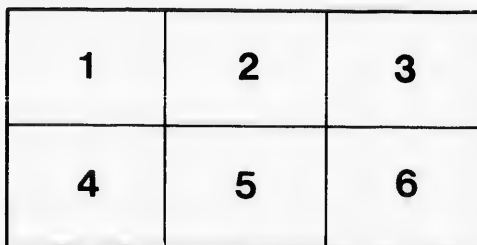
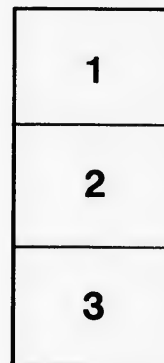
National Library of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Bibliothèque nationale du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

re
détails
es du
modifier
ar une
ilmage

es

errata
to

pelure,
n à

32X

150

RESPONSIBLE GOVERNMENT

FOR

TPC 2677
N. J. - Lavery

CANADA :

AN ENQUIRY AS TO THE

CAUSE AND CONSEQUENCES

OF THE LATE

MINISTERIAL RESIGNATIONS.

"It needs no change in the principles of Government, no invention of a new Constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the great principle of the British Constitution, and introduce into the Government of these great Colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient."—*Lord Durham's Report.*

MONTREAL: ARMOUR & RAMSAY ;
KINGSTON: RAMSAY, ARMOUR & Co. ;
HAMILTON: A. H. ARMOUR & Co. ;
QUEBEC: T. CARY & Co. ;
TORONTO: HUGH SCOBIE.

1844.

NOTICE.

The following pages were begun with an intention, on the part of the writer, of merely addressing them as a communication to a newspaper; but he soon found the manuscript extending far beyond the limits of a letter. To make a series of letters, would have been to render frequent repetitions necessary, and yet materially to break in upon the connexion of his argument. Hence its appearance in its present form.

The writer follows the course usual in such cases, of preserving his incognito; but from no love of the anonymous. In what he has written, he has carefully abstained from that personality of attack which constitutes its abuse and makes it so often objectionable. For the purposes of an argument that is strictly political, and neither assails private character nor deals in other than notorious facts, there is no occasion for the writer's name to be made public. On the contrary, if he be a well known man, his name will be likely to prevent his argument from being read dispassionately; if not, it may go very far to prevent its being read at all.

RESPONSIBLE GOVERNMENT FOR CANADA,

&c. &c. &c.

THE Official Gazette has lately told us that we have a new Provincial Ministry; provisional, no doubt, and incomplete; but still a Ministry, an Executive Council sworn to advise the Governor, and held accountable to the Province for the advice it shall give. The machine of Responsible Government, after the rude shock that for two or three weeks had seemingly stopped its movements, is again moving, though not altogether as it did before. Has the shock damaged it? Will the system work, or is its failure about to hurry us into a state of "constituted anarchy," worse than that from which Lord Durham and the Union, by making Canada a Province with a real Government of its own, promised to rescue us,—worse, because following upon the boldest remedial measure within the power of the Crown, because proving that measure insufficient, because leaving us no room to hope for the successful application of the principle of the British Constitution to the Government of a British Colony?

The question is one of no little moment, and seems to me to call for a more thorough examination of the subject than the limits of newspaper discussion admit. Random assertions affecting this public man and that, may be made by any one with little trouble, and if need be in few words. Of them, therefore, we are always sure in the war of politics to have enough and to spare. But in a case of this magnitude we want something more. For the public mind to judge correctly, the real facts of the whole case require to be stated, and the great principles involved in it discussed. It is not every one who has the time or the temper to do this. *Faute de mieux*, the occasion leads me to propose making the attempt. I am not vain enough to fancy I can succeed in doing all I wish. But as an Anglo-Canadian, an attentive observer for some years past of the course of Canadian politics, and not unacquainted with either of the two great sections of the Province nor with either of its races, I feel called upon to do my best. I have always been and am a staunch supporter of Responsible Government; I have never regarded but with extreme regret the bitter national jealousies that have prevailed in this part of the Province; and to my thinking, the great use of the Union is that it has given Canada the means of securing the former, and the opportunity of putting an end for ever to the latter. If it is to fail of either of these ends, every Canadian will have bitter reason to lament the failure.

At the opening of the Session of Parliament lately brought to a close, no one could doubt the fact of our having a Responsible Provincial Government, and a strong one too. Its majority in the House was such as hardly to leave the minority a chance to act at all against it.

Its measures, numerous and important beyond all precedent, seemed likely all to pass, almost by acclamation. Complaint might be made and objections, but no one supposed defeat possible on any question of the least importance. Two strong majorities were united; active organised opposition to them there was literally none. Out of doors there was more said, but not more doing. The Government was beyond question popular; whether or not its popularity was on the wane it might have been hard to say, but certainly there was no sign of such a re-action as could cheer its opponents with the hope of its early overthrow. The leading features of the host of Bills it brought forward for Parliamentary sanction were popular. On the one question that at one time seemed to threaten it—the removal of the Seat of Government—it gained a decisive triumph. Three weeks after, in the very middle as it seemed of a four months' Session, almost nothing finished, the scene changes. The Executive Councillors, all but one, are out of office. For a fortnight Parliament is in a ferment, debating the reasons of their resignation, and patching up and hurrying into laws a few of the great and some dozens of the little measures of the Session. All else is lost. The vacant offices remain unfilled. The scramble can only end with a prorogation; and now, after the prorogation, we have the announcement of a new but obviously provisional Administration.

To what is all this owing? Something wrong, it is quite clear, there must have been somewhere. Was it in the system, or only in the men? Must Responsible Government in a Colony of necessity lead to such results? Or is the fault traceable to any of the parties here charged with the task of carrying it into practical effect? Has the Governor General been wrong, or those, if any there were, who may be presumed to have been the secret, irresponsible advisers of the course he has taken; or should the blame rather rest on the ex-Ministers?

Let the fault rest with whom it may, if only it be not in the system itself, there is hope it may do good by the lesson it will have taught our public men, whenever it shall have been rightly understood, and its immediate consequences felt. The blunders of public men do mischief; but they are not without their use, inasmuch as they may serve, and often do, to prevent other public men from making worse. But if it be the system that is in fault, if it be in the nature of things impossible to make the machinery of the British Constitution work better in United Canada, the prospect is beyond question gloomy. We cannot advance further towards democracy than the forms of the British Constitution allow, but by first severing the tie that binds us to the Parent State.

And as to the *ancien regime*, the irresponsible rule of Downing Street checked only by the rival but worse domination of a handful of irresponsible officials in the Colony, those who can are welcome to think a return to it endurable. The tree must yield its fruit. Union or no Union, Canada can never be tolerably governed without representative institutions.—And representative institutions imply Responsible Government, or none—the British Constitution, or Absolute Democracy.

The more cheering view for me. In the late difficulties between the Governor General and his Council, I see no necessary consequence of Responsible Government, but merely mistakes made by men who should have known better. The cause of quarrel is not to be sought in the peculiar circumstances of Canada, which by some have been thought to make the experiment of constitutional government here unduly hazardous; in the sectional jealousies of two newly united Provinces, the past feuds of its two races, the rival claims of religious sects, the unforgotten animosities of civil war. It cannot even be referred to the peculiarity of the Colonial relation which has made some doubt the possibility of introducing the essential features of the British Constitution into any Colony. It was no question of Downing Street dictation, no matter at issue between the Colonial Office and the Colony; but simply and solely a question between the Representative of the Crown and his Provincial advisers, a question with reference to which Canada is so nearly in the position of an independent state, that in deciding it we may safely follow the very letter of British precedent.

At home, the relations between the Crown and its advisers have long since been settled beyond controversy; and there, ever since the revolution which established it, the system of Ministerial responsibility has in all respects worked well. The position of the Crown at home differs from that of the Representative of the Crown in a Colony in one particular alone. The Sovereign is held responsible to no one, and absolutely incapable of doing wrong. The Representative of the Sovereign though responsible for his acts to no one within the limits of his government, and incapable therefore of doing any wrong of which they can be the judges, is responsible for all his acts to the Sovereign whose delegate he is. Ministerial accountability at home is established by the mere will of Parliament; the two legislative bodies tacitly agreeing to hold certain servants of the Crown responsible for the exercise of all its Prerogatives, and the Sovereign acquiescing in the check thus placed on his authority. In a Colony the result is attainable only with the permission of the Mother Country, as the Governor's responsibility to the Crown makes it impossible for him to acquiesce in such a system unless with that permission. He must have had leave to act by Colonial advice and in accordance with Colonial opinion; and the instructions he receives from time to time must

be framed to admit of his so doing. As regards Canada, this permission has been accorded; and it is our own fault if we fail to hold our Governor's Ministers answerable to ourselves for the acts of his Administration. No doubt the Governor, from the fact of his responsibility to the Imperial authority, stands in a somewhat different relation to his Council from that in which the Sovereign stands to his Cabinet. The Sovereign can agree to any thing; the Governor, only to what he may conceive consistent with his duty as a delegate of the Sovereign. His share, therefore, in the actual administration of affairs must be more active than that which the Crown need take at home. He is bound to be of his Council in fact, as well as over it in name. But this distinction in no way affects the essential principle. We hold only the Councillors answerable to us; the Crown alone holds him responsible. If, indeed, the Crown were to command him to do what no Councillors responsible to the Colony dare be responsible for his doing, the case would be one of threatened collision between the Colony and the Parent State. In such a case, however, there would be far less probability of actual collision than under the old system; for the discussions to which such orders would give rise, instead of at once coming before the public to excite the public passions, would be carried on quietly at the Council Board and by confidential despatches, between public officers sworn to the discharge of their duties, and who may be presumed to have a common interest in preventing mischief. But that, I repeat, is not this case. Whether the retiring Councillors were right or wrong, is a mere question as to the relations between a Governor and the Members of his Executive Council; and British usage is the test by which it is to be decided.

In my opinion, the retiring Councillors were in the wrong; so decidedly in the wrong, that I cannot hesitate to charge upon them the deep responsibility of having brought about, by their mistakes, the collision that has taken place. I say "mistakes," advisedly, because I have no wish to charge them with any graver fault than a misapprehension of their public duty. Some of them, I feel sure, must have been drawn reluctantly, and against their better judgment, into the rash course they have taken, by the over-urgency of the more unquiet spirits of their number. And even of the latter class there are those, whose personal motives no one but a hostile partisan would impeach.

On Monday, the 27th ult., Mr. Lafontaine announced in the House the fact of the resignation, in terms altogether unexceptionable, promising an explanation at as early a day as he and his colleagues should be in a position to render it. The day but one after, Mr. Baldwin proceeded accordingly to give it, in a speech of considerable length and ability, which stated, however, no special facts out of which the resignation had necessarily arisen, but merely asserted, and sought to prove, a general difference of views as to Responsible Govern-

ment between the Governor General and the resigning gentlemen; a difference of views which had for some time led to certain practical embarrassments in the conduct of the Government, but of the existence of which they, the ex-Ministers, had but lately become quite aware. This speech over, the Councillor who had not resigned read in his place, observing that they appeared to him to explain the circumstances of the case far better than the statement just made, two documents; the one a note from Mr. Lafontaine to the Governor General, in substance identical with Mr. Baldwin's speech; the other the Governor General's reply to Mr. Lafontaine, detailing the facts of the resignation, and protesting in strong terms against the explanation which the ex-Councillors were about to give, as mis-stating the whole affair, and especially misrepresenting His Excellency's views. Here, for the time, the matter ended; for the House, with a very proper sense of the nature of a parliamentary explanation, would not suffer further rejoinder. But in the Upper House, where the explanations did not take place till the day after, another of the ex-Ministers, Mr. Sullivan, not only commented at length, and with much freedom, on the Governor's letter, but added to the statements it contained, and to those made by Messrs. Lafontaine and Baldwin, several other assertions as to matters of fact, then for the first time connected with the resignation. In the debates that followed in the Lower House, the ex-Councillors who spoke, seemed to vie with each other in making new disclosures; and stories were told, one after another, of the course taken about all sorts of appointments by the Governor and his predecessor, as though the gentlemen who told them had really forgotten, that when they took office, they took the Executive Councillor's oath of secrecy, as to all that should ever come under their notice in that capacity.

Much has been said of the unconstitutionality of the production before Parliament of the Governor's letter to Mr. Lafontaine. Of course, no one acquainted with English parliamentary usage can pretend to say that it would be thought constitutional in England, to put forward the Sovereign's name so prominently in a controversy on a great constitutional question. But it is a mistake to suppose that a letter from the Sovereign, stating the Sovereign's opinion on a political question, cannot, under any circumstances, constitutionally form part of a parliamentary explanation. No longer since than in 1839, such a letter, addressed by Her present Majesty to Sir Robert Peel, was actually read in the House of Commons; and no one thought of complaining that its production was in any way irregular. Lord Melbourne's Ministry, it will be remembered, resigned office on the 7th of May in that year, in consequence of a vote in the House of Commons on the Jamaica Government Bill. The next day the Queen charged Sir Robert Peel to form a new Government; and, on the day after, Sir Robert Peel laid before Her Ma-

esty the names of the Ministers who were to form his Cabinet. The list was approved, and the new Premier proceeded at once to advise Her Majesty, that in his opinion it would be necessary, on grounds of state policy, to remove certain of the Ladies of Her Majesty's Household. The Queen demurred to this advice, and the day following addressed to Sir Robert the following letter:—

“BUCKINGHAM PALACE, May 10, 1839.

