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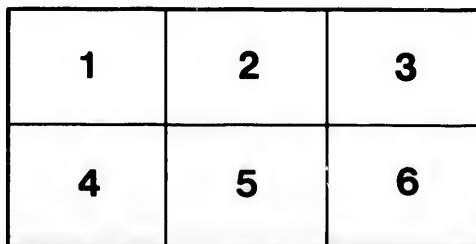
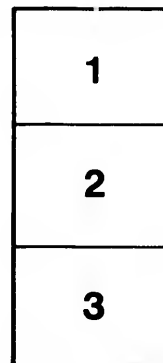
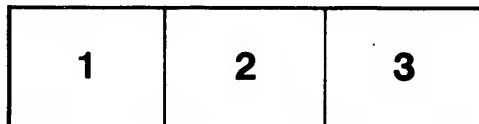
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R.

LETTERS

ON

RESPONSIBLE GOVERNMENT.

BY

LEGION.

How Mrs. Sullivan

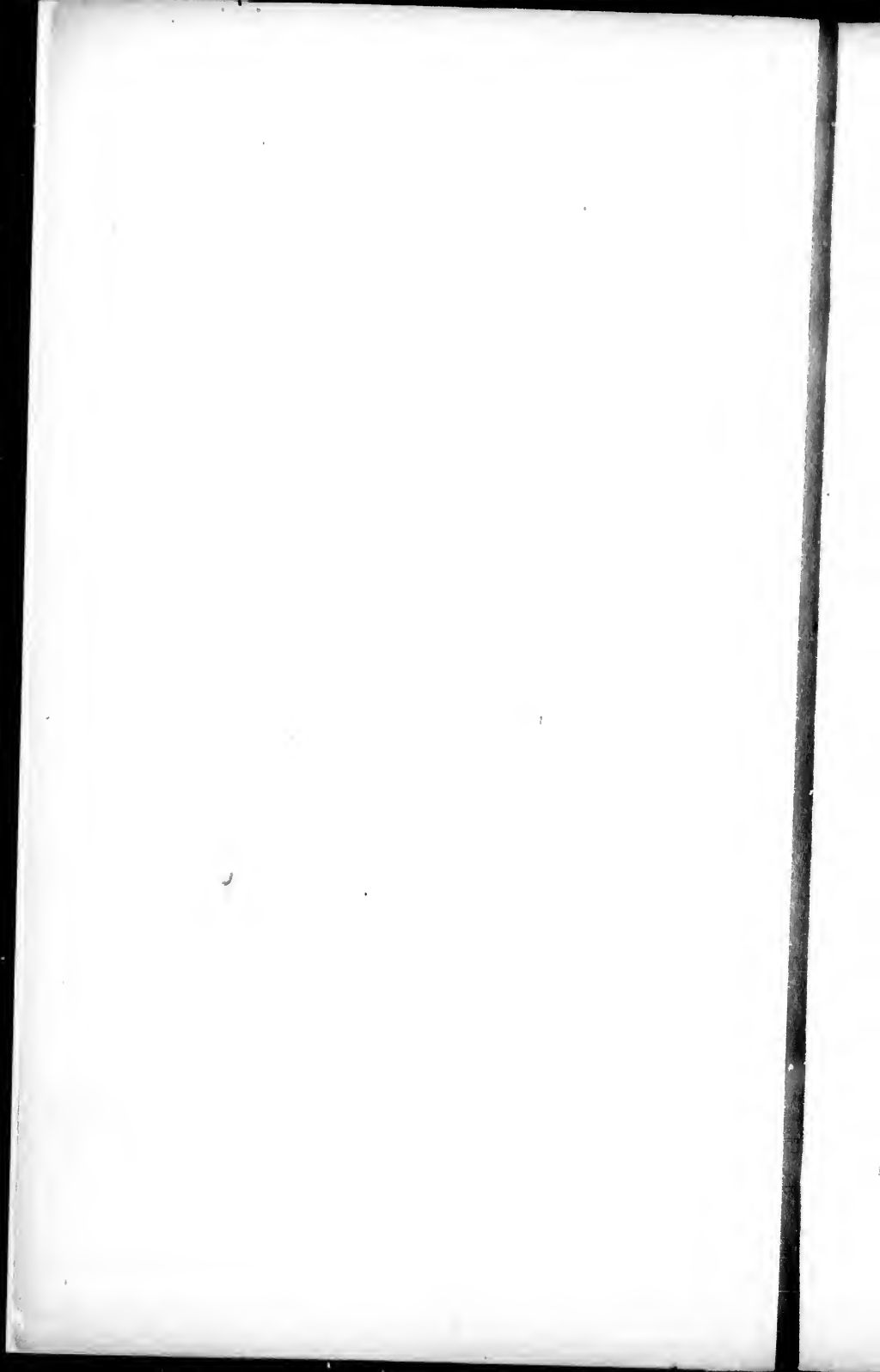
TORONTO:

PRINTED AT THE EXAMINER OFFICE.

1844.

7

TO
THE PEOPLE OF CANADA,
THE RIGHTFUL INHERITORS
OF THE
BRITISH CONSTITUTION,
THESE LETTERS
ARE RESPECTFULLY INSCRIBED.



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LETTER I.

SIR,

The announcement of a defence for Sir Charles Metcalfe, by the Reverend Egerton Ryerson, has excited much curiosity; which feeling has been abundantly gratified by the portions of the defence now published. Mr. Ryerson does not rest altogether on his arguments or his facts: he adds the weight of his name, with every embellishment which his own inordinate notions of self-consequence can afford it. As a Leonidas,—he bravely throws himself into a Thermopylae of death, having brought himself to the conclusion, that he, Mr. Ryerson, is equal at least to three hundred and one Spartans. As a prophet, he appeals to his former predictions; and, as a man of war, he threatens his opponents with the power of the British Empire. As a Canadian Colonist I feel indignant, that the Government should resort to threats, and humbled because it has chosen Mr. Ryerson as the instrument of intimidation. Passion may however be as easily attributed to wilful error, as to conscious rectitude; and my object in addressing you is not to exasperate feeling already sufficiently awakened; but to meet the champion of his Excellency with the weapons of argument, and to reduce the questions agitated as much as possible to simple demonstration. The cause of Sir Charles Metcalfe is not intrinsically worse because Mr. Ryerson is his advocate, or the rights of the Canadian people more sacred or valuable because they are attacked with evil intentions. My design is, to offer to my fellow colonists a series of remarks upon Mr. Ryerson's publications; and if I shall find occasion to mention his name and opinions or those of his employer, it is not for the sake of attacking or injuring either, but for that of necessary illustration. The injurious aspersions cast upon the friends of Canada by both personages, may arouse angry feelings, and may deprive both of the pity and sympathy accorded to honest sufferers even in a bad cause; but the importance of the object of the present contest is too great for individual hostility: We assail the position of our enemy—we do not condescend to destroy his sentinels.

Mr. Ryerson states in his announcement, the moral connexion between the people of Canada and their Government—the connexion of confidence and affection to be “the only connexion of strength and happiness.” Yet the introductory address opens, by adjuring the people of Canada by the events of 1837, and by the safety and welfare of their families. Are these arguments of confidence and affection? Mr. Ryerson, I suppose with authority, says, that Sir Charles Metcalfe must employ whatever power may be necessary to sustain the constituted authorities of the land. Are these the words of the peacemaker? Mr. Ryerson gives his decision—and that of Sir Charles Metcalfe as that of the authorities of the Empire, and he says, “The strength of the Empire will of course be employed (if need be) to support the decision of its authorities,” and he asks—are the people of Canada prepared for such a collision? I take it that all understand what the strength of the Empire means, and were the words addressed by an ambassador to the minister of a foreign power, some notions of soldiers, and cannon and bayonets would present themselves to the mind of the latter. It would not be the strength of love and affection, or of the moralities, or of the moral connexion, the only connexion of strength and happiness. Is this, I would ask, the Rev. Mr. Ryersons strength of argument? If he does not rely on it, why does he use it, and if he does rely on it, why should he use any other. If Sir Charles Metcalfe has authorized him to threaten the Canadian people with the sword, why does Mr. Ryerson, or Sir Charles Metcalfe reason with them? Do they expect a fair decision from the people against whom force is thus invoked? Does he think ties of affection, the love knots of political union, can be tastefully ornamented with deaths heads and bones? Mr. Ryerson the lover of his country, is however the first to speak of force and strength. With a beautiful consistency and harmony of argument, he boasts of throwing himself into a Thermopylæ of death, and then he tells the enemy, the poor Reform Association, that he has the whole strength of the Empire at his back. In truth, it is the little Toronto league that are like the three hundred Spartans, for like them they are threatened with the strength of an Empire, and if there be any death prophesied by Mr. Ryerson it is not his own, but that of Mr. Ryerson’s fellow Christians, and of their little families. So much for his bravery, his devotion, and his heroism.

But Mr. Ryerson likens the people of Canada to a jury, and the Governor-General to a criminal on his trial; he is not one of the "knot of a certain class of Lawyers at Toronto," but we acknowledge he puts his case very strongly. Gentlemen of the jury says he—This is not a case within your jurisdiction. "The Imperial authority is unquestionably the tribunal of appeal in such a question. The same as the court of Queen's Bench is the legal tribunal of decision on any question of property between man and man." The Imperial authority has already decided the prisoners case—and moreover whatever power may be necessary, even to the whole strength of the Empire, will be used by the prisoner at the bar, to enforce the decision. Therefore, Gentlemen of the jury, look out for yourselves and your families, and bring in a verdict of acquittal, or to say the least of it, it may be worse for you all. I think Sir, there are few juries would hesitate in such a case if they believed the learned Counsel. But they might be inclined to ask when the door of the jury room was shut, and the constable not listening at the key hole—what was the object in such a case of making them call God to witness that they would give a true verdict according to the evidence? And if the learned Counsel in his speech likened himself to Leonidas, and three hundred Spartans, the jury would have laughed in his face—if they dared.

After threatening Canada with the events of 1837, Mr. Ryerson goes on to say, "In 1834, I gave a similar warning shortly after the then called 'Constitutional Reform Association' was established in Toronto. In 1837, my warning predictions were realized by the ruin of many, and the misery of thousands. What took place in 1837, was but a preface to what may be witnessed in 1847. The principles of the association of 1844 are constitutional, so were the principles of the association in 1834."

If the Rev. Dr. means not to have the flanks of his Thermopylae turned, he should state the whole truth. Now I shall remind my readers of what they know to be the truth, after which it will not be difficult to apply the necessary reasoning. The Constitutional Reform Association of 1834, demanded Responsible Government. The Local authorities, and the Imperial authorities, openly, honestly, and sternly refused it. There was no quibbling, no pretence that the Colony had Responsible Government. Until the writing of Lord Durham's Report, the refusal was direct,—neither party pretending to misunderstand the other. Well, Mr.

Ryerson prophesied against the demand; there were disturbances, notwithstanding which Lord Durham advised Responsible Government. The resolutions of 1841, were introduced into the United Parliament by a servant of the Government, and Sir Charles Metcalfe and the Rev. Leonidas himself, pretended to uphold these resolutions; and Responsible Government, denied in 1834, was conceded as the Constitution of the Country.

Now what does all this prove? Is it that the Constitutional Reform Association were wrong, or that their demand was urged in the end unsuccessfully? No! For according to Sir Charles Metcalfe's answers the Responsible Government was granted. If Sir Charles should say nothing was granted by the Resolutions of 1841, but what Canadians had in 1834;—then would Sir Charles contradict his answer to his loyal supporters, and the Rev. Dr. would stand a confessed deceiver: but if as both now assert Responsible Government was granted, and if Sir Charles Metcalfe be sincere in his assertions, that he advocates and upholds it; and if moreover he be right in principle in so doing, then it inevitably follows that the Rev. Doctor was *wrong* in his prophecy in 1834, wrong in his advice to his fellow Christians then; for he advised *them not to insist upon a right*, which according to his present doctrines, *insisting upon, they obtained*. If the Reverend Doctor says, that Responsible Government was granted in consequence of rebellion, he would be so far justifying rebellion, which I do not pretend to do; I will not charge the Imperial Government of England with granting to rebellion what it refused to supplication, remonstrance, and demand. But no one will deny, that were it not for the supplication, remonstrance and demand, it would not have been granted, and if in consequence of these it was granted, and rightly granted; the events of 1834, and subsequent years, are a very strong argument, indeed in favour of demands by Colonists, of all rights to which they consider themselves justly entitled; notwithstanding the warnings of political clergymen, or the denials of colonist despising Governors.

In 1834, Mr. Ryerson says, that he stated, that he "did not believe there was one, out of one hundred, of the members and disciples of the Association who contemplated any thing beyond what was lawful, and constitutional," and he says the same of the supporters of the present Association. Well, let us suppose this to be true; the ninety-nine, who contemplated nothing beyond what was lawful and constitutional; even according to Sir Charles

Metcalfe and his Leonidas, got what was lawful and constitutional; and the one out of the hundred, who is said to have contemplated something unlawful and unconstitutional was defeated, I am satisfied with this conclusion, as it was then, so let it be now.

After a very proper remark upon the use of spiritous liquors; the learned Spartan is pleased to observe, "that the spirit of the former association was only the shade of the virus which circulates through several of the speeches, and the address of the present association."

If one of the little boys, whom the Doctor was so desirous to superintend were to say that a circulating virus could cast a shadow, and that the shade could have existed ten years before the virus; we suppose the learned superintendent would award him a premium: I think he should be whipped, by way of impressing on his infant mind, that fine writing and nonsense are not convertible terms; what would have been said of the Mantuan bard had he written.

Tityre, tu patulæ recubans sub tegmine viri.

But by way of exhibiting the overshadowing virus of the Association, the President of Victoria College, attacks the Queens professor of Law in Kings College, who he says two years ago spoke against accepting office (should it be offered to him) with such men as Messrs Sullivan and Hincks: Now if Mr. Blake ever said any such thing, it must have been because he blamed these men for remaining in office when Mr. Baldwin went out, or because he blamed Mr. Sullivan for having been an opponent to the claim of Responsible Government until it was a conceded question; Mr. Blake's observation, if he made it, was perfectly consistent with his present course, it not being necessary for the members of the Reform Association by any means to approve either of Mr. Sullivan or Mr. Hincks, or of their conduct in the Government. But what is to be said of the Reverend teacher of logic to the Victoria College, who actually blames Mr. Baldwin for retiring, and who supported so far as he could the Government in which Messrs Sullivan and Hincks remained, and yet who reproaches Mr. Blake for belonging to an Association of which the Doctors two former friends are members. If the events to which Mr. Blake must have alluded, have any thing to do with the present Reform Association, they only show that Mr. Blake has made two converts to the opposition: they joined the opposition with him, he did not accept

the Solicitor-Generalship (if it was offered to him) with them : but the Reverend Doctor has a facility in coming to wrong conclusions, which makes him a much better advocate for the Governor-General, than President of a College, or superintendent of Education.

The Reverend Doctor alleges, that Mr. Blake held up Sir Chas. Metcalfe under the character of Warren Hastings, and exhibited the King and Government in colors of the deepest depravity and barbarism.—I allege that Mr. Blake did not hold up Sir Charles Metcalfe under the character of Warren Hastings. In the speech alluded to, he argued that it was not impossible for a British Governor to be a tyrant, and he proved his proposition by showing that Warren Hastings was a British Governor—and yet was a cruel tyrant. He further argued that the King and Government of England did not always punish Governors who were tyrants, and he proved his proposition by showing that the King and Government did not punish Warren Hastings: He never said Sir Charles Metcalfe was in the least like Warren Hastings. If I were now to say that Ministers of religion did not always confine themselves within their proper sphere of usefulness, but that they injured themselves, and their cause, by meddling with party politics, and thereby created hostile feelings and prejudices against them personally which they did not deserve, and blinded men to good qualities which they really possessed, and if I were to mention the Bishop of Toronto as an instance of this kind, would Mr. Ryerson have a right to say, that I held him up under the character of the Bishop of Toronto?

Mr. Blake blamed the King and Government for not bringing Warren Hastings to punishment for his atrocious oppression and cruelty. And Mr. Ryerson asks, if such a man as Mr. Blake can do this, what may not he and others like him be found doing against the Sovereigns representative two years hence. But Sir, Mr. Burke and Mr. Sheridan, were men eloquent, and were more violent in their denunciations of Warren Hastings than Mr. Blake, yet not only two, but many years passed away, and neither were rebels or traitors; what must be thought of Mr. Ryersons knowledge of history and logic, when because of Mr. Blake's attack, upon the defunct Warren Hastings, he solemnly warns all who have the safety and best interests of themselves and families at heart, to pause before they enlist themselves under the banners of the Toronto Reform Association. Verily Reverend Doctor, your

loyalty must be very straight laced, when you are so tender about the character of Warren Hastings. I would seriously advise you to employ the interval which may probably have to elapse before you assume the duties of Superintendent of Education in compiling for the use of schools a new history of England, from which the names of Burke and Sheridan will be excluded ;—so that when we poor Colonists quote history, we may do it in your own critical correct and loyal style, avoiding bad examples, and taking care how we assail Thermopylæ's of death, defended by Rev. Doctors with the fury of three hundred Spartans and the strength of an Empire.

Mr. Ryerson was at one time in hopes, at least so he says, that a mutual understanding and reconciliation would take place between the Governor-General and the late Councillors, (and no doubt there would—had there been any misunderstanding between them,) but Mr. Ryerson was inclined to propose it himself. I wish with all my heart he had, and that the answer of Sir Charles Metcalfe was public. He would have found that Sir Charles would have the Government administered as he pleased, without advice, or with any advice that might fail in his way, and that he wanted no Council with popular or political influence, on any side, or with any party ; that Sir Charles Metcalfe wished for no reconciliation—that the offer to meditate would have been met by an offer of an appointment, and the attempt to purchase a whole body of Christians through the person supposed to be their leader. This might well have happened, but there would be no reconciliation.

Why did not Mr. Ryerson say, that his hopes of reconciliation were damped by the direct charges made by Sir Charles Metcalfe personally of treasonable designs against the late advisers of the Crown—by his allegations that in furtherance of their designs the late Executive Councillors wanted to make a tool of him the Queens Representative ? Was the Reform Association organised before or after Sir Charles Metcalfe's answers to loyal addresses, or before his conduct of the Government showed that Responsible Government was the farthest thought from his mind. True "the voice was the voice of Jacob, but the hands were the hands of Esau." The voice repeated the words "Responsible Government" for even the words had a charm in them for a people who under the reality had seen health, life, and rigour, infused into their public affairs, but the hands were clasped and tightened round the throat of British Colonial Liberty, who gasping fled from the

violated halls of Legislation, where she once loved to dwell, and took shelter amongst associations of her chosen children. Mr. Ryerson would have been the mediator, if the people of Canada were at the feet of Sir Charles Metcalfe; he would have been the friend or rather the befriended of both parties, but he had to make choice, and he chose not a Thermopylæ, but the gorgeous camp of the eastern satrap. There let him dwell—let no mysterious writing on the wall scare him from his contemplations of greatness, or force him back from his envied station of chief favourite of the Governor. He has talents, why should they be wasted in the humble duties of a Christian minister, or in leading the youth of Victoria College, over the barren road of virtue and independence?

But Mr. Ryerson is fitted, according to his own account, for his office of champion for Sir Charles Metcalfe, because he says that in 1838 an attempt was made to degrade, proscribe, and drive out of the country all naturalized subjects from the United States, and to stigmatize all reformers with the brand of rebellion; "although there were no Messrs. Baldwin and Hincks who could or dare speak for them, and no Mr. Sullivan who would speak for them:" and he gives himself credit for defeating this attempt. I suspect Mr. Ryerson must have been revising the history of Canada for his own glorification, for I do not remember any attempt made to degrade, proscribe, and drive out of the country all naturalized subjects from the United States; in fact very many of these naturalized subjects had not only been in arms for the Government, but were strongly in politics then, as they are now, with the Government party of the time. The attempt would have been as wicked and absurd as the present attempt to defeat Responsible Government. It needed not Mr. Ryerson's power to defeat it, and neither Messrs. Baldwin, Hincks, or Sullivan were required to speak to prevent it; and as to Mr. Baldwin and Mr. Hincks not being able, or not daring, or Mr. Sullivan not being willing to say that all reformers were not rebels, I remember well these gentlemen continually saying it, and saying it always whenever the subject was spoken of; and I believe they were called upon to say so, in public and private, in newspapers and in Courts, just as often and as much as Mr. Ryerson. The intense devotion with which Mr. Ryerson worships himself, is in this point, carried to a degree of absurd Idolatry; which is rendered only more undisguised by his allusion to Mr. Howard and Mr. Bidwell. Mr. Howard was removed from the Toronto Post Office, not on account of any charge

made against him, but because at the time of the rebellion the Government thought it necessary to have its decided friends in charge of the Toronto Post Office, and rightly or wrongly they removed Mr. Howard to make way for a decided friend. But it is unjust to Mr. Howard to say he suffered under obliquy; he suffered by losing his office simply; he got a new appointment when his political friends came into power, but Mr. Ryerson had as much influence in procuring his new appointment as he had in his removal. As to Mr. Bidwell, Mr. Sullivan has said publicly and privately ever since he left the Province, that notwithstanding the whole evidence relating to the rebellion had been perused by him, he had never seen any thing which justified a charge against Mr. Bidwell as being concerned in the disturbance. It was in fact the very persons Mr. Ryerson charges with being silent and powerless, who procured Mr. Howard's re-appointment to office, and Mr. Bidwell's release from his engagement of voluntary exile. The pretence of Mr. Ryerson that he influenced the Law Society of Upper Canada in favour of Mr. Bidwell, is, if possible, still more ridiculously absurd. With that body Mr. Ryerson had less than no influence, and in that body Mr. Baldwin and his father always enjoyed very much confidence and respect. Let Mr. Draper, a bencher of the law Society, say whether he was prevented from covering the character and rights of Mr. Bidwell with perpetual infamy, by Mr. Egerton Ryerson: will he endure to have a government to which he belongs defended by such an advocate, or by aid of such pretences? This inflated self-sufficiency of the Reverend Doctor, little as it is worthy of introduction into a contest like the present, ought to warn Sir Charles Metcalfe to take better care who he adopts as his champions: in this respect he appears to be particularly unfortunate. How would he like, were he successful in his attempt to re-establish arbitrary power, and were to be crowned with the laurels of conquest over a subjugated people, how would he like Mr. Ryerson to publish that *he Mr. Ryerson* was the victor, that he Mr. Ryerson stretched forth his hand to save a sinking Governor General? How would Mr. Gowan in such an event like to have his share in the triumph taken by Mr. Ryerson? What would M. Do Blacquiere, Captain Beale, Alderman Dixon, and the rest of the loyal addressers say to the assumption of all merit, by this insatiable monopolizer? If all these really have any hopes of success, let them take care lest the Doctor's standing

alone in the Thermopylæ of death, should be quoted against them, when they look for their reward.

But the modest and Reverend Doctor "was about entering on a peaceful work—a work extensive and varied beyond the powers of the most vigorous intellect; that of devising and constructing by the concurrence of the people in their District Councils, a fabric of Provincial Common School Education." But he *arrests himself* from such a work and "leaves the glory of its accomplishment to deck another's brow:" modest Doctor! a less vain man would have hesitated to undertake a work beyond the powers of the most vigorous intellect, would have looked for some assistance from the experience of his master in enlightened India, the country of liberty, religion, and civil rights; he would have offered a sprig of laurel to the Governor; he would have looked a little to the Council sworn to advise His Excellency, and to the Parliament; but *no* all are passed by. The glory was to have been all his own; this is his notion of Responsible Government. He would not even make a tool of the Governor General in the erection of his fabric, but would himself build a vaulted arch of heaven, the sun of which was to be himself. It is only in the night, stars shine out and divide the admiration of the gazer; but when the Reverend Doctor became unveiled, and presented his aspect of equal benignity to every sect and party, each sect and party would of course sit upon its "broad basis" wrapped in silent admiration.

The choice made by Sir Charles Metcalfe of Mr. Ryerson, as Superintendent of Education, is so like many of the acts of his unadvised and irresponsible Government, that I do not pretend to wonder at it. Mr. Ryerson's sincere self-worship is so apparent in every word he writes, that no one will be surprised at his acceptance of the office, but still the appointment is in itself worthy of remark. We have the children of a population to be educated, of various creeds, and of almost every denomination of Christian Church Government. There are not wanting churchmen in the country of talent, learning, and character to fit them for the office of Superintendent, but unfortunately men of learning, talent, and character are not permitted to busy their capabilities to serve the public in politics, and in religious contests. Leaders of contending churches have been often passed over, in considering the choice to be made of a Superintendent of Education: for all men who acted as leaders have more or less expressed themselves strongly in the course of religious contention, and shown sufficient acrimony to

make it impossible for them to work out a system in which all should be equally respected, and all equally protected. The powerful and highly educated Church of England, views with sorrow and disappointment her claimed right as an establishment to direct the education of the country, wrested from her by public opinion; Mr. Ryerson himself being one of the most prominent instruments of what many of the members of that Church consider a spoliation. The powerful, educated, and I may say without offence, jealous clergy of the Church of Scotland, claim for their country and their country's church, the merit of the best and most general systems of popular education. The venerable and learned Roman Catholic clergy, peculiarly tenacious of their church principles, and strict in their notions of religious education, view with natural apprehension and distrust any movement which would lead to the propagation of adverso principles amongst their flocks. The Methodist Church zealous and active in spreading the Gospel, and the tenets of its venerable founder, seeks the extension of his principles throughout the world; through the active means of missionary propagandism. Now is it, I would ask, fair to expect of either of these religious bodies that they would be satisfied to see the education of the youth of the country placed under the superintendence of the active and energetic leader of one of the other churches? Was Mr. Ryerson satisfied to leave it in the hands of Doctor Strachan? And would the Bishop of Toronto, or any of his church, be satisfied to see him and his clergy passed by, not on the ground of the necessity for a general and impartial education, but for the purpose of granting that office to an active, talented, and zealous leader of another church? I know Sir that the Methodists desire no supremacy for their church, I do not accuse or think Mr. Ryerson guilty of any design to procure any unfair advantage for it: but you may depend upon my assertion, as one founded in reason, and on some little knowledge of human nature, that the people of Canada would not look with indifference to the promotion of either Mr. Ryerson, or Doctor Strachan, or any other head of a religious body to the office of Superintendent of Education, notwithstanding any claim to superior capabilities or superior attainments. The great difficulty in the choice of a Superintendent of Education in Canada, unquestionably is—the jealousy of a Clergyman of one Church entertained by the really religious of other churches. It was a bold step of the late Executive Council to advise the appointment of the Reverend Dr. Murray; a step

which nothing would have justified but his quiet and unobtrusive character, and known liberality of sentiment ; but you may rely on it that no responsible ministry in their senses would dare to recommend—that the duty of devising and erecting a system of education and of carrying it out practically should be placed in the hands of either Doctor Strachan or Doctor Ryerson, or of any other religious controversialist. Sir Charles Metcalfe, who looks upon himself as the concentration of the majesty of England—opposition to himself as disaffection to the Queen, and passive obedience to himself, as including all other virtues, may have offered such an appointment, but I would stake my life upon the truth of my allegation, when I say—that no responsible Executive Council would have advised it ; nay more, that neither Mr. Daly, nor Mr. Vigor, nor Mr. Draper, nor Mr. Parke, ever advised or approved of it. Such, however, is the Responsible Government in *theory and practice* of Sir Charles Metcalfe.

But why does Sir Charles Metcalfe stay his hand ; why does he not exercise *his* prerogative ; why does he permit the obedient Doctor to arrest himself ? Let those who see that unhappy victim of a Solicitor General elect for Lower Canada, covered with unpitied ridicule for the remainder of his life, and who can tell why he does not receive his appointment—answer the question.

The Doctor arrests himself because he has to take up the pen of vindication ; I wish he would say how long is he to wield his formidable feather, which is to press down the scale in which the fate of Canada is weighed : is the contest to last for days, or months, or years ? Of all this we are uncertain, the Doctor only leaves the office *perhaps* to other hands, or in other words his obtaining the office at all depends upon his rescue of the Governor-General.

But again, why does the learned logician arrest himself, and imprison himself in a Thermopylæ of death, for the purpose of advocating the cause of Sir C. Metcalfe : his own words are. "But of the need of such an advocacy there cannot be a moral possibility while Sir Charles Metcalfe holds the sceptre of Government." After all it would appear, that the Doctor immolates himself, arrests himself, and gives up the ambition of his heart, without even a moral possibility of any necessity for the sacrifice !

I have little to do with Mr. Ryerson's absurdities. A man, and Mr. Ryerson beyond most men in Canada, when he thinks strongly and is internally convinced of the righteousness of his cause, writes intelligibly ; when a man, on the contrary, is not convinced himself,

but attempts to convince others, he, and even Mr. Ryerson, is apt to write absurdly.

For further example, read his further proposition: "He (Sir Charles Metcalfe) has spent his forty years of public life in a Colony, and has therefore all the habits and feelings of a colonist." That is to say, as applied to the real fact,—Sir Charles Metcalfe has spent forty years in governing, or in connection with the government of a Colony, and *therefore*, yes *therefore*, he has all the feelings of a colonist. On the same syllogism, an overseer of a plantation must have all the feelings of the negro slave: the Judge must have all the feelings of the thief: the angler all the feelings of the fish. "He has spent all that time, says Mr. Ryerson, not in the atmosphere of an exclusive religious hierarchy, but in a country where equal civil and religious rights are recognized, and has therefore all the feelings of religious equality, an adaptation of experience and views for the Government of Canada, not possessed by any other Statesman of his rank in the British Empire." In the name of common sense, what country does Mr. Ryerson speak of—India, where widows mount the funeral pile and enjoy their religious rights in fire: where the Juggernaut rolls in his chariot over the crushed bodies of his adorers, under the politic eye of a Government which respects religion: where life, liberty, and property are held by permission: where there are no political rights whatsoever, not even a "shade of the virus" of public opinion, to use the Doctor's own figure of speech: where the breath of freedom never was drawn: where justice, humanity, and human happiness, have been weighed against gold, and found as light as the Doctor's pen: where there is no bill of rights, no habeas corpus, no parliament, no freeholders, no representation; and so because Sir Charles Metcalfe helped to govern that country forty years, according to Dr. Ryerson he has "an adaptation of experience for the Government of Canada, not possessed by any Statesman of his rank in the British Empire." If Doctor Ryerson had said, that notwithstanding Sir Charles Metcalfe's residence in India he may yet be a good man, and a benevolent man, we would not deny his proposition, but to say that governing slaves for forty years gives a man experience in the Government of free British subjects, is to tell the latter they are, or should be slaves.

Mr. Ryerson accuses the Toronto Association, for having alleged again and again, that because many persons who have heretofore opposed Responsible Government, have come forward to support Sir Charles Metcalfe, that therefore he is opposed to Responsible Government; "as well (he says) might it be alleged that the Queen is hostile to the Reform Bill—because the leading persons and the whole party who opposed that bill are now the members and supporters of her Government." The Reform Association do not argue against Mr. Sherwood or any other person, being a convert to the doctrine of Responsible Government, or wish to exclude them from its benefits, but they have appealed to their fellow Colonists, asking whether they do not know very many persons who always opposed Responsible Government, and

who still treat its principles as rebellious and treasonable, who support Sir Charles Metcalfe without any real or professed change of opinion, and I leave it to my readers whether this is not a more fair exposition of Sir Charles Metcalfe's words and acts, than Mr. Ryerson's deduction, that Sir Charles Metcalfe brought to Canada forty years of experience, of the wants, wishes, and Government of a free country, because he spent forty years in the British East Indies.

Sir Charles Metcalfe's humanity and liberality, Mr. Ryerson says, have prevented him from inflicting upon the whole country, the evils which the conduct of a few individuals was calculated to produce. "He has not formed a high party Government as he might have done"—and yet in another part of his introductory address Mr. Ryerson avows that "Responsible Government is as much the established recognized government of Canada as the Reform Bill is the established law of Great Britain and Ireland, and no Governor or party can make it otherwise, were they so disposed." Now if Responsible Government be the established Government of Canada, and if the Governor *cannot* make it otherwise, how could he form the high party Government Mr. Ryerson speaks of: But according to Mr. Ryerson, he might have formed such a Government, because he *could*; and according to Mr. Ryerson it would be contrary to the principles of Responsible Government which is established, and which Sir Charles Metcalfe cannot alter. The *conclusion* is inevitable, that Sir Charles Metcalfe may do, what he can't do, which as we used to learn at school is impossible, of which conclusion, I respectfully beg to make the Rev. Doctor a present.

I have thus Sir, lightly gone over Mr. Ryerson's introductory address, purposely deferring until my next, remarks upon his argument relating to the question at issue. Had he signed himself the Doctor, or Leonidas, or three hundred Spartans, or Wesley, or Fletcher, or Robert Hall, or Chalmers, I should have been spared the necessity for this letter, but he has placed his name, and his former conduct, before the public as bearing upon the matter at issue, and as adding weight to his arguments. I could not *therefore*, as he says, pass it over; nor would it have been courteous to treat his name, and his inducements as nothing. I think it a piece of misjudged egotism, to mix the name of a public writer up with his arguments: it always is calculated to mislead, and at the best is loss of time, and of printing materials, which now bid fair to be too much in request to be wasted. The above are my sentiments Sir, but as they are also the opinions of hundreds of thousands of good loyal Canadians, I have no right to a monopoly. I therefore Sir, with all deference to your readers, subscribe myself your, and their humble servant.

LEGION—FOR WE ARE MANY.

LETTER II.

SIR,

In my first letter on the subject of Mr. Ryerson's defence, I deferred my remarks upon the question in dispute, and confined myself principally to the attack upon the Doctor's account of himself, his inducements and reasons for thrusting himself into the arena of political contention. If there were any portion of Mr. Ryerson's argument that he was bound to make out more clearly and satisfactorily than another, it was that part which he introduced without necessity, and which was not necessarily involved in the disputed question; of the cause the Doctor has adopted, he must make the best he can, and it may be expected that if he cannot find good arguments, he will produce bad ones in disguise; but where he introduced extraneous and remote matter, and had so free a choice either to introduce or omit it, he was under a particular obligation to produce no questionable statement either in fact or in reasoning.

Thus for example, Mr. Ryerson being a true prophet in 1834, supposing he had established that point, would not by any means prove that everything he chose to prophecy ever afterwards must be true, and that therefore he must now be in the right; but when he alleged his prophetic vision of 1834, as tending to prove his gift of seeing into futurity now, he should have taken great care that he was not liable to be proved a false prophet on his own introduced occasion, and lest the argument might be turned against him. If this I have done successfully, for, I have shown that if he is to be believed, Responsible Government, which he prognosticated and warned the people of Upper Canada against in 1834, did, in consequence of the agitation commenced in 1834, become the recognized Constitution of Canada in 1841, that Constitution being as he says, adopted by himself, Mr. Sherwood, Sir Charles Metcalfe, and others, and therefore British, lawful, and loyal. In like manner, there was no necessity for him to allege that British India was a country, in which experience of Representative Government might be and was acquired, but when he thought of doing so, he

should have asked whether his readers were so profoundly ignorant, or so miserably infatuated as not to know, that the civilized world knows not a region in which there is such a total absence of the form and substance of free constitution, or of responsibility even the most remote to popular opinion : he should have considered that the Canadian people whether of French, British, American or other origin to whom he was addressing himself, in Canada, would not endure patiently being brought into comparison with the natives of Hindoostan or Bombay, whether Rajepoots or Pariahs, Mussulmen or Pagan idolators, or to have their civil and religious rights and liberties placed on the same footing. If forced to the defence of Sir Charles Metcalfe's appointment, he might have argued that as Napoleon Buonaparte spent his life in a camp, and yet became a law-giver : and, as Julius Cæsar was also a soldier, and yet a historian ; so might our gifted Governor General have spent the whole life, in which his notions of government were formed and established, in an acknowledged and perfect despotism, and yet be imbued with the principles of the British Constitution ; but he was forced into no such argument, and his is the wanton and uncalled for fallacy, that India is the school in which the law of Parliament, and the free Constitution of England may best be studied, so much so as to give the Statesmen of that school a superiority over any other in the whole of the British Empire. If Mr. Ryerson had recommended the deposed Dey of Algiers, to be made Speaker of the House of Commons, because of his necessary experience in Parliamentary usage, the Doctor would scarcely have committed a greater blunder, or offered a greater insult to those he addressed. In short, and without again going over the ground discussed in my first letter, in every point in which Mr. Ryerson has set up claims to be listened to with confidence and respect, he has shown himself not entitled to either, so that I find myself commencing the discussion with his claims to credence and attention, perfect nullities upon his own arguments, and from his own pen. I hope to have little more to say to the Doctor or his motives, and I shall therefore leave them to stand or fall, as public opinion may decide.

In the introductory address I find the following proposition, which I give in the Doctor's own words :—"Mr. Baldwin has now split with Sir Charles Metcalfe, and has persuaded his colleagues and many others to join him : split not upon a mere question of local policy, but upon the allegation against Sir Charles, that he

has violated the fundamental principle of Responsible Government. His Excellency alleges that what has been charged upon him, as the violation of the principle of Responsible Government, is the maintenance of an essential prerogative of the Crown in the working of that system, and that he recognizes the system itself, both theoretically and practically, as much as Mr. Baldwin does." "Now as it is not a question of local policy between two parties in the country, or between one party and the Governor-General, but a question of Constitutional law as to what is and what is not to be the constitutional prerogative of the Crown, or the right of the subject in the system of Responsible Government, and as it is avowed, in the resolutions of 1841, that the Governor is responsible to the Imperial authority alone; and as the question involves beyond all doubt an Imperial Interest, of the highest and most sacred character, the Imperial authority is unquestionably the legitimate tribunal of appeal in such a question—the only constitutional judge whether the right of power in dispute between the Governor-General and Mr. Baldwin, is the legitimate property of the Crown or of the subject, the same as the Court of Queen's Bench is the legal tribunal of decision on any question of property between man and man. Mr. Baldwin practically renounces the Imperial authority by refusing to appeal to it, and by appealing through the Toronto Association to the people of Canada. If the people of Canada are the tribunal of judgment upon one question of constitutional prerogative, they are so upon every question of Constitutional prerogative and Canada is an independent country. Mr. Baldwin's proceeding therefore, not only leads to independence but involves a practical declaration of independence before the arrival of the Fourth of July, and all the declarations and vehemence of the Toronto Association cannot make it otherwise."

The word local, I apprehend means in or belonging to a place,—local policy as applied to Canada means, policy in or belonging to Canada, and a question of local policy as applied to Canada means a question of policy in or belonging to Canada. Now the question upon which the late Executive Council resigned, was purely one of the administration of the Government, of, in and relating to Canada, and therefore, if logic has a rule, a language a meaning, it was a question of local policy: and the Doctor is so far wrong in his conclusion.

Again, a question between two parties, is a question in which one party is interested in and holds one side of the question, and

another oppositely interested, an adverse side. Now the friends of the late Executive Council held one side of this question and their opponents another ; and therefore it was a question between two parties ; and, moreover, the Governor-General held one side of the same question and the late Executive Council the other ; therefore it was a question between the Governor-General and the late Executive Council.

Again, a question of constitutional law as to what *is* and *what is not* the prerogative of the Crown, or the right of the subject, is a question of law, and as the *legal* authority of the Governor-General, to exercise the prerogative of the Crown as he pleased, or as he was instructed, was *not* questioned, there was no question of constitutional law involved.

Again, if there had been a question of constitutional law, as to what is or is not the prerogative of the Crown, involved, the legality of the acts, upon which the question arose, would be tried by the Courts of law, and neither the local or imperial authorities mentioned by the Doctor would be the tribunal of judgment.

Now Sir, as my object is not to prove that there was no question at all, which perhaps might be shown from the Doctor's Logic, I shall state what the question was : it was a question as to the administration of the Royal Prerogative, which prerogative is a trust placed in the hands of the Queen, and of her delegates, for the benefit of the people : and, Her Majesty's delegate in this province exercises, or should exercise, that prerogative for the benefit of the people of this Province.

Unless in so far as the prerogative is limited by positive law, it is in England and in Canada, as unrestrained as in Russia or the East Indies. Under despotic Governments however, the people have shown themselves parties to the administration of the prerogative, by the dethronement of Sovereigns, and the condemnation of ministers.

In England the people are admitted parties to the administration of the prerogative, they uphold it with their strength when they consider it to be administered for their benefit, they withhold that support when they adjudge the contrary.

But for the acts of the Queen, all who advise them are held accountable, and her known sworn ministers are supposed to advise all her acts, and are held accountable for all.

Now the position maintained by Sir Francis Head and other Governors, was, that they were themselves the ministers of the

Crown, and were responsible for all acts, done in the name of the Queen, within the limits of their delegated authority.

But as this responsibility was not and could not be to the people of Canada, and as under such a system, the only way of reaching Governors and the acts of Governors, was by complaint to England,—the value of which privilege of complaining had been fully tested and found worthless, the people of Canada sought to be permitted to influence directly the administration of the Royal Prerogative, as regards Canadian affairs, in the same manner as the people of England influence the exercise of the Royal Prerogative in Imperial affairs; they therefore claimed, that the Governor should have advisers responsible for his acts, in the same sense that the ministers of the Crown in England are responsible for the acts of the Sovereign; and until the demand was acceded to, it is very evident they were not in the same or the like political condition of their fellow subjects in England.

• If the resolutions of 1841, assented to by the Crown, produced any change in the mode of administering the Royal Prerogative in this colony, it was the change thus demanded; and that change makes the people of Canada judges of the acts of the advisers of the Crown, to the same extent that the people of England are judges of the conduct of the ministers of the Crown there: that is to say, through their representatives they may grant them their confidence or withhold it, they may support the Government advised by the ministers or oppose it, and they may if they see fit become public accusers of their ministers in the High Court of Parliament, which latter in the Colony is a right as yet in the abstract, having never been practically used: in short Responsible Government means this, or the term has no meaning.

But Mr. Ryerson would argue that as the question was one of prerogative, it was one of such a character, as the Imperial authorities alone could judge of. I have shown already that it was not a question of prerogative law, and, if not of law, it must have been one of discretion, and that if it were a question of law, the Courts, and not the Imperial Ministers, were the judges. Now, as the sole duty of the Executive Council is to advise the Crown in the administration of the prerogative, and as every question which can possibly arise between them and the Government must be one of this nature, according to Mr. Ryerson's argument, the Imperial authorities alone must be the proper tribunal in all questions, which can arise out of the acts of the Government or the advice of the

Counsellors. Where then would be Responsible Government? Why Sir, the Reverend Doctor would not leave us "a shade of the virus" of Responsible Government.

Mr. Ryerson says that if the people of Canada are the tribunal of judgment upon one question of constitutional prerogative, they are so in every question of constitutional prerogative. Now the offer of the office of Superintendent of Education to Mr. Ryerson, is an exercise of prerogative, and entering into a treaty of commerce with the United States, is also an exercise of prerogative, on both of which, questions may arise in which the people of Canada may have an interest, and in which they may have opinions. If however they disapproved of the Doctor's appointment, they would call the Colonial servants of the Crown to account, and be themselves the judges of the question. If they were aggrieved by the treaty, they would approach the Imperial authorities as petitioners and complainants, and would not pretend to be judges. What becomes then of Mr. Ryerson's axiom, that if the people of Canada be the tribunal of judgment upon one question of prerogative, they must be so in all? Aye, but says Mr. Ryerson, when Sir Charles Metcalfe and I decide we have the strength of an Empire:—you are Colonists, are you prepared for a collision?

But Mr. Ryerson may still say, Sir Charles Metcalfe is personally responsible to the Imperial Ministry, who may sustain him in his acts and interpretations, however subversive of the principles of Responsible Government they may be considered by the Canadian people; and if he said so, he would only say what we all know to be true. But Sir, it is not for that reason that the people of Canada, should support Sir Charles Metcalfe in what they consider wrong, or that they should join him in stigmatizing them, who have asserted what they, the people of Canada, consider right. It may be a Christian duty to submit to wrong, but it is straining the point too far, to say we should aid in its infliction. Governors and Imperial authorities, we must remember have denied many claims of colonists which they have afterwards acceded to, and amongst the number, Responsible Government, and in continuing to demand it notwithstanding the denials of authority, they are right in demanding that Responsible Government should be rightly interpreted and administered, and when they have made up their own minds as to the justice and extent of these claims, there are peaceful and constitutional means of urging, if not of enforcing that claim. God forbid that a contemplation of any other, should

have extended beyond Sir Charles Metcalfe's answers, or Mr. Ryerson's defence, and when these persons warn us against our own rebellious intentions, they do it not sincerely or because they believe in any danger. They do it to take from the people of Canada the affection of their Sovereign, and their fellow-subjects : they do it that they may terrify us with the Imperial *Ægis*, the strength of an Empire : they do it though they know in their hearts that if an enemy to our Queen appeared on our frontier, the defence of Canada would not be confined to the adulators of Sir Charles Metcalfe. But let them take care, others are listening to our controversies, and though the people of Canada may not be persuaded that they are disaffected, there are others, to whom the tale is too welcome, not to be believed, and who will not think for the sake of anger, or desire of political victory, a representative of the Majesty of England would charge colonists with disaffection ; and when England sends her ambassadors to check the rapacity of a foreign power, and would wish a foreign people to be impressed with a feeling of the strength of the Empire, though not threatened with it, as we are, can you not imagine the wily Yankee counting up his chances ? Here, he says, on our North Western border lies Canada, a country which hems us in : a country with two millions of inhabitants : a country the want of which destroys our political balance, and places our free population in the hands of Southern slave-holders : a country in which more than two-thirds of the representatives of the people have given their votes against the Governor, votes which that Governor proclaims to indicate disaffection and desire for separation ; are these not calculations for an enemy ? And should the storm of war burst upon our frontier, and a ravaged province show the rage of a foe, when he finds Canadians loyal, will it not be too late sir to ask who invited the enemy in ? who told him there were rebels in Canada ? will it not be too late to eulogize money-spending Governors who have studied the science of political liberty in India ? Thermopylae's of death may then, Sir, lose some of their classic beauty, they may exhibit more truth than poetry. But, Sir, I must pause, whether we are loyal or disaffected, is, I suppose, a prerogative question, of which we are not judges.

Mr. Ryerson, very truly says, in his opening to the defence of Sir Charles Metcalfe, No. 1. Every man in Canada is deeply interested in the decision of the question at issue, between Sir

Charles Metcalfe and the late Councillors, and he says he cannot investigate both sides fairly, without maintaining a feeling of impartiality. Yet immediately afterwards, he breaks out into an eulogium on Sir Charles Metcalfe, the fortune spender in the country; the expresser of liberal views; the manifestor of patient and inflexible determinations to establish liberal Counsels, and administer Government upon principles of equal justice, to all classes, without regard to sect or party. He says the attempt made, is to destroy the public character of such a man, and banish him from the country.

Now I have no objection to Mr. Ryerson's praises of the Governor-General, or to his misrepresenting the objects of the Reform Association. It is right he should make the best of his case. But he has eulogized the Governor-General, and censured the objects of the Association for some purpose; and that purpose is, to create a feeling in favour of one party, and against the other. What right has he then, to pretend to be advising impartiality. Can he not write three lines without a contradiction of himself? or does he lay down rules for discussion, and consideration of the question, for the wanton purpose of showing his own readiness to violate them in every respect. Why should he say, that in the investigation, neither the reader, nor the writer has any thing to do with the motives or merits of the parties concerned--and yet commence his paper, with the praise of one party, and an invective against the motives of the other? Surely if Mr. Ryerson be sincere in his advice, he has at least a strange mode of showing it. Why should he ask the people of Canada, to consider the question without "fear," when he threatens them, and their families with a collision with the strength of the Empire; or without favour--when Sir Charles Metcalfe's mode of distributing his private fortune is dragged into a question on prerogative?

But he praises Sir Charles Metcalfe, for his inflexible determination to administer the Government, without regard to sect or party. This has something to do with the question at issue, and in examining the value of the praise, we may arrive at some principles to be used in the after discussion.

A party may be defined for our present purpose, as a number of persons professing an opinion, or opinions, in which they agree. Opposite parties, as two parties each respectively agreeing amongst its own members, and opposing the opinion, or opinions of the other

party : as the whole of a community, is rarely of one opinion, the opinion of the majority, or of those forming the largest party, is, for the purpose of government, said to be public opinion : at least it is the opinion, which for all practical purposes must be taken to be public opinion.

What is just, and right, and good may be the object of a despotic, as well as of a free government. No one dreams of alleging that absolute power is inconsistent with good government ; all I need maintain is, that absolute power in the ruler is inconsistent with all our notions of free institutions ; an absolute ruler may with the best intentions, look within his own breast for the rules of right and wrong, to his own reason for his policy ; and if his mind be better constituted, and his means of information, greater than that of all others, his government may be better and wiser than any government influenced by popular opinion. To such a potentate, it is true praise to say of him, that he possessed an inflexible determination to administer his government without regard to party ; because the opinions which make parties, are beneath his consideration. He judges, he thinks, he rules for himself ; he puts down public opinion, for it is but an impediment in his way, and he rules irrespective of party, because to him public opinion is as nothing. But just in proportion as the form of a government is removed from a despotism : disregard to public opinion becomes a crime in the ruler ; and ceases to be a subject for eulogy. And he who administers a government free and popular in its form, without regard to public opinion, or to party opinion, call it which we please, is a violator of the constitution he is bound to uphold, and insincere in his professions of attachment to that constitution. Swift, in ridiculing party divisions, describes the Kingdom of Lilliput as divided into two parties, one of whom wore low heels to their shoes, and the other high heels ; and if Sir Charles Metcalfe, had been made Governor of Lilliput, he might have governed its diminutive inhabitants without regard to their heels ; and have chosen his Councillors from both parties indifferently, caring nothing for their disputes, and despising their party differences—but who would allege, that he was influenced by public opinion, or that he was administering Responsible Government ? It is however just as a pigmy people, that Sir Charles has always regarded Canadians, and it is with this view, that he takes to himself the praise of inflexible determination ; but the inflexible determination of a ruler under the

British Constitution is national determination, and personal determination which opposes this, is despotism. The threat to employ whatever force may be necessary to enforce it is tyranny, and the pretence that it is consistent with Responsible Government, is hypocrisy.

For the purpose of avoiding unnecessary repetition, I shall at present forbear from noticing the contents of Mr. Ryerson's number one, so far as it is taken up in developing his plan of attack: there are two points of illustration introduced by him, which I do not wish hereafter to return to, and which I shall therefore mention now.

“No Government was ever subverted, but by the assertion of sound political principles falsely applied: It was so (he says) in the days of Charles the first, it is so with the Toronto Association.”

If Mr. Ryerson were to test the truth of his assertions relating to Canadian affairs, upon the same claims to correctness, which his historical illustrations are entitled to, I should have little pains in overthrowing his argument. His assertion now quoted is false, and wrong in every possible point of view, as any one of the boys of his College might have told him; for many Governments have been subverted by the assertion of false and unsound political principles, many by the assertion of true political principles truly applied, and many without the assertion of any political principles at all; and if Mr. Ryerson wishes to say there was nothing in the Government of Charles the first, or Louis the sixteenth which required amendment by the assertion of true political principles truly applied, he is quite welcome to make the case of Sir Charles Metcalfe a parallel one. But my readers will at all events remember that Charles, and Louis, were both martyrs to the false principles of the divine right of Kings; and the assertion of the supremacy of regal will, over public opinion. If Charles the first had succeeded in establishing that right and supremacy, the British Constitution as now enjoyed would have been unknown: and if the ancient *regime* of France had been maintained, that Nation would not have the semblance of a free Constitution which it now possesses; and if Mr. Ryerson means to argue, that because lamentable consequences, have resulted from the overthrow of Government founded upon principles adverse to the present British Constitution, and maintained with all the power which could be used to support the Imperial Authorities, I have no disposition to controvert his argument. We do

not seek the overthrow of Government, and it is Mr. Ryerson, and not the Toronto Association, who invokes the arm of power.

But Mr. Ryerson says, that if his (Sir Charles Metcalfe's views) and acts are unconstitutional, then would he if a Sovereign, instead of the representative of a Sovereign, be dethroned either by decapitation, as was Charles the first, or by forced abdication, as was James the second, but as it is, he must be dethroned by removal. Now Sir, I do protest against Mr. Ryerson's continually bringing into view his pictures of violence, rebellion, and death. The Toronto Association are far more interested in the preservation of peace, and tranquility in Canada than either he, or Sir Charles Metcalfe: they are using peaceful constitutional means of asserting what they consider the rights and liberties of Canadian Colonists: and neither dethronement, decapitation, or abdication are in their view. The people of Canada do not chuse their Governor, or desire to do so—and Sir Charles Metcalfe is just as welcome to administer the Government constitutionally as any other Governor: and any other Governor will meet precisely the same obstruction that he does, should he attempt to rule this country otherwise than constitutionally: and if Sir Charles Metcalfe has brought upon himself personally, odium and dislike, these are not the consequences even of his mistaken policy, but of his having wantonly placed himself in the front of political agitation; of his having personally joined in party crimination; of his having personally, foully impeached the motives of others; and of his having attempted to make his motives, the rule by which the Constitution of Canada is to be construed.