“The Queen having considered the proposal made to her yesterday by Sir Robert Peel, to remove the ladies of her bedchamber, cannot consent to adopt a course which she conceives to be contrary to usage, and which is repugnant to her feelings.”

This letter, embodying—in a few words, it is true, but still embodying—the Queen's personal reasons for disagreeing with her advisers on a point involving a constitutional principle, was read without cavil in the British House of Commons; not as a rejoinder to Sir Robert, I admit, but by him and as part of his opening explanation. Having in his hands the written expression of her Majesty's opinion on the point in controversy, that statesman, no mean authority on a question of constitutional usage, felt it his duty to state to the country that opinion in no other words than those which the Queen herself had seen fit to use.

If from British we turn to Canadian precedent, the case becomes far stronger. Only last year the memorable letter of Sir Charles Bagot to Mr. Lafontaine, a letter embodying in it quite as direct an appeal to Parliament and the country as Sir Charles Metcalfe's does, was read in the House of Assembly, under circumstances so similar as to make the precedent absolutely perfect; and at that time four of the nine Ministers who have just retired from office—Messrs. Sullivan, Dunn, Killaly, and Hincks—were of the number of Sir Charles Bagot's responsible advisers. The orators of their party are now loud in condemning the production of the Metcalfe letter, and Messrs. Sullivan and Hincks have contrived to be among the loudest and most indignant of them. Alas! that the rapid changes of Canadian politics should make some Canadian politicians' memories thus lamentably treacherous!

I am not to be understood, however, to maintain that the ordinary production of letters of this description is desirable, or would on constitutional grounds admit of defence or apology. I admit that such free use of the Vice-regal name is irregular, and ought not to have been made. But, on the other hand, it ought not to be rendered necessary. Mr. Lafontaine's note told Sir Charles Metcalfe that he and his colleagues were about to state positively in Parliament that he (Sir Charles) held certain unpopular and most mischievous opinions on a great constitutional question. It was the outline of a special pleader's argument in proof of this proposition. Appointments, it stated, had been made against or without the advice of the Council, and the Governor had determined

to reserve a bill brought in and carried as a Ministerial measure. But it did not specify the obnoxious appointments nor the reservation of the bill as the cause of the resignation, as acts that they could not on principle defend, and which therefore forced them to leave office. They were cited as the evidence of the mischievous tendency of certain alleged personal opinions about Responsible Government. To prove that he entertained the opinions ascribed to him, expressions made use of by him in the course of the long discussion which the subject underwent in Council were freely paraphrased; with what degree of fairness in his opinion, his reply clearly shows. Public rumour, even, was dragged in to complete the chain of proof on the two points. It was upon them, in short, that the resignation is distinctly declared to have taken place. Mr. Lafontaine and his resigning colleagues, says the letter, "have recently understood that his Excellency took a widely different view of the position, duties, and responsibilities of the Executive Council, from that under which they accepted office, and through which they have been enabled to conduct the Parliamentary business of the Government, sustained by a large majority of the popular branch of the Legislature." This difference of opinion had led to appointments to office against and without their advice, and to the reservation of the Secret Societies Bill. His Excellency, when they remonstrated against these acts, frankly told them there was "an antagonism between him and them on the subject." The public had even become aware of the fact, and magnified it to their cost. To be sure, the Governor said he did not mean to change the system he found established, but "he did not disguise his opinion" that another system would work better. As a mere matter of theory they might not have cared much about this opinion; "but when on Saturday last they discovered that it was the real ground of all their differences with his Excellency, and of the want of confidence and cordiality between his Excellency and the Council since his arrival, they felt it impossible to continue to serve her Majesty as Executive Councillors," &c., "IF his Excellency should see fit to act upon his opinion of their functions and responsibilities". Now, in the whole course of British history from the Revolution to the present day, was there ever an explanation like this offered to an English House of Commons? Did ever ex-Ministers of the Crown of Great Britain propose in their place in Parliament to attempt to prove the personal opinions of the Sovereign unconstitutional, and the Sovereign himself, by necessary inference, unfit to reign; assert that these opinions were the cause of a want of cordiality between him and them; and tell Parliament they had resigned because they felt they could not consistently remain in office if he should see fit to act upon such opinions? Yet this is what our ex-Ministers have just been doing, with reference to the high functionary whom they profess to clothe with every

Regal attribute. And they of all men to affect surprise and indignation, that he should have defended himself against a charge thus monstrously unprecedented and unconstitutional, in what they are pleased (facetiously, one might suspect, were they not grave public men) to call an unprecedented and unconstitutional manner!

What was the Governor General to have done, when Mr. Lafontaine's note apprised him of the course which these sticklers for British observations were about to take? Was he to have preemptorily refused them permission to explain? In England, unquestionably, were it possible a minister could there be supposed to intend such a course, permission would be withheld. While there withheld, the lips of an ex-Minister are sealed. His friends may defend him, but his own voice is unheard, no matter what the temptation, till such time as the permission shall be accorded; and whatever the limitations imposed when the permission may be given, the inexorable common law of Parliament compels him to observe them. But the system is here new. Mr. Viger's keen sense of right, and intimate familiarity with constitutional usage, did indeed lead him to remonstrate strongly against the offering of explanations without full and express permission, and to ask Mr. Baldwin whether or not he had that permission from His Excellency, with reference to the statements he was then making. And what was the ex-Minister's reply? "I have; and if I had been refused it, I would have come down to this House, would have stated at once the fact, and would have fearlessly called upon the House to believe of myself and my colleagues every thing good and nothing evil." British precedent again!

To my judgment the Governor's letter ought to have been read by those to whom it was addressed, as a *conditional refusal* of the permission to explain. It ends with an energetic and formal "protest" against the explanation they were about to make. That it embodied a counter explanation is nothing to the point. Of course I have no idea but that it was intended it should be read in the House by Mr. Daly, in case the explanation it protested against should nevertheless be made. It is quite evident that the Governor General thought it would be necessary, if the ex-Ministers grounded their resignation on what they asserted to be his personal opinions, to meet that assertion with his own personal denial. But how ought they to have acted with this written protest in their hands? In England, the permission to explain is asked in writing; and the answer to the request, of course also in writing, is made by a responsible minister. In the case of the explanations of 1839 already quoted, Sir Robert Peel took the precaution of reading in his place Lord Melbourne's note to him, to the effect that his Lordship had taken the Queen's pleasure upon the subject and was authorised to signify to him "Her Majesty's full permission to ex-

plain the circumstances under which he recently relinquished the attempt to form an Administration." Will it do to say that here in Canada an unrecorded conversation of one or more gentlemen with a Governor General, in the course of which they understand him to have given them such a permission, but which is followed, first, by a request for a written statement of the intended explanation; and then by a written emphatic protest against that statement, authorises them to come down to Parliament and by their organ make that same statement and enlarge upon it in a set speech, without so much as letting fall a hint of the existence of the protest? Sir Robert Peel, we have seen, read the Queen's letter as a part of his explanation. If these gentlemen took the opposite course because they thought the public reading of Sir Charles's letter would be unconstitutional, it was their bounden duty so to have advised His Excellency; for they were then, strictly speaking, just as much his advisers as they had ever been. A very few hours' delay at most would have enabled them to do so. And a conference on the subject might and should have resulted, if not in an absolute clearing up of the whole matter in dispute, at least in the preparation of such a statement as should have rendered the Governor's protest unnecessary, and prevented the discreditable contradictions as to matters of opinion and fact to which the opposite course has led. Knowing as they did beforehand, that the protest would certainly be read if the assertions it protested against should be then made, they rendered themselves responsible to the country for the protest, by the act of proceeding, as they did, to make those assertions.

Had the matter ended here, it had been bad enough. Bad as it was, there was one way to make it worse. It was just possible that Executive Councillors, sworn to secrecy, could allow themselves to think that a permission such as I have described absolved them from the obligation of their oath, and permitted them to tell the House any thing that in the heat of debate should strike them as being worth their while to tell, about this man's appointment, and that man's application and private history, and an offer of office to a third, and an accident that prevented another offer from being made, and the circumstance of one Councillor's hearing of a certain fact from the lips of the Governor General while other Councillors heard of the same or other facts in the streets, and the asserted acts and opinions of an absent man, (also sworn to secrecy as to both,) nay, even the personal actions of a Governor no longer living! But surely no one ever dreamed that a British precedent could be found for Ministerial revelations like these. At home, every public man is forced to act under a sense of the monstrous unfairness of such bit-by-bit disclosures,—of the destruction of all public confidence that must be the consequence of ever suffering any man to make them.

But, waiving altogether these considera-

tions, and supposing for the moment the proceedings of the ex-Ministers to have been in point of form as regular as they really were irregular, I maintain (and the distinction is one of the utmost importance) that the ground of their resignation, as stated by themselves, was not one upon which, according to British usage, a Ministry has a constitutional right to resign. By their own showing, they resigned on an abstract principle, an alleged difference of opinion between the Governor General and themselves as to their "position, duties, and responsibilities." Now in England, when a resignation occurs in consequence of a difference between the Sovereign and his advisers, it is invariably made to take place upon some given, unmistakable fact or facts; never upon a general, debateable principle. Since the passing of the Reform Bill, there have been two instances in point: the one in 1832, when William the Fourth refused to create Peers to carry the Reform Bill; the other in 1839, when the present Queen refused to allow the dismissal of certain Ladies of her Household. In these cases it would have been easy for Lord Grey and Sir Robert Peel to have said to Parliament, "the Sovereign and I clearly take a widely different view of the position, duties, and responsibilities of the advisers of the Crown. I abandon the attempt to conduct the government of the country, because I feel it impossible to hold office with consistency if the Sovereign should see fit to act on the opinions I object against." There really was in both instances a wide difference of opinion, and one that extended to this as well as to a variety of other most exciting questions. But no. The object there always is as much as possible to narrow—never to widen—any breach between Royalty and those who are presumed to speak the wishes of the nation. To quarrel with the Sovereign upon a general principle is to make the Crown a party to a public discussion of the principle, to set it at feud with some one or more of the great parties in the State, to force it either to triumph over them, or to humble itself by concessions that in the end must prove fatal to its existence. Even in England, deeply and firmly as her limited monarchy is rooted in all the institutions and habits of the nation, such a course could not be taken many times without resulting in the overthrow of the Throne. Perhaps, if Lord Grey had taken it in 1832, that one shock alone would have so resulted. He took the other course, because like every other English public man he was well acquainted with this great principle of the English constitutional system. He contented himself with telling Parliament two simple facts, about which there could be no mistake: the first, that the Cabinet had tendered to His Majesty their advice that he would be pleased to create a number of Peers to enable them to carry the Reform Bill through the Upper House; the second, that His Majesty had declined to act upon that advice. The House of Commons was called on to pronounce no direct judgment

upon the King's opinion. It simply declared its confidence in the Ministers. The King could take them back without having to recant any opinion. They came back to power, and the Reform Bill was actually carried without the King's having to create the Peers after all. In 1839, again, Sir Robert Peel's facts were to the same tenor; in view of all the circumstances under which he was called upon to form a government he had thought it requisite to advise Her Majesty to remove certain of the Ladies of her Court, by way of strengthening the new Administration; Her Majesty had refused to do so; and he had in consequence felt it impossible for him to undertake the conduct of the government. Still, no judgment asked as to the Queen's opinions. The former Ministry were strong enough to return to office; and when two years later, they had become too weak to hold it, the Peel Administration came in, without its having ever been made necessary to determine the general abstract question that had really been at issue.

Such is the wise rule established in the Mother Country by an unbroken chain of precedents ever since the establishment there of Responsible Government. If our ex-Ministers had rightly understood the system they profess to be maintaining, they never could have made the gross mistake of which their own plea convicts them. Quarrel on a matter of opinion with a Governor enjoying the highest reputation for political sagacity with men of all parties in Great Britain; when, as they were bound to know, no public man in Great Britain ever thinks of a quarrel of opinion with the Crown! And this, too, although from the tenor of their revelations it would seem that they could with ease have taken the safe British course of resigning on a fact, had they only been so minded!

From the explanations of the resigning Councillors, I turn to the essential fact of the dispute as it is disclosed by Sir Charles Metcalfe's letter. On the Friday before the resignation Messrs. Lafontaine and Baldwin, it appears, waited on the Governor General, and told him it was their wish and that of their colleagues who had deputed them, that His Excellency should agree that in future, before making any appointment or offer of appointment, he would cause to be laid before the Councillors, a list of the applicants for such appointment; that the Councillors were to be at liberty to recommend any one they pleased whether on the list or not, and that he, the Governor, would at all events make no appointment prejudicial to their influence. In the event of his refusal they gave him distinctly to understand that they should feel it their duty to resign. The Governor did refuse to be a party to the proposed agreement, and the further discussion of the matter was put off to the Council meeting to be held the next day. There the subject was debated at great length; but the Governor persisted in his refusal, and on the following morning (Sunday) the resignations were tendered in form.

The truth of this statement it is impossible to question. As the propositions were not at first made in writing, and became afterwards the subject of a long discussion, in the course of which they were naturally expressed in a variety of form, no one can be sure of the exact words used; but their scope and intention no one can for a moment doubt. Exception was taken by one or two Speakers in the House of Assembly, to the use of the word "pledge" in reference to them; but with what show of reason it is hard to see. The Governor General was certainly required to come to a distinct understanding with the Councillors, to give them a positive promise, assurance or pledge (the words all mean the same thing) as to the manner in which he would from that time forth exercise the Royal Prerogative of appointing to office under the Crown.