In the second number of Mr. Ryerson's defence, after stating the importance of adhering to established usages, in which I fully concur—he proceeds to give a definition of the relative position of the Sovereign, and the Cabinet Council in which I also concur, and which I give as he has quoted it, with the case of the Earl of Orford, and the Lord Chancellor Somers as he has quoted them:—

“That every reader may fully understand this question, let it be observed that the power of the Cabinet Council, as distinct from that of the Sovereign, is unknown in the British Constitution, which consists of King Lords and Commons only—that the Sovereign, not possessing the inherent attribute of ubiquity, acts through instruments, the chief of whom constituting a Cabinet, are called

ministers, and are responsible to Parliament for the acts and measures of the Executive. And they are *justly* responsible; because they are incumbents of office *by their own consent*, and are consenting parties, at least, to the acts and measures, in the execution or adoption of which they are *voluntary* instruments or advisers. 'It is true,' says De Lolme, 'the King cannot be arraigned before Judges; because, if there were any that could pass sentence upon him, it would be they, and not he, who must finally possess the Executive power; but, on the other hand, the King cannot act without Ministers; it is, therefore, those Ministers,—that is, those indispensable instruments,—whom the Commons attack. If, for example, the public money has been employed in a manner contrary to the declared intention of those who granted it, an impeachment may be brought against those who have the management of it. If any abuse of power is committed, or, in general, anything done contrary to the public weal, they prosecute those who have been either the *instruments* or the *advisers* of the measure.'

" 'It was upon these principles,' adds De Lolme, in a note, 'that the Commons, in the beginning of the eighteenth century, impeached the Earl of Orford, who had advised the Treaty of Partition, and the Lord Chancellor Somers, who had affixed the Great Seal to it.'

" By referring either to *Smollet's History of England*, or to *Burnet's History of his own Times*, for 1701, the reader will find that the Earl of Orford did not *advise* the treaty at all, but *consented* to certain parts of it,—that Chancellor Somers, as Privy Council, had advised against it, but, as Chancellor, he obeyed the Royal command, in affixing the Great Seal to it. Yet the Commons held both Orford and Somers responsible, and declared, that, 'by advising his Majesty to conclude the Treaty of Partition, whereby large Territories of the Spanish Monarchy were delivered up to France, they were guilty of a high crime and misdemeanor.'

" Now, though, in point of fact, neither Orford nor Somers knew anything of the treaty until after it had been determined upon by the King—though both of them objected to it as a whole—yet they were held responsible even as *advisers*, upon the constitutional evidence that they both remained in office, and one of them affixed the Great Seal to a blank, which was afterwards filled up by others, at the command of the King, with the

articles of the Partition Treaty. And such has been the doctrine of Ministerial responsibility in England from that time to this.

"It will be seen, in this case, that the Commons did not inquire or care (and has not done so for one hundred and fifty years) whether the King determined upon the measure before or after taking advice of his Ministers : whether they had or had not an opportunity of tendering him advice before he decided on the measure ; with the conduct of the King, or his mode of intercourse with his Ministers, the Commons had nothing to do ; it was enough that the Ministers assented to an act or measure by voluntarily remaining in office. George the Third would scarcely allow of any Ministerial interference with his exercise of ecclesiastical patronage—especially the appointment of Bishops—though Ministers remaining in office were responsible. George the Fourth made two military appointments while the Duke of Wellington was Cabinet Minister and at the head of that department, and of which the Duke knew nothing until he saw them announced in the papers. Yet neither the Duke nor Mr. Pitt ever came down to the Lords or Commons with an impeachment against his Sovereign, that he entertained views which led to acts '*inconsistent with the principle*' which had been introduced into the administration of affairs' since 1688 ; and therefore that the Parliament must either sacrifice that principle or support them. Neither house of Parliament would have suffered such an impeachment of the Sovereign to be made within its walls ; and such a manœuvre on the part of any Minister to excite sympathy and strengthen himself, by damaging his Sovereign, who might not take or ask his advice, would cause him to be spurned from every hustings in England, whatever might be his merits in other respects. But more on this subject hereafter."

If ever there was an unhappy quoter of "wise saws and modern instances," it is Mr. Egerton Ryerson. Here he fully admits the responsibility of Ministers, and, by implication, of Canadian Executive Counsellors, for the acts of the Government (an admission, by the way, Sir Charles Metcalfe never made) ; and yet he denies their claim to be consulted. And because the Earl of Orford, and Lord Chancellor Somers—the first, who did not advise the treaty at all, and the other who advised against it, chose to remain in office, and were impeached and disgraced for what they did not advise, Mr. Ryerson would infer that it

forever afterwards was the duty of Ministers to remain in the Government, and to be impeached and disgraced for acts which they never advised, nor had the opportunity of advising. The Earl of Orford and the Chancellor attempted to defend themselves, on the ground that the King, and not they, made the treaty : and because this defence was held naught, we are to be told that it is the duty of Ministers to obey commands, and submit to punishment, and falsely pretend to be advisers of the Crown, when, in fact, they are not. Had Lord Orford done his duty to the public, and resigned, because he was not consulted, and had Lord Chancellor Somers refused to place the Great Seal to a treaty of which he disapproved, and had resigned his place, they would have been acting constitutionally, and they would have escaped censure ; nay more, they would have placed themselves in a position to accuse the real advisers of the treaty. And suppose they had so acted, and if the reasons of their resignation had been required and given, would any one say that they acted wrongly, or rebelliously, or that they had resigned because the King would not allow them to make a tool of him, or that they had attempted to infringe upon the Royal Prerogative : but it was because they did not resign, and because they remained in the Government, as Ministers, when they were not consulted, and when their advice was not followed, that they were found guilty of a high crime and misdemeanor : a sweet position Ministers would have, according to the joint doctrines of Sir Charles Metcalfe and Mr. Egerton Ryerson,—they would be rebels if they resigned, and guilty of a high crime and misdemeanor if they remained. The position of Baron Munchausen, between the bear and the crocodile, was nothing to this.

Again, because George the Third would allow of scarcely any Ministerial interference in the appointment of Bishops, and because Ministers chose to remain responsible for his appointments, Mr. Ryerson would argue that it is the duty of all Ministers to do the same. I think, Sir, the question is not what George the Third did—for he did many things that were wrong ; but whether, in so doing, he acted constitutionally ; and whether he was acting conscientiously and justly in rendering persons liable to punishment for acts in which he would allow no interference ? Had the Ministers, who were not allowed to interfere, resigned, and had the reason of their resignation been required and given, what would be said of George the Third if he had

put forth public documents in his own name, saying the Ministers were disaffected, and that they had attempted to make a tool of him? But, Sir, Queen Victoria is as good an example as George the Third: she does not complain of being made a tool of, though the ladies of her own chamber are interfered with. But again, Sir, the Duke of Wellington was Cabinet Minister when George the Fourth made two military appointments, without his knowledge, and the Minister got his first information in the newspapers: the question here again is, not what George the Fourth did, but, was this act so extraordinary as to be mentioned in history as a right and constitutional act? and had the Duke of Wellington complained, as probably he did, and been told there was an antagonism between the King and himself, and that the King had an inflexible determination to do just as he pleased, and that the Duke's complaint was an attempt to make a tool of him; and had the Duke resigned, because he considered that advising was his duty, and not an infringement of the Royal prerogative, what would Parliament have said upon the question?

But Mr. Ryerson says, that neither the Duke of Wellington or Mr. Pitt came down with an impeachment against the Sovereign. One very good reason was, because they remained in office, and chose to be responsible for these acts of the Sovereign: another is, that if they had explained in Parliament, their explanation would be a defence of themselves for resigning. If their principles were upheld, those of the Sovereign must have been denied; and no one could have called the defence an impeachment of the Sovereign.

If Mr. Ryerson alleges, that, because the Earl of Orford was made responsible for a treaty he never advised, and that, therefore, Ministers are always bound to submit to public affairs being carried on without their advice;—that Lord Chancellor Somers was punished because he placed the Great Seal to a treaty to which he was opposed; that Mr. Pitt was allowed scarcely to interfere in the nomination of Bishops, and, therefore, Ministers should not attempt to interfere in nominations;—that the Duke of Wellington remained in office, as Commander-in-Chief, when two military appointments were made without his knowledge, therefore all military appointments may be properly made without the knowledge of the Commander-in-Chief;—if these be his arguments, and he be right, then the late Execu-

tive Council were wrong in resigning ; in that case they ought to have pretended to responsibility, they ought to have submitted to blame, for pol : not theirs : if he be not right, they, so far, have the best of the argument.

If Mr. Ryerson, however, does not mean this, but merely would blame them for what he calls an impeachment of Sir Charles Metcalfe, I think it is pretty well understood who attempted impeachment, and who were upon the defensive ; and if this is not now understood, it will probably be so before the end of the discussion.

I shall commence my next letter by remarking upon Mr. Ryerson's charges of informality ; after which I trust we shall at length come to the real points in question, that is to say, Whether Sir Charles Metcalfe has really adhered to the Resolutions of 1841, and to the principles and practice of Responsible Government.

LEGION.

LETTER III.

SIR,

Mr. Ryerson having stated his views of the responsibility of ministers, proceeds to consider the grounds of the resignation of ministers in general, and their mode of justification before Parliament.

I fear Sir, that in exposing Mr. Ryerson's fallacies, I have made my remarks very tedious and uninteresting to that class of your readers, who are indifferent on the point of his infallibility or authority on political matters. I think it right, the refore, to request their indulgence, upon the ground that these remarks are intended not only for those who may be led to regard Mr. Ryerson's arguments bearing upon the discussion in hand, in proportion as he establishes his propositions, but also for the benefit of that portion of the Canadian public who may be induced to believe any thing which Mr. Ryerson asserts, or to give way to any reasoning that he uses : thus showing that Mr. Ryerson may be mistaken in any point, whether as a prophet, a philosopher, a historian, or a politician, will be a novelty to many ; and proof that he is wrong in almost every statement he makes, whether important or otherwise, cannot well fail to defeat the purpose for which he, as Mr. Ryerson, leaves the pulpit and the professors chair, to appear in the forum.

He says that ministers may fall in a minority in one or both Houses of Parliament, and then the ground of their resignation can be explained without divulging any secret ; this Sir may be very true, but the difficulty Sir Charles Metcalfe is in at present, is to explain the secret not of ministers resigning, but of their coming into office, and remaining in for six months, in direct defiance to a parliamentary majority. He says, ministers may resign on account of a difference with their coileagues ; then he says that almost any mode of explanation would be safe, as both parties are in the same house and on the same footing ; but, he says, the case is different when there is a disagreement with the Sovereign. Let us, if you please, examine the value of this distinction.

I take it for granted, that when a question of policy arises in a cabinet, the Sovereign follows either one opinion or the other, and the resigning minister is he whose advice is not followed ; a Sovereign in this case disagrees with a portion of the Council : when the Sovereign disagrees with a whole cabinet, it is because he seeks other advice, and follows it : a constitutional Sovereign not being supposed either to agree or disagree without advice. What distinction, then, can be drawn between a disagreement between a minister and his colleagues, and a disagreement between a minister and new advisers. The colleagues are, it is true, in parliament, so ought the new advisers to be ; and Lord John Russell, who advised her Majesty not to accede to Sir Robert Peel's proposal to change the Ladies of the Bedchamber, was in Parliament, and was in that respect on the same footing with Sir Robert Peel. The disagreement was, constitutionally and politically speaking, between them, and not between Her Majesty personally and Sir Robert Peel.

But, Sir, the present case comes within Mr. Ryerson's own definition of a disagreement between a minister and his colleagues, because the whole cabinet did not resign ; and, Mr. Daly, who must be supposed to have advised the Governor, was in Parliament, and literally and strictly upon the same footing with the retiring ministers, and equally responsible with them for his statements and opinions.

But, Sir, discussions in Council are subject to the same obligation of secrecy, whether the Sovereign takes a part in them or not, or whether the Sovereign is advised by a new minister or by one or more of the old ones. Mr. Ryerson's distinction is unfounded, dangerous, and unconstitutional ; a Sovereign's personal character requires no such guard as Mr. Ryerson imagines, it can never be called in question legally, or constitutionally. But if a Sovereign condescends to make personal accusations, and to place subjects on their defence against them, there are inferences which must be drawn from the defence, which no fiction of law can avoid, so long as subjects are permitted to account for their conduct, and call for the judgment of their peers.

I however am ready to make an admission of a much broader character, and quite sufficient for Mr. Ryerson's purposes, if the principle be all he wishes to maintain ; I admit that no minister should disclose the ground of his resignation when it arises from disagreements in the cabinet, in any case without permission. I cannot be guilty of the legal absurdity of admitting Mr. Ryerson's

doctrine of the liability of the minister to a prosecution for perjury, but he would be held liable to impeachment for high crimes and misdemeanors; this surely is enough for Mr. Ryerson: he need not show why it is so;—it is so, and he should be satisfied.

Mr. Ryerson very considerably says, “should it be alleged that they have had little or no experience of British practice and usage in such cases, I admit the plea” “I admit that the late Councillors appear to disadvantage, when compared with Sir Charles Metcalfe, in affairs of Government, that they have not, like him, been born under the British system of Responsible Government.” Kind indulgent Doctor! how much the late Executive Counsellors must be obliged to you for your intended mediation and for your ready excuses; but do wait until the plea is pleaded, before you take up the vacant office of Attorney-General and admit it on behalf of your Imperial master: take care lest you have enough on your hands, without granting indulgences, to disaffected Executive Counsellors. You are fond of the character of an unsolicited advocate—do please to confine yourself to those who want your assistance.

It appears that the Executive Counsellors had a long personal interview with the Governor-General on Friday, in which they stated their views and heard His Excellency's objections, and they proposed another interview the following day, upon the same subject. Mr. Ryerson asks, “Now, would it not have been only according to British usage, but courteous and fair towards His Excellency for them, in the meantime, to have committed to paper their remonstrances and proposals, and transmitted them to him, so that he might not misunderstand any one of the various points at issue, that he might weigh them and make up his judgment deliberately upon them?” Apart from usage, apart from his position as the representative of Royalty, was it giving His Excellency, (says Mr. Ryerson,) any more than fairplay for them to have done so.

Then, he says, they had a second long interview with His Excellency on Saturday, in which all the points in difference were discussed at great length, and which concluded with a determination on their part to resign. “Now (asks Mr. Ryerson) would it have been anything more than respectful, or decent, or fair for them to have done on Saturday evening what they ought to have done on Friday evening—to have embodied in writing, the substance of what they wished his Excellency to understand, as the representations and proposals which they had made in the long conversations

which they had with him, and on which they desired his decision ? But neglecting again to perform this act of courtesy and justice on Saturday evening, ought they not (again asks the Doctor,) in common fairness to have accompanied those resignations with a full and explicit statement of the grounds of them, and which they desired permission to state to Parliament ?”

Now, as this question has to be discussed in various points of view, let us consider it in the light in which it is placed by Mr. Ryerson. Imagine in the first place the man born under the British system of Responsible Government, and therefore it might be inferred understanding it from a very early period, if not from his birth, mingling with “statesmen of all shades,” white, black, brown and copper colour, for nearly half a century, working different systems of Colonial Government in both hemispheres, from the Government of prostrate Empires in the East, to the Government of emancipated negroes in the west ! well Sir imagine him with all the profound knowledge of free institutions, with all the experience accumulated from his cradle upwards, and then place before your minds eye the uninstructed Canadian Council, born, if Mr. Ryerson will have it, in Canada : educated, if at all, in Canada : unacquainted with many-coloured statesmen, and ignorant of the usages of civilized Governments ; all this being admitted, let us go back to the long personal interview with the Governor-General on Friday, and the subsequent long interview on Saturday, and let us ask what prevented the Governor-General from asking a written statement of remonstrances and proposals, if he wished for it, or if there was any necessity for it. Was he not the judge of the point whether he was capable of understanding or liable to misunderstand the points at issue : and was he, as Mr. Ryerson has described him, the kind of man who, if he wished to weigh these points, and to avoid misunderstanding upon them, would have remained silent when he could command ? He had only to say the word and he might have had the statement in writing, but he did not say it.—was it because he wished there should be no statement in writing, or that he saw no necessity for a written statement ? it must surely have been one or the other, for he at all events was not ignorant, either of what was right or of what was usual.

Then again on Saturday evening when the Executive Counsellors determined on tendering their resignation on Sunday, if the Governor-General wished for a statement in writing, or if it was necessary, why did he not demand it ? and if through the whole of the

protracted and extraordinary ministerial negotiation they did not furnish the Crown with a scrape of a pen that would tangibly, permanently, and truly indicate their views and intentions, why did not His Excellency direct as much as he wanted to be put in writing to indicate his views and intentions? their want of experience was no excuse for him, and if he thinks to please the Governor-General by abusing Executive Counsellors for a fault, which he says, might have arisen from ignorance, cannot he see the arrogant and insolent censure he fixes upon His Excellency, who, as he could not have done wrong through ignorance, must, if any wrong was done, have done it by design.

But is it not much easier to attribute wrong, or bad designs to another party, and to suppose, if we are permitted by Mr. Ryerson, that Executive Counsellors do not discuss matters in Council with Governors, by means of written notes and documents, and that the Governor-General in holding several interviews with the Council for the purpose of discussion was perfectly right in admitting the discussion to be verbal, and cannot we suppose further, that to draw up a written series of statements and objections, would have been considered excessively unmannerly and impertinent, to say the least of it. When Governors choose to converse with Counsellors verbally, it is the duty of Counsellors to listen, and to reply verbally: when he pleases to require written advice or reports, or to correspond, it is their duty to write; but they cannot without indecorum, or without implying a most offensive distrust of the Governor, change oral discussion into written discussion. The Governor on the other hand, may without indecorum do as he pleases, and have everything he likes in that respect.

Instead of Mr. Ryerson supposing the Governor-General perplexed and confounded, neither knowing what the Executive Counsellors required or what he denied, and utterly without capacity to ask for a written statement, is it not easy to imagine that after two days lengthened discussion both parties understood each other perfectly, and that he knew why the Executive Counsellors tendered their resignation and why he accepted it.

When the Executive Counsellors tendered their resignation on Sunday, and when it was accepted, and discussion thus at an end, permission was asked of His Excellency to make the usual explanations in Parliament, as Mr. Ryerson says, his Excellency might have refused that permission; he did not refuse it, he granted it: and then he required, as he was competent to require at any time during

the whole discussion, the reasons for their resignation in writing.

Now, Mr. Ryerson will scarcely say, that it was the duty of the Executive Counsellors, to have set down in writing all that was said during the two days. They had, even he will admit, only to set down the point of disagreement upon which they really founded their offer of resignation.

But we are going too fast, we have not yet done with the point of form which Mr. Ryerson not only asserts to be requisite on such occasions, but for the unvarying necessity of which he gives what appear to him such conclusive and satisfactory reasons.

It is a legal maxim, the authority for which I do not remember, if I ever knew it, that one swallow does not make a summer : which dictum may be applied to all cases involving questions on the necessity of formal observance, and will apply to the present instance and the example quoted with great force.

If Mr. Ryerson's argument of the necessity of a form, because it was adopted in one or more instances, be allowed, very serious consequences would follow. For instance, we are all aware, that John the Baptist, baptized by immersion in the River Jordan in more than one instance : yet most Christians are not prepared to admit immersion to be necessary to the validity of the Sacrament. We know also, that in many cases Lawyers in the transfer of goods and chattels adopt the form of a written bill of sale, yet we are well aware that a written bill of sale is not necessary. It may therefore be said that the adoption of a certain form, even by the best authority, is no proof that the form is essential, on the other hand the omission of the form in any instance, when the authority and correctness of the actors concerned is indisputable, amounts to incontrovertible proof, that the form is immaterial, and its adoption or rejection a mere matter of choice.

Now Mr. Ryerson's allegation amounts to this, that whenever there happens any difference between the Sovereign and the minister it must be reduced to writing, and that it is a breach of constitutional usage to disagree without written statements. Now Sir, I shall not lengthen out this letter by quoting many cases, because however necessary the adducing many precedents may be to Mr. Ryerson's side of the argument, for the reason above stated they are by no means essential to my side, I shall therefore mention two instances familiar to all readers of history : if Mr. Ryerson wishes for more he can have them.

We all remember that Mr. Pitt was in favor of, and to a certain extent pledged to, Catholic Emancipation, and that he carried the Irish Union, with the expectation that the rankling exasperation of the public mind in Ireland would be healed by granting relief to Catholics. It is also known now that George the Third had conscientious scruples on that point, as well as decided objections on other grounds to any concessions to Catholics. Well Sir, in 1801, Mr. Pitt and the leading members of the administration resigned office, avowing as their reason, that they could not as servants of the crown under the circumstances urge the claims of the Catholics: and Sir, explanations were made in Parliament.

Now Sir, it so happens that these explanations were made without any written statements of the difference, and what is more, without any being asked for.

So that Mr. Ryerson's censure not only includes Sir Charles Metcalfe and the late Counsellors, but also George the Third, Mr. Pitt, and his colleagues, the House of Lords, the House of Commons, and the whole English people, who, if he is to be believed, were ignorant of constitutional usage, and of propriety and decorum.

Again Sir permit me to call to your recollection, that in the year 1832 the Reform Bill passed the House of Commons, and met with opposition from a decided majority of the House of Lords, and that Earl Grey, then Prime Minister of England, dreading the consequences of a disagreement between the Houses of Parliament on such a question, tendered his advice to King William the Fourth, to create a sufficient number of new Peers, to give the Government a majority in the House of Lords upon the question, and that the King, though himself a Reformer, hesitated to take the advice of his minister, and *openly* sent for the Duke of Wellington to advise with him, and to ascertain whether a ministry might not be formed who would carry a Reform Bill, without a new creation of Peers, and that Lord Grey and his colleagues explained in Parliament, and announced their intention to resign, and that the Duke of Wellington explained in Parliament, the advice he gave, and yet that there was no written statement produced or required in the whole course of these explanations.

On the 9th May, 1832, Lord Grey in the House of Lords announced as follows:—“The result of Monday night's division has reduced me to the necessity in common with my colleagues, either at once to withdraw from his Majesty's service, or to tender to his

Majesty such advice as appeared justified by the peculiar circumstances of the case, with a view to carry into effect the measure of Reform, or finally, in the event of this advice being rejected, to tender our resignation of the offices we hold. The last alternative after much consideration we adopted. We offered to his Majesty that advice which we thought the urgency of the case, and the circumstances of the times, required, and that advice not having been accepted, the alternative we conceived it our duty to submit to his Majesty has been graciously accepted by his Majesty, who was pleased to receive our resignations."

On the same day the Chancellor of the Exchequer made the announcement in the House of Commons, as follows :—" Sir, I feel it my duty to state to the House that in consequence of what occurred in another place on Monday last, it appeared to his Majesty's Government, that it would be quite impossible to carry the Reform Bill, in such a manner as they deemed it their duty to carry it, or without such alternations as would render it inefficient and inconsistent with the pledges they had given for carrying it forward. Under these circumstances, there remained for them this only alternative, to tender their resignations to his Majesty, or to advise his Majesty to take such measures as would enable them to carry the Reform Bill efficiently ; and if in case that advice should not be taken, then to tender their resignations. The latter course we adopted, and, I have now to state to this house that we did offer to his Majesty advice such as I have mentioned, which not being received, we then tendered our resignations, which his Majesty was graciously pleased to receive. At present therefore we only hold office until the appointment of our successors.

Such was the statement made by ministers, in a resignation on a question of prerogative, there was long consideration, long discussion, but no notes, no demands of the Sovereign in writing, no refusals in writing, no explanations in writing.

But if these written demands, refusals, and explanations were necessary or advisable between the Crown and ministers, how much more were they so between the Crown and those who were not ministers ; yet the Duke of Wellington and Lord Lyndhurst explained without any in the House of Lords, on the 17th May, 1832. I wish I could give the words of these great men ; they would be useful for many purposes, but the length of their speeches forbids my giving more than the substance.

It appears from the Duke of Wellington's statement, that on

the Wednesday, when ministers announced their resignations, he sent for Lord Lyndhurst, to inquire whether there were any means, and if so what means, of forming a Government on the principle of carrying into execution an extensive reform in the representation of the people, that Lord Lyndhurst consulted the Duke, who considered it his duty to consult others.

Upon inquiry, the Duke found a number of friends who were not unwilling to give confidence and support to a Government formed upon such a principle, and with the positive view of resistance to that advice which was tendered to His Majesty ; and under these circumstances he waited on His Majesty and submitted his advice, (not in writing.) That advice was not to re-appoint the late ministry.

The Duke then goes into the whole question, states what His Majesty's own words were, and his advice "*to resist the advice which had been offered to him, if he could find means of carrying on the Government of the country without acceding to it.*" He stigmatized the advice given as unconstitutional, ruinous, and unjust : maintained that the just exercise of the prerogative of the Crown does by no means go to the extent of enabling His Majesty to create a body of Peers with a view to carry any particular measure. But notwithstanding these strong opinions, how does the Duke of Wellington conclude his explanation, it is thus :—" But my Lords when I found that in consequence of the discussions on Monday, in another place, it was impossible to form a Government of such a nature, as would secure the confidence of the country, I felt it *my duty to inform his Majesty* that I could not fulfil the commission with which he was pleased to honor me, and His Majesty informed me that *he would renew his communications with his former ministry.*"

The matter ended not by the creation of Peers, but by the withdrawal of opposition in the House of Lords, and on Friday the 15th February, Lord Grey announced as follows :—" My Lords I have now the satisfaction to inform you that these communications have been brought to this result, that in consequence of His Majesty's desire most graciously expressed to me, and, in consequence of my seeing now that grounds of confidence exist to enable me to redeem the pledges which I gave to your Lordships and the country, of not continuing in the administration unless I had a confident security of carrying the Reform Bill, on the table, unimpaired in its principles and in all its essential details, in consequence of finding myself well grounded in that confident expectation, and having re-

ceived from the Sovereign his most gracious commands expressed to that effect, His Majesty's present ministers continue in their places."

It is curious to observe, in these transactions, what is like to those we have lately witnessed in this province, and what is unlike. In the first place there is a question of prerogative in both, advice upon a question of prerogative in both, refusal to adopt that advice in both, a difference between the Sovereign and his ministers in both.

But in the English case, the King does not deny the right of his ministers to advise, or treat their resignation because the advice was followed, as rebellion, or disaffection. The Duke of Wellington does not deny to ministers the right of being consulted, as to a creation of Peers, even though he denies that a creation of Peers for the contemplated purpose was constitutional; he does not advise the King to take him into office, against the sense of the House of Commons: he does not advise the King to prorogue Parliament, and to keep it prorogued, and to carry on public affairs with it a Cabinet: he does not advise the King to get up addresses, for His Majesty personally to answer them, so as to dispute the matter with the late ministers: on the contrary, he recommends His Majesty not to accede to the advice if he can form a Government *possessing the confidence of the country* without doing so.

He does not say that he interfered with his advice before he was required, or that he wished His Majesty to intrigue amongst the friends of the late ministers to procure their desertion; and His Majesty does not appear to have sent for him or any one else, until he found a serious ground of difference with his advisers, which ended in their resignation: then His Majesty sent for leading men, to help him to form an administration, and failing in that object he recalled his former ministers, after which those who were sent for explained their advice and defended it as a public matter, which could not and which ought not to be secret, which the parliament were entitled to know; public men, to use the Duke of Wellington's words, "*keeping themselves completely apart from all intrigues and from all indirect influence, using only those honourable means of opposition of which no man had reason to be other than proud.*"

But Sir, I must not wander away from the subject at present under discussion which is the question of form raised by Mr. Ryerson. The following is his doctrine in his own words, a doctrine which when his defence of Sir Charles Metcalfe goes out of print, will

have all the value attached to scarcity, the doctrine being original and not to be found any where else. These are his words :—

“And here to *remove every* obscurity from the question I (the Doctor) beg to make a preliminary remark on to the mode of official communication between the crown and its servants, or between public offices and individuals. *In all* such cases, *in all* enlightened Governments no communication is considered official *which is not in writing.*”

Supposing this dogma of the learned Doctor to be of that indisputable character, which removes every obscurity, let us trace it to its consequences, Lord Grey made no demand in writing, received no refusal in writing, made no explanation in writing, agreed upon no statement of facts in writing, neither did the Parliament require any; from whence it would follow that the Government in which his resignation took place was not an enlightened Government, and that he did not understand the usages of civilized nations. The Duke of Wellington and Lord Lyndhurst are equally liable to the same charge, in which also is involved the character of both houses of Parliament, and of the British nation : and all this notwithstanding the Duke of Wellington had spent some years in India, and that England is not wanting in meddling clergymen, to have set them all right. I acknowledge Sir, however much I may be shaken by Mr. Ryerson's authority, I find great difficulty in coming to this conclusion, and I hope I may be excused for a suspicion that Mr. Ryerson's opinion is altogether wrong.

Perhaps he was not aware of another case in point that occurred in this country, which seems to bear upon his side of the question and of which he should have the benefit. From the letter of Lieutenant-Colonel Gowan, lately made public, it would appear that that distinguished functionary in his communications with the representative of majesty, adheres to the usage of “enlightened Governments,” for his proposed ministerial arrangements were, as it appears, set down ‘in writing’ by request, his confidential letter of thanks was also ‘in writing,’ and the confidence was betrayed in due form ‘in writing.’ According to Mr. Ryerson, and to the letter if it contains any truth, all this was therefore official, but the dissolution of the Orange Society of which so much was said about the same time, was not in writing, and was therefore not official, or regarded as of any consequence whatever.

For this reason I suppose it is that the "shifting and shelving" plan of Mr. Gowan came into actual operation, and for this reason it appears to have become almost the avowed policy, and last hope of the Government. To get rid of obnoxious individuals, without losing the support of the Radicals, was the pith and substance of the Grand Master's plan, the object of his written ministerial negotiation,—a negotiation of which, though neither of the parties appear to be as proud as circumstances would warrant, yet of which Canada appears to have been enjoying the full fruits, for the last six months, of Sir Charles Metcalfe's administration.

Will you excuse a momentary digression for the purpose of a passing hint upon this invaluable plan of policy. In the House of Commons about the time of Mr. Pitt's resignation in 1801, and I do not know for how long before and afterwards, it was the practice in the House, when it wished for an early and easy determination of an election contest, in striking the Committee, to strike out the names of the intelligent members, particularly the lawyers on both sides, and this in Parliamentary slang was called "knocking the brains out of the Committee." When Mr. Pitt and the leading men of his Government resigned, leaving their party in a lurch, the brains were said to have been knocked out of the administration. Mr. Gowan's plan was evidently the same, and might have been reduced to writing in these words, "Your Excellency cannot get rid of the party, but as you wish to govern without regard to the party, knock its brains out."

Having shown thus that all communications in all enlightened countries to make them authoritative and official, are not always reduced to writing, I come now to the charge of perjury made against the late Executive Counsellors for having made these explanations, as Mr. Ryerson says, without leave.

I hope Sir, you have kept in mind the memorable Friday, Saturday, Sunday, and other days of the resignation. Well Sir, on Saturday evening the Executive Counsellors appear to have made up their minds to resign, and on the Sunday two of these members waited on his Excellency, and for themselves and fellows tendered the resignation, which being accepted leave was asked to make the ordinary parliamentary explanation, which leave was readily granted. His Excellency at the same time expressing a wish to have the heads or substance of the intended explanation; these were given him on Monday morning: Now it is not pretended that his Excellency ordered, directed, or even expressed a desire to have the

explanation withheld until he approved of it : The Assembly waited impatiently for the explanation, public business was at a stand, of which facts his Excellency was well aware, but the explanation was postponed from time to time, until Wednesday afternoon at the request of Mr. Daly, the remaining Executive Counsellor : on that Wednesday shortly before the meeting of the House, and without communicating any direction or desire for further postponement, Mr. Daly placed in Mr. Lafontaine's hands, the counter statement of his Excellency : a document intended to be laid before the House as is evident from its contents, and not containing a word of command or invitation to the late Executive Counsellors to alter their written explanation, or to agree with the Governor-General on a new one.

On Wednesday, Mr. Baldwin made an oral explanation, nearly in the words of the written one submitted to his Excellency ; immediately after which Mr. Daly, expressed surprise because Mr. Baldwin had not produced his Excellency's Counter Statement, which Counter Statement Mr. Baldwin very properly thought ought to come from His Excellency's Counsellors rather than from him, and Mr. Daly, proceeded to read both documents ; as by order of his Excellency.

The Counter Statement in explanation of his Excellency, commences as follows :—

"The Governor-General observes with regret on 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 these circumstances, it becomes necessary THAT HE SHOULD STATE THEM."

If his Excellency meant to have forbidden the explanation of the late Counsellors, he would have done so on Monday or Tuesday ; but he did not forbid it at all. If he meant that they should agree with him in a statement of facts, he would have said so, on Monday or Tuesday, but he did not say so at all. If he meant that they should make his statement theirs, he would have said so ; and he would not have said that as they, for a reason which he furnished, did not disclose certain circumstances—it was necessary that he should state them : If he meant, that they should add his statement to theirs, and adopt it as their own, he would not have filled it with arguments condemnatory of themselves ; which without absurd

dity they could not adopt, and which without permission they could not omit.

What then did his Excellency mean ? Why Sir, he meant to do, what he did do ; that is to say, to leave the late Councillors to make *their own* explanation, and as he was under no obligation of secrecy to make *his own* explanation ; and to disclose circumstances, because as he says, " it becomes necessary that *he should* state them."

But Mr. Ryerson asks where is the proof of permission ; I answer the proof of permission is, in the uncontradicted assertion of the Gentlemen themselves, in the very words of Sir Charles Metcalfe's explanation, who, as above shewn, states circumstances himself, because he supposes they may not have thought themselves at liberty to state them : His Excellency being evidently of opinion that they were not only at liberty to state, what they did state ; but a great deal more which he supplies : Mr. Ryerson therefore in his presuming to deny the permission, contradicts the Governor-General as well as the late Counsellors, contradicts Mr. Daly who read the written explanation of the Counsellors, and who said it was furnished at His Excellency's desire : makes an accusation for the Governor, which he never made for himself ; and places him by advocating his cause in a position inconsistent with his own acts, and his own written allegations : upon the most tortuous wrenching of words from their meaning and conclusions, from facts which warrant the most contrary inferences ; he wantonly and impudently founds an accusation of betraying the Queen's counsels without permission—and dares to place the word perjury, in connection with the names of public men, without in the least helping his argument ; or bringing himself a step nearer to the conclusion, that Sir Charles Metcalfe is right, or that the late Counsellors are wrong.

Mr. Ryerson in pursuance of his design, to persuade the people of Canada, that the late Executive Counsellors were guilty of some great crime in revealing the reasons of their resignation, harps upon the protest which Sir Charles Metcalfe as he says made against it ; that protest is as follows :—

" In conclusion the Governor-General protests against the explanation which these 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 which has no foundation in any part of his conduct, unless a 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 on whose confidence he places his sole reliance, for the successful administration of the Government."

Now Sir, what does this protest amount to. Certainly not to a protest against a statement of the real facts; certainly not to the assertion that there was any fact or discussion which the public service required to be kept secret: It is in truth a protest against the omission of facts, or rather of inferences which his Excellency makes, and which omissions he has chosen to supply. If his Excellency's explanation contain a contradiction of facts stated by the Council, though it only complains of the omission of facts; His Excellency has so far chosen to place his credibility in opposition to that of the late Counsellors, for he might have forbidden them to state all, or any of the facts they did state; and he did not forbid them: he gave them permission to state facts, and complained that they did not state more; they therefore cannot be accused of stating without permission, but they may be accused of stating what is false, either with or without leave: a disagreement between them and his Excellency as to facts, cannot be said to make it less necessary, that the reasons of the resignation should be understood by the public. His Excellency who had the choice, chose that these reasons should be public: the disagreement as to facts, therefore as a part of the case must be made public; and if it be made public, and there be assertion on the one side, against assertion on the other, the late Counsellors cannot avoid it, unless their statements are really untrue, which would be the point for trial belonging to another part of this discussion. Mr. Ryerson's present charge is not making false statements, it is the making statements without permission—but the permission was given; and the Governor-General does not complain of the absence of permission, he complains of the statements and professes to contradict them; it is he therefore, who has chosen to put these contradictory statements at issue before the public, an issue, which he might have avoided if he chose; but which the late Counsellors could not have avoided by any possible means.

"Mr. Ryerson puts his side of the case in these words:—"It (the question) is not whether Ministers ought to state every thing necessary for their complete justification, but whether the Crown has not a voice in deciding the point, as well as the retiring Minis-

te s ? It is admitted by Mr. Hincks that Ministers cannot explain at all without the permission of the Crown. Can they, then, explain any more than they are permitted ? Certainly not. Have not the late Executive Counsellors given explanations which not only have not been permitted, but against which the Crown has protested ? I am not now inquiring whether they gave any explanations not necessary for their complete justification : that is to be considered in another place. All such evasions of the question argue the untenableness of the proceeding of the late Counsellors. I am not inquiring, Did the Crown consent to the explanation which they gave ? the protest of the Crown is proof demonstrative that it did not ; and a hundred columns of speeches, and as many evasions, cannot prove it otherwise."

I do not blame Mr. Ryerson for being a sophist : he has a bad cause, and he cannot avoid sophistry. I hold him very light, however, because of his shallow sophistry ; and because he uses arguments so palpably dishonest, as to bring condemnation on the cause he undertakes to vindicate. Let us divide the propositions which he has so disingenuously entangled, and see how easily their worth can be weighed.

In the first place, Did the Governor-General give permission to make an explanation ? He did.

Did he, when he gave that permission, limit it in any manner ? He did not.

Did he desire to see the substance of the intended explanation ; and did he see it ? He did.

Upon seeing it, did he withdraw the permission, or limit it in any manner ? He did not.

Did he admit the facts and reasoning of that explanation, or did he contradict them ? He contradicted them.

In consequence of that contradiction, did he forbid that the explanation should be given ? No ; but he stated such facts and arguments as he thought necessary for an explanation, to be made by himself, which he accordingly did make for himself ; which explanation would be utter nonsense without the explanation of the Counsellors ; and which, therefore, presupposed the explanation of the Counsellors.

But Mr. Ryerson clumsily disguises the difference between permitting an explanation, and admitting its correctness. He asks, Did the Crown *consent* to the explanation which they gave ?--Thus, using a word which may be limited or extended, by context or

circumstances. But a statement may be permitted, without an admission of its correctness: it may be permitted for the mere purpose of denying its correctness. It is this permission Sir Charles Metcalfe gave, for he had the power of forbidding the explanation, which he did not do; but permitting it, he added contradiction to it, by his own counter statement just as he chose.

Mr. Ryerson seems to have anticipated a dilemma to arise from his argument, namely, that if the Governor and the Counsellors could not agree on a statement, there could not be any explanation at all, for he says: "When they (the Counsellors) found that the Crown dissented from their intended explanation, what was their duty? undoubtedly to defer their explanation until the Crown and they should agree upon the facts to be explained." But suppose no such agreement could have been come to? I answer, in the first place, ministers should have tried whether such an agreement could have been come to; secondly, if the Crown and they could not have agreed upon the facts to be explained, they would have refused the explanation, and the Parliament would have applied for the correspondence between the Crown and its late advisers. Thus the whole affair would have been fairly brought before Parliament."

So, then, according to Mr. Ryerson, when after days of delay on the part of the Governor, after the explanation was placed in his hands, and upon being furnished with a copy of the Governor's counter statement, the late ministers should have tried to bring the Governor to agree in a statement: placing themselves and him in the condition of a refractory jury. What, in the name of common sense, would the Governor have said had they made such an impertinent proposal. Gentlemen, I have the explanation you propose to lay before Parliament, you have the explanation I intend to lay before Parliament, do you presume to wish me to retract, or do you come to make your apology? What a laugh we should have heard from the expectant occupants of the treasury benches. How triumphantly they would have attacked the poor Ex-Counsellors. Then they would have said, is Mr. Daly ready with the Governor's explanation in his pocket, are you afraid to show yours? How fortunate, Sir, for the Counsellors, that their then friend Mr. Ryerson was not there to advise them.

But if they could not agree, they should have refused an explanation. Pray Sir how could they have refused an explanation. His Excellency was already with his explanation, and would have given it all the more readily if they had shrunk from giving theirs. Mr.

Ryerson argues all the time as if the Counsellors could explain or defer explanation, at their pleasure. But, Sir, it was Sir Charles Metcalfe, and not they, who had this discretion : and if they, having permission, had refused to explain, why, Sir, judgment would have been given against them by default, and, failing in the explanation then, they would have had their mouths closed on the subject for ever afterwards : the precise situation of all others that it was their duty to avoid, and in which their worst enemies would desire to see them placed.

But Mr. Ryerson says the Parliament would have asked for all the correspondence. Just Sir compare this assertion with Mr. Ryerson's complaint that there was no correspondence. The two explanations were all the written documents which passed between them, and they were intended for the House. Does Mr. Ryerson think it would have been decent or right to have a controversy as to facts carried on between the Governor and the Counsellors ? And supposing it had taken place, with all the forms of an affair of honor, in a Kingston Newspaper, in what, Sir, must such a controversy have ended ? Is it not bad enough, Sir, to have a Governor contradicting his late Counsellors, without their bandying back another contradiction : and how could the affair have been brought more fairly before Parliament by a demand for a correspondence, which it is acknowledged on all hands never took place ?

It is impossible not to see that Mr. Ryerson's censures if they were sustainable, fall with ten times more weight on his educated and infallible Governor-General, than they could on the late Counsellors, for he at least understood the exactly proper mode and form of managing a dispute of this or any other nature : he had the power of forbidding the explanation, the Counsellors had not ; the contradiction of facts, if there be any, came from him in the first place, and he had the power of deferring all explanations until there was an agreement of facts, this power the Counsellors had not : but he did not direct the explanation to be deferred : he had the power of commanding the whole discussion to be conducted in writing : this the Counsellors could not order or even suggest, without indecorum or without shewing a predetermination to quarrel which they did feel ; and, finally, when the late Counsellors placed in writing all the case which they imagined to be perfectly understood, and when the Governor-General who was under no obligation to secrecy, undertook to add to that explanation all the facts and reasoning which he thought necessary, if any were omitted, it must have been by his

own most deliberate choice : therefore if any thing has been disguised or kept back, necessary to explain or elucidate the transaction, if there has been any want of precision from dishonest or treacherous motives, these motives must be ascribed to the party who was best instructed, and who had most in his power : that party was unquestionably on Mr. Ryerson's own arguments Sir Charles Metcalfe; and it surely would have been more decent, as well as more consistent with an address of a Clergyman to influence those whom he was professing to instruct in the principles and practice of Christianity, to have ascribed want of form, or want of agreement as to facts to unintentional error on both sides, then to have made them the foundation of a charge of unworthy motives, and placing these considerations out of the question, it would have been politic at least in Mr. Ryerson, to have avoided imputations of improper motives, founded on facts which made the motives infinitely more attributable to the party he was defending than to the one which he was attacking. By the course he has pursued he has put arguments into the mouths of the opponents of Sir Charles Metcalfe, which I would not have used, and invited the charge of deliberate and studied plan of betrayal against him, which I would not have attributed to him : and, if in the course of this discussion I am able to show affected misunderstanding of well understood terms, evasions of the application of well defined principles, and if from these I show a desire on the part of Sir Charles Metcalfe to undermine and destroy the Responsible Government he was neither bold enough or strong enough to attack openly, let the Canadian public judge to whom designed mystification may most justly be attributed. Mr. Baldwin has been reproached in a Montreal paper as the man of one idea, that idea Responsible Government ! Sir Charles Metcalfe's ideas are equally accommodating to William Morris, Ogle R. Gowan, Mr. DeBlacquiére, Mr. Viger, and Thomas Parke ; let the Canadian people judge whose interest it was to preserve vagueness and uncertainty, the one who sternly and unbendingly asserted one principle and who invited the support of none who are not its thorough advocates, or he who marshals his motley crew of "Statesmen of all shades," who agrees equally with the extreme opinions of the haughty Montreal Merchant and the humble *habitant* ; of the high Church Bishop and the Methodist Minister ; of the high tory, and the asserter of popular rights, and Responsible Government, and who agrees with them all equally, because he despises them all alike.

I seek Sir to draw out no hidden facts, to guess at no motives, I

have a single point to maintain and that is that Sir Charles Metcalfe is no friend of Responsible Government, and that it was his declared antagonism to the interpretation placed upon that term, and his acts under his own interpretation which caused the resignation. He thinks we have discussed the mode of proceeding only, which I have shown was neither unprecedented, unusual, or informal, or in any way to be mended by the late Councillors, and that if there be fault in the mode of proceeding, that fault is to be attributed to the infallible Sir Charles Metcalfe, who could have adopted any mode he liked best. So much for the fashion of the coat—the remainder of the discussion will be upon the materials. So much for Leonidas and his unsolicited championship, “So much for Buckingham” as the East Indian Governor said when he banished the printer.

LEGION.

LETTER IV.

Mr. Ryerson, after expressing his own satisfaction, on the review of his two first articles of defence, at having proved the want of form in the proceedings of the late Counsellors, as well as at his having proved their proceedings unconstitutional, a belief in his own success, the full enjoyment of which I do not care for disturbing, proceeds to show that those gentlemen have failed to establish the allegations which they have made against His Excellency.

But lest the weight of his condemnation should fall upon some of the gentlemen whom he or his government wish to make use of hereafter, he does what none of them would do for themselves, that is to say—he tells a deliberate falsehood in their behalf, namely, that several of them are known to have been reluctantly acquiescing parties in the proceedings of their leaders. Nothing could justify Mr. Ryerson in making this allegation but the instructions or admissions of the parties themselves, either to him, Mr. Ryerson, or to others whose disclosure enabled him to make this statement as of a known fact. I feel bound to deny it as a fact, because it is calculated to injure the persons intended, or pointed at, though I cannot even guess who they are: there are but nine in all, and I assert most positively that of any one of them it is a most wicked falsehood to say that they *reluctantly* acquiesced in the proceedings of the leaders or of their brother Counsellors; let Mr. Ryerson put the question to them if he dares, and when he has their authority or the authority of any of them for making such a statement, I shall with pleasure retract; but at present I bring against Mr. Ryerson the charge of direct and malicious falsehood: that of impertinent meddling in concerns in which he has no business would be superfluous as against him.

In Mr. Ryerson's introductory letter he introduced Mr. Blake's name with a statement, that he, Mr. Blake, had said he would not take office if offered to him with Mr. Sullivan or Mr. Hincks, not thinking it unlikely that Mr. Blake might have said so at the time of Mr. Baldwin's resignation under Lord Sydenham, I was foolish enough to believe Mr. Ryerson would not assert what was not true, and with-

out inquiry I accounted for what Mr. Blake, consistently with his present position, might have said; but, Sir, I was surprised to learn from the very best authority that he never said so.

I do not know whether the late Counsellors expected their retirement to be of short duration or not, or whether some of them intimated, as Mr. Ryerson says, that it would be only for a few days, his assertions have ceased with me and many others to have weight or authority; but this I will say, that if Sir Charles Metcalfe meant what he said, when he proclaimed himself an adherent to the system of Responsible Government, and when he had found he had been deceived by those who had promised him a majority in Parliament, and had he regarded the Constitution it was his duty to uphold, or respected the people whom he governed—the retirement would have been short indeed. But, Sir, His Excellency is too high a personage to regard public opinion, as expressed by two-thirds of the representatives of the people: he looks for truth, not by the light of day, but with the dark lanterns of Gibbon Wakefield, Egerton Ryerson, and Ogle R. Gowan. A dark and underhand intrigue, the corruption of some unhappy Parke, or bewildered Viger, is more according to Indian usage: and a few addresses, got up in corners, and a few libellous answers, are more than equivalent in our Canadian Court, and do better for despatches to be laid before the Imperial Parliament than votes of confidence; for alas Sir, votes of confidence reduce the Crown to a cipher; but a distracted country is the place for the exhibition of talent, and the exercise of prerogative: Sir Charles Bagot was a weak man, he only made the country peaceful and prosperous: Sir Charles Metcalfe is a great man for he can afford wantonly to agitate and disturb that peaceful country, and to look on its misfortunes with calmness: he can quietly tune his fiddle, while Rome is blazing.

I wish Sir, that in the displays of learning which the learned Doctor thinks it necessary to introduce, he would at least place his heroes in their right times and places. Cincinnatus was not one of the Knights of the Round Table, nor were his days the days of Chivalry; nor could the resignation of responsible ministers be like any event in the days of Chivalry because Responsible Government is of a considerably later period.

“The first anomaly (says Mr. Ryerson) that strikes the mind of an attentive observer of their (the Counsellors) proceedings, is the position they place themselves before the legislature and the coun-

try. Their constitutional position is that of defendants, their real position is that of plaintiffs. They come before the public to answer for their own views and conduct, they answer by arraigning the views and conduct of the Governor-General."

It is a great pity that the Doctor does not examine his propositions a little more before he launches them into the sea of political controversy: he has a great ambition to be thought critical, exact, and logical, but at every step he risks his case and his character as a reasoner, by stating puzzling propositions, which turn out to be not only good for nothing, but absolutely untenable. The late Counsellors did not come before the Legislature and the country to answer for their own views and conduct: those were not impeached. They had, from the time they came into office the approbation of the Legislature, the country, and, what may be of some importance, that of the learned Doctor himself; they came before the Legislature to explain the reasons for which they, a ministry with a majority in Parliament, left their places. The reasons they alleged were opinions avowed by the Head of the Government, which, being acted upon made it impossible that they could remain responsible for the acts of the Government: they were bound to make this explanation if it were true: and they could not do so without stating the opinion from which they dissented, or defend themselves without shewing it to be wrong. No one was ever fool enough to say that a King or a Governor may not hold wrong opinions, or direct wrong acts, though they may not be personally responsible for either; but, it surely follows, that if Executive Counsellors are to be responsible for the acts done by order of a Governor, they must be allowed to have an opinion respecting these acts: and if they have an option whether to remain responsible or not, and if they are bound to account for not remaining responsible, they must be allowed to show that the opinions and acts entertained or directed were wrong, otherwise they could make no explanation at all, which now I see it is what Mr. Ryerson means by the "silent dignity of retired ministers." If Mr. Ryerson would think a little more, Sir, about the silent dignity of ministers of the Gospel, and less about politics he would not get into such straits. They are worse than the straits of Thermopylae. The strength of an empire may help a hero out of the latter, but when a political prize fighter falls into a childish absurdity, as the poet sings of the broken egg,—

"The King of Spain with all his men—
Can't set him as he was again."

"A Canadian jury," says Mr. Ryerson, "cannot constitutionally sit in judgment on the views and conduct of a Governor-General, for the Resolutions of 1841 declare 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, and no man can be constitutionally arraigned before a tribunal to which he is not amenable." So then, Sir, a Governor has only to take care that his advisers should not be known, and to do every thing himself, and let him and ever so unconstitutionally the Canadian Parliament can express no opinion upon his acts; because, as Mr. Ryerson says, the expression of such an opinion, or even a debate on the subject, would be arraigning the Governor.

And this abominable and slavish doctrine is that upon which Mr. Egerton Ryerson undertakes to defend Sir Charles Metcalfe. Would you not like to know, Sir, what His Excellency thought when he read the Doctor's No. 3, and how much he would have given in addition to the office of Superintendant of Education, to purchase Mr. Ryerson's "dignified silence."

But it is nevertheless unquestionably Mr. Ryerson's doctrine, for lest we should mistake his precise notion he illustrates his argument by mentioning the arraignment of King Charles the First, as a parallel case; now, King Charles I. was tried, and decapitated, constitutionally or unconstitutionally, it does not matter which for our present argument. Sir Charles Metcalfe is neither one or the other: his opinions and his acts are questioned, not himself; and no one seeks to make him responsible for his acts or opinions, however bad they may be: but according to the Doctor it is all the same: not a whit of difference between questioning a Governor-General's infallibility and cutting off his head. What a bloody minded champion is Mr. Ryerson, so desperately loyal that he can see no distinction between the heads of an argument and the heads of the disputants. How very uneasily, Sir, must his head sit on his shoulders at this moment if they are all the same.