The preferring of this demand was a blunder second to none of the many of which they stand convicted. One might almost venture to call it the great and crowning blunder of the whole. Assuredly, it is not to be wondered at, that their own statement did not disclose the fact of its having been made. Before the days of Responsible Government in England, it was common enough to demand pledges from the Crown; and right often were they given, and right often broken. After several civil wars, the beheading of one King and the dethroning of another, John Bull found out that pledges were of wonderfully little value, and in a happy hour hit upon the expedient of utterly abjuring them, declaring the Crown incapable of accountability to any one, and holding its servants instead liable to a strict responsibility to himself for every thing they should do at its bidding. In Canada, too, we have had our troubles; complaint after complaint of gross mis-government; pledge given upon pledge, that every thing should be set right directly; Governors in quick succession driven home by agitation, owing to the eternal violation of these pledges; and at last, to make the parallel complete, a civil war. After the civil war we are told that we too may try the remedy that at home has been found to act as a specific for all these symptoms; that instead of begging or bullying for promises, and quarrelling with Governors for not making or not keeping them, we may quietly take care of ourselves, if we please, by holding our Governor's Ministers responsible, as in England they hold the Ministers of the Crown. Our very Ministry, the champions of the new system, are hardly warm in office before they are off on the old tack; insisting on promises from the Governor, and denouncing him to the country because he says he will not make them.

Why, the very first axiom of British Constitutional Law is that "the King can do no wrong"; in other words, that he cannot be held responsible in any sense or way for any public act to any one. But the act of giving a pledge as to a future course of conduct, no matter who is the party that gives it, makes that party accountable to those to whom it is

given. The only sort of pledge an English King can make is a pledge *made through his Ministers and on their responsibility*; not a pledge to them or any one else upon his own. A King who has bound himself by a personal engagement to his Ministers, or to either House of Parliament, has made himself personally responsible, so far as the subject matter of that engagement is in question, to those Ministers, or to that House of Parliament. It is an absurdity in terms to say that he can take such a step without instantly ceasing to be the King he is. Instead of being a Sovereign incapable of being charged with wrong, as the Constitution declares him, he would have declared himself liable to be charged with wrong—to be called to account as to the manner in which his pledges may or may not be redeemed, and, by necessary inference, liable to censure or punishment, if, when so called to account, he shall fail to satisfy his subjects on that head. The essential feature of the British Monarchy, as at present constituted, would be lost; and whatever it might for a time continue to be called, it would have become in fact, from that instant, either the unbalanced Monarchy of the olden time of civil wars and dethronements, or else a Republic.

If, indeed, the people of England chose to make this change—a thing their statesmen are much too wise, by the way, to think of—no one doubts their power to bring it about. The same "right of revolution" that established the present system in 1688, could establish another. There is no third party in the case. If the nation willed it, the Sovereign *could* accede to the change, precisely as James the Second, when the nation willed it, *could* abdicate.

The Representative of the Sovereign here, however, has not even this matter of fact power, to assent to such a departure from the rules of the established Constitution. He is not merely not accountable to us; he actually has not it in his power to make himself so. He is accountable to his Sovereign, and could not but be recalled, were he to take a single step towards the transfer of that accountability from the Sovereign of the Empire to the people of this Colony. The act would be almost, perhaps quite, an act of treason; and would very possibly earn for him the honours of an impeachment after his recall. As to supposing that any British Minister will ever dare to advise the Crown to give a Governor of Canada leave to make such a transfer, or that the British Parliament would ever suffer such advice, if given, to be followed, the fancy is too idle to be argued against. At every turn the path is hedged in with impossibilities. By what sad fatality can it have happened that nine public men, undertaking to lead a great party, to govern a great Province on the principles of the British Constitution, have gone so far out of their way to walk in it?

That this view of the case, unanswerably pressed upon the House by Mr. Wakefield's Resolutions proposed in amendment to Mr.

Price's Resolution, and by his able speech in support of them, commanded the assent of that body, is demonstrated by the adoption of the amendment which was afterwards brought forward by Mr. Boulton. That amendment stated that the House "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 of or continue in office; that mutual confidence which is essential to the well-being of any Government, necessarily presuming 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". The vote for this amendment stood 60 to 7; not one of the ex-Ministers, nor one man of the party commonly acting with them, voting against it. Is there a sane man in Canada, who, with the Governor General's letter to Mr. Lafontaine before him, can say in his heart that he believes they did not take the course which the House by this vote condemned? Who doubts their having called upon the Head of the Government to enter with them into "a stipulation" as to the terms on which they would continue in office? And who doubts the fact that they resigned the day after he refused to enter into it?

The only excuse I have seen put forward by any of their partizans, for this string of blunders, is the least in the world lame. "Your English usage," it is said, "may be very well for England, but it will never do for Canada. Responsible Government is new here; in England it is old. A case like the present cannot occur there, because there every great principle is settled. Here we have them all to settle." Responsible Government new, and its principles yet to be settled—here, in Canada! That unsettled notions prevail here about it and its principles, it would, in deed, be hard to deny; seeing how indifferently some of those who should be best informed upon the subject seem to comprehend it. But the principles themselves to be settled here! They need no settling, here or any where else. Responsible Government is as old as the seventeenth century. Its principles were all settled for us long enough ago, at home. The history of England since 1688 tells us how. Every English precedent stands there on record for our service. We have but to read, and we shall soon find we may save ourselves the trouble of now-a-days making dangerous experiments merely to establish principles.

Responsible Government was once new in England—really new, its principles all to be settled. But we shall not find that they were there settled after the queer fashion in which it has been sought to have them settled here. History tells us of no Ministers of William the Third who ever thought it wise or needful, by way of ascertaining principles, to call on that Sovereign for promises about the future

exercise of any prerogative, or to resign upon his refusing them, or to tell Parliament at any time that they had resigned because he held unconstitutional opinions, or to make an explanation in Parliament against which he protested as unfair, or afterwards to add to such explanation illustrative anecdotes *ad libitum* about matters and things known to them only as Cabinet Ministers sworn to inviolable secrecy. Perhaps they took the wrong way; but it is certain they succeeded in establishing principles and usages that have stood the test of experience for a century and a half, and bid fair to stand it for centuries to come.

That the system is in a certain sense new in Canada, and that in consequence our people are not, generally speaking, familiar with these usages, is a fact that ought to make our public men only the more careful themselves to adhere closely to them. In England, a public man who should make mistakes like those we have just seen made here, would merely have committed political suicide. No party would so stultify itself as to have a word to say to him for ever after. Here, the public may come to suffer from them. The folly that an Englishman could afford to laugh at as "mere midsummer madness," the Canadian may well fear as a mental aberration sadly more mischievous.

But I shall be told, perhaps, that in all I have been saying I have as yet touched but lightly upon points on which the ex-Ministers and their supporters dwell as the main points in controversy. Granted. It is among the worst of the mischiefs necessarily resulting from the unconstitutional course they have taken, that it has so multiplied seeming points of difference as to give unfair disputants every possible facility for raising one false issue after another, to mislead the public mind, protract and embitter the dispute, and make its satisfactory settlement as nearly as may be impossible. In the discussions that have taken place several false issues have been raised; and doubtless they have not been raised without effect. It becomes therefore necessary to notice them.

The controversy has been spoken of as if it were a controversy about the exercise of Patronage; as if it simply turned upon the question whether the Patronage of the Crown had better be dispensed by the Governor after he shall have taken counsel of his responsible advisers, or without such counsel. "The Governor," we are told, "was determined to keep it in his own hands; the ex-Councillors merely said they ought to be allowed to advise him upon appointments before they should be made, not questioning, however, his right to act as he should see fit, after they had tendered their advice. Surely, a most reasonable request—most unreasonably refused."

I shall not here repeat what I have already said, to show that this was not the ground of resignation that the ex-Ministers themselves, in the first instance, assigned. As an after-thought, it may be clever; but had it been the

fact, it would not have been, as it is, an after-thought.

To show its utter worthlessness, it would be enough to say, that it does not correctly state the request which it makes out so reasonable. The ex-Ministers did not content themselves with telling the Governor General what course they thought he ought to take in making appointments. They called on him to tell them that he would take it,—a very different thing indeed.

But I will not here insist even upon the proved unconstitutionality of this, their actual demand. Supposing, for argument's sake, that all they did had been to express an opinion such as the one above stated, and that the Governor had volunteered on the instant to tell them he thought quite otherwise; what then? On the principle of the Constitution, they would have had no right to resign on that account. The Governor, like the Sovereign he represents, may think what he pleases. Ministers have to do with his acts, not with his reasons for them. He may be a wise man, or he may not; that is his business, not theirs. They are not his teachers, to resign because they do not like his way of taking their lessons. They are his Ministers, answerable for all that he does, and for nothing else; and they may resign if he ever does any thing they are unwilling to be accountable for. There their rights begin and end.

From the stress that has been laid by the ex-Ministers upon what they have called their "*right of being consulted*,"* the pains they have taken to explain that they hold the Governor free to do as he likes, after he shall have gone through the form of consulting, and the style in which some of them have condemned acts of his, which they say they protested against, or were not consulted about at the time, one must think they must be possessed with a vague notion, that by serving a protest on a Governor when he asks advice, his Ministers can clear themselves, in part, if not wholly, from their responsibility. He asks their opinion; they give it, and he then acts against it. No matter; they did their duty. They took care he should not act without knowing their mind. If he had not asked their advice, it would have been another thing. *Not at all.* Advice asked or not asked, protest served or not served, the Minister of the Crown is alike responsible. By not resigning office when an act is done, he makes himself a party to it. Whenever he likes, he may give general advice, if he chooses; and the Sovereign may receive it as he likes. But the Sovereign does, or resolves to do, what the Minister has made up his mind he will not defend; or he refuses to do what the Minister thinks so important, that he will not defend its not being

* NOTE.—"The Council were made liable to the accusation of assuming the tone and position of responsible advisers of the Government, without, in fact, asserting the *right of being consulted thereupon*."—*Mr. Lafontaine's Letter*.

done. The Minister, whether his advice was required or not, tenders his resignation, that he may not be held responsible. Such, I repeat, is the one simple, effectual check upon the prerogative, which alone the British Constitution can recognise, either at home or here.

But not to dwell on this consideration, and looking at the proposal of the ex-Ministers to the Governor General on the subject of patronage as a mere piece of general advice given by them without the remotest view to a resignation on their part, if it should not be assented to by him, I still cannot hesitate to maintain, that even in this light, it was not altogether unexceptionable, whether tried by the test of British practice, or by that of the interests of the public service here, it will be found wanting.

In saying this, I am not to be understood as maintaining the ridiculous notion which some friends of the ex-Ministers seek to ascribe to all those who condemn their course,—the notion that the patronage of the crown should be distributed by the Governor General without advice from his responsible Ministers. I hold to no such exploded absurdity, any more than they do. It would need proof “strong as holy writ” to make me believe that it could ever enter into the head of any Governor General, having Responsible Ministers at all. If Councillors are to be responsible for appointments, or for any thing else, they must in point of fact be consulted:—in Canada just as much as in England.

As much, but not more. It is not quite correct, the notion current with some parties here, that the patronage of the Crown in England is a purely Ministerial affair. In the main it certainly is, but not wholly. Ministers have a very great deal to say about its distribution, because they are responsible for it; but it does not follow that they always have it all their own way. During all the “ten years of the Whigs,” from 1831 to 1841, it is well known that they never had the control of the Army patronage. A staunch Tory presided all the while at the Horse-Guards; and from 1832 to 1837 the personal leanings of the Sovereign were notoriously with him, and against them. Yet this Army patronage comprised a multitude of appointments that could be turned to political account. In 1839 the Queen insisted with Sir Robert Peel, on having her own way entirely about another class of appointments also liable to be turned to political uses; and Parliament indirectly sustained her in so doing. Such cases are exceptions, doubtless; but they have occurred, and show how hard it is to state the rule. Indeed, in ordinary cases, whoever may be the Ministers, unless there be some strong political reason in the way, any expressed wish of the Sovereign always has weight. From the amount of the patronage, the Sovereign in the immense majority of cases can have no wish or opinion. Here, where there is so much less, a Governor naturally forms an opinion of his own in a larger

proportion of cases; and his doing so has a tendency to make the check on the Ministerial exercise of patronage so much the more considerable. Being oftener felt, it is more cherished by those who feel it. The delegate of the Sovereign, they may complain, meddles more with patronage in Canada than the Sovereign does at home. What right has he to assume greater powers than his Master has? None, most certainly; and I claim none for him. All I admit is, that the very fact that he has a Master, and that his powers are therefore less—not greater,—lays him under the necessity of attending more carefully to their exercise. His Master may please him self; he must justify himself to his Master, and to that end must try all the time to know what he is doing. Simply because he is not a King, he must form opinions of his own, and cannot give them up but for reason good to be shown him from time to time, if need be, by his Ministers.