"A Canadian jury cannot constitutionally sit in judgment upon the views and conduct of a Governor-General, (says Mr. Ryerson.) Now, I say that a Canadian jury can and may sit in judgment upon the Governor-General's views and conduct, as Mr. Ryerson may very easily discover to his cost, if he should infringe any right of any of Her Majesty's subjects here, and justify himself upon the Governors views and conduct. The latter he would find might and would be

adjudged upon; and although the Governor may be very safe personally, his views and conduct would be just as open to inquiry and judgment as those of any member of the Reform Association.

But although as Mr. Ryerson says, "Cromwell had a shadow of constitutional pretension, (the shade of a virus,) for arraigning Charles the First, even before his rump Parliament, (a hit at the Provincial Assembly,) but he says the late Counsellors have the Resolutions of 1841, *positively against the arraigning and views and conduct* of the Governor-General before any other tribunal than that of the Imperial authority alone;" for he says, the Resolutions declare that the Head of the Government is responsible to the Imperial authority alone. Now, Sir, I ask you to put on your spectacles and read the resolutions of 1841, and if you find one word about the *views and conduct of the Governor* therein you need not print any more of my letters. It is true, Sir, the Governor is not responsible for his views or conduct, but other people are responsible for them: and how could they be made responsible for them in Canada if Canadians could not sit in judgment upon what these others are responsible for. Views and conduct may be considered, adjudged of, and condemned, but they cannot well be hanged or decapitated; and as the views and conduct cannot be punished themselves, their owners have to bear the penalty for them. This penalty others have to bear for Kings and Governors; but before they suffer, the views and conduct of kings and governors must be the subject of question, adjudication, and condemnation.

Mr. Ryerson quotes a passage from De Lolme, which, as usual, he manages so as to make it work against himself. De Lolme says, "The King himself cannot be arraigned before judges, because if there were any that could pass sentence upon him it would be they and not he who must finally possess Executive power." Now this passage which may be a very good one to show the legal absurdity of arraigning the King himself, would contain very dangerous doctrine if applied to the *views* of the King carried into effect in his government; for we know that there are supposed to be advisers of all acts of the King's Government, and that there are judges of these acts and of these advisers. Mr. Ryerson's application of the authority of De Lolme would prove, if it proved any thing, that what is done by the King or by his command cannot be questioned, or adjudged upon, lest the judges should possess finally the Executive power and not the King. But, we know Sir, that the acts of the King's Government are in the practice of

the Constitution of England adjudged upon, and the only inference which could be drawn would be, that the judges and not the King *actually do possess*, finally, the Executive power, which is the contrary of all that Mr. Ryerson wishes to prove. If he can show that Sovereigns in England act of their own unadvised will, and that no one is responsible for what they do or for what they order, or for carrying their orders into effect, then his quotation will not only be applicable, but he will have successfully defended Sir Charles Metcalfe, and, Sir, he will have cut the head off Responsible Government; but, Sir, all his and Sir Charles Metcalfe's arguments, and this amongst the number, are merely libels upon the principles and practice of the British Constitution.

But now, Sir, for the second anomaly of proceeding contained in a Resolution of the Assembly, containing a charge that the Governor-General denied *their* right to be consulted in what the House unhesitatingly avows to be the prerogative of the Crown, "appointments to office." They place themselves before the House and the Country, (he says,) not upon their policy of government, which Sir Charles declares to be the point of difference.

What Mr. Ryerson calls an anomaly, I don't know: but I know that it is not an anomaly, for one person to allege one thing, and another person to contradict it, and allege another. If the facts were inconsistent, and the truth of both were maintained by the same person, I apprehend his assertion would be anomalous; but the worst that can be made of this case, is, a simple contradiction in independent statements; which, whether it comes before a jury (to let Mr. Ryerson have his way) or elsewhere has not the "shade" of an anomaly about it—but the learned Doctor appears to have as much notion of an anomaly, as he has of a "virus." If he wishes to use hard words, which are to have sound without meaning, he should resort to some eastern language which we do not find in our dictionaries; now, if he had called it a "jaghire," instead of an anomaly, it would have sounded just as ferocious, and have had as much meaning.

As to the denial of the right of the Council to be consulted upon the appointments to office, I apprehend Sir, the argument belongs to some future division of the Doctor's defence. I shall therefore touch it lightly here. To appoint to office is, Sir, an undoubted prerogative of the Crown—but a Cabinet Counsellor's whole duty as such, is to advise upon the exercise of undoubted prerogatives of the Crown. No one denies the legal right of the

Crown, to exercise any of its prerogatives, without the advice of Counsellors; but Counsellors, who would remain responsible for appointments to office, when their claim to be advised with upon them was denied, would be worse than *anomalies* Sir, they would be fools and deceivers.

If Sir, there was, in reality, no difference of opinion on the subject of the duties and responsibilities of Executive Counsellors, between the retiring Ministers and the Governor, and that they left office for no reason at all, they would have been guilty of a very silly anomaly, but I think I shall be able to show there was a very *substantial* difference both in theory and practice: and Sir, as to the *new policy* which Mr. Ryerson charges them with keeping out of sight—as he appears to know more about it than I do, I shall wait, until he explains what it was. According to common rules Sir, a man who does an act, and can justify it by a good reason, founded on truth and in fact, is considered innocent: but I shall claim no such indulgence of the late Counsellors; the end of this contest shall be no misunderstanding of disputed facts: out of the mouth of Sir Charles Metcalfe himself, this question will be adjudged upon. His own words, his own acts shall be the interpreters. Happily, time has been given for this good, though intended for evil: Time is necessary to sap the foundations of our political edifice, new as it is; time is necessary to show the whole strength of the powers of darkness and corruption; time is necessary to invent, and place in the hands of venal deserters of their country's cause, the tricks of form, and the craft of verbiage in which they are to excuse themselves; but time also exposes the designs of the most cunning, and lays bare the latent motives of the most secret. The plan of policy recommended by the high Tory press, the constitutional plan of an immediate appeal to the people would have had its advantages to their side, it would at all events have had the appearance of respect for public opinion; and in the haste and terror of sudden excitement the real questions concerning the people's rights might have been smothered under imputations of disloyalty, and threats of consequences: but such a plan was inconsistent with the temperament of our politic ruler. To take time to spread the snares of corruption far and wide; to gain individuals by seeming accordance with the opinions of each; to promise success to all; to demonstrate to the Canadian people how many of them they looked up to could be brought to deny and belie all these professions; to show them how, even they themselves might

be brought to consider their best rights and privileges doubtful : by subjecting them to long and tedious doubt and question ; to cure them of their patriotism on the homeopathic system of minute doses of poison. This has been the plan of our present rulers, and when these shall be able to laugh to scorn the Colonists, who attempted to contend with wily statesmen for the British Constitution ; and when the people of Canada shall be brought to distrust each other, to look upon public virtue as a fable, and selfish corruption a ruling principle—then, and not till then the plan will have succeeded, and an Earldom will be added to the proud peerage of England, which may have for its crest the gilded fetters of Canada ; but the victory is not yet gained, the shackles are not yet riveted, and the time taken for their completion, has exposed the workmen and their tools in full operation. There will be no necessity Sir, for disputed facts, none for contradictions : the people will only have to read and consider what they have openly before them, and to choose between the two conditions, that of free British subjects on the one hand, and of crouching idolaters of arbitrary power on the other.

But the anomaly " which appears, most anomalous still ;"—in fact a horrid beast of an anomaly,—is the nature of the charges they prefer against his Excellency. They are general, says Mr. Ryerson ; they contain no *specifications* which can be met, they throw upon His Excellency the burden of not only proving a negative, but a general negative. Mr. Baldwin in his explanation ascribed to the Governor-General certain anti-Responsible Government doctrines, and alleges against his Excellency certain anti-Responsible Government acts as proof that he held those doctrines : but Mr. Baldwin specifies no acts, not even the names of the parties to whom they refer. How could the Governor-General defend himself, or be defended against the general charges alleged by Mr. Baldwin ? He could only do, as he has done, deny them in general terms, by declaring that he " 'subscribes entirely to the resolutions of 1841, and that he has never deviated from them.' "

Now Sir, let us patiently examine the explanation offered by Mr. Lafontaine, on behalf of himself and colleagues.

In the first place they allege, " That 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 resolution introduced into the Legislative Assembly with the knowledge and sanction of Her Majesty's

Representative in this Province, on the 3rd of 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 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."

7 "Had the difference of opinion between his Excellency and them, and as they have reason to believe between his Excellency and the people of Canada generally, been merely theoretical the members of the late Executive Council might, and would have felt it their duty to avoid every 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 upon them had passed by, and to a determination to reserve for the expression of Her Majesty's pleasure thereon, a bill introduced into the assembly 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 possibility 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 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 Excellency 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 knowing before others His Excellency's intentions;—His Excellency, did not remove the impression left upon their minds by his avowal that there was an antagonism between him and them, and a want of confidence which would enable them in their respective stations, to carry on public business to the satisfaction of the country. The want of 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 the 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 might 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 Government. To this opinion of his Excellency, as one of theory, they might not have objected, but when on Saturday last they discovered that it was the real ground of all their difference with his Excellency and the Council since his arrival, they felt it impossible to continue to serve Her Majesty as Executive Counsellors for the affairs of the Province, consistently with their duty to Her Majesty, or to His Excellency; or with their repeated pledges in the Provincial Parliament, if His Excellency should see fit to act upon his opinion of their functions and responsibilities.”

In the whole of this document you will perceive that there is not one single charge against his Excellency, but simply a precise

statement of the opinion of the members of Council upon their duties and responsibilities, and an allegation of a candid expression of difference of opinion thereupon on the part of the Governor-General, and of acts of Government inconsistent with these opinions and consistent with that of His Excellency.

But Mr. Ryerson objects that the acts are not specified, and the obligation is in me to show why they were not specified.

Well Sir, I assert that it is not usual in the explanation of Ministers to specify the particulars of advice rejected, or of acts done without advice. To make out Mr. Ryerson's side of the argument it must be not only usual, but so *necessary* as to make the absence of the specification of names, places, and other particulars not only anomalous or irregular, but almost criminal.

For instance, when Lord Grey, the Chancellor of Exchequer, the Duke of Wellington, and Lord Lyndhurst explained the advice they gave to the King in the case quoted in my third letter, they did not make any specification whatever Lord Grey did not say, how many members he advised to be added to the House of Peers: he did not say what their names or titles were to be, or even that he advised that any members should be added at all. He merely said, "we offered to His Majesty that advice which the urgency of the case, and the circumstances of the times required; and that advice not having been accepted, the alternative we conceived it our duty to submit to His Majesty, was offered and has been graciously accepted." We find the advice brought out in the course of debate more fully in the House of Commons, but strange to say without writing, without leave stated, without counts to the indictment, and without the dreadful *anomaly* being obvious to any one. These are the words of the Chancellor of the Exchequer. "My hon. friend says, that he is utterly ignorant of what the advice was that we gave his Majesty, and that he cannot imagine its purport, and yet during the whole of his speech it was evident that he, as well as every other member of the House perfectly understood the statement I made last night, so perfectly as to make it the foundation of his argument. The statement which I made last night was, that finding it was impossible for us to carry the Reform Bill in its efficiency, we felt it to be our duty to tender to His Majesty our advice, that he should take such measures as would enable us to carry the bill. To carry it where? To carry it in the House of Lords. I stated it in a way, which I thought perfectly clear, but if my honourable

friend wishes a still further explanation, I have not the least objection to give it him; and in plain words to declare that our advice to his Majesty was to create such a number of Peers as would be sufficient to carry it in the House of Lords."

Again, Sir, in the very case triumphantly quoted by Mr. Ryerson, that of the resignation of Sir Robert Peel, because Her Majesty was advised not to remove her immediate attendants, where the explanation happened to be all in writing,—you will look in vain for any specification of names of parties, or of facts more than were barely necessary for the elucidation of the principle involved. If we look to the explanation and the debates we find the point readily enough, but we look in vain for indictments, charges, names, and specifications. Sir Robert Peel objected to come into office, unless Her Majesty would remove from her presence ladies who were acknowledged to be honourable and unobjectionable, with the single exception, that they were connected with the political opponents of the new ministers; and because of that connection Sir Robert Peel apprehended an appearance of favor to the party in opposition, which might shew to the public a want of confidence in the ministers: and even with the appearance of that want of confidence he would not undertake the difficult task of managing the affairs of the country. Well, Sir, that minister who, according to Sir Charles Metcalfe's doctrine and elegant phrase, would have been making a tool of his Sovereign, and utterly prostrating the royal prerogative and making himself supreme, is at this moment prime minister of England, without giving up a tittle of his pretensions and without being indicted for high treason, or for an anomaly. These Sir, are plain facts for plain people: they require for explanation no juries, no indictments, no specifications, no alibis; and it is upon such facts, and upon principles plainly deduced from them, the people of Canada build their assertions of constitutional rights, rights of which neither political parsons amongst themselves, nor East Indian Governors can deprive them, unless they wilfully shut their eyes to simple truth, and open and honest reasoning.

I might Sir, quote from Parliamentary proceedings, many—very many cases directly in point upon this question, but others are at work for this object. It is sufficient for me to show beyond the possibility of contradiction, that Mr. Ryerson has attempted a gross deception upon the people whom he addressed, a deception for which his employers are responsible. It cannot be igno-

rance, for the slightest research would have enabled him to see what was usual and formal: it cannot be haste or inadvertance, for he has chosen his time for the attack, and professes to have given his subject the fullest consideration. If this attempted imposition be designed, let the people judge for themselves how deeply he must have calculated on their want of access to books, and upon their ready credulity. He has not met the question fairly, by showing what was usually done in England, upon precisely similar occasions to the present; but he has craftily trumped up a supposed case of a criminal, and a jury, of indictments, alibis, and anomalies, and mixed them in a hotchpot jargon of his own, to establish opinions which would prove himself and the Governor-General right, and all the rest of the world wrong. He wishes for indictments, and counts and specifications to enable Sir Charles Metcalfe to prove an alibi. Poor simple Colonists, when you learn what an alibi is, you will discover that few people in Canada would wish to deprive Sir Charles Metcalfe of the privilege of an alibi; and to forget, and excuse his presence in this colony past, present, and future. His Excellency may probably, when he comes to read his defence by Mr. Ryerson, be desirous to prove an alibi of a more limited character, but as he seems willing to take the benefit of the Champions exertions, we shall be inclined to hold him to answer for the weapons of fight.

But, Sir, Mr. Ryerson asks the question how could the Governor-General defend himself, or be defended against the general charges alleged by Mr. Baldwin? and he answers, "he could only do as he has done, deny them in general terms by declaring that he subscribes to the resolutions of 1841, and that he has never deviated from them."

Now, as this is precisely what Sir Charles Metcalfe *has not* done it becomes necessary to examine the allegations in detail for the purpose of discovering what the Governor-General has done.

The first allegation is that the late ministers held office upon the avowed recognition of responsibility to the representatives of the people, and of the resolutions of 1841. This is not denied.

The second allegation is, that the Counsellors had 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. This difference of opinion is not denied.

The third allegation is, that appointments were made contrary to their advice. This is not denied.

The fourth allegation is, that appointments were made of which the Counsellors were not informed in any manner until all opportunity of advising upon them had passed by. This is not denied.

The fifth allegation is, that proposals to make appointments were also made on which the Council had no opportunity of offering advice. This is not denied.

The sixth allegation is, that his Excellency reserved for the expression of Her Majesty's pleasure thereon, a bill introduced into the Assembly, 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 possibility of such a reservation. This is not denied.

The seventh allegation is, that the members of the Executive Council offered an humble remonstrance to His Excellency on this condition of public affairs. This is not denied.

The eighth, that his Excellency stated, that from the time of his arrival in the country he had observed an antagonism between him and them on the subject. This is not denied.

The ninth, 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. This is not denied.

The tenth, that his Excellency disavowed any intention of altering the course of administration of public affairs, which he found on his arrival in Canada. This is not only not denied but is re-asserted by his Excellency in every possible form.

The eleventh allegation is, that his Excellency did not disguise his opinion, that affairs might be more satisfactorily managed by and through the Governor himself, without any necessity of concord amongst members of the Executive Council, or obligation on their part to defend or support in parliament the acts of Government. *This is not denied.*

The twelfth and last allegation is, that on Saturday the members of Council discovered that this was the real ground of all their difference with his Excellency, since his arrival, and that they felt it impossible to continue to serve Her Majesty as Executive Counsellors, for the affairs of this Province, consistently with their duty to Her Majesty or to His Excellency, or with their

public and repeated pledges in the Provincial Parliament if His Excellency should see fit to act upon his opinion of their functions and responsibilities.

Now the expression of this opinion of his Excellency is not denied any more than any other facts above alleged, though his Excellency would seem to deny that they formed the real grounds of the resignation.

I shall now, Sir, proceed to examine the Governor-General's statement.

1st. His Excellency alleges, that circumstances which he regarded as forming the real ground of the resignation, were omitted in the explanation of the ministers.

2ndly. His Excellency undertakes to supply these facts, because, as he says, it became necessary that he should state them.

I here pause to ask a question, which will occur to every one, that is to say,—Suppose that there be any want of specifications, any want of names, places, or circumstances, who is to bear the blame: the members of the late Executive Council, who, according to His Excellency, omitted to state circumstances because they were not at liberty to *disclose them*, or His Excellency, who was at full liberty to disclose any thing he pleased, and *who undertook to state them*?

But the Governor-General's counter statement contains no denial of any fact alleged by the members of the late Council, with one exception, namely,—that the facts stated by them were not the real grounds of the resignation; and His Excellency alleges a new fact, not in the least inconsistent with any of those stated by the retiring Counsellors, that is to say,—“That Mr. Baldwin and Mr. Lafontaine 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 make no appointment, and no offer of an appointment, without previously taking the advice of the Council; that the list of candidates should in every instance be laid before the Council; that they should recommend others at their discretion, and that the Governor-General in declining to take their advice should not make any appointment prejudicial to their influence.”

His Excellency afterwards alleges “that when the Council met on Saturday three or more distinct propositions were made to him over and over again, but always aiming at the same purpose,” and that “on his uniformly replying to these propositions in the nega-

tive, his refusal was followed by, then we must resign, from one or more of the Council."

This purpose, says His Excellency, "would if accomplished have been a virtual surrender into the hands of the Council of the Prerogative of the Crown."

If His Excellency desired to have the claim which he alleges the Counsellors made, made in writing, or if he hoped that they would admit they ever made such a claim, he would certainly not have waited until the very day of the explanation in parliament before he made this new allegation; but understanding or affecting to understand, that they made such a claim, and having it moreover in view to inform Lord Stanley, as it appears by his Lordship's late speech in parliament, that *a stipulation in writing* was demanded of him, this assertion was held back till the last moment, lest a word of explanation to his Excellency, lest a disclaimer of any such demand might defeat his Excellency's plan of forming a Government according to his own taste; and if his Excellency was determined at all events to place the Counsellors in the wrong, and to force upon them the paternity of a proceeding, which they allege they did not even think of, it is evident that the less explanation, in writing or otherwise, between them and his Excellency, the better for his Excellency. If the Counsellors made up their minds to demand a stipulation of this nature, to be given either orally or in writing, and to resign if it were not given, they could have no object in disguising their claim, for a disguise of the claim would inevitably have had the effect of preventing its establishment, by any ulterior proceeding. Proceedings in Parliament could only establish what the Counsellors openly professed in parliament to demand, not what they were said to have demanded in the Council: again, they would have gained nothing by denying this demand, for apart from the demand there was a wide gulph between their opinions and those of His Excellency regarding their functions and responsibilities, which they could not and never can pass, and which were quite sufficient to prevent their continuance in office, while his Excellency held his views and acted upon them. But it was of importance to his Excellency when he determined to force the Counsellors to a resignation, to make their cause to appear as extreme as he could make it out, and as explanation might have had the effect of placing them in a better position, he very adroitly avoids it, and places the resignation of the Counsellors, upon a refusal of his, to comply with a demand which the late counsellors say, they never made.

The demand of the late Counsellors, which they really made, is however, sufficiently at variance with his Excellency's avowed principles of Responsible Government, for all their purposes, and a compliance with the real demand would have been sufficient for all they sought or could desire to seek in Responsible Government. They alleged that as advisers of the Crown, they were, while they continued in office, responsible for all the acts of the Executive Government of Canada, respecting local affairs; and, they claimed to be informed of the intention to do these acts before they were accomplished, to have the choice whether they should remain responsible for them or not, and the opportunity of advising upon them.

As I have just remarked, this would have given them all they could have desired. It was nothing to them whether the advice of *the Council*, as a body, should be taken, or the advice of any one of the members who was in free communication with the rest; for they well knew that no one of them would have tendered advice, which his fellows as a body would disapprove of. They knew moreover, that convenience and despatch of business did not admit of cabinet consultations on all or on the most part of the appointments: and that for all they wanted, a consultation with one, was as good as a consultation with the whole. It was nothing to them, whether lists of candidates were made out, and formally laid before the Council, or whether or not lists were made at all, so long as the names of Candidates were not kept back from them: and so long as the recommendations in favor of these Candidates were accessible to them, or any of them at all times. And as to the demand that appointments should not be made prejudicial to the influence of the Counsellors so long as they had an opportunity of resigning, whenever such appointments were made they could have required no stipulation; what then was the stipulation to do for them? which the general practice according to the English system would not have done: and why should they have demanded it, unless they were weary of office? and wished to get at the most awkward and indefensible mode of getting out of it. What the Counsellors claim for Canada, and what the Reformers of Canada claim for themselves is, that *all* the acts of the Executive Government of Canada should be advised upon, and that some *known* advisers should be responsible for all the acts. If the known advisers of His Excellency upon the exercise of Her Majesty's most undoubted prerogatives are such as the people of Canada have not confidence in,

they claim, and have the right of using all constitutional means of removing these advisers. For the exercise of this right they want no stipulation, no assurances in any quarter; when in September 1841, their representatives asserted this right, they asked for no stipulation; it was sufficient for them that they asserted the right, and that it was not denied. The Government of Lord Sydenham chose, that this right should be asserted through its own organ, for the purpose of showing that it was assenting to the right claimed: and when the Executive Counsellors asserted the same right, and resigned not only because it was infringed, but because a course of Government inconsistent with that right was placed before them, as the one to be acted upon: what necessity I would ask again had they for a stipulation either in writing or otherwise.

Many will of course take His Excellency's version of the transactions—many more will take that of the late Counsellors; belief in this, as in other cases will be regulated a good deal by knowledge of men, by wishes, by party, and by prejudice. We have the conflicting statements, not conflicting between the two documents containing the written explanation, but between the Governor-General's statement of a demand of a stipulation, and the denial of such a demand by the Counsellors in their places in parliament. Those who believe the Executive Counsellors made such a demand, will believe they acted very absurdly causelessly and wantonly, in trying to get out of office in that manner, when there were so many better modes of accomplishing the same purpose: but they will not see the real points at issue settled by such a belief. Those on the other hand who think that the Governor-General misunderstood the transaction, or that he desires to give it a colour, and appearance prejudicial to the late Counsellors, will think he had better have acted as openly, as did his predecessors Sir Francis Head, and Sir George Arthur, and by a direct denial to Canada of Responsible Government in her local affairs as it exists in England: to have placed the question in dispute fairly before the public; these will think no question decided by their belief respecting the stipulation. The better and higher minded politicians will judge of the real questions, that is to say whether the Responsible Government defined by Sir Charles Metcalfe, Egerton Ryerson, and Lord Stanley is the one they claim for Canada or not: but there is besides these, a poor and sneaking class of politicians, who will not dare to grasp this subject, and who will attempt to retain popularity, and a character for consistency by pretending to uphold Responsible Government,

and who will court the favour of his Excellency, and of the enemies of Responsible Government by the adoption of general and unsatisfactory phrases, and by overlooking definite principles. To these the stipulation is of importance, and I recommend them in the language of our ruler to "cling to it." Their motives are well understood, and their course is narrowly watched. It is by, and through them that Sir Charles Metcalfe's Responsible Government is expected to be *ratified*. These members however are not sufficient to make the desired majority, and the day of account, however it may be delayed, is not far off and the Reformers of Canada can close their ranks, and present their front to the enemy even though they do look deserters in the face.

A new element Sir, has within a few days been imported in the shape of a discussion on Canadian affairs in the House of Commons; characterized by the same ingredients of ignorance of our people; and indifference to their rights as Colonists which always distinguishes colonial debates, in that enlightened body: debates which long since demonstrated the necessity of something like Government on this side of the Atlantic. We learn there Sir, how unfit we are for the management of local affairs, how unworthy our assembly is to possess control over an Executive Government, representing as that Assembly does, not the aristocracy, but the "*humbler classes*" of the Colonists. This debate Sir, will be of infinite worth in the present discussion. It gives me opportunity of adding to my intended comparison of Mr. Ryerson's principles of Responsible Government, a comparison of both with the opinions of the Imperial authorities, and we find moreover the invaluable fact that Sir Charles Metcalfe is supported, by the respectable Canadians, because he had Sir, 87 out of 90 addresses in his favor; the humbler classes being considered, as I suppose, not able to write or sign addresses. That debate Sir, is not unprecedented, for unhappily we have plenty of precedents of such debates. Those who did not expect exactly such a debate, knew little of the nature of the contest into which they were entering; to those who are determined to abandon the cause of Responsible Government, that debate was intended as an excuse. Mr. Ryerson prophesied it, and it has come! To those who knew what they were contending for, and who were determined to persist in their claim of Colonial right, that debate is on the other hand invaluable, as shewing in undisguised terms, the kind of government for which they are supposed to be destined. I shall freely mingle my remarks upon the Governor-Generals an-

swers and Mr. Ryerson's defence, with those upon that interesting discussion; and as you will probably wish to inform your readers of the English news, and as I desire particularly that they should read, understand, and digest it, before I proceed further, you will probably in your next number be spared a letter from me.

I know not Sir, what will be the end of this harmonious dispute, introduced among us by our philanthropic ruler. I know not, who will stand or be fallen when it shall be over. I am no prophet as Doctor Ryerson is. I cannot tell what will be, but the state of the question convinces me, that whatever may be the positive result, there will not, and cannot be established in Canada, a Government, for all whose acts, its head is not, and its tail cannot be made accountable—even to the representatives of that humblest class of our community the electors of Canada. These are very humble, no doubt of it, and their oppressors are proud enough in all conscience; but humble as the electors are Sir, they have fought this battle once, and they won it, and they are able and ready to do the same again.

LEGION.

LETTER V.

SIR,

It would be ungracious in me, to commence another letter without expressing my obligation for the forbearance announced by the Reverend Doctor Ryerson, in his letter to the Editor of the Colonist. He appears to have found out that "Legion for we are many" was the saying or name of a devil, or collection of devils: but although he has made this profound discovery, he does not commence his exorcisms now, but leaves me to proceed with my impish mischief, until the approach of autumn. Perhaps you would like to know, Sir, why I adopted the name of Legion. Well, Sir, it was in the first place, so far appropriate, because the principles I advocated were not merely those of one, but of many: and secondly because it was a name of which very few would be inclined to dispute the proprietorship. I had in fact, found so general and unmitigated a feeling of disgust and ridicule cast upon Mr. Ryerson, in consequence of his personification of Leonidas, and the Spartan Heroes, as well as on account of his finding in himself something like some twenty or thirty of the great men of every age and country, that I thought I could not get too far on the opposite side, out of the way of a charge of vain glory and self adulation. I am not sorry to have given Mr. Ryerson a chance of a witicism sufficiently obvious for his comprehension; and if it pleases him, I am not unwilling to admit, that I am just as like the devil and his imps, as he is like Leonidas and the three hundred Spartans, or like Wesley, or Fletcher, or Archbishop Cranmer, or the Sainted Richard Baxter, or any one or more of the great men whom he has put forth as illustrations of himself. I am astonished he has not discovered some similitude between himself and the learned German necromancer Faust: the fight between the Devil and Doctor Faustus would be an amusing notion, though it would scarcely have served the Doctor's purpose; for as well as I can remember, the Devil had the best of the fight in the end; and fully succeeded in running away with the conjuror.

Mr. Ryerson threatens to demolish my reputation for ability,

some time between the present and the fall of the leaf. He is perfectly welcome : he shall have the field all to himself. I admit now, that he is the best reasoner, the most correct logician, the purest classic, not only in comparison with me, but with any others of far greater pretensions with whom he may please to compare himself: he may take away my reputation, or the reputation of any one else he pleases. It is all one to me. I write for a purpose which is not personal; and when the contest becomes personal, I shall be silent.

In my last letter, I took to pieces the allegations of the late Councillors, and showed that no one of these was denied by the Governor-General: although his Excellency wrote an explanation for himself, which professed to be full and satisfactory. His Excellency denied that the facts, as alleged, formed the ground of the resignation; and he alleged something else, which he said was the real ground, which he said the Councillors had omitted.

If one man alleged, that he saw another open his stable door, and take out a horse, and another alleged that he had bought the horse, and therefore protested against horse stealing, and against an omission of that fact in the statement of the prosecutor, I rather think this would be no denial of the facts, that there were a stable, and a horse, and a door, or that the defendant entered at the door, and took out the horse; neither is his Excellency supplying an alleged omission, any denial of what was before stated; we may add one thing to another, but we cannot add an entity to a non-entity.

Let us examine a little more in detail this statement of Sir Charles Metcalfe.

He commences, as I observed in a former letter, by stating that "he observed a total omission of the circumstances which he regards as forming the real grounds of their (the Ministers) resignation; and as this omission may (as he says) have proceeded from their not considering themselves at liberty to disclose these circumstances, it becomes necessary that I should state them."

I quoted this passage before, for the purpose of showing that Sir Charles Metcalfe did not deny the late Councillors leave to state, what they did state. I quote it now to demonstrate that he did not contradict what they did state, for he does not say that "he observes with regret" that they stated any thing untrue, but that they omitted to state something else. If this be the case, there can be no sophism in saying, that I am at liberty to assume

what they did state to be true. Whether what they stated, formed the real ground of their resignation or not, is the matter at issue.

His Excellency says, that 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 advice of the Council; that the lists of Candidates should in every instance be laid before the Council; that they should recommend others at their discretion; and that the Governor-General after taking their advice, should not make any appointment prejudicial to their influence."

Now there is one thing very clear, which is, that the late Councillors, were not in his Excellency's confidence; and if this be not obvious from the documents published at the time of the resignation, it is made abundantly so by Lord Stanley's reading a despatch from Sir Charles Metcalfe in the course of the late debate in the House of Commons; which despatch bears date very shortly after Sir Charles Metcalfe's arrival in Canada. From that despatch, or from the portion thus made public, it may be guessed, that all the time from its date, until December, did not pass without serious differences between the Governor and the Councillors, as to the course of policy to be pursued; which differences could not have existed at that period and in this Province, without discussion as to the relations between the public and the Councillors under which the latter held office. In that despatch of the month of May previous to the resignation, and written as I said before, very shortly after Sir Charles Metcalfe's arrival, the following statement is made, "I am required to give myself up entirely to the Council, to submit myself absolutely to their dictation, to have no judgment of my own, to bestow the patronage of the crown exclusively on their partizans, to proscribe their opponents, and to make some public and unequivocal declaration of my adhesion to these conditions, involving the complete nullification of Her Majesty's Government." This Sir, can be no friendly, or even uncoloured representation of any thing that could have taken place. His Excellency is fond of paraphrase, and his paraphrases are not, to say the best of them, very like his texts.

Can it be thought or believed, by the most prejudiced person in Canada, that the Executive Councillors said in so many words to the new Governor-General. "We require your Excellency to give

yourself up entirely to us, to submit yourself absolutely to our dictation, to have no judgment of your own, to bestow the patronage of the crown exclusively on our partizans, to proscribe our opponents, and to make some public and unequivocal declaration of your Excellency's adherence to these conditions, which involve the nullification of Her Majesty's Government?" These would be the words of madmen, not of rebels or revolutionists; yet upon the allegation of such a demand have the late Councillors been judged before the House of Commons.

When I say that the Executive Councillors never made such a demand as this, I do not mean to say, that his Excellency wilfully made a directly false representation to Her Majesty's Ministers: for I am very certain that however strong his prejudices may have been, he could not have meant to convey the impression, that a requisition in these times was made of him; and if it was not so made, I must surmise what was demanded or recommended, in reality, which could be tortured into an equivalent to this violent and extreme language.

You may well recollect Sir, the discussions which from time to time have taken place in the Province, on the question of Responsible Government. The serious assertion of the principle, commenced with Sir Francis Head's Council, when Mr. Baldwin and the liberal party joined it. The Council then asserted their responsibility for the acts of the Government. They required to be advised with on the exercise of the prerogative of the Crown. I do not remember that Sir Francis Head paraphrased their words; but I do remember that they were very much blamed for setting down their principles of Government in writing. I do not allude to this circumstance for the purpose of discussing the question whether they were right or wrong in reducing their ideas on the subject into writing; but their doing so, had one advantage, namely, that at this day, we know what they demanded, and what was denied. Well, Sir, what did they demand? They demanded to be consulted on all the acts of the Government; for, they said, that they were responsible for all these acts, so long as they continued in office. Sir Francis Head asserted his own responsibility for these acts—said he was accountable for the distribution of the patronage of the Crown—that he desired to do justice to all parties—and he said moreover, just what Sir Charles Metcalfe says, that the Executive Council were attempting to usurp the prerogative of the Crown, and to sever the connection between

Upper Canada and the parent state. He did not allege that *they* said they would usurp the royal prerogative, or that they said they wished for separation, but he alleged that the consequences of acceding to these demands, would be their usurpation of the prerogative, and the independence of the Colony. He did not pretend to admit Responsible Government, but he admitted in substance every thing that Sir Charles Metcalfe admits, with the exception that as he did not concede the right of the Council to be advised with, he was not guilty of the absurdity of admitting the responsibility of the Council: or in other words, of pretending to be in favour of Responsible Government. Well Sir, he was addressed by ten times the number of persons that have addressed Sir Charles Metcalfe; he answered the addresses with much more ability, and with ten times more consistency than Sir Charles Metcalfe. Many reformers were induced to come over to his side, and to vote for Candidates who professed to maintain his principles. Mr. Ryerson claims the whole credit of his success: I think Sir Francis, more justly, claimed the whole of it for himself; but at all events he obtained a majority. And what Sir, was the Government afterwards? It was Sir, the Government of that majority. To conciliate them, measures were introduced, or rather the majority introduced their own measures without asking his leave. To conciliate them, money was borrowed, without any means of payment. To manage them office was distributed. To preserve his own independence of a Council possessing the confidence of the Assembly, he dissolved Parliament, and he obtained a majority, upon whom he became more dependent for support, than he ever could have been upon the Executive Council: or upon the parliament he dissolved. Could he have avoided this result? Could he have kept his majority quiet, or prevented it from becoming an opposition, by a government irrespective of party? No, Sir, practically the voice of Parliament, expresses the well understood wishes of the people, and the wishes of that majority are practically the wishes of that majority. Could he have dissolved that Parliament again with any hope of renewed success? No Sir, for had he again succeeded against the majority, in would have come the Responsible Government men again. So that do his best, and work the Government how he might, he could only change the ruling party: he could not get rid of party, or party domination.

To do Mr. Ryerson justice, I am free to acknowledge that he

did not mean, when he wrote against Responsible Government in 1836, to establish a High Church and a High Tory Party; and, most probably, the electors did not mean to produce any such consequences, when they gave their votes to candidates who supported Sir Francis Head's views of Responsible Government: but, nevertheless, such was the result; and, in the nature of things, such must be the result, under like circumstances; for, if we wish to put down party, we must begin by putting down public opinion; and if we wish to have a government which respects no party divisions, we must do away with representative institutions, and govern by a despotism.

There is one remarkable difference between the proceedings of the two Governors. Sir Francis Head professed no adherence to Responsible Government, and yet he appealed to the people, by a dissolution of Parliament. Sir Charles Metcalfe professes to be in favour of Responsible Government, and *he* appeals through Egerton Ryerson to the *strength of the Empire*.

There is another very remarkable distinction between the circumstances under which the two Governors acted. Sir Francis Head found in the Province the old system of Colonial Administration, and he endeavoured to maintain it; Sir Charles Metcalfe found the system denied by Sir Francis Head in full and successful operation, and he endeavours to destroy it.

There is also a difference between the position of the two Councils. Sir Francis Head's Council were pronounced by the Governor to be disaffected, because they set up a claim to Responsible Government, which had never been admitted: Sir Charles Metcalfe's Council are stigmatized in like manner, for adhering to Responsible Government, after having accepted office solemnly pledged to Responsible Government, as then established.

In every other respect the quarrel is the same—the principles are the same. Prerogative is the watch-word in both cases: patronage is the sore spot in both. Sir Francis Head had no objection to Reformers: till they opposed *him*, he could view with great complacency their opposition to what was called the Family Compact; and Mr. Baldwin might have been an Executive Counsellor, and Mr. Bidwell a Judge, had they only been satisfied with the possession of office. Sir Charles Metcalfe, in like manner, has no objection to Reformers, if they let his patronage alone; and Mr. Viger, notwithstanding his imprisonment, may be an Executive Counsellor, and he may sit at the

same Council table with Mr. Sherwood, who wished for a *Union* with Lower Canada, with a statutory majority of Upper Canadian members, and who but the other day would have it, that the *Seat of Government* in Upper Canada was a private condition of the *late Union Act*.

But, Sir, it will be said that Sir Charles Metcalfe is a very different man from Sir Francis Head, which is very true; for Sir Charles Metcalfe's Tory friends will wish he was half as good, and his Reform allies will say he is better. But what have we to do with these comparisons; Canadians do not select Governors, nor desire to choose them; and they wish not to have Canadian politics depend upon the chances of their personal distinctions. The object of Responsible Government is the administration of our local affairs, according to the well-understood wishes of the people. The mild and benignant despotism of even the best of men may only precede the flagrant tyranny of the worst. Sir Charles Metcalfe is neither the best nor the worst, and his successors may be either better or worse; but it was not for the purpose of subjecting the people of Canada to such chances that Responsible Government was sought to be established.

I have hinted at this parallel between one Governor and another; and I have no doubt that it will be followed out to an extent that will astonish even those who are familiar with the late years of Canadian history: some of the *Legion* will probably show it in print. My present purpose is, to illustrate Sir Charles Metcalfe's paraphrastic style of writing despatches and other public documents. Another Governor—Sir Francis Head, for example, had he been Governor in May, 1843, would probably have informed the Colonial Minister that the Canadian Counsellors and Heads of Departments did not confine themselves to the mere obedience of orders, but, on the contrary, claimed to advise respecting these orders: that they claimed to have something to say in all the acts of Government, because they held themselves liable to be called to account for these acts: that they claimed to interfere, with their advice, in the exercise of undoubted prerogatives of the Crown—appointments to office included: that they claimed that appointments should be made with a view to the majority in Parliament, and the political views of that majority by which the Government was supported, and that they should not, while in office, be exposed to the certain

consequence of having the majority shortly dead against them, because of appointments to office of the active political enemies of that majority. He might also have said, that, on his arrival, one single question agitated the public mind, namely, whether he, the new Governor, intended to carry on his Administration on the principles involved in these claims, or whether he should administer the Government according to a discretion entirely his own; and that his Counsellors wished him to set this question at rest, by some intimation of his designs on this head. After this statement, he might have reasoned almost in the very words of Sir Charles Metcalfe, that the assertion of these principles amounted, in his opinion, to a requisition "to give myself up entirely to the Council; to submit absolutely to their discretion; to have no judgment of my own; to bestow patronage exclusively on their partizans; to proscribe their opponents; and to make some public and unequivocal declaration of my adhesion to these conditions, involving the complete nullification of Her Majesty's Government." In this reasoning the Governor would not have stood alone; for this was the precise reasoning of Sir Francis Head and Sir George Arthur, on the same question, and of every enemy to the system of Responsible Government in Canada: but Sir Charles loves paraphrase better than argument; and, instead of deducing consequences from propositions, he assumes the consequences, and states them as the propositions. This may be a very good style for the resolutions of an Orange lodge, or for a dutiful and loyal address, but it is a very unfair and unfortunate style for a Governor, inasmuch as, however plausible the argument might be, the paraphrase is simply and manifestly untrue in fact; and however mere beautifully put in what is assumed to be equivalent language, men will not patiently submit to have their meaning travestied even by Governors.

Suppose, Sir, that our present Governor had not been the great man he is, and that he had weakly yielded to the demand he here states the Council to have made, How would his unequivocal declaration have stood? Let us take his own words, without paraphrase, as they would stand in a declaration to this effect:—

"I give myself up entirely to the Council; I submit myself absolutely to their discretion; I have no judgment of my own; I will bestow the patronage of the Crown exclusively on their partizan; I will proscribe their opponents; and I make this public and unequivocal declaration of my adhesion to their conditions,

involving, as they do, the complete nullification of Her Majesty's Government."

I think I need scarcely ask, whether any one believes that the Executive Counsellors, in the month of May, 1843, made such a requisition as this of Sir Charles Metcalfe: yet it would appear that he has stated, in a despatch to Her Majesty's Government—in a public State document, that they did make such a requisition. Suppose him to be a man of correct and scrupulous accuracy, tender of the character of those who, serving under him, were, in a manner, placed at the mercy of his representations to the Imperial Ministers;—suppose him not in the least given to paraphrase, exaggeration, or amplification, and it would follow that they must have required all this from him. Well, Sir, if they did require him to do all this, How can he excuse his quiet, his silence, his calmness, his continuing to act with his treasonable Council for seven months afterwards? Why did he meet Parliament with such a Council? Why did he allow that Council to advise him? and why does he now allege that he followed their advice, when the following of it was a nullification of Her Majesty's Government? Why did he wait for their resignation? and why did he not require that they should put their resignation in writing, so that their treason and their folly might be made manifest under their own hands? If they did make such a requisition, these are questions not to be answered: if they did not, he ought to be ashamed of having so maligned them in his secret despatches.

The most favorable view that the best friend of Sir Charles Metcalfe can take of this despatch is that which I have taken; and as the despatch must be looked upon as an exaggeration of the truth, we must seek that truth by the lights which public declarations of the Counsellors have placed in our possession.

The Executive Counsellors met Parliament: they defended the Governor-General's speech at the opening of Parliament, as a speech for which they were answerable: they were attacked by the Governor's present friends, on account of that speech: they were attacked for the Government measures—for the appointments made in the recess: they were attacked because the Governor asked for money for some purposes, and because he forbore to ask it for others. They defended the speech, the measures, and the appointments; and they did so successfully.

Now Sir, there never was in Canada so large a majority in

favour of a Government as that of last Session—never so strong a Government: all parties concurred in holding the Executive Counsellors responsible for every thing, which each man in his turn considered wrong, and for every thing right, wise, good, and popular the praise was given on all hands to Her Majesty's Representative. Even Mr. Egerton Ryerson applauded that government and that Parliament: and, so far Sir, was Her Majesty's Government from being nullified, that every opinion of the Imperial Ministers, and every saying of Sir C. Metcalfe were treasured up as oracular.

It will be acknowledged, Sir, that to preserve such a majority, to continue such an unanimity of purpose in a Canadian Parliament was no easy task, or one that could be materially misdirected without danger. And was it not natural that with all the care and responsibility of preserving the peace and harmony that existed, the Executive Councillors should have viewed with uneasiness a disposition of His Excellency to do what he calls justice to all parties and to regard the small minority in Parliament as a party to be conciliated, and favoured. For the Council under such circumstances to ask, to entreat, to demand of His Excellency a knowledge of his intentions respecting appointments, respecting public measures: to ask opportunity of advising upon all, when any unconsidered or ill-advised step might not only have been fatal to the Counsellors as public men, but destructive of the condition of public affairs which they had been working to bring about—was neither unconstitutional or assuming. To say to his Excellency, we feel the delicacy of our position, and of yours with the Provincial Parliament; and we know better than your Excellency or your private Secretary can know the effect of every movement on the part of the Government. We have much at stake, every thing of ours, as public men, depends upon your Excellency's acts: let us know at least before these acts are consummated, and before your Excellency's honor is pledged by offers, what your intentions are, and upon what advice, or representations, or inducements they are founded. This Sir, I repeat, would be no improper language to be spoken to Her Majesty's Representative under a system of Responsible Government; and when we consider His Excellency's antagonism, and the feeling under which he must have written the despatch of May, 1843, it may easily be supposed that such language was not wantonly or unnecessarily used: and, if even Colonial Councillors, hesitated or refused to remain

in office, or to be held answerable for the acts of Government without being advised with upon them—is it fairly to be imputed to them, that they were endeavouring to overthrow the authority, which they had successfully supported? But, Sir, in the hands of a Governor inclined to paraphrase, how easily might such language be turned into a demand of a stipulation: and how readily might a respectful remonstrance be made to assume the form of an unconstitutional requisition.

With a Governor who looked favourably on a system of Responsible Government in successful operation, and who heartily wished to continue its success, such language need not have been held at all, but this was not Sir Charles Metcalfe's case. He had, as appears from his own acknowledged antagonism, and from his despatch of the previous month of May, spent months in reluctant acquiescence in measures and policy which he disapproved, and if his disapproval was concealed, and if he did not use his power in selecting a new and more complying Council, it was because he feared the consequences. With such a man,—one whose communications with England conveyed no cheering intelligence of unwonted peace, and public happiness in Canada, but on the contrary, whose despatches were so many complaints regarding his own prerogative, any language of advice or remonstrance was full of danger.

In arguing with Mr. Ryerson, I need not prove that the Government, conducted under the advice of the Counsellors, was successful, for he admits it. With his Excellency's despatch, as quoted by Lord Stanley, and with his Excellency's explanation, and his answers to loyal addresses, I need not prove that the Government was conducted in opposition to his Excellency's views, though with his reluctant assent. Then Sir, let us ask, what would have been the consequence had his Excellency prevailed, had the Council and not his Excellency been the reluctantly acquiescing party: is it sophistry to say that the Government would have been conducted differently from what it was conducted; or is it too much to assume that the Council thought that so conducted it would have failed? If such was the opinion of the Counsellors what obligation I would ask, were they under to remain in a government, to be overwhelmed in its fall? If such was their opinion, would it have been fair, candid, or consistent with their duty to have withheld it? Could they when the blow was struck and the confidence of Par-

liament lost, have defended themselves upon the Royal Prerogative ? No Sir, for then would have come the accusations of meanly clinging to office, and of pretending to responsibility, without having advised, and Lord Somers' case quoted by Mr. Ryerson would indeed have been in point against them.

I do not know Sir, how it was possible for the Executive Council to have avoided the resignation, for which I suppose they had just as little inclination as other persons in office; and if His Excellency delights in pharaphrase so much as to introduce it into despatches to the Secretary of State, I see no reason to doubt a like introduction into Parliamentary explanations. There is not Sir, a great deal of difference between a remonstrance and an argument in favour of a certain course, and, a demand of a stipulation to pursue that course in future—not much difference between a declaration that “we must resign unless we are consulted,” and a demand of a *promise* to consult under all circumstances—not half so much tangible distinction as there is between a stipulation in writing, and one not in writing, and yet the *writing* appears to have crept into a communication with Her Majesty's Minister, and not to have been thought of in Canada : but nevertheless there are distinctions between all these things, and on those Mr. Ryerson seems to be instructed to hang the peace and liberties of his country. My duty is to make the distinction such as it is a plain one; and if I must deny his Excellency's reasons, I shall do it without losing sight of his position, as the Queen's Representative, neither shall I extend my denials further than the present discussion requires.

I need scarcely inform my readers, that the British Constitution is not a written one, or one of theory. It differs from that of the United States more on this point, than in any other. In the neighbouring republic, liberty is surrounded by a pallisado of words and enactments, under the cover of which liberty is assailed almost as often as she is defended. In the British Constitution the enactments and definitions are few. The powers defined by it, are even contradictory. It is in the established *practices* of the Constitution, raised as they are capable of being, so as to apply to every possible change of circumstances, that the liberties of the British people depend as well for their present enjoyment as for their future permanency.

Under such a constitution as that of England, definitions of theories of Government, are always dangerous; inasmuch as circum-

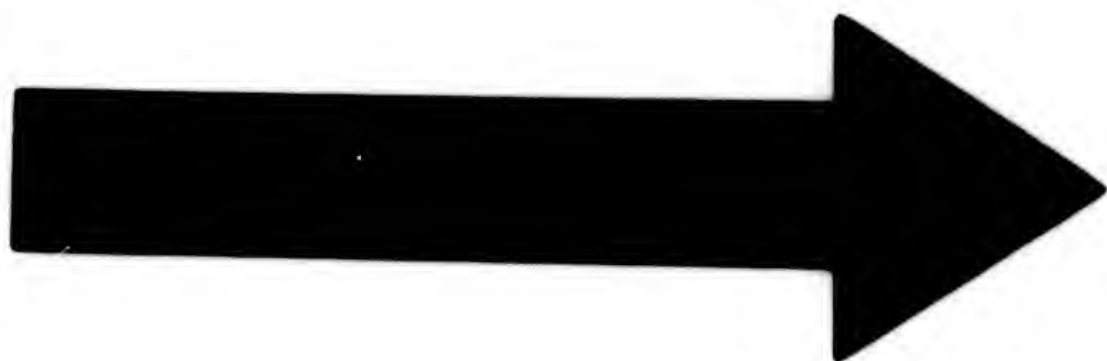
stances may arise to which they are not applicable : and the attempt to define too closely the several powers contained in the constitution, may be always met by the supposal of extreme cases, when the definitions could not be adopted without absurdity. For example when Mr. Ryerson sets up the undoubted prerogative of the Crown, and the treason involved in interference with its exercise, I am at liberty to suppose cases of extreme tyranny, which may accompany the carrying into effect the sovereign will, though it may not go beyond the letter of the Constitution. In like manner when I uphold a Government administered in accordance with the constitutionally expressed wishes of the people, Mr. Ryerson is at liberty to say, that such a Government involves the prostration of the royal prerogative, and is in fact a republic. In short a constitution in which two independent wills are to prevail, is a contradiction in itself—a moral impossibility; and therefore there is no difficulty on either side, of proving a proposition made on the other, defining what is to be the exercise of royal prerogative, or the extent to which the wishes of the people may prevail, to be an absurdity.

As there are in the British Constitution two independent wills to be consulted, harmony is produced by their accommodation to each other ; and where these wills happen unfortunately to be opposed, there is no other resource, but for each to rest upon the righteousness, reasonableness, and practicability of its own opinion. Sometimes these contests have ended in a resort to arms : but according to the better and more modern usage, they have been continued peacefully, each side using its respective influences and powers, until one or the other prevail.

Violent and reckless partizans,—such as the Orangemen of Canada—or such as Mackenzie, threaten armed resistance to these opponents : designing ones like Mr. Ryerson, talk of the strength of an empire, and of Thermopylies of death : quiet and peaceable men like the Toronto league, advocate the firm constitutional advancement of popular claims, simply through the means and powers which the law and the constitution have placed in the hands of the people.

But Sir, much to be avoided as definitions of constitutional rights may be, they are always produced by invasions of the rights and privileges of one part of the constitutional power upon the other.

Had the prerogative of the Crown been always administered in Canada, with due regard to the opinions of the majority in Par-



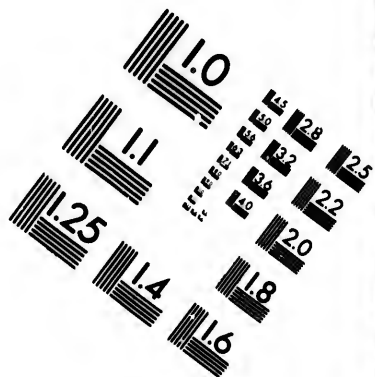
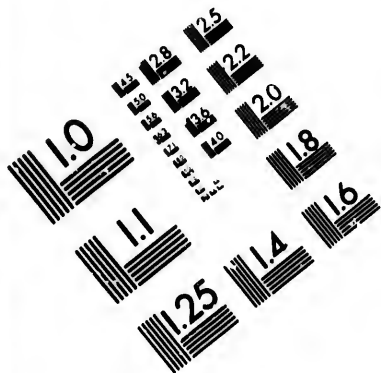
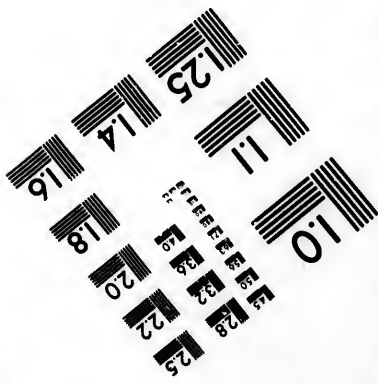
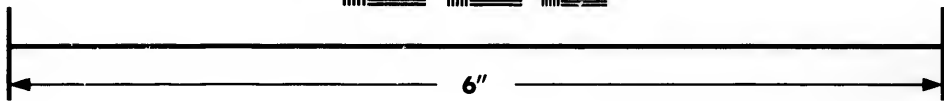
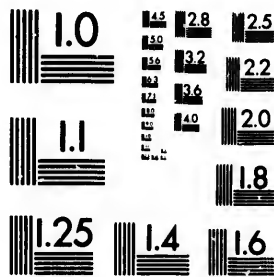


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liament, and had this accordance been secured by the choice of the advisers of the Crown, from amongst those in whom the people placed confidence, the question of Responsible Government never would have been debated in Canada, and the resolutions of 1841, never would have been passed.