To return, however, from this necessary digression, to the proposal of the ex-Councillors. That proposal went much further than to affirm the truism that they ought practically to have a voice as to acts for which they were accountable. It laid down a universal rule as to the dispensation of patronage, and prescribed a certain course to be followed in order to the observance of that rule. The rule was, that the Governor General “should not make any appointment prejudicial to their influence”; the mode of procedure, that before any appointment or offer of appointment should be made, a list of the candidates should always be laid before the Councillors collectively, that they should have the option of recommending any one they pleased, whether on the list or not, and lastly, that the Governor’s decision should be communicated to them before being made known to the party interested or to the public.*

It is rather hazardous work, this laying down of universal rules; a kind of work very little in vogue under the English system, very little affected by English statesmen. It may be doubted whether an absolute rule was ever sta-

* Note.—I have used the phrase “Councillors collectively,” instead of “Council,” because it was stated in the House by one of the ex-Ministers that it was not their intention to have had the lists officially referred to the Council, but only laid before its Members when assembled as a Cabinet. The distinction is purely technical, but I observe it to avoid all charge of misrepresentation. With the same view, I remark that in changing the order of the requirements from that in which Sir Charles Metcalfe’s letter places them, I only follow the arrangement chosen by another ex-Minister in making his explanation in the Legislative Council; and that what I have mentioned as the last step in the proposed order of procedure, though omitted in Sir Charles Metcalfe’s letter (no doubt from its comparative unimportance) was so spoken of in that gentleman’s speech, and is besides clearly implied in the claim set up in Mr. Lafontaine’s letter “of knowing, before others, his Excellency’s intentions.”

ted to himself by any English Minister, as to the distribution of patronage. Most certainly, never did English King and Ministers lay their heads together to frame and announce one. If however, we must needs have one in Canada, the form cannot very well be that proposed in this instance to Sir Charles Metcalfe. Not to advise appointments prejudicial to one's own influence is a tolerably instinctive Ministerial notion, the world over. It is sure every where to be often enough acted on, be the Ministers who they may; and it is equally sure, wherever Ministers are responsible, to have its full effect on Crown or Governor. So let it have in Canada. But to announce it as a rule of action, and to call on the Crown or its Representative to endorse the announcement, were to defeat the very object aimed at; were to tell one's political opponents, nay to make the Crown tell them, that party interests are going to be preferred to the public interest, and what more damning confession, in a free country, can a party make? No, no, if a rule must be stated, and above all by the Crown, it must be the mere rule of merit and capacity. In plain truth, however, it is little better than a waste of words to be laying down any formal rule about the matter at all.

The objections to the proposed mode of procedure are of a graver character. All appointments in the Province, no matter how insignificant, to be discussed in Cabinet Council! The Provincial Cabinet to advise the Governor deliberately, and in form, on each; and to be formally made acquainted, as a state secret, with the decision of the Governor on each before any one else is to know it! All very well, when appointments of consequence may be in question; but the majority of appointments never are of consequence. In England, they go through no such form; though the patronage of the Crown is there as much a Ministerial affair as a reasonable man can wish to see it here. Each Minister there superintends that of his own branch of the service. On appointments of importance they naturally consult together in Council before taking the Royal pleasure. In other cases they proceed more or less independently of each other according to circumstances, but always, of course, with a general understanding among themselves as to the limits of this independent action. Trusting each other as party friends and men of honor, the acts of each are the acts of all. No other system could be kept up as a matter of practice, for a week. And no other system can as a matter of practice be kept up here, either. It is very true that the number of appointments is so much less here, that one does not at first sight see the absurdity of the scheme quite as one would at home. But it is not really much less absurd. The time of all the Executive Councillors, met together on public business, is to be spent in reviewing lists of Candidates for appointments, a large proportion of which will yield to the incumbent no emolument at all, and the great majority of which will not be worth to him more than a

very few pounds, or may be a few shillings, yearly; on every one of these appointments the Governor and they are to make a sort of treaty, he opening to them the case, they announcing their matured opinion, and then he his decision. Is the Executive Council of a great Province like Canada to waste its time in elaborate trifling such as this? Most people have been in the habit of thinking it has weightier affairs to attend to. And if it has not, it had better at all events, not tell the country so; or before long the country will be coming to the conclusion, that the whole thing is a farce, not worth a tithe of what it costs. The general understanding is—and, joking apart, it is a correct one—that the Executive Council has a great amount of important business to attend to, land claims, the final audit of public accounts, questions of finance, the control of the Board of Works, the settlement of all sorts of questions of any difficulty occurring in any other department of the Government, and all those more general matters of public policy that come under its notice as a Cabinet Council. Does it want more, to keep it busy? The newspapers say, and I believe it is matter as well of fact as of notoriety, that at the time of the resignation, there were before the late Council, exclusive of land and Cabinet Council business, upwards of five hundred several questions, great and small, waiting its tardy action—many of them for many months. Great need to invent for it new Cabinet Council talk-work, by way of making the arrears hereafter lighter!

Again, and again, and again—at whatever risk of being tedious,—I must insist on it, that if we are to have here British Responsible Government, we must have it as a whole, principles and usages together, the old system they have at home; not a newly edited collection of theories and practices, taken hap-hazard, now from England, now from the Canada of the days of Sir James Craig, and now and then from our neighbours across the line. We may safely rest assured, that for some few years to come, at least, we shall not, by altering, do much to mend it.

“Do you then mean to say,” says some partizan of the ex-Ministers. “that you think the conduct of the Governor-General to his late Cabinet in regard to the distribution of patronage was in accordance with British usage, and therefore on your showing correct?” Fair and softly, my Responsible Government friend. I mean to say, I am quite sure that neither the conduct of the ex-Ministers to the Governor-General, nor yet their notion of what ought to be his conduct to them, in this matter of patronage, was correct, or any thing like correct. There, as a Responsible Government man, I am disposed to stop. The question you ask is neither your business nor mine. Whether the Governor was right or wrong is not the point that we Canadians have to determine, but one for those alone to raise who sent him here. Our business is with our own people, who have been, or hereafter may become, his ministers.

protesting always against the Irresponsible Government notions of those who raise it, I will even say a word or two about the mode in which the dispensation of the patronage of the Crown is understood to have been actually managed of late years in Canada, as between the Representative of the Crown and his responsible advisers. The subject is not an easy one to treat of, for the most obvious of reasons; because so very little is known about it by any one but the advisers themselves. Common rumour and the disclosures made during the late debates are all one has to go by.

One fact is tolerably certain, that the first Governor of Canada, whose Ministers declared themselves responsible to the Province for his acts, and prepared to resign on a vote of want of confidence, gave those Ministers very little trouble about the disposal of patronage. Lord Sydenham, unless fame does him great injustice, took as much upon himself in the way of giving and promising as in that of creating places. Sir Richard Jackson is understood to have acted, as an *ad interim* ruler naturally would, on advice in every thing; but it was the fashion to account for most of the appointments he made, by referring them to Lord Sydenham's personal engagements and intentions. Sir Charles Bagot was commonly supposed to have taken advice on most matters; but it was always matter of notoriety that he did not on all, and that some of the most important of all his offers of political appointment were made of his own "mere motion." After the reconstruction of his Cabinet, and as his health withdrew him more and more from public business, there was naturally less of this; absolutely none, most people supposed. But two facts that came out in the late debates show that this idea was incorrect. One of Mr. Hincks's anecdotes had reference to a promise of appointment made by Sir Charles during this period without consulting the Council, to a gentleman recommended to him from England. And the extract read by Mr. Price from a letter written to himself by Mr. Baldwin in Feb. 1842, only just before the present Governor arrived, represented the position of the Ministry, from the tendencies of the Head of the Government on the subject of patronage, as even then quite embarrassing. Of what Sir Charles Metcalfe has done and not done in the premises, we have heard a great deal; but the painting is not the lion's, and one hardly knows how far to trust its fairness. Some traces there are in it of gross unfairness. It was at first said confidently, for instance, by two ex-Councillors, that in reference to the Chair of the Upper House, Sir Charles Metcalfe acted without advice from his Council. But it afterwards came out, in a speech of a third ex-Councillor made several days afterwards, that the Council had advised Sir Charles in the matter, and had advised him to name one of their own body to the appointment—temporarily, to be sure, it was added, and without increase of emolument. And on further questioning, a fourth ex-Councillor added that he had himself submitted to the Go-

vernor a list of names as recommended by his colleagues and himself, and that the name of the gentleman appointed was on that list. So that at last the sweeping charge had narrowed itself down to the facts, that the Governor did not make the offer to the person or persons they most wished, nor in the order they wished, and that he did offer the appointment (or rather, determined to offer it, for the offer itself seems by accident not to have been made) to a person whom they would not have liked at all. Again among the appointments universally supposed not to have been at their suggestion, was that of Mr. Stanton to the Collectorship of Toronto, one of the best places in the Province. They were taunted in the House with this appointment by Sir Allan MacNab, and asked why they did not resign when it was made, instead of waiting till so long after to pick a quarrel with so much less occasion. No answer. Next day, another Member of the House asks them in so many words whether they did or did not advise the act. It turns out that they did! But the ex-Minister who makes the tardy avowal adds to it by way of explanation that they did so, not because they thought the act right and were prepared therefore to justify it, but because they knew the Governor held an opinion which they did not hold about Mr. Stanton's claims to compensation, and his appointment was the easiest way to get rid of the embarrassment. What a notion of Responsible Government! In England which would they think the worst, the silence, or the speech that followed it?

Beyond question, however, Sir Charles Metcalfe must have made appointments without or against his Councillors' advice. The only difficulty is to ascertain how many. That the number has not been great, I cannot but feel pretty sure. There is nothing like evidence to prove that in this respect he set out with any less favourable rule or feeling than his immediate predecessor. *Perhaps* he may latterly have been inclining more than at first towards a course of semi-independent action. The thing is not unlikely. "And if so," rejoins our ex-Ministerialist, "if so, was he not wrong? How came he to incline that way, but from a rooted dislike of Responsible Government?" There may have been another reason; but of that presently. For the moment I feel more disposed to meet the question by a second. How came our ex-Ministers, who had quietly made themselves responsible, by staying in office, for every unadvised piece of patronage till then committed, to choose that unlucky Friday, when no particular enormity of the kind seems to have been in question, for their sudden conversion to the true faith as they have since that day held it? On their own showing, they had all been letting the thing go on for some fourteen months; and several of them had been "art and part" in the enormity ever since the Union. What made them all at once, in the middle of the Session, just when they might suppose Sir Charles Metcalfe could not possibly get on without them, insist on his instantly

promising to take a new course, never till then proposed to him, never suggested to any of his predecessors?

The reservation of the Secret Societies' Bill has been spoken of as a sufficient reason for the resignation. If the ex-Ministers, at the time, thought it was, it is a pity they did not say so; for a resignation upon a public act of that character, an act by which the Governor placed himself in direct opposition to their apparent party interests, would have been perfectly constitutional in form, and open to none of the grave objections on that score, which attach to the course they took. Further than this, however, I cannot go. *In point of fact*, a resignation on that ground would, in my opinion, have been indefensible; and, for a reason that may be briefly stated.

I am not going into any argument as to the merits or demerits of the Bill. It may have been all that is good, or all that is bad, for any thing I need here say to it. The only material point is this, that it was a Bill of a most *unusual* character. It went to disqualify for public employment, all persons who should demur to a test-oath or affirmation, to the effect that the party taking it was not a member of any Society bound by an oath of secrecy, or having secret signs, the Masonic Society alone excepted. I have not a word to say in favour of such Societies, nor against the policy of any course of action, executive or legislative, calculated to put an end to the nuisance (for such I regard it) of their existence in Canada. Nor yet, so far as I can see, from all that has transpired on the subject, had Sir Charles Metcalfe. It was his opinion that the Bill was not calculated to attain its object; but his letter to Mr. LaFontaine declares that he "deprecates the existence" of such Societies, and I am not aware that he is asserted to have ever held any other language about them. But all this is nothing to the point. The one essential fact, I repeat, is this; that there never was a law like it passed before, in the mother country or here; or, so far as my knowledge extends, any where else. Were it ever so wise, it was without a precedent in British legislation.

Now, what is it notoriously the sworn duty of a Governor to do with such a measure, when it comes before him for the Royal sanction? The Royal Instructions, which from time immemorial have been addressed to all Canadian Governors on their assumption of office, say, you shall reserve for the signification of the Royal pleasure every Bill that may by law require to be laid before the Imperial Parliament, and, also, "*every other Bill which you shall consider to be of an extraordinary or unusual nature, or requiring our especial consideration and decision thereupon.*" Had Sir Charles Metcalfe, in this case, any sort of option?

What, then, becomes of Responsible Government, says some one? Were the Ministers not responsible for the act, and entitled to offer advice upon it? Certainly. They are responsible to Canadian opinion for every exercise of every prerogative in Canada, and may, (by

necessary consequence) advise as to any. Nay, I go further; in a case like this, it was their duty to have offered advice. They had advised the Governor to allow them to bring in the Bill as a Government measure. The tenor of the Royal Instructions could not be unknown to them; and as soon as the Bill had passed, or was certain of passing the two Houses, they ought to have further advised His Excellency, that under those Instructions, it was clearly his duty to reserve it for the Queen's sanction at home. They did not do this, and the Governor made up his mind without asking them. They complain that he did not ask them, or else tell them his mind sooner than he did. As to asking, he surely was at liberty to do that or not, as he pleased, in a case so transparently obvious. If they had wished to speak, there was nothing to prevent them. And as to telling them sooner; to say that with the printed Royal Instructions, and their knowledge of what had passed, in reference to the Bill, between the Governor General and themselves, they needed telling to make them know the course he would take, were to say something a little strange. Right or wrong, he had refused to lay down as a rule of executive action, the principle embodied in the Bill, saying, that although utterly averse to secret Societies, he thought the rule proposed to him was unwise. He had then reluctantly assented to their introducing a Bill into Parliament to carry out their views, telling them when he did so, that he thought it "an arbitrary and unwise measure, and not even calculated to effect the object it had in view." Which of two things ought an assent of this kind to have been held to mean,—a promise to assent to it in spite of his Instructions, or a warning not easy to be misunderstood, the other way?