I need not fear contradiction, when I allege, that in 1794 when a representation was given to the Canadas, there was no popular opinion, properly so called ; and all that Governors could do in its absence was, to use their own discretion, in the administration of prerogative : whether they used that discretion wisely or not, it is not for me now to inquire.

As the population became numerous, and as education became more generally diffused, and as the people became more accustomed to a representation, popular opinion grew with the growth of the country ; deference to that opinion, ought to have grown with it, but it did not : arbitrary power, and by arbitrary power I do not mean tyranny, once vested and possessed is never given up without a struggle of some kind ; and as popular influence could not well be advanced without the assertion of principles, hence arose attempts to define its extent on the one hand, and to define the prerogative by which it was to be resisted on the other.

I believe Sir, that if the opinions of all men in Canada, would be fairly ascertained, ninety-nine out of a hundred would be found in favour of an administration of the Government on the very system followed in England : many may think the time is not yet come, but I believe all value free British Institutions too much, to consign their country to the chances of a government for all futurity, to be conducted with a less regard of public opinion than the practical constitution of England requires. I speak not now, Sir, of the temporary professions of a minority : a minority always hopes to become a majority, and will generally accept any aid that may enable them to assume that position, or to possess the power of a majority before being one in reality. To judge of a man's real opinions regarding popular rights, you must place him in accordance with the prevailing majority ; otherwise his interest overbears his opinions, and of the latter he himself is scarcely a judge.

The time for according its full weight of popular opinion in this Colony, appears to have been fixed by common consent at the period of the Union of the Provinces : for if that opinion was resisted with difficulty in the separate portions of the Province strug-

gling by themselves, how could it be resisted when these portions became united.

It is true, that the first promoters of the union, did not intend this result: for in the Upper Canada Legislature, then a high body, and ostensibly a high prerogative body, gentlemen now in the confidence of the Governor-General, and wishing to be in the confidence of the Lower Canadians, had the modesty and fairness to propose a union of the Legislature of which Upper Canada was to have a fictitious and law created majority; they sought a tyranny, but they were shallow politicians; a tyranny is never created by uniting popular opinion.

Lord Sydenham took the first practical step towards the establishment of the English system, by forming his Council of the Heads of Departments, and by insisting that these should have seats in either House of Parliament, for the purpose of introducing, and carrying on the business of the Government.

So long as the Executive Counsellors were not in Parliament, all the theories in the world would not have made them practically responsible for the acts of Government; for their real opinions would never be discovered. When they were in parliament, they were called upon to declare their opinions, and, consequently, to agree upon them before hand. They could not oppose, in Parliament, the Government to which they belonged; and, therefore, if they seriously differed from that Government, they either had to give up their opinions, or to retire from it.

The Provincial Assembly was, however, not satisfied with this state of things, which would have ended in producing practical responsibility, but they, in a manner, forced upon the Government the resolutions of September, 1841, which contained a definition; and which, being moved by a minister, by command of the Governor-General, went as near a stipulation, as was at all constitutional or desirable.

Now, Sir, you will remember, that when the Parliament got the ministers fairly before them, their accountability for the measures and acts of the Government was no theory in the clouds; neither were appointments to office regarded as mere exercises of the Governor's undoubted prerogative. No, Sir, Messrs. William Morris, and DeBlaquiere, in one House, and Sir Allan McNab, and his seven or eight adherents in the other, took good care of that, so that scarcely a day passed, without an attack upon the Executive, the organs of Her Majesty's Government as they were called, on

account of some appointment. I ask you, Sir, what would have become of the poor organs, had they played up the tune of undoubted prerogative? Why, Sir, they would have been hooted out of the House by acclamation; and Sir Allan, and his friends would have taken their places, laughing at Mr. Baldwin and his one idea of Responsible Government.

If, Sir, the Governor-General was determined to set up the doctrine of non-interference with undoubted prerogative, this was his time. He should have explained to Sir Allan and Mr. Morris, that although he had shown great, and even undue consideration, for the advice of his Heads of Departments; yet that the advice was essentially his own, and that they, the Counsellors, were no more responsible for them than the private Secretary. Or he might have said, "I am determined to administer the Government without respect to party, and I will let you know the appointments I make against the advice of the Counsellors or without their advice, so that you may attack me and not them." This would at least have been fair; but, Sir, how would the Parliament have stood the communication? Why, Sir, not for a moment; not a whit more patiently than the Parliament of England would submit to a like intimation.

Well, Sir, we learn from His Excellency's despatch of May, 1843, that the Governor-General did not like the Government, as advised by his Counsellors, and we know, from their continuance in office, that he bore with it, however reluctantly, down to about the time of their resignation.

If the Governor-General, observing the system of policy, whether good or bad, under which his Council were preserving for him a majority in Parliament, had been desirous of continuing or carrying it out, there need not have been any remonstrance or demand on the part of the Council, neither would the Governor have been inclined to oppose their recommendations, or they to complain of his appointments, whether made with, or without their advice. When persons are working together for one object, they do not often quarrel about the means of effecting it. But, Sir, it would appear that the Governor-General was working for one object, which he and Mr. Ryerson call "doing justice to all parties." The Council were seeking another, namely, the satisfying public opinion.

His Excellency's justice to all parties may have turned out to be justice in reality: and public opinion may not be always right, but it is obvious, that unless what they call justice accorded with public

opinion, it was in vain to look for a majority in Parliament. Sir Charles Metcalfe may administer his justice, and the present Provisional Executive may remain in office without a Parliamentary majority—but the late Executive Counsellors could not so remain. They could not, and did not pretend to coerce His Excellency: but if they saw that their majority would be lost by His Excellency's policy, they had a right to resign, and to defend themselves for so doing; and if appointments made by His Excellency were not in accordance with their opinions of justice and policy, it would be their duty to resign. They would not constitutionally force His Excellency to rescind appointments, but they ought not to be called on to defend them.

If, Sir, while this antagonism respecting the system of policy to be pursued subsisted between His Excellency and the Council, they found even one appointment, or offer of an appointment made, against their advice or without their knowledge, would it have been right in them to have remained in what Mr. Ryerson calls "silent dignity?" Candour, above all things, is necessary in the conduct of a Government, and when they saw these circumstances take place, did not candour require of them to state to His Excellency the probable consequences, and to refuse to abide them by a continuance in office? Had they not a right to say to His Excellency that all acts of his Government were supposed to be advised, and that they were the advisers appointed by the Constitution, so long as they held the place of Executive Counsellors; and ought to know what they were to be accountable for, before they were called to account? Were they not right, in short, in invoking the practice of the Constitution?—and could such assertion of practice be called a demand of a stipulation?

A stipulation to make no appointment or offer of appointment without consulting the Council, would have amounted to a formal acknowledgment of inability to act without a Council; and this stipulation no Sovereign has ever entered into. But a practice of acting with advice on all occasions is in England the practice of the Constitution. Is there no difference, then, between a Council asking for the practice, and their asking for the stipulation? A stipulation would have bound the Governor-General at all times, and under all circumstances: an expression of his intention to conform to constitutional practice, would have bound him to nothing, although it would have given the Council all they could have wished for, or were interested in demanding. The most uniform practice admits

of exceptions in extreme cases, but a stipulation admits of none whatever which are not expressed in it. The public have a right to demand, as a practice, and a uniform practice too, that all acts should be advised, and that the advisers should be known; and if exceptions take place, they have a right to know them, and the reasons for them, and these reasons should be more satisfactory than a Governor's inclinations or desires; but the public have no right to demand a stipulation. His Excellency has never given an answer to a public address in which he has not expressed intentions, determinations, and firm determinations. We do not, Sir, call them stipulations, neither have we any right to do so. When, therefore, His Excellency alleges not only that he refused to make a stipulation, but that the matter was propounded to him in a variety of forms, but always aiming at the same end, have we not reason to suppose that His Excellency, in giving a version of what took place, informed the Parliament rather of what he considered the extreme effect of all these representations of the Counsellors, than of what strictly and really took place? And as His Excellency, in May, 1843, informed Lord Stanley of what was demanded of him in language, which no men in their senses would have used, or no Governor would have listened to, much less have borne with for seven months, have we not a right to suppose, in the explanation, a paraphrase in language which may not be very widely different from the text, but which admitted into communications between Councils and Governors may make all the difference in the world?

When his Excellency informed the Parliament that a stipulation was demanded of him, what did the Counsellors do? why, Sir, they denied the demand of a stipulation, and they agreed at once, and most cordially and willingly to a resolution disclaiming all right to a stipulation. This, however, did not satisfy His Excellency. Mr. Viger and Mr. Wakefield got hold of the stipulation, and as they agreed in every respect with the late Counsellors in their notions of Responsible Government, and wanted an excuse sadly for remaining with His Excellency, with whose Responsible Government they did not agree, they held on to the stipulation.

Lest you should be alarmed at the word stipulation, I intended in this letter to show you that there are such things as stipulations between Sovereigns and ministers; but I have got to the end of my letter without finishing this division of my subject. I find, also, that I have for a long time parted from Mr. Ryerson, which would be a misfortune, but for his announcement of victory in his fifth number.

He thinks it unnecessary to prolong his defence. The siege of his Thermopylae is raised by Lord Stanley ; and he now takes the field with the strength of an empire, and a most strange denunciation to come from an advocate of "a no-party Government." I am far from being done with Mr. Ryerson's defence, as yet ; and as your readers do not complain, I shall continue to use the time given me till autumn, when I am promised the "coup de grace" by the Doctor : in continuing my observations on his celebrated defence, and in comparing it with the heterogeneous defences of the other combatants on the same side.

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LETTER VI.

SIR,

I apologized in my last letter for having parted company in this discussion with Mr. Ryerson; I now return to his "defence." He says, in his third number, "a second charge is 'that difference of opinion led not merely to appointments 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 upon them had passed by.'" This charge, Mr. Ryerson says, is only the assertion of one party, and denied in all its essentials by the other. Neither His Excellency or Mr. Ryerson, however, have denied the fact, that appointments were made contrary to the advice of the Council, or that appointments and offers of appointments were made without their knowledge. The extent to which this took place could not have been great; for had it been so, the Counsellors would have resigned long before, and would have resigned on the ground of the specific appointments. What they allege is, that they 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 had been enabled to conduct the Parliamentary business of the Government, sustained by a large majority in the popular branch of the Legislature: and they say, moreover, that he "did not disguise his opinion that the affairs of the country would be more satisfactorily managed by and through the Governor himself, without any necessity of concord amongst the members of the Council, or obligation on their part to defend or support in Parliament the acts of Government."

His Excellency, in his explanation, protests against this as conveying a misapprehension of his views and intentions, which had no foundation in any part of his conduct; unless a refusal to make a surrender of the prerogative of the Crown for party purposes, and an anxiety to do justice to those who were injured by the arrangements attending the Union.

The members of the Executive Council thus stated an expressed opinion, of His Excellency, which he was at full liberty directly to deny or disavow if he pleased. But he has done neither. I am far from thinking he would disavow this opinion now: in fact he cannot do so without condemning Lord Falkland's system of government, wherein *both* parties are *represented*, or professed to be represented, in the Executive Council; and where, consequently, unanimity is not even sought for or pretended to. I think it may not unfairly be assumed that His Excellency did express this opinion, and that he holds it now; for upon no other supposition can I account for the appointment of M. Viger, for example, and Mr. Draper to the same Council, or for Mr. Parke and Mr. Sherwood being proposed to the public as high officers of the same Government. Far be it from me to find fault with His Excellency for holding such an opinion. It is perfectly consistent with, and necessary to a Government which has no Parliament—such a one as he was accustomed to: and if this country were ruled by a Governor and Council without a Parliament, the presence of both parties in the Council would be just and almost necessary. I wish His Excellency would disavow this opinion—if he means to do so at all—through a better authority than Mr. Egerton Ryerson, or Mr. Wakefield, or Mr. Parke: but I have no expectation of this—for I see the opinion carried into actual practice,—a practice which can be justified only by the opinion.

But His Excellency may wish to be understood to say, that whether his Council were made up of the prevailing party, or of two or many parties, he would act precisely as he did, and therefore his acts did not depend upon his opinion, as to the unity of sentiment and obligation to defend the acts of Government by every member of the Council. Or he may have authorized Mr. Ryerson to deny that he held any such opinion at all. In either of these cases it would be useless to continue the discussion as to that opinion; and in fact it becomes a matter of indifference except as relates to the credibility of persons making opposite assertions. A Governor may hold abstract opinions in favour of the most despotic form of Government, and be a very good Responsible Government Governor. The Counsellors had no right to resign upon an abstract opinion; nor did they do so. They resigned because *acts* were justified by *an opinion* inconsistent with their notions of their functions and responsibilities: and because continuing in office after such an avowal would be a virtual assent not

merely to these acts but to other acts of a like nature. It would have been a continuance in office with a certainty of future disagreement; which, when it came could not be advanced as a cause of resignation; for the principle would then have been admitted, and the country would have already been betrayed by the Council it had trusted. But after all the Governor General may have acted contrary to the advice of his Council for other reasons, besides his thinking them not bound to unanimity so long as they continued in office; or he may have omitted to ask their advice, for other reasons than because he thought them not, while in office, obliged to defend his acts. And if His Excellency can be now considered as denying the opinion attributed to him by his late Counsellors, or in disavowing all intention of acting upon it; if Mr. Ryerson be any authority on this subject, or if His Excellency's answers to Addresses contain any such denial or disavowal, I am heartily glad of the resignation; for by it we have gained one step towards Responsible Government, in our Canadian sense of the term, and as contra-distinguished from the piebald system of Lord Falkland. But I have no such hope myself. When a Session of Parliament passes over without our seeing Executive Counsellors on two sides of important questions; and when we see them with the unity of sentiment and purpose found in a British administration, I shall begin to believe that the opinion is really abandoned, or that it is one of harmless theory. And when I see this unanimity prevailing once more I shall congratulate Canada, and Canadians of all parties, no matter which party shall have the confidence of Parliament or of His Excellency. But if we find a divided Cabinet, with members of Council avowing and defending different principles, and voting against each other, and the Governor's own opinions distinguished in Parliament from those of the whole or a portion of his Council, I shall take the liberty of reminding you of my present remarks; and I shall ask you, what else you could have expected, from the Governor General's avowed principles of Government, to which I shall by and bye call your attention.

I must in the meantime, however, make some more observations on His Excellency's explanations to Parliament.

His Excellency says, that it was demanded of him, "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 them; that they should recommend any others at their discretion; and that

the Governor General in declining to take their advice should not make any appointment prejudicial to their influence." In other words, says, or rather paraphrases His Excellency, "In other words, that the patronage of the Crown should be surrendered to the Council for the purpose of Parliamentary support;" for, he says, 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.*

Now Sir, I beg you to consider maturely a few questions as I shall propose them. Suppose for a moment the stipulation out of the question, or suppose, if you please, that a stipulation was demanded, would this paraphrase, or "*other words*" of His Excellency, be justifiable? Would the taking advice on every occasion of appointment to office be a surrender of any prerogative? Would the submission of lists of candidates in all instances be a surrender of prerogative? Would receiving recommendations of others than the persons named in the lists be a surrender of prerogative? Yes, says the Governor General, as it cannot be imagined that the mere form of taking advice without regarding it was the process contemplated. But, Sir, is there in fact no difference between asking advice, and following it? Does a Governor, or any one else submitting to ask advice, involve the necessity of his regarding it when taken? and when, to avoid any misunderstanding on the subject, the members of Council, as appears by their undenied explanations, "*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,*" is the Governor General at liberty to say that they required a surrender of the prerogative of the Crown, upon the very whimsical and witty argument, "as it cannot be imagined that the mere form of taking advice without regarding it was the process contemplated."

When you have made up your mind on these questions, I wish you to consider the following: Is this argument, such as it is, an argument against a system of advised and responsible Government, or is it not?

There is nothing said here about affairs of "adequate importance," and by the words adequate importance, I suppose must be meant affairs *not* of adequately trifling importance, but affairs of adequately great importance.

Then, if a system of advising with a Council upon affairs of small importance, be a surrender of the prerogative of the Crown,

how much more objectionable a surrender of the prerogative must it be, to adopt a system of advising upon affairs of great importance? And if the system *cannot* be recognized and acted upon in small affairs, *ought* it to be encouraged and acted upon in large ones?

But His Excellency now professes to be in favor of Responsible Government, and of the resolutions of 1841. In his explanation he stated, that he protested against its being supposed, that he was opposed to the working of the system of Responsible Government, and that he subscribed entirely to the resolutions of the Legislative Assembly of 1841.

Now the resolutions of 1841: quoted by the members of Council, is as follows:—

“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 with the *assistance, counsel, and information* of subordinate officers in the Province; and that in order to preserve between the different branches of the Parliament that harmony which is essential to the 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 representative 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.”

It will not, I believe, be disputed, that the “Provincial Administration” here spoken of, means the Executive Council of the Province; or that the “subordinate officers,” under the Governor forming that Administration, mean the Heads of Departments comprising the Executive Council; or that “assistance, counsel and information,” mean, or include within their meaning, *advice*; or that the terms “*local affairs*,” and “*all occasions*,” leave room for the exclusion of no affairs or occasions which might occur in the conduct of the Government.

When the resolution was moved by one of Lord Sydenham’s Council, and by his order, it came as near a stipulation, as I remarked in my last letter, as was desirable or perhaps constitutional. But the Governor-General goes much farther, for he positively de-

clares in writing, that he *subscribes* to that resolution; which declaration he communicated to the parliament, is not only a stipulation, but a stipulation in writing.

And what does the stipulation amount to? Why, Sir, precisely to this—to act with the assistance, counsel, and information of the Executive Council in our local affairs on ALL occasions.

So, Sir, you see that his Excellency's objection could not be to a formal stipulation, or even to a stipulation in writing, which led him to the disagreement with the Council; for he actually gave both to the Parliament without being required to do so in any manner.

Why, then, you will ask, are not the Parliament and the late Counsellors satisfied? Have they not all they want in the way of definition, and even of positive actual stipulation?

They are not satisfied, Sir, for this reason—because the Governor-General while he concedes all this, expresses in the same document an opinion, that to consult the Council upon all appointments to office, would be a surrender of the Royal Prerogative into the hands of the Council—because, as he says, “it cannot be imagined, the taking advice without regarding it, was the process contemplated.”

But, Sir, the process contemplated in taking advice upon appointments to office, must be the same as the process contemplated upon other occasions; and if there be no difference between taking advice and following it—and if he subscribes to the resolutions of 1841, which requires that our local affairs can *only* be managed with the assistance, counsel, and information of the Executive Council, he concedes much more than the Council ever demanded of him, and more than the people of this country would desire, for they never wished him blindly to follow the advice of his Council: but on the contrary, when the Council advise measures which he thinks wrong, and which he therefore adjudges to be opposed to the well understood wishes of the people, the people expect him to dismiss the Counsellors, and to seek others more deserving of their confidence.

No wonder Sir, that the friends of Responsible Government are utterly at a loss for the means of reconciling this positive stipulation, with the refusal of a stipulation—this voluntary acknowledgement of a necessity for acting with advice, with as positive an allegation, that to agree to take advice would be a surrender of the Prerogative of the Crown—a degradation of the office of Governor-General.

Why, they say, does His Excellency subscribe to a resolution which asserts the principle of advice upon all occasions, and yet calls the agreeing to do so, a surrender and a degradation to which he cannot submit? His parting with a Council who were successfully carrying on a government, supported by a strong majority in Parliament, merely because they asked in practice what his Excellency so freely subscribes to? Why, it is asked, are Counsellors stigmatized in state papers as disaffected, to the Queen, and to his Excellency for asking the very thing His Excellency gives of his own accord?

When Governors stretch the Royal prerogative so far, as to concede and deny the same principle in express terms, in the same document, it is no wonder Sir, that out of many Vice Regal declarations, Responsible Government doctrines may be gathered; but it is also not surprising that when Responsible Government and anti-Responsible Government doctrines came from the same person, and at the same time, the public should take the doctrines acted upon rather than those barely professed, as the real doctrines of the party making the declaration.

There is Sir, one interpretation, and but one, which would make His Excellency's confession of political faith intelligible, if not consistent. It may be that His Excellency means to declare, that appointments to office, are not "our local affairs" mentioned in the resolution of 1841, to which his Excellency so heartily subscribes. Perhaps his Excellency learned from Dr. Ryerson that patronage, was an "undoubted prerogative," and that it was only doubtful prerogatives which were local affairs, upon which advice was necessary. This would be very like one of the Doctor's *ad captandum* propositions which require no proof: but I am much mistaken if the distinction will satisfy the people of Canada. For, Sir, of all the affairs on which the responsibility of Counsellors is desired and insisted upon by public opinion, appointments to office are the most urgent. Take away from Responsible Government the necessity for advised appointments, and the whole fabric falls to the ground. Place the words "except appointments to office" after the words "local affairs" in the resolution of 1841, and Responsible Government became an impracticable absurdity: and if, Sir, public opinion is not to be consulted with respect to patronage, and if Executive Counsellors can answer to complaints of improper appointments, by saying that patronage is an undoubted prerogative with which Parliament has nothing to do, we had bet-

ter far, return to the old system, or better still, give up representative institutions altogether, for nothing good or useful would remain of them, and our Colonial Assembly representing, what Lord Stanley calls the humbler classes, would be but what Mr. Ryerson calls "the shade of a virus."

This is a subject upon which public opinion is so fixed that I feel very easy in leaving it for the present. I have to write a chapter on patronage, and party government, and undoubted prerogative in which this matter can be more fully discussed, and wherein I can adduce proofs and constitutional usage from which neither Egerton Ryerson, nor George the Third with all his bishops can drive me; but I must return to the Doctor's Thermopylæ, where he stands all this time, with the patience of the Spartan youth, who stole a fox, and who would not open his garment though the animal was gnawing into his bowels.

To return, then, Mr. Ryerson says, in his third number "a second charge is, that that difference of opinion led not merely to appointments, and proposals to make appointments of which they were not informed in any manner until all opportunity for offering advice upon them had passed by." Mr. Ryerson says, "this is only the assertion of one party, and denied in all its essentials by the other." I have shown before that the opinion is not denied: and I have deduced from His Excellency's explanation another opinion, equally at war with Responsible Government, namely, that appointments to office, belong to undoubted prerogatives, upon which advice is usurpation; which latter would account for the facts of which the Counsellors complained, as well as the one mentioned by them. Then as to the facts themselves, namely the appointments and proposals to make appointments, let us see whether they are denied in his Excellency's explanation or otherwise.

The only part of the explanation which could be tortured into a denial is in fact an admission. His Excellency says he appealed "to the number of appointments made by him on the recommendation of the Council, or of 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."

This surely is not a denial that appointments were given and offered contrary to, or without the advice of the Council. One of your readers from England or Ireland, who may have had the

misfortune to be sued for tithes, would scarcely say he found it a good answer to appeal to, the number of pigs he had left at the rectory. The reply would in that case be, the question is not about the pigs you did deliver, but about those you kept back. In fact his Excellency's explanation, so far from being a denial, would lead me to suppose a very much worse case than was ever pretended to by the late Counsellors; because for all that appears in the explanation, the number of appointments disposed of without, or contrary to the advice of the Council, may have been one half or three fourths, or seven eighths of the whole, either of which the late Counsellors do not by any means assert. They merely say "appointments," which may have been two or more; and they did not say even that they resigned because of the appointments, but because their remonstrance respecting them, was met by an opinion hostile, as they considered it, to the pledges under which they held office, and after the avowal of which they could not hold office without virtually asserting to the opinion, or without leaving themselves defenceless in case that opinion continued to be acted upon.

Now, whether that opinion was stated correctly by the late Counsellors in *their* words, or more correctly by the Governor-General in *his* own explanation, it was an opinion which he could not hold and act upon with the late Council; for they held themselves and the Parliament held them accountable for appointments to office; and his Excellency according to his own explanation, considered that to consent to advise, would be consenting to follow advice, and that consenting to consult the Council on appointments to office would be a surrender of the royal prerogative.

It is curious to see how deeply prejudiced Sir Charles Metcalfe must have been against the late Counsellors, and against the majority in Parliament. He gives the Council no credit for recommending fit and proper persons to office—the majority of the Assembly no credit for honest scrutiny into the appointments. No such thing Sir. The Council, according to his Excellency, would not recommend, so as to gain or secure by honest means the approbation of the representatives of their countrymen. Their advice would be "for the purchase of parliamentary support," and "if it did not mean that," His Excellency tells the persons to be purchased—the members of Parliament themselves—"it could mean nothing."

Unhappy Canada, whose Governor was compelled for month

after month to confer appointments on the recommendation of a Council for the *purchase* of Parliamentary support ! Poor humble classes, whose representatives are to be *purchased*, and *told so*, in so many words in a Governor's message ! Miserable and corrupt colony, no wonder that Gibbon Wakefield was allowed £12,000 by English Stockholders to enable him to carry the Beauharnois canal by purchase ! No wonder that offices are kept open, and no Government formed for month after month, so that time may be given to your purchasable members to consider their vote—their rash unprofitable vote of last session ! no wonder that time is given to see whether the loose fish will not bite at last : and whether the provincial government cannot be *promoted to a majority by purchase* !

But again, says Mr. Ryerson, another part of the charge is, that His Excellency made offers of appointments, and he asks, "are offers of appointments appointments ?" "What has the Parliament to do, says the Doctor, with offers of appointments ? Well, Sir, I will answer the question. To a corrupt Council who sought to purchase a corrupt parliament, offers of appointments are not appointments : and to a Governor who cannot find officers possessing the confidence of the people, offers of appointments are not appointments, though no doubt he once thought "that if they did not mean that, they meant nothing : " but to men who held the royal word pledged by an offer, and who saw a fatal antagonism made more public by an offer than by an appointment,—who saw an intended course of policy as plainly in an offer as in an appointment, the offer was just as bad as the appointment. What would Sir Robert Peel, who would not accept office while ladies of an opposite party remained about the Queen, and thereby gave an indication of antagonism and reluctant confidence, what would he say, if Lord John Russell or any of his opponents were offered office, or were enabled to say that they refused it being offered ?