But His Excellency might have been more explicit. Beyond all question he might; and so, too, might they. Again, as with the patronage controversy, the question we are driven back upon, is rather a personal than a public one. How came there to be the general misunderstanding and reserve there was, between the Governor General and his late advisers?

The ready answer of more than one paragraph-writer and speech-maker is, "Backstairs influence"; a vague charge, always easy to make, hard to establish, next to impossible to disprove. What is there to make it probable in the present instance? Sir Charles Metcalfe's well-known character for honest, self-relying independence, earned by forty years of official service? The habit of reserve that during the session gave no one the power to state what his personal opinion was on any matter under discussion? And by whom was this back-stairs influence exerted? The speeches made in Parliament all pointed, I believe, to one man, the Member for the County of Beauharnois; a man of unquestionable ability, and who has rendered to the cause of Responsible Government for Canada an amount of service second to that rendered

by no other man living. We have his distinct assertion made in the House, that until the Monday morning after the resignation he had never had a conversation with the Governor General, in Canada, on the local politics of the day; an assertion which only a fool could have thought of making, had it been untrue. But, after all, what could back-stairs influence really have to do in the matter? It was not the Governor who made the move, but his late advisers. Back-stairs influence should result in removals, not resignation.

There was, then, what Mr. Lafontaine's letter represents Sir Charles Metcalfe to have called "antagonism" between him and them. Admitted. In 1832 there was an antagonism (far, far more serious, as I shall soon show) between William the Fourth and his advisers. They knew well that the King was at heart opposed to their great measure and to themselves. But they waited quietly, as we have seen, till his refusal at the critical moment to create Peers forced them to resign; and then, they resigned without a word said about antagonism. In 1834, there was still antagonism, and they were still omnipotent as ever in the House of Commons; but they sought no pretext for bringing the House to issue about it with the Crown. An accident (the death of Lord Spencer) made some Ministerial changes necessary, and gave the King the opportunity to get rid of them. The act was not theirs, because they knew that in England antagonism is no sufficient ground of resignation. The Ministry that took their places was defeated in the new House of Commons; and they came in again, and remained the King's Ministers till the day of his death, some three years after, every one knowing all the while that between him and them there was still all the antagonism there had ever been. Such is the English principle. Upon any other, dethronements would not be much less common than changes of Administration. Are we to have another principle for Canada? Can we suffer our public men to say that the first hint of antagonism between a Governor and them is to make them at once throw office and the interests of the Province to the four winds, and post down to Parliament to tell the country that he is good for nothing but to be recalled? With Responsible Government, we ought to have about as little occasion for a Governor's recall, as at home they have for a King's dethronement. The two remedies are not quite equally violent; but they are the same in kind, and one is not more repugnant than the other to the spirit of the British Constitution.

But the precedent I have been citing proves vastly more than for my present purpose I have any occasion to prove. The antagonism between King William and his Cabinet was one of public principle, and was so strong as to lead him to seize the only opportunity he had of dismissing them from his councils. What sort of antagonism was there between Sir Charles Metcalfe and his late Ministers? Was he really hostile to their party, their

measures, and themselves—anxious to reverse their policy, and surround himself with their opponents?

By the admission of all who have ever known him, and his public career has been long and eventful beyond that of most men, Sir Charles Metcalfe is a thoroughly able, honest man. Strong party feeling he never had an opportunity to show, nor even to form. But in general political sentiment and opinion he has always been recognised as being what politicians would term a Liberal, although not at all what they would term a party man. The man can be nothing else, who has raised himself through every step of promotion in the civil service of our East India Empire, from the lowest to the very highest; who, as an Acting Governor General of India, signalized his year's administration of affairs by an act so daringly liberal as the establishment of the Freedom of the Press; who was chosen by the Whig-Radical Government of 1837, at their utmost need, to govern a colony in a state of legislative rebellion, as Jamaica then was; who succeeded there in making himself literally the most popular Governor Jamaica had ever known; whom the Conservative Administration of 1842 selected to undertake the government of Canada under the liberal system then lately established here; whose appointment every Liberal at home applauded as the best and wisest they could have made.

Yet this man, we are told to believe, in spite of his own repeated, solemn declarations to the contrary, is adverse to the principle of Responsible Government; so entirely adverse to it that it is impossible for Responsible Government men to act with him as Executive Councillors! For my part, I have no such easy political faith as to make myself believe anything of the sort.

I can easily believe that he may have thought the advice of his late Ministers, in particular cases, short-sighted and unwise, and that he may have told them so; that their views as to patronage may have sometimes struck him as being too much those of political partisans; that the roughness and reserve of manner of some among them, of which their best parliamentary friends have had constant cause to complain, may have given him deep offence, and not without reason; that he may have understood it to indicate a settled resolve on their part to reduce him to a cypher, to prevent him from ever acting as his own judgment might dictate, perhaps at times to trick him into acts which they knew he would not, if fully explained to him, approve. I can believe that the reserve which such a feeling would naturally create on his part, may as naturally have been misunderstood by them; and that in this way there may have been established before long, between him and them, an antagonism of misunderstanding (if I may use the term) quite decided enough to account for the want of cordiality and confidence that has been complained of, without resorting to the absurdly impossible theory of a decided hostility

on Sir Charles Metcalfe's part, or Responsible Government, or liberal measures, or liberal men. More I do not believe. Had Sir Charles Metcalfe been received and treated by his late Council with the consideration and confidence to which his position, talents and character alike entitled him, I cannot but feel confident that the result would have been altogether different.

I may perhaps be told that in assuming this explanation of the antagonism about which so much has been said, I assume more than I have a right to do; more than the known facts of the case warrant us in believing. Let the history of the late Session answer. I am much mistaken, if it do not prove the ex-Ministers quite imprudent enough to have made all the mistakes I charge upon them, in their early intercourse with the Governor General. It may also, at the same time, throw some light on the question, and how they came to choose the time they did for their final rupture with him.

The Session opened with the announcement that the removal of the Seat of Government was to be made a Cabinet question. With that decision of theirs, I have no fault to find. Like every one else in Canada, I hold that the Home Government ought to have settled the question, instead of forcing it, with all the angry excitement its discussion must produce, upon the Province. This mischief done, however, the best course the Provincial Government could take was to make the discussion as little exciting as possible, by an early, final decision of the controversy; a result which they made much more probable, when they made the matter a Cabinet question. But having done this, they should have done more. They could not but know that Mr. Harrison's resignation would have to be explained in Parliament at a very early day; that the necessity for this explanation must force from them their seat of Government message at that early day; and that the discussion of the question in either House *might* follow immediately. In England, under such circumstances, Ministers would have taken care to write beforehand to all their supporters in both Houses asking their attendance on or before the day when the message was to come down; a course which at once prevents surprise and pleases those to whom the attention is paid. This was not done; few of their friends in the Upper House had reached Kingston when the message came down to that body: and the Opposition, by discussing it there immediately, defeated them. Hence, when the measure had passed the Lower House, it became necessary to bring it on a second time in the Council; to obtain the vote of the real majority of that body; and this most unusual step, following closely as it did, upon all the irritations of the debates in the two Houses, produced the secession *en masse* of the minority,—that is to say, of 14 of the 19 Upper Canadian Councillors. A quorum of the Council from that day forward, could hard-

ly be kept together; and the continuance of the Session, and the fate of *all* its measures, hung in doubt almost from day to day, in consequence.

With other great measures of the Session, the course taken was much the same. Their name was Legion; and long before the rupture with the Governor, their jostling and crowding of each other on the Order book had so embarrassed the House as almost to make it impossible for it to get through with any of them. So many long, important Bills could not be read by members in the time allowed. Half the number would have fully occupied them. They complained, too, (the friends of the Government I mean,) that the measures were generally thrown before the House without the courtesy of previous consultation with any of them. In England, Ministerial Bills are shown, before being introduced, to leading Ministerial Members; suggestions are asked for; suggestions, indeed, from any Ministerial Member are welcomed. But here, in most instances, every member not in the Administration had these long Bills put into his hand to read for the first time, after the House had gone through the form of reading them for the first time; friendly objections to matters of mere detail were again and again met with a degree of *hauteur*, on the part of individual ministers amounting to downright rudeness; and amendments, generally speaking, were resisted. As introduced, most of the measures were good in principle and calculated to be popular; but this was neither the way to make them as popular or as nearly perfect as they might be made, nor yet the way to keep up the strength of even a strong Administration.

Instances there were, however, of mistakes in principle. Mr. Lafontaine's Lower Canadian Judicature Bills, for example, (in their main features, a transcript of his Bills long ago laid before the House of Assembly of Lower Canada,) embodied the principle of allowing judges everywhere to sit in appeal upon their own decisions; a principle new and monstrous, as applied to the Civil Code of Lower Canada, which makes the judge constantly determine the fact and the law alike, without the aid of a jury. Yet on this proposition Ministers made a strong fight, rather than yield to the remonstrances of their warmest friends. Mr. Viger was obliged, though with evident reluctance, to contest the point through more than one pretty warm debate; and it was not till they had been beaten on a division that they gave it up.

Their course with the Upper Canada Assessment Bill was marked by still greater indiscretion. In principle, the Bill itself was excellent; but it proposed a great innovation on the existing system, and from its not having been distributed over the country in time, the people of Upper Canada, generally, were far from comprehending what it really was. It was said to be a measure to increase taxation; its provisions were denounced as inquisitorial; and from its proposing to make personal pro-

erty of all kinds taxable, as well as real estate, it was styled a Bill for levying an Income Tax. Some of the Ministerial Members from Upper Canada opposed it strongly; others approved it, but admitted its unpopularity with their constituents, and wished it put off to the next Session, that its provisions might be better understood out of doors before it should be discussed in Parliament. The Opposition, of course, condemned it in strong terms. A majority of the Upper Canadian Members were notoriously opposed to its immediate passage in its original shape. At home, under such circumstances, Ministers would have instantly withdrawn or remodelled any English or Scotch Bill, to meet the wishes of the English or Scotch Members. But our ex-Ministers were too confident in their aggregate majority of Lower and Upper Canadian votes, to take this prudent course. The Bill was brought in, read, and printed, in the shape first proposed; and the refractory Upper Canadian Liberals were roundly taken to task to make them agree to pass it. Failing this, the second reading was pressed and carried, with an understanding that the personal property clauses should be dropped in Committee. But although frequent calls had been made by Upper Canadian Members for the production of the Bill or Bills to provide for local taxation in Lower Canada, these last were still not forthcoming when this vote was insisted on, and a long and violent altercation about the alleged unfairness of the local taxation of Upper Canada, as compared with that of Lower Canada, was the consequence. The comparison was made in very unfair terms by the Opposition speakers who introduced the subject. But as it was an easy thing by a mere appeal to facts to disprove the conclusions they drew, and—still more—as the comparison itself was one which any Upper Canadian not well acquainted with the facts might naturally at first sight think reasonable, it was any thing but good policy to reply to the charge angrily. The attack was met, however, by one or two of the Ministers with a bitterness of manner most unwisely irritating to the sectional Upper Canada feeling which the debate had excited in the minds of some even of their supporters. On the division there was a small majority of Upper Canadian votes with the Ministry; but through the debate the feeling was that they were resolved to make full use of their Lower Canadian votes to decide this purely Upper Canadian question. Directly after the heavy seeming blow which they had struck at Upper Canadian interests by their Seat of Government vote, all this was to say the least of it, not wise.

It would not be hard to mention several other cases of mismanagement scarcely less striking than these; but I shall instance one only,—the Toronto University Bill. The general design of this Bill, the creation of one University for Upper Canada, in which the existing Sectarian Colleges should all be merged, but which, as a University, should not have a Sectarian character, I think unexceptionable. Many of

its details were unnecessarily complex, and some were otherwise objectionable; but it is not of them that I have here to speak. The mistake of the measure was in the general indiscretion with which its authors set about it. Their wish was to unite several chartered Institutions, one of them (King's College) a richly endowed corporation. From the unendowed corporations opposition was not to be anticipated; but from King's College every one knew it was certain, if the Members of the College Council resident at Toronto were to be left to act by themselves in its behalf. The Council by law consisted of the Governor of the Province, as Chancellor, the Speakers of the two Houses of Parliament, the two Law Officers for Upper Canada, the President of the College, (at present, the Bishop of Toronto), the Principal of the Upper Canada Minor College, and the five senior Professors of King's College; in all twelve persons, the Chancellor, or rather Member presiding in his absence, having the right to vote on all questions, and to give a casting vote besides. Had the whole Council been called together, as it might have been by the Chancellor's summons, there is no doubt that a majority would have voted the assent of the Corporation to a union of the several Colleges into one University; perhaps not on the precise terms laid down in the Bill, but at any rate on terms that would have well satisfied the country and met every real object that the measure was intended to secure. Yet this obvious step was not taken. The Ministry were content to frame their Bill, and at once introduced it into Parliament, with the full knowledge that the voice of King's College would be constantly raised against it as an act of injustice and spoliation. So, of course, it was; and other objections too were raised, which probably they had not foreseen. The Bill proposed to create a "University of Toronto." It was urged that no University had ever been created by an Act even of the Imperial Parliament; such creation having always been held the exclusive Prerogative of the Crown. The Bill proposed to enact that no other University, or College with the power of giving degrees independently of the University of Toronto, should ever be erected in Upper Canada. It was urged that this was an infringement on the Prerogative, yet more at variance with the principles of English Law. Without the consent of King's College, previously obtained, even the Crown which gave it its charter could not lawfully interfere with it. With that consent, the Crown alone could have done all the rest. Parliament, until the Crown should have first created the University proposed, could not in either case act at all. But the easier course which would have disarmed opposition had not been taken. Instead of quietly removing difficulties, Ministers had undertaken to break through them as they stood, by main force,—by what they thought the omnipotence of a Parliament in which they thought themselves omnipotent. When it was too late, the consequences of their error

stared them in the face. Their Bill was popular in Upper Canada, but it was assailed as an act of confiscation; and their Lower Canadian friends shrunk from supporting it. On the memorable Friday of Messrs. Lafontaine and Baldwin's visit to Government House, Mr. Draper spoke against the measure, as the Advocate of King's College, at the Bar of the Assembly. On the Monday of Mr. Lafontaine's announcement that eight of his colleagues and himself were out of office, the discussion on the second reading was to have come on; and the best informed, I believe, had no doubt that, but for the resignation, the extreme dislike of the Lower Canadians to all interference with vested rights would have forced the Ministry, however, much against their will, to withdraw it.

Is it too much to ascribe the antagonism between Sir Charles Metcalfe and these gentlemen to a misunderstanding, the natural consequence of indiscretions on their part, precisely like these, into which every member of parliament knows them to have fallen, and not a whit less glaring?

Or is it too much to suppose that the effects of these, their Parliamentary indiscretions, had something to do with their choice of a time for their final rupture with the Governor? Their relations with him, already the reverse to friendly; the chances of their being able to keep Parliament in session from week to week uncertain; the material for months of hard work before Parliament; their measures so crowded upon each other as almost to prevent their getting on with any; some friends wholly alienated, and others in any thing but good humour; some unforeseen defeats past, and some worse defeats seemingly inevitable; it was not quite so strange as under other circumstances it would have been, that they took the course they did. Should the Governor yield—and, as I am unwilling to suppose that the utter unconstitutionality of their demand upon him occurred to their minds when they made it, I would give them the full benefit of supposing that they hoped and thought he might—should the Governor yield, one great cause of their uneasiness would be removed, and the others could all the better be dealt with for its removal. Should he not yield, the quarrel with him on a great popular principle would save them from their other embarrassments at once, would throw on him the odium of breaking up the Session and disappointing the country of its measures, would re-unite and swell their party, would bring them back to power almost directly, more secure in their hold of office, stronger, more resistless, than they had ever been. The blow was struck, and the Governor did not yield. The first mistake led to more; and in a day or two the last chance of their return to power was the chance of the Governor's resignation or recall. To make sure of that chance every effort has ever since been made.

What the efforts have been worth, the last sentence of the Governor's prorogation speech

tells pretty plainly. He has there said, in terms not to be misunderstood, that he would remain at his post, and meet the Provincial Parliament again. One must be a poor judge of character to suppose he will not more than keep his word. The tales that have been told of his failing health, and despotic notions, are about equally idle; but even the invention that has manufactured them, has not gone far enough to represent him as a man infirm of purpose, or wanting in moral courage. As to public opinion at home, it is as likely to condemn him as the St. Lawrence is to run up the Falls of Niagara into Lake Erie. He has the confidence and respect of ins and outs alike. All who may not take the trouble to examine into the circumstances of the case, will take it for granted that he is right. None who do, will make up their minds to say he is wrong. To wait till he shall be recalled, will be to wait a long while.

In other respects, also, the plan has failed. Sir Charles has not suffered the responsibility of the breaking up of the session, and the loss of its measures, to fall upon himself. He has emphatically declared that it was in no sense his act, or his wish. Of course, no appointment of a new Ministry could have enabled Parliament to go on at once with the work of maturing all the measures of the session; for the new Ministers must have gone to their constituents, and must, besides, have taken some time to determine their course about the measures, before they could have come down prepared to act upon them as a Government. But what Sir Charles could do, he did; by allowing the two Houses all the time they were willing to take, and even recommending them, (at the risk of being said to infringe upon their privileges) not to drop more of the measures before them than they could help. They were not wrong in dropping as many as they did; for unnecessary legislation on great questions, with no organised Government to be answerable for it, is a thing not to be thought of by Responsible Government men. Technically, they had a perfect right to drop every thing. But this not done, the ex-Ministers had, at least, no moral right to mutilate their own Bills, or to suppress them otherwise than as Parliamentary rules allowed. Their Upper Canada Municipal Bill, for instance, they had consented to proceed with; but they struck out from it important clauses, (which they had themselves thought it necessary to put in) relative to the administration of justice by Police Magistrates and Recorders, because those clauses would have given a trifling amount of patronage to the Executive. The consequence of the mutilation was the failure of the Bill to become law. Their Customs' Management Bill had passed the House shortly before the resignation; and its mover, Mr. Hincks, had been ordered by the House to carry it to the Legislative Council for their concurrence. Some three weeks afterwards, on the day before the prorogation, to the surprise of every one not in the secret, (for in the hurry of other business this

Bill, though a most important one, had been lost sight of) it was found that in the face of this order, he had seen fit to keep it all the while in his own hands. It was then too late to proceed with it. That this Bill, too, was an affair of patronage, no one need be told. It is not, I repeat, on Sir Charles Metcalfe, but on the ex-Ministers, who so made the crisis, and so used it, that the responsibility for the loss of these, and so many other great public measures, rests.

Nor has Sir Charles Metcalfe suffered them to make their quarrel with him a quarrel on the great popular principle of Responsible Government. He has been the first Governor of Canada, publicly, in his own name, to recognize it; to declare that he "subscribes entirely to the Resolutions of the Legislative Assembly of the 3rd September, 1841, and considers any other system of Government but that which recognizes responsibility to the people, and to the Representative Assembly, as impracticable on this Province," that "while it is his bounden duty to maintain unimpaired the Prerogative of the Crown, he recognizes the Resolutions adopted by the Legislative Assembly on the 3rd day of September, 1841, as constituting the guide, according to which the administration of the Government of this Province has since been, and is to be, conducted." The former of these declarations is that of his letter to Mr. Lafontaine; the latter forms part of a message to the House of Assembly. What more unequivocal assurance that he is not at variance with the country on this great question, can he give?

One only,—the assurance of his actions. And this, so far as opportunity has yet offered, it seems to me he has given. Irritating as the resignation of his late Ministers, their course in the House, and the course of their friends who took up their quarrel, must in the nature of things have been, he is not known to have offered one of the vacant offices to any but Responsible Government men. Mr. Viger, whom he has induced to accept the post of senior Executive Councillor, is one of the very few men in Canada, whose high personal character, and the steadiness of whose political principles, party malignity has never to this hour questioned; a man of wealth, but ever the man of his people; a man who has for fifty years been the able and determined asserter of popular rights, a man, who, within the last five years, has allowed himself to be for nineteen months the inmate of a gaol, rather than procure his discharge by an act which he regarded as a compromise of those rights. Mr. Draper, the other gentleman who has accepted a seat at the Council Board, was a leading member of the Responsible Provincial Government which affirmed the Resolutions of September, 1841; took an active part in the framing of those Resolutions; and only fourteen months ago, as an Executive Councillor, urged strongly upon Sir Charles Bagot the formation of the Ministry that has just thrown itself out of office, resigning, at the same time, unconditionally, his own appoint-

ments of Executive Councillor and Attorney General, to enable Sir Charles Bagot to act on the advice he gave. Of his well-known ability, it would be a very superfluous task to speak. The definitive arrangements for the formation of the future Administration are not known; but that Sir Charles Metcalfe, with these gentlemen and Mr. Daly, to advise him in making them, will not construct it on any other than the Responsible Government principle, or of other than Liberal men, may safely be set down as certain. It is known that the tender of several of the vacant offices has been made to men of unquestioned popularity and character,—to Mr. Morin, in particular, among others. And an appointment of secondary, but still very considerable importance, the only important appointment known to have been made since the late Ministry resigned, has been given to a gentleman, not now in Parliament, but who, last year, in the House of Assembly, moved the vote of thanks to Sir Charles Bagot, for having formed the Lafontaine-Baldwin Administration.

Even in the House of Assembly, with all the advantages of their position, the ex-Ministers have had no great cause to congratulate themselves on the success of their *coup d'état*. Put, as the question was, it was impossible there should fail to be a very strong majority for the vote of confidence. Responsible Government men, with the hustings before their eyes, could not safely venture on a vote which could be made to look like a vote against Responsible Government; and, accordingly, there were not many who did. But of those who voted for the ex-Ministers, there were several, who, in their speeches, admitted that their course in resigning had been any thing but correct; and of those who made no speeches in the House, a larger number in their conversations with each other said the same. Their friends, one and all, by voting Mr. Boulton's amendment, condemned their proposal of "a stipulation" to the Governor. And the same friends made them withdraw Mr. Boulton's after motion for an address, to call on the Governor to form a new Administration instantly,—or, in other words, to re-install the old one.

What ought the country to do? That question, to my thinking, is soon answered. The late Ministers, on their own showing, were responsible Ministers. Since their resignation, some of them have, to be sure, tried hard to throw upon the Governor the responsibility of many acts to which, by holding office long after they were done, they had made themselves consenting, responsible parties. But for their own personal acts, at any rate,—the mode and time they chose for resigning office, the destroyed legislation of the session, the agitation into which they have thrown the country, the hazards to which, by their imprudence in thus resigning, and yet more by their unathorised and most unwarrantable explanations afterwards, they have exposed the principle of Responsible Government, and the interests alike of party and the Province,—for

these, at least, even they surely cannot pretend to be otherwise than personally responsible. I am far from saying that what they have done has been done from motives such as their party opponents, of course, ascribe to them. I am not their party opponent. The party, of which they have been among the leaders, is not more theirs than it is mine. As a body, I am forced to think that they have played their part of leaders any thing but well. Individually, there are those among them whom I should be sorry to think not likely soon to have the opportunity of playing it more to their own taste, and better. But the party will do itself and the country wrong, if it so much as seek to restore them immediately, one and all, to power. At home, all parties make public men answerable for their mistakes, whatever they may think of their intentions. We must do so too, if we wish to prevent our public men from eternally dragging us into mischief by their mistakes, and then making fools of us, by requiring that we should praise and reward them for the integrity of purpose which they may be able to plead as their excuse. We require of the mother country that she should send us out honest, reasonable men, as Governors, and let us furnish them with honest, reasonable men, as Councillors. But if we are to hold her to her bargain, we must take care to hold well to it ourselves.

Will the system work? Temporary embarrassments like the present are no proof to my mind that it will not. "Rome was not built in a day." No great change was ever brought about all at once, and without embarrassments.

From the day Lord Durham stated (for the first time in terms that commanded the attention of English statesmen) in what sad need Canada stood of a responsible, or real Government—the words here hardly differ in meaning,—from that day, the early concession of the principle was an inevitable necessity. Lord John Russell's famous "Tenure of Office" despatches conceded it in official phrase, that is to say, ambiguously; but still in words which, however they may have been meant for the time to be interpreted, were explicit enough for all after practical use. Lord Sydenham's acts were not unlike the sayings of the Delphic Oracle that sanctioned them: with all their apparent ambiguity, there was no mistake as to the result they ended in. The moment he brought together nine principal officials to be the first Executive Council of Canada, and required them to be Parliamentary men, the blow, spite of all his Lordship's mystery, was struck, and all that followed, followed as a thing of course. The Councillors so brought together could only meet Parliament as a Provincial Cabinet. It was impossible a session could pass without committing them to the irrevocable pledge that Parliamentary defeat should cause their resignation; without a distinct declaration on the part of the House of Assembly that it would hold them and their

successors for ever committed to the pledge. The Ministerial "we will," of the Responsible Government debate of the first week of the session, and the Resolutions of Sept. 1841 shortly before its close, were these two steps in the march of the new system; but the first step implied them both—implied more, that were to follow.

It is deeply to be regretted that the spirit of the new system did not precede, instead of only following the avowed introduction of the system itself. With all his courage, talent, and industry, there was in the character of Lord Sydenham's policy one pervading radical defect; a want of faith in principles, which made him habitually rely on no one but himself, on nothing that he was not himself to do or make others do at his bidding. The spirit of free government, on the other hand, is that of confidence in the great principles of truth and justice, which alone, in the long run, ever work out great results. It leaves men free to govern themselves, satisfied that in the end they will certainly have learned to govern themselves well, that in the meantime they will probably govern themselves better than any other man or men would govern them.

This habitual distrust made all Lord Sydenham's policy short-sighted. Lord Durham, whatever other mistakes he may have made, (and the peculiarity of his position while in Canada made it next to inevitable he should more or less misunderstand the real temper of the race that stood aloof from him,) at least did not fall into this. With all his fear of the French Canadians, he repudiated the notion of a Union on terms that should not place them on a footing of political equality with their fellow subjects. He advised the adoption of a fixed, fair rule for the apportionment of the representation; a Civil List to be freely voted by the Provincial Parliament in exchange for the Crown revenues; and, above all, an immediate and unequivocal acknowledgment of the principle of Responsible Government. His successor, on the other hand, studiously evaded that acknowledgment, till evasion had ceased to be possible. Instead of establishing the Union on terms as strictly equitable as might be, and trusting to its equity to sustain it, he made the great mistake of systematically postponing the interests and feelings of one race and province, that he might secure for the measure the support of the other race and province, to which it was to give an undue preponderance. And instead of trusting the popular body, which it was to create and whose power it could not but make practically resistless, to the control which its own feelings and interests judiciously appealed to would be sure to exert over it, he put upon it the ineffective but most galling check of a Civil List, imposed by Imperial authority and sure to be a cause of popular discontent as well from its amount as from the mode of its imposition. The same spirit dictated all his measures in both provinces, before the Union. In Upper Canada, though he made fierce war on that

section of the old official party which did not immediately profess to adopt his views, he shrunk from those plain announcements, which alone would have carried with him the great body of the people, at once and heartily. In Lower Canada, where other causes besides this general distrust interfered to warp his policy, he was soon engaged (probably against a first half-formed intention the other way) in a war that could know nor truce nor treaty, with the French Canadian race; one might almost say, with the Province, for the support rendered him by the other race was far from leading him to regard the Province as a whole with any other than the most disdainful and unkindly feeling. In this warfare, as in everything else he undertook in Canada, his active energy for the time triumphed, or seemed to triumph. The whole tenor of his administration was the same; Special Council Ordinances, patronage, electioneering tactics, choice of Kingston as a Seat of Government,—all tended to one aim, and that aim for a moment he perhaps thought he had attained.

But the meeting of Parliament soon told that that aim was not attained, nor attainable. Responsible Government passed instantly from its passive to its half-active state. His Lordship's Executive Councillors became his declared Ministers, bound to answer before Parliament for their own acts and his. Imperfectly as Lord Sydenham ever himself acted on the new system, some of its results were soon apparent. The will of one man could no longer rule, or seem to rule. Lord Sydenham's dexterity, indeed, aided by circumstances, enabled him, to the surprise of every one, to get through the session without defeat, and to convert it, at last, into the seeming triumph at the crisis of which his own life closed. But at that time not a little of what he had before done was undone. By this time, how little of all that he did remains!

With his death, devolved on the Executive Council the real position and duties of a Cabinet; but for a time it was impossible they could be thoroughly understood and acted on either by the public or by the Ministers themselves. One result, however, of their responsibility soon became apparent, in the efforts made by Sir Charles Bagot at their instance, from the commencement of his administration, to render justice to the French Canadian race, and in so doing to secure for the new order of things its powerful concurrence and support. When Parliament met for the second time, these efforts had not yet succeeded in their object; and, as the only means of effecting it, the re-construction of the Cabinet took place. One Member retired of his own accord, to enable Sir Charles Bagot the better to act on the advice he had himself warmly jured in tendering; two others were called on to retire; and three Lower Canadians, together with two Upper Canadians brought in as their friends, joined the Ministry. From an Administration almost certain of Parliamentary defeat, it became the strongest that by any possible combi-

nation of parties could be made. Another great step safely taken towards the successful working out of the new system. An indirect, but still an unequivocal, practical admission of its reality. The first action upon it, of a Provincial Ministry and Parliament.

So far, however, all that had been done was to define and act upon the relations between the Ministry and Parliament; to recognize beyond the possibility of mistake that one principle of the British Constitution, which makes Parliamentary confidence essential to a Government. At the opening of the late Session, a further step was taken, in the practical adoption of an English rule as to the relations of the Members of the Provincial Government to one another. The Seat of Government was made a Cabinet question, though a Member of the Cabinet resigned rather than agree to act with his colleagues in regard to it. A step, still consonant with British usage; and again, perfectly safe.

The late resignations have brought into discussion a third phase of the system; the question as to the relations between the Governor and his Ministers, the circumstances under which, in case of a difference between him and them, they are or are not justified in resigning, and the course they are bound to take when they do so resign. I have shown, I think, that the ex-Ministers were here entirely wrong; that all the peculiar embarrassments of the present crisis are traceable to their having been thus wrong; and that the true constitutional rule on these points is at once clearly ascertained and safe. If, hereafter, our public men will but adhere to it, a state of embarrassment like the present can never again occur. The question for the country to determine is, whether or not our public men shall hereafter be required to adhere to it. I have confidence enough in the good sense of the community, to believe that when the question shall have been thoroughly discussed, their decision upon it will be right. Thus believing, I have confidence that the system will still work.

One grave question, indeed, there is besides, which has not yet been practically settled; that of the relations between our Provincial Ministers and the Imperial Government. No case of threatened collision has hitherto occurred to force them into discussion; and I trust it may be long before any shall occur; I have shown, however, that the new system is far more likely than the old, to prevent any such threatened collision from proving dangerous to the connexion of the Province with the Parent State. Let the country but put forward prudent men; and here, too, as in every other respect, it will find the system safe. Without prudent men, no system whatever can be safe.

Unless, by some sad and strange fatality which I will not believe can be doomed to blast the fair, opening prospects of this Province, unless our public men shall unite and persist in misinterpreting the system,—these agitating for one mistaken notion and those against

another, these insisting on the triumphant return to power of men who have perilled the system by their indiscretion, and who now call on their friends to do battle for them in a bad cause, and those denouncing the system itself as dangerous and its supporters a (*proh pudor!*) as disloyal; and unless, by a fatality yet stranger and sadder, the community shall sustain them in this rivalry of unreason; the present crisis will soon only be remembered as the occasion of the final and complete establishment in Canada of the British constitution as a whole,—its safety-giving principles and usages all together. The next Ministry will hold no doubtful position. Responsible for the public acts of the Governor, and no less responsible for their own, they will have to treat him with the courtesy, consideration and confidence which are his right, but without ever lending themselves for an hour to any act which they may deem a departure from that course of public policy which is the people's right. Responsible also, still following English rule, they will all have to hold themselves, to Parliament and public opinion, for the acts of each, except in the few cases where (as in England) the "open question" may be their declared course. They will have to be careful to propose legislation ever in the right direction; but, warned by the late administration, never more at once than can be

done at once. Both as Administrative officers and as legislators, they will have to consult carefully the views and feelings of the people,—not merely of the whole people collectively, but of the people of particular localities and of either origin; *forcing absolutely nothing* on either of the two sections of the Province, nor yet on either of the races that inhabit one of them; seeking by equity and moderation to allay whatever jealousies may still remain between them, to make them what otherwise they never can be, the united people of a prosperous Province.

On these principles, the time-tried principles of British freedom, failure is a thing impossible; on any other, success is no less impossible. "It needs no change," I quote the words of the Statesman to whom we owe the recognition of Responsible Government for Canada, "it needs no change in the principles of Government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the great principles of the British constitution, and introduce into the Government of these great Colonies those wise provisions, by which alone the working of the Representative system can in any country be rendered harmonious and efficient."

APPENDIX.

Resolutions of the Legislative Assembly of Canada,
of the 3rd Sept., 1841, on the subject of Res-
ponsible Government.

1. That the most important as well as the most undoubted of the political rights of the people of this Province, is that of having a Provincial Parliament for the protection of their liberties, for the exercise of a Constitutional influence over the Executive Departments of their Government, and for Legislation upon all matters of internal Government.
2. That the Head of the Executive Government of the Province, being within the limits of his Government, the Representative of the Sovereign is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the Province.
3. That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well-understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and governed.
4. That the people of this Province have, moreover, a right to expect from such Provincial Administration the exertion of their best endeavours, that the Imperial authority shall be exercised in the manner most consistent with their well-understood wishes and interests.

Message from His Excellency the Governor General to the Legislative Assembly of Canada,
presented Friday, 1st December, 1843.

C. T. METCALFE.

The Governor General transmits to the Legislative Assembly, in reply to their Address of yesterday's date, Copies of all communications that have passed between him and those Members of the late Executive Council who have tendered their resignation on the subject of those resignations.

Government House,
Kingston, 30th November, 1843. }

Mr. Lafontaine, in compliance with the request of the Governor General, and in behalf of himself and his late colleagues, who have felt it to be their duty to tender their resignation of office, states, for His Excellency's information, the substance of the explanation which they propose to offer in their places in Parliament.

They have avowedly taken office upon the principle of responsibility to the Representatives of the People in Parliament, and with a full recognition on their parts of the following resolutions, introduc-

ed into the Legislative Assembly with the knowledge and sanction of Her Majesty's Representative in this Province, on the 3d September, 1841.

"That the head of the Executive Government of the Province, being within the limits of his Government the Representative of the Sovereign, is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information of subordinate officers in the Province;" and "that in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare, and good government of the Province, the chief advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the People, thus affording a guarantee that the well-understood wishes and interests of the People, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

They have lately understood that His Excellency took a widely different view of the position, duties, and responsibilities of the Executive Council, from that under which they accepted office, and through which they have been enabled to conduct the Parliamentary business of the Government, sustained by a large majority of the popular branch of the Legislature.

Had the difference of opinion between His Excellency and themselves, and, as they have reason to believe, between His Excellency and the Parliament and people of Canada generally, been merely theoretical, the Members of the late Executive Council might, and would, have felt it to be their duty to avoid any possibility of collision, which might have a tendency to disturb the tranquil and amicable relations which apparently subsisted between the Executive Government and the Provincial Parliament. But that difference of opinion has led not merely to appointments to office against their advice, but to appointments, and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by, and to a determination on the part of His Excellency to reserve for the expression of Her Majesty's pleasure thereon, a Bill introduced into the Provincial Parliament, with His Excellency's knowledge and consent as a Government measure, without an opportunity being given to the Members of the Executive Council to state the probability of such a reservation. They therefore felt themselves in the anomalous position of being, according to their own avowals and solemn public pledges, responsible for all the acts of the Executive Government to Parliament, and, at the same time, not only without the opportunity of offering advice respecting these acts, but without the knowledge of their existence, until informed of them from private and unofficial sources.

When the Members of the late Executive Council offered their humble remonstrances to His Excellency on this condition of public affairs, His Ex-

celency not only frankly explained the difference of opinion existing between him and the Council, but stated that from the time of his arrival in the country he had observed an antagonism between him and them on the subject; and notwithstanding that the Members of Council repeatedly and distinctly explained to His Excellency, that they considered him free to act contrary to their advice, and only claimed an opportunity of giving such advice, and of knowing, before others, His Excellency's intentions, His Excellency did not in any manner remove the impression left upon their minds by his avowal that there was an antagonism between him and them, and a want of that cordiality and confidence which would enable them, in their respective stations, to carry on the public business to the satisfaction of His Excellency or of the Country.

The want of this cordiality and confidence had already become a matter of public rumour; and public opinion not only extended it to acts, upon which there were apparent grounds for difference of opinion, but to all measures of Government involving political principles. His Excellency, on the one hand, was supposed to be coerced by his Council into a course of policy which he did not approve of, and the Council were made liable to the accusation of assuming the tone and position of Responsible Advisers of the Government, without, in fact, asserting the right of being consulted thereupon.

While His Excellency disavowed any intention of altering the course of administration of public affairs which he found on his arrival in Canada, he did not disguise his opinion that these affairs would be more satisfactorily managed by and through the Governor himself, without any necessity of concord amongst the Members of the Executive Council, or obligation on their part to defend or support in Parliament the Acts of the Governor. To this opinion of His Excellency, as one of theory, the Members of the Executive Council might not have objected; but when, on Saturday last, they discovered that it was the real ground of all their differences with His Excellency, and of the want of confidence and cordiality between His Excellency and the Council since his arrival, they felt it impossible to continue to serve Her Majesty as Executive Councillors for the affairs of this Province, consistently with their duty to Her Majesty, or to His Excellency, or with their public and often repeated pledges in the Provincial Parliament, if His Excellency should see fit to act upon his opinion of their functions and responsibilities.

Daley's Hotel, }
27th November, 1843. }

The Governor General observes with regret in the explanation which the Gentlemen who have resigned their Seats in the Executive Council propose to offer in their places in Parliament, a total omission of the circumstances which he regards as forming the real grounds of their resignation; and as this omission may have proceeded from their not considering themselves at liberty to disclose those circumstances, it becomes necessary that he should state them.

On Friday, Mr. Lafontaine and Mr. Baldwin came to the Government House, and after some other matters of business, and some preliminary remarks as to the cause of their proceeding, demanded of the Governor General that he should agree to make no appointment, and no offer of an appointment, without previously taking the advice of the Council; that the lists of Candidates should, in

every instance, be laid before the Council; that they should recommend any others at discretion; and that the Governor General in deciding, after taking their advice, should not make any appointment prejudicial to their influence. In other words, that the patronage of the Crown should be surrendered to the Council for the purchase of Parliamentary support; for, if the demand did not mean that, it meant nothing, as it cannot be imagined that the mere form of taking advice without regarding it was the process contemplated.

The Governor General replied, that he would not make any such stipulation, and could not degrade the character of his office, nor violate his duty, by such a surrender of the Prerogative of the Crown.

He appealed to the number of appointments made by him on the recommendation of the Council, or the members of it in their departmental capacity, and to instances in which he had abstained from conferring appointments on their opponents, as furnishing proofs of the great consideration which he had evinced towards the Council in the distribution of the patronage of the Crown.

He, at the same time, objected, as he always had done, to the exclusive distribution of Patronage with party views, and maintained the principle, that Office ought, in every instance, to be given to the man best qualified to render efficient services to the State; and where there was no such pre-eminence, he asserted his right to exercise his discretion.

He understood from Messrs. Lafontaine and Baldwin, that their continuance in office depended on his final decision with regard to their demand; and it was agreed that at the Council, to be assembled the next day, that subject should be fully discussed.

He accordingly met the Council on Saturday, convinced that they would resign, as he could not recede from the resolution which he had formed, and the same subject became the principal topic of discussion.

Three or more distinct propositions were made to him, over and over again, sometimes in different terms, but always aiming at the same purpose, which, in his opinion, if accomplished, would have been a virtual surrender into the hands of the Council of the Prerogative of the Crown; and on his uniformly replying to those propositions in the negative, his refusal was each time followed by "then we must resign," or words to that purport, from one or more of the Council.

After the discussion of this question at so much length, being, as he has hitherto conceived, the one on which the resignation of the Council rested, he is astonished at finding that it is now ascribed to an alleged difference of opinion on the theory of Responsible Government.

In the course of the conversations, which both on Friday and Saturday followed the explicit demand made by the Council regarding the Patronage of the Crown, that demand being based on the construction put by some of the Gentlemen on the meaning of Responsible Government, different opinions were elicited on the abstract theory of that still undefined question, as applicable to a Colony, — a subject on which considerable difference of opinion is known every where to prevail; but the Governor General during those conversations protested against its being supposed that he is practically adverse to the working of the system of Responsible Government, which has been here established, which he has hitherto pursued without deviation, and to which it is fully his intention to adhere.

The Governor General subscribes entirely to the Resolutions of the Legislative Assembly of the 3rd

September, 1841; and considers any other system of Government but that which recognises Responsibility to the People, and to the Representative Assembly, as impracticable in this Province.

No man is more satisfied that all Government exists solely for the benefit of the people; and he appeals confidently to his uniform conduct here and elsewhere in support of this assertion.

If, indeed, by Responsible Government the Gentlemen of the late Council mean that the Council is to be Supreme, and the authority of the Governor a nullity, then he cannot agree with them, and must declare his dissent from that perversion of the acknowledged principle.

But if they mean that Responsible Government, as established in this Colony, is to be worked out with an earnest desire to ensure success, he must then express his surprise at their arriving at conclusions which he does not consider to be justified by any part of his conduct, and which he conceives his repeated declarations ought to have prevented.

Allusion is made in the proposed explanation of the Gentlemen of the late Council, to the Governor General's having determined to reserve for the consideration of Her Majesty's Government, one of the Bills passed by the two Legislative Houses. That is the Secret Societies' Bill. If there is any part of the functions of the Governor in which he is more than any other bound to exercise an independent judgment, it must be in giving the Royal Assent to Acts of Parliament. With regard to this duty he has special instructions from Her Majesty to reserve every Act of an unusual or extraordinary character. Undoubtedly, the Secret Societies' Bill answers that description, being unexampled in British Legislation. The Gentlemen of the late Council heard his sentiments on it expressed to them. He told them that it was an arbitrary and unwise measure, and not even calculated to effect the object it had in view. He had given his consent to its being introduced into Parliament, because he had promised, soon after his assumption of the Government, that he would sanction Legislation on the subject, as a substitute for Executive measures, which he refused to adopt on account of their proscriptive character; although he deprecates the existence of Societies which tend to foment Religious and Civil discord. The Gentlemen of the late Council cannot fail to remember with what pertinacity those measures were pressed on him, and can hardly be unaware of what would have followed at that time, if, in addition to rejecting the proscriptive measures urged, he had refused to permit any Legislation on the subject.

Permission to introduce a Bill cannot be properly assumed as fettering the judgment of the Governor with regard to the Royal Assent; for much may happen during the passage of the Bill through the Legislature to influence his decision. In this case the Bill was strongly opposed and reprobated in the Assembly; but when it went to the Legislative Council, many of the Members had seceded, and it did not come up from that House with the advantage of having been passed in a full meeting. Taking these circumstances into consideration, together with the precise Instructions of Her Majesty, and the uncertainty of Her Majesty's allowing such a Bill to go into operation, the Governor General considered to be his duty to reserve it for Her Majesty's consideration; as it was much better that it should not go into operation until confirmed by Her Majesty's Government, than that it should be discontinued after its operation had commenced.

In conclusion, the Governor General protests against the explanation which those Gentlemen propose to offer to Parliament, as omitting entirely the actual and prominent circumstances which led to their resignation, and as conveying to Parliament a misapprehension of his sentiments and intentions which has no foundation in any part of his conduct, unless his refusal to make a virtual surrender of the Prerogative of the Crown to the Council for party purposes, and his anxiety to do justice to those who were injured by the arrangements attending the Union, can be regarded as warranting a representation, which is calculated to injure him, without just cause, in the opinion of the Parliament and the People, or whose confidence he places his sole reliance for the successful administration of the Government.

Government House, }
28th November, 1843. }

Mr. Price's Motion in the Legislative Assembly of the 1st December, 1843; carried on the 2nd by a vote of 46 to 23.

That an humble Address be presented to His Excellency the Governor General, humbly representing to His Excellency the deep regret felt by this House at the retirement of certain Members of the Provincial Administration, on the question of their right to be consulted on what this House unhesitatingly avows to be the Prerogative of the Crown,—appointments to Office; and further, to assure His Excellency that their advocacy of this principle entitles them to the confidence of this House, being in strict accordance with the principles embraced in the Resolutions adopted by this House on the 3rd September, 1841.

Mr. Wakefield's Resolutions, moved in amendment thereof, on the 2nd December. Not carried.

1. That according to the principles of the British Constitution, as declared to exist in this Province by the Resolutions of the House of Assembly of the 3rd September, 1841, the Members of the Executive Council are responsible to the People, and to this House, as the Representatives of the People, for the exercise of every Royal Prerogative within this Province; and that consequently, inasmuch as it would be most unjust to subject any man to responsibility for acts in which he had not participated, it is indispensable that the Royal Prerogative be exercised by His Excellency the Governor General, with the advice of the Members of his Executive Council.

2. That according to the aforesaid principles of the British Constitution, the Provincial Representative of the Sovereign cannot be responsible or in any way accountable for the exercise of any branch of the Royal Prerogative to any Provincial Authority whatever; and, therefore, that he cannot constitutionally enter into any pledge, engagement, or assurance with the Members of the Executive Council, or with any other person or persons in the Province, respecting the future exercise of the Prerogative.

3. That the well-known practise of the British Constitution recognizes one effectual means, and no other, of securing the observance of the aforesaid principle, namely, the Resignation of the Members of the Executive Council, whenever, on an occasion of sufficient importance to warrant the

application of that legitimate check upon the exercise of the Prerogative, the Governor General shall have failed to ask or refused to follow their advice in some particular case or cases; but that if the Head of the Government were to enter into any general arrangement with the Members of his Executive Council, or even with this House, binding himself in anywise, whether directly or by implication, as to the future exercise of any of his functions as the Representative of the Sovereign, he would openly divest the Crown of its acknowledged Prerogative, degrade the Royal Office into obvious and proclaimed subordination to the Executive Council, and most seriously impair the Constitution which it is the glory of this Province to possess.

The Honorable Mr. Viger's Resolution, also moved in amendment on the same day. Not carried.

That this House adheres firmly to the principles embodied in the Resolutions of the 3rd September, 1841; but that no document or question has, on the present occasion, come before the House in a shape in which it can, according to Parliamentary usage and practice, serve as the basis of an Address to the Governor General on the subject of Responsible Government.

The Honorable Mr. Black's Resolution, moved in amendment on the same day. Not carried.

That an humble Address be presented to His Excellency the Governor General, humbly representing to His Excellency, that, understanding the claim of the late Executive Council to be solely that of being consulted and heard upon all questions of importance to the Province, and of being informed of His Excellency's determination upon any such question before it becomes public by any other channel, without any claim to controul His Excellency in the exercise of the undoubted Prerogative of the Crown upon any such question, or to prevent his acting in such manner as he might see best after weighing their advice and hearing their reasons, this House, without feeling itself called upon to express any opinion on the policy of the late Administration, are yet bound to declare their opinion that there is nothing in the said claim of the Executive which may not be held to be the necessary consequence of the principles of Responsible Government, embodied in the Resolutions of the 3rd September, 1841, to which this House firmly adheres.

The Honourable Mr. Boulton's Resolution moved on the same day as an addition to Mr. Price's; carried by a vote of 60 to 7:—

That 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 misconstruction which possibly might be placed upon the affirmative declaration of their opinion upon this delicate and most 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 of 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.

Address of the House of Assembly to the Governor General, as amended, of the 2nd December, 1843:—

To His Excellency the Right Honourable Sir CHARLES THEOPHILUS METCALFE, Baronet, Knight Grand Cross of the most Honourable Order of the Bath, one of Her Majesty's most Honourable Privy Council, Governor General of British North America, and Captain General and Governor in Chief, in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please Your Excellency:—

We, Her Majesty's dutiful and loyal subjects the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Excellency, the deep regret we feel at the retirement of certain members of the Provincial Administration on the question of their right to be consulted, on what we unhesitatingly avow to be the Prerogative of the Crown, appointments to office; and further to assure Your Excellency that their advocacy of this principle entitles them to our confidence, being in strict accordance with the principles embraced in the Resolutions adopted by the Legislative Assembly on the third day of September, one thousand eight hundred and forty-one.

That this House, in dutiful submission to their Gracious Sovereign, and with the utmost respect for the exalted station and high character of Your Excellency, is most anxious to guard against any misconstruction which possibly might be placed upon the affirmative declaration of their opinion, upon this delicate and most 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 of 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.

Second Address, prepared by the Honourable Mr. Boulton on the 6th Dec. 1843, but withdrawn after debate on the next day:—

That an humble Address be presented to His Excellency the Governor General, expressing the deep anxiety of this House at the delay which has taken place in the formation of a new Administration, since the resignation of the late advisers of His Excellency the Governor General, communicated to this House on the first instant. That His Excellency having fully concurred in the Resolutions of this House, of the 3rd September, 1841, whereby it is amongst other things, declared that, in order "to preserve between the different Branches of the Provincial Parliament, that harmony which is essential to the peace, welfare and good Government of the Province, the Chief Advisers of the

“Representative of the Sovereign constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the People,” and that “the management of our local affairs can only be conducted by the Head of the Executive Government, by and with the assistance, counsel, and information of such Provincial Administration.” This House, in full reliance upon the oft expressed intentions of His Excellency to carry on the Government upon these sound constitutional principles so clearly enunciated by this House and concurred in by His Excellency, with an earnest desire not to offer any unnecessary obstruction to the progress of public affairs during a period which might reasonably have been regarded as sufficient for the formation of a new Administration, has passed several important measures eagerly looked for by the people of this Province, in the absence of any one to represent the views of Government within the walls of Parliament. But feeling the increasing difficulties which every day’s experience has warned us of in thus proceeding, under the suspended operation of those principles to which the people of this great country look, for the maintenance and preservation of their Rights and Liberties, this House has come to the determination, humbly to tender to His Excellency their advice, that His Excellency will be graciously pleased to take such measures, as are best calculated for the formation of a strong and efficient administration, and thus “affording a guarantee that the well understood wishes of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated.”

Mr. Morris’s Resolution moved in amendment to the above on the 7th Dec., 1843, and carried by a unanimous vote:—

That this House, in full reliance upon the oft expressed intentions of His Excellency the Governor General, to carry on the Government upon the sound Constitutional principles so clearly enunciated by this House in the Resolutions of the 3rd Sept. 1841, have, with a strong desire to pass several important measures which were anxiously looked for by the people of this Province, been induced to proceed for the last ten days with the business of the country, in the absence of a Provincial Administration representing the Government within the walls of Parliament.

Prorogation Speech of His Excellency, the Governor General, delivered to the Houses on the 9th Dec., 1843:—

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly:

In consequence of the interruption which our joint labours have undergone, entirely against my inclination, and from causes over which I have had no control, I now meet you for the purpose of relieving you from further attendance in Parliament. I am sensible of your unremitting application to your arduous duties during the Session which has been so unexpectedly shortened, and I trust that the measures which you have passed, and to which I have given the Royal Assent in Her Majesty’s name, will prove beneficial to the Country. Some Bills I have been under the necessity of reserving for the consideration of Her Majesty’s Government, either from the impracticability of their being carried into execution, owing to their depending on other measures which have not passed into Laws, or from their affecting the Prerogative of the Crown, or being of a character that, under the Royal Instructions, renders that proceeding imperative.

Gentlemen of the House of Assembly:

I thank you for the readiness with which you have voted the necessary Supplies. It will be my duty to take care that they be disbursed with the utmost economy consistent with the efficiency of the Public Service.

Honourable Gentlemen and Gentlemen:

I trust that on your return to your homes you will, by precept and example, endeavour to secure the blessings of harmony and brotherly love among all classes of the community. Peace and Happiness will render our country a desirable place of refuge for the superfluous population of the Parent State, whose settling here is fraught with benefit to themselves and the Colony; while discord and strife must have the opposite effect of deterring them from connecting their destinies with those of a country unceasingly troubled; I humbly hope that the Blessing of the Almighty will render this a prosperous and happy Land, reaping the fruits of its own industry, and enjoying the powerful protection of our Gracious Sovereign as an integral portion of the British Empire. I will now, Gentlemen, say Farewell; and I trust that we shall meet again to renew our efforts for the public good with greater success.

ERRATA.

Page 2, Column 1, Line 10—for or none, read or more.

11,	1,	46—for 1842, read 1843.
13,	1,	64—for he had read he ever had.
13,	2,	40—for us to make, read as to be able to make
14,	1,	21—for and how, read and as to how.
15,	1,	4—for approved it, read approved of it.
15,	2,	22—for or rather, read or other.
15,	2,	36—for introduced, read introduce.
16,	1,	25—for less glaring, read more glaring.
16,	1,	50—for could all the better be, read could be all the better.

FOR DEPOSIT
NOT TO BE