Again, Mr. Ryerson says, "will any one deny that one or more of the Counsellors, have talked with individuals, about their appointments to office, have proposed it, have concerted it, have promised it *so far as they were concerned*, and all this before the Governor-General had been spoken to on the subject ? And is not, asks Mr. Ryerson, the prerogative of the Crown equal to that of one of its advisers ?"

Now, Sir, I will neither deny, or admit what I know nothing about : and I am willing to suppose, that some body must ascertain

whether persons will accept office without the necessity of a formal offer and acceptance or refusal. But I very much doubt the offers and promises supposed by Mr. Ryerson nevertheless ; and I take it moreover that a promise to recommend to an office is a very different thing from an offer of it, and the promise to recommend is all that Counsellors could give, unless they went altogether beyond their legal, as well as their practical authority. But, Sir, an offer by a Governor is one from which he cannot in honor withdraw, unless he has been deceived by or in the person to whom it is made : and while the Governor is free to converse with whom he pleases, and on what subject he pleases, and although he may without violating the constitution even make offers of appointments when he pleases, yet offers of appointments made by him, are not merely " so far as he is concerned." If accepted no man who had regard for the honor of a Governor would advise him to withdraw from the offer, whether he chose to remain responsible for the appointment or not ; and no Governor would listen to such a recommendation with patience : and whether accepted or not, offers of appointments without the knowledge of a Council conveyed in some mode, are such certain indications of want of confidence, that ministers could not help noticing, and which, if defended upon the ground that patronage was a prerogative on which advice was unnecessary, and on which to consent to advise would be a surrender of the royal prerogative, no minister would be justified in remaining in office.

But Mr. Ryerson, in his difficulty hazards a defined principle for which the Governor-General will give him very little thanks. Speaking of an offer of an appointment by the Crown, he says, " it involves the condition of a compliance with constitutional forms through the instrumentality of at least one responsible minister." " Every act of the Governor however must, says Mr. Ryerson, be communicated by his Secretary, and that Secretary should be a responsible minister : " and by way of illustrating this position he says— " Now, suppose, that the Governor-General were to send an order to the Secretary, directing him to affix the official seal to a commission for an appointment respecting which the Council had never been consulted, and in which they had no opportunity of tendering advice, the Secretary would have four courses open to him. He could not positively disobey orders, but he could tender his own resignation and request the Governor to appoint some other person to perform that act ; or he could affix the official seal to it forthwith ;

or he could inform them, and they could either consent to it or send one or more of their number to the Governor and tender their advice against it." "Therefore," says the Doctor, "it is *impossible* for him to make an appointment without giving his Council an opportunity of tendering their advice. What is impossible cannot be true—these great charges therefore, repeated ten thousand times is all shown not only to be undefined and unproved but utterly groundless and false."

Now, Sir, the principal objection I have to this most satisfactory defence of the learned Doctor is, that it is perfectly inconsistent, and opposed to the Governor-General's own doctrine, and what is of very little consequence to Mr. Ryerson himself: for he most logically proves the impossibility of an appointment, without giving an opportunity for offering advice, and as opportunity for offering advice given to those whose duty it is to offer advice, must be and is, according to Mr. Ryerson himself, equivalent to asking advice, *all* appointments *must*, of necessity, therefore, be preceded by advice, or forbearance to offer it, the opportunity being given. But according to the Governor-General's own explanation, he was only asked to agree to make no appointments without allowing opportunity for advice, and to agree to this would be as the Governor-General says, "a surrender of the royal prerogative,"—"a making him a tool." Then, according to the learned Doctor, it is absolutely *impossible* for the Governor-General to avoid the advice or, the opportunity on any possible occasion. The agreement to ask advice, or to afford the opportunity of giving it on all occasions, would therefore, only be an agreement on the part of the Governor-General to do what he could not possibly avoid doing: and the Governor could therefore by no possibility avoid surrendering the royal prerogative and becoming a tool; from which premises it would follow pretty clearly that there was no prerogative to surrender, and that the Governor-General is a tool, created and established as such by "the forms of the Constitution."

This, Sir, is an inevitable conclusion from the Doctor's own argument, taken in conjunction with the doctrine of Sir Charles Metcalfe,—an argument and a conclusion for which the learned Doctor will have very little thanks from his patron,—a argument and a conclusion which show that the Doctor is not much at variance with the Reform Association; and that this variance consists not in his want of adhesion to the principles of Responsible Government, as held by the Association, but in his

pushing his views of it to an extreme point, beyond all the pretensions of the disaffected Counsellors, and a vast distance beyond Lord Stanley and the House of Commons. When the Doctor's pendulum has vibrated a little more, may we not hope, Sir, that it will settle down to our opinions at last? When this takes place, I hope, Sir, that in mercy to the Toronto League, he will be silent on the subject; for, strong as the Association is, I am not sure that it could stand the shock of the Doctor's advocacy.

Mr. Ryerson's argument is, Sir, a very strong one on our side, if brought to its real and practical conclusion. I admit, Sir, that the instrumentality of a responsible Minister is necessary to an appointment, and that he and his colleagues become responsible, through that instrumentality, for every appointment. But, Sir, the more their responsibility is shown to follow from the forms of the constitution, the more invincible becomes their right that consultation should not be a legal fiction; and that opportunity for giving advice should be *real*, if for the safety of Counsellors they wish it to be so. Now, Sir, the Governor-General, who has expressed the opinion that to agree to consult and take advice upon all occasions would be a surrender of undoubted prerogative, cannot be guilty of the absurdity of imagining that advice is, of absolute necessity, supposed to be given on all occasions: and if he asserts his orders to be orders in reality, and not conditional,—and if he issues them upon his own responsibility, and expected them to be obeyed,—and if he considered that the questioning these orders would be an attempt to deprive him of his own will and discretion, it surely behoved his Counsellors to come to an understanding with him; and when they found avowed antagonism, to have that point settled and arranged before they involved themselves in further consequences.

I should, Sir, endeavour to shorten this discussion, and should force it to a conclusion on my side, were it not that our friends appear to take a lively interest in the argument. The subject is a grave and an irritating one, but the Doctor's logic half the time puts all gravity and ill nature out of the question; and while we deplore the misfortunes of our country, we cannot help laughing in the midst of our troubles. After all, I must get on with my argument, which hitherto has been very much in the style of the story of the King of Bohemia and his seven castles,—a tale which the

Doctor will find to belong to the era of chivalry—to the time when Leonidas, Julius Cæsar, and the Sainted Richard Baxter went out together, to seek their fortunes.

LEGION

LETTER VII.

SIR,

Mr. Ryerson's fourth number is a remarkable document,—remarkable, because it places the whole defence of His Excellency, and the whole contest between him and the late Counsellors, upon one issue in principle; one which may be easily understood: and in which, if Mr. Ryerson fails, his celebrated defence withers like the gourd of Jonah. This state paper must, therefore, be considered with care, with attention, and patience.

Mr. Ryerson may, as he says, have engaged in this contest without solicitation; but, I cannot believe that it was without the approval of the Governor-General; or without explanations from His Excellency, or from sources which His Excellency was at liberty to place at his disposal: and, as Mr. Ryerson must be considered as His Excellency's adopted, though not solicited champion, we may consider His Excellency, in some degree, bound by Mr. Ryerson's admissions.

Now, with regard to the stipulation, what does Mr. Ryerson say? The following are his own words:—

"It should be remarked, that Sir Charles does not call this demand a "stipulation," in the legal, or, if you please, parliamentary sense of that term; but in a moral sense, as an *understanding* between man and man,"—a sense by which he had defined the preceding argument. He says, "such stipulation," "such a surrender of the Royal Prerogative."

Here, at least, Sir, is a plain and distinct disavowal of the attempt to fasten upon the late Counsellors the imputation, that they demanded a stipulation—except in a moral sense, unless a stipulation by paraphrase.

What a pity it is, Sir, that His Excellency, in writing his despatches, did not explain that they were all to be interpreted in this manner; the late Counsellors would not then have been condemned in the Imperial Parliament for demanding a direct stipulation—a stipulation in writing, a stipulation under hand and seal: so then,

after all, there was no stipulation asked for; it was only an understanding between man and man, and it was only required by the late Counsellors to be understood, that they should be really consulted; and his Excellency really did mean to say, that such an understanding would be a surrender of the Prerogative of the Crown, "because it could not be imagined that taking advice, without regarding it, was the process contemplated."

I showed in my last letter, that, by subscribing to the resolutions of 1841, His Excellency voluntarily entered into a stipulation,—a stipulation in writing; not merely in a moral, but what Mr. Ryerson calls a Parliamentary sense. I showed, that therefore His Excellency's objection was not to a stipulation or understanding in any sense, but to the substantial proposition claimed to be understood; namely, *that patronage and appointments to office* fell within the term "local affairs," which were to be managed with the assistance, counsel, and information of the officers forming the Provincial Administration.

The Doctor, however, in his fourth letter, shifts the ground of defence of the Governor-General altogether; for he does not make any distinction between appointments and patronage, and other local affairs: but he asserts, that the "assistance, counsel, and information" are substantially obtained, by requiring, or ordering the Provincial Secretary to put the seal of the Province to commissions appointing individuals to office.

Mr. Ryerson's statement of his proposition is given in these words—"While there is a responsible Minister who keeps the seals of state—while every commission must be stamped with that seal, and consequently endorsed by that minister—there is Responsible Government, whatever may be the opinions of the Sovereign, as to its excellence or folly."

"I have, heretofore," says Mr. Ryerson, "proved that it was impossible for the Governor-General to make appointments in violation of the principle of Responsible Government, as long as he had a responsible Provincial Secretary, and as long as that Secretary was the keeper of the public seal of the Province."

"I have, also," says Mr. Ryerson, "adduced His Excellency's denial, that he ever deviated from that principle, and now (considering each part of his statement separately), in reference to that particular of his statement, in which he says, that the late Counsellors "demanded of the Governor-General, that he should make no appointment, and no offer of an appointment, without previously

taking the advice of the Council." "The Governor-General replied, that he would make no such stipulation." They allege to the House of Assembly, that the Governor-General has denied them the right of consultation, and the House, on that statement (denied, be it remembered, by His Excellency), adopts a resolution of confidence in them, on the question of their right to be consulted on appointments to office. This is their whole case. Let the fallaciousness be now exposed—the statement of his Excellency established, and his conduct justified."

I have quoted thus, at length, from Mr. Ryerson's defence, to avoid all uncertainty or mistake as to his principles.

And, in the first place, I most fully and freely admit, that the passing an instrument under the Great Seal, makes the Provincial Secretary, and every Executive Counsellor, who continues in office afterwards, responsible for the appointment, if the object of sealing the instrument be an appointment to office.

I admit, also, that while the public know this, they have a right to hold the Ministers responsible, whether the Ministers are consulted or not, the Ministers being bound by their acquiescence, just as fully as by actual recommendation.

In one sense, it is the same thing, therefore, to the public, to whom the responsibility is incurred, whether the Counsellors are in reality consulted or not—whether they know the grounds of the appointments or not—whether they know the names of the different candidates or not—whether they know more eligible candidates or not: for the responsibility incurred is all the same.

But is it all the same to the Ministers who incur the responsibility, whether they know these things, or whether they are kept in ignorance of them?

Mr. Ryerson calls the affixing the seal an *endorsement* by the Minister: this is a very good illustration, for it expresses, in one word, approval and the incurrence of personal liability.

Now, suppose one merchant undertook to endorse notes for another, for their mutual advantage, *on being advised with*, upon the occasion for drawing the notes, or upon the prudence of the business or speculation in the course of which they are drawn.

Suppose, that after this consultation and advice being had in several instances, and after several endorsements, at length two or three notes are inclosed, without any explanation, except the words "for endorsement."

Well, Sir, the endorsing merchant, as Mr. Ryerson explains in

his third letter, speaking of the Provincial Secretary, has four courses before him.

First, he may endorse the Notes.

Secondly, he may refuse to endorse them.

Or, Thirdly, he may ask explanation.

Or, Fourthly, he may very justly remonstrate against notes being sent to him for endorsement, without his being consulted. Or he may say, I shall not quarrel about these notes, and, therefore, I endorse them, your honour and credit being already pledged; but I demand that you will agree to draw no more notes without taking my advice. It is true, he may say, so long as our connexion lasts, I am bound to endorse your paper, and, provided you give me an opportunity of advising with you, I cannot refuse the endorsement; but if you draw notes without consulting me, or without letting me know why you draw them, or if you promise to draw them, so that our mutual character is pledged, before I know any thing of it, it will be contrary to our agreement, and I must put an end to our connexion in business.

If the merchant endorses the notes, of course he becomes responsible, and the Bank where the notes are discounted hold the endorser liable, whether he was consulted or not—there is responsibility: and if a commission be sealed by a responsible Minister—there is Responsible Government.

But is it nothing to the person who is made responsible, whether the business of the person, for whom he becomes responsible, is known to or hidden from him; or whether he is consulted or not upon the propriety of drawing the notes?

Suppose he refuses to endorse the notes.

Then, Sir, he injures the credit of the party with whom he is in connexion, perhaps the credit of both; and perhaps the notes, after all, may be proper notes, and the speculation a very good one.

Then, suppose he asks explanation.

Well, Sir, such was not the agreement; and the explanation thus asked for may be too late, purchases may have been made, mercantile honor pledged, and a refusal to endorse would be the destruction of public confidence; the question would not then merely be upon the goodness of the speculation, or the legitimacy of the business, but it would resolve itself into this,—shall I bring ruin upon our mutual credit, shall I show the Bank, which we look to for discounts, that no confidence exists between us, by a refusal to endorse notes already drawn?

Suppose he remonstrates, does he do any thing but what he has a right to do ; and if he supposes or hopes that the omission to consult was unintentional, or arising from a misunderstanding of the agreement, does he do any thing in remonstrating but what he ought to do ?

Plain and applicable as this analogy is, I can make it still stronger, without violence to the circumstances to which I compare it.

We all know that Banks discount on the credit of the probable results of business, as well as upon the credit of possessed capital of drawers and endorsers, and a Bank may discount to enable a party to carry on business, on the assurance that the person who carries it on consults with his endorser, when they would not discount were they to know it was carried on without consultation.

The people of Canada are in the situation of this Bank ; they give support to the Government, provided it be conducted with "the assistance, counsel, and information" of officers in whom they have confidence.

But the case may be made still stronger, for the people have admitted that the Governor is not responsible to them at all ; and, therefore, they are in the situation of the Bank, when the drawer of the notes is not responsible, and where the credit given is altogether on the ability and discretion of the endorser.

Now, this being the case, let us suppose the endorsing merchant to remonstrate as follows :—

"By sending me these notes already drawn, without any consultation, you not only unfairly ask me to become liable for transactions of which I know nothing, but you ask me to deceive the Bank by my endorsement, which, if I make it, they will receive as evidence of my having been a consulted and approving party.

It is not easy to frame a proper answer to this remonstrance ; but His Excellency has given the answer he would make . . . under the circumstances, which answer may be thus stated, in an explanation to the Board of Directors :—

"Mr. A. B. came to my counting-house on Friday last, and demanded that I should agree to draw no notes for his endorsement, without previously consulting him ; and I answered, that I would make no such stipulation ; that it would be a surrender of my prerogative, or privilege of drawing notes, when and how I pleased—a degradation which no merchant ought to submit to, for it cannot be imagined that taking advice, without regarding it, was the process contemplated."

I think, Sir, it would be in vain for the irresponsible merchant to try to persuade the Bank, after this, that he was really and truly favourable to the arrangement originally entered into; and it would be equally in vain for him to appeal to the number of notes he had drawn upon the counsel and advice of his endorser, or to the number he had forborne to draw, from the great consideration he had yielded to his endorser's opinion.

The only excuse he could give, would be the hurry of business; and that the transactions were such as led him to believe there would be no difference of opinion.

And so, Sir, the only available excuse which a Governor could give for acting without the advice of his Council would be, the hurry of business; or his belief that the appointments he made would meet the approbation of his sworn advisers.

But, on the contrary, even by his own account, he gave no such excuse; but he declared that to agree, or, to use Mr. Ryerson's words, to come to an understanding, in a moral sense, that he would in future consult his Council, would be a surrender of prerogative—a degradation of his office: he did not allege that he had acted without advice, because he thought concurrence with his acts probable; but, on the contrary, he avowed an antagonism in the principle upon which appointments should be made, which rendered disagreement not only probable, but certain and inevitable.

In the present case, it is not one, but many are made responsible; and as Mr. Ryerson speaks of one responsible Minister, I say, without fear of contradiction, that any one member of Council who, without the knowledge of his colleagues, would give advice on a matter upon which difference of opinion was apprehended, would be acting unfairly and treacherously towards them.

And thus, Sir, though for the despatch of business, in matters where there is no antagonism, either real or apprehended, Governors may make appointments, and individual members of Council may give advice without consultation in Council, yet, when antagonism is avowed, and difference of opinion known to exist, then circumstances demand consultation, and agreement or disagreement before the act proposed be consummated.

But as Mr. Ryerson's argument in the supposed case of the notes would be, that the endorsing merchant had no reason to complain, because, whether consulted or not, he would still be liable, so the Executive Counsellors, who see acts for which they

are accountable done without their advice, have no reason to complain; for, whether consulted or not, they are still responsible.

This, Sir, is such absolute nonsense, that it seems almost an insult to the people of Canada to suppose that any of them could read Mr. Ryerson's letter without seeing the absurdity of the conclusion to which he would lead them. I am far from imagining that His Excellency would promulgate Mr. Ryerson's doctrine as his own. But His Excellency is not answerable for Mr. Ryerson's absurdities; and what matters it to him by what arguments the "humble classes" may be led to give him their support, or by what means the chaos of contradictory opinions, upon which his cause rests, may for the moment be reconciled. His Excellency has spread his marriage-table, and he is driven to seek for guests in the highways and hedges, amongst the maimed, the halt, and the blind. To the Tories is offered a crutch, which he calls prerogative: to the Liberals Doctor Ryerson's spectacles, through which to see His Excellency's Responsible Government. But, alas! not one of the guests has got the wedding-garment of public confidence, and they devour their meal with wailing and gnashing of teeth.

I had almost forgotten to allude to Mr. Ryerson's adducing "His Excellency's denial that he ever deviated from that principle," meaning the principle of Responsible Government. But, Sir, read Mr. Ryerson's argument, and what is the denial worth? Mr. Ryerson's principle of Responsible Government is fulfilled, by the fact that there is a Secretary, who keeps the Provincial Seal; and, therefore, His Excellency's denial of having violated the principle is neither more or less than a denial that he clandestinely or forcibly affixed the Provincial Seal himself. This is the only way, according to the Doctor, in which His Excellency could have violated the principle of Responsible Government; and no one, I am sure, thinks His Excellency has any occasion to resort to such a violation, while he has the good fortune to possess his present obedient, though truly and seriously very worthy Secretary.

In like manner, when His Excellency professes to subscribe to the resolutions of 1841, see what this means according to the Ryersonian reading. You will find, Sir, that it only means that His Excellency means to have a Provincial Secretary; and when you ask whether the country has been governed for eight months past according to the principles of Responsible Government? Yes, exclaims the Doctor, and he points to Mr. Secretary Daly. There, you unbeliever, there is Responsible Government; that comely

gentleman riding past is Responsible Government,—the Governor-General parted with Mr. Baldwin, but he did not part with Mr. Secretary Daly, and *he* is Responsible Government—*he* keeps the Seal.

This glorious and unanswerable defence of the Governor-General, which offers Mr. Baldwin's one idea embodied in the form of Mr. Daly, for the worship of the followers of the undefined principle,—this Ryersonian incarnation of Responsible Government, reminds me forcibly of the patent stove which cooks the largest dinner with only the fuel contained in a lucifer match. Well may the Doctor say that Responsible Government does not depend upon the Governor-General's opinion, for its perfection depends upon Mr. Daly's strong box, which keeps the Seal out of the reach of the Governor. Wonderful, Doctor Faustus! Ungrateful Canadians!! Happy Governor-General!!!

It is a great pity that this great discovery was not communicated at an earlier period to the Governor-General. It would then not have been utterly opposed to his own notions of his own prerogative, and so startlingly out of place in his defence. It is also to be regretted that it was not made known to the Imperial authorities, for then they would not have advanced opposite principles in the late debate, and the Doctor might have been called home, and made "Responsible Government" for the Empire, in his own person. Far be it from me, Sir, to deprive the Governor-General of the Doctor's defence; I acknowledge it as a stroke of genius worthy of its author.

In fact, Sir, I would not take away any defence from His Excellency; for he needs them all, come from what quarter they may. As to facts, His Excellency may have them as stated by the late Counsellors, as paraphrased by himself, and as perverted by Mr. Ryerson. If they do not all, or any, satisfy the Canadian people, it is not my fault. And as to principles, His Excellency is welcome to the principles of the *Woodstock Monarch*, of the *Toronto Herald*, of the *Montreal Courier*, of Ogle R. Gowan, and of F. J. Ryerson. It is true, not one of them is in agreement with the other, and none of them with the Governor-General himself: but what of that, I am willing that His Excellency may have the benefit of all the principles, however contradictory; and if they, and none of them, satisfy the Canadian people, how can I help it? It surely is no harm to point out a discrepancy now and then, and my present object is to ascertain whether or not the Doctor agrees with the Home authorities.

I take it, that Mr. Ryerson admits responsibility of Provincial Advisers for all the acts of the Government; and, notwithstanding his hocus-pocus conjuration about the Secretary and the Seal, and his assertion, that if a Seal be added to a Secretary, the sum is inviolable Responsible Government; notwithstanding this startling puzzle, he still maintains, at least, a typical and figurative responsibility,—still poor Mr. Daly is responsible for all: “*Stat nominis umbra*,” he stands the shadow of a name; and the shade of a name may be something, as well as the “shade of a virus.” Still this portentous ghost of Responsible Government shakes its gory locks in the face of his Excellency’s prerogative, and declares that all his acts are, and must be, advised: and as “taking advice, without regarding it, cannot be the process contemplated,” poor prerogative is surrendered, and His Excellency is a “tool” of a hobgoblin, if not of a Council.

But let us see whether the authorities of the Empire admit this responsibility—this constitutional necessity for even supposed advice and responsibility, upon every possible occasion.

Lord Stanley, in the debate of the 30th May last, admits this principle of Responsible Government to exist in England, not merely as a shadow, but as a practical reality; but he draws a distinction with respect to a Colony,—opposed not only to the Responsible Government of the Toronto League, but opposed still more directly to Mr. Ryerson’s theory. His words are, “The constitution of Canada might be formed on the model of the constitution here, but still they could not give it *the life* of the British constitution. Observe what was the nature of the British constitution, and what were the functions of the Sovereign.

“The basis of the British constitution was, that the Sovereign was personally *irresponsible* for every act of the Government,—that the responsibility rested with the confidential advisers of the Sovereign, who were responsible to the Parliament and the people for the advice they gave.”

“But—(his Lordship said afterwards)—“But because the Crown was not responsible for the acts of Government, the Crown practically exercised no political power; and it was obvious that the exercise of political power without responsibility would not be more dangerous to the liberty of the country, than the exercise of *responsibility without power* would be an *absurdity* and a *contradiction*.” “He said, therefore, that no Minister in this country would make or allow such a proposition to Sir Charles

Metcalf as had been made to Sir Charles Metcalfe ; the theory was well understood, and the practice followed. The Sovereign, in deference to the opinion of the Advisers of the Crown, made the appointment on the recommendation of the Minister ; and every Minister, in making a recommendation to the Crown, *so far as higher and more important* considerations would permit, paid, and was bound to pay, deference to the *personal* convenience, wishes, and feelings of the Sovereign ; and, on the other hand, although the Sovereign had the power to reject the appointment recommended by the Minister, it was usual to sacrifice all personal consideration to the public advantage."

This, Sir, is his Lordship's definition of Responsible Government in England. But, does he extend it to Canada ? No, Sir ; for he adds these words, too plain to be misunderstood, and too important to be overlooked, by any one :—

" *But* (adds Lord Stanley) the case of a Colony was *totally* different from that of this country."

His Lordship, after describing the state of a Colony, in wanting an aristocracy, and possessing a Governor without personal influence, proceeds as follows :—

" Place that Governor, and the Legislature so constituted, in the position of a Minister (being himself responsible, and compelled to act, in every respect, with Parliament) stripped of all real power and authority, liable to act under the control of the leading politicians and parties of the day, and what would they institute in Canada ? That which, but for the influence of the Crown and the peerage, and (with) the necessity of the Prime Minister of this country possessing the confidence of the House of Commons, would be the result here of a republican Government,—a Governor placed in absolute dependence on the House of Commons."

Then again, Lord Stanley says, " It was inconsistent with monarchical Government that the Governor, *who was responsible*, should be stripped of all authority and power, and be *reduced* to that degree of political power which was vested in the *constitutional Sovereign of the country*."

Let us now pause, to inquire whether these sentiments of Lord Stanley be consistent with Mr. Ryerson's notions of Responsible Government.

Mr. Ryerson declares the impossibility of the Governor's acting contrary to the principles of Responsible Government, the Secretary who keeps the Seal being responsible.

Lord Stanley admits the responsibility of the Prime Minister in England ; but in a Colony, he says, the case is wholly different.

Lord Stanley declares responsibility without power to be a contradiction and an absurdity.

Lord Stanley says, that the Crown, practically, exercised no political power, because the Crown is not responsible.

Lord Stanley states, that the Governor, *who is responsible*, cannot be *reduced* to that degree of political power which is vested in the constitutional Sovereign of the country.

Now, if responsibility without power be a contradiction and an absurdity, and if the Governor must have the power, the Secretary having the responsibility, a Council through him having the responsibility must be a contradiction and an absurdity.

And if Mr. Ryerson's doctrine be contradictory and absurd, according to Lord Stanley's argument, I should like to know what reason Mr. Ryerson has to boast of *his* being supported by the authorities of the Empire.

Mr. Ryerson may say, with truth, that Lord Stanley does not agree with me, or with the Reform Association. But, Sir, I did not profess to hold the same opinions with Lord Stanley, neither did I prognosticate that his Lordship would agree with my opinions.

But I have a right to take Lord Stanley's justification of Sir Charles Metcalfe, as a better interpretation of Sir Charles Metcalfe's doctrines, than Mr. Ryerson's defence ; and I cannot do his Excellency the injustice to believe that he has acted upon contradictory and absurd principles—so declared by Lord Stanley ; and as Lord Stanley's opinions are directly contrary to Responsible Government, so far as regards appointments to office, I have a right to say that Sir Charles Metcalfe has mistaken his own opinions, when he declared them to be in favour of Responsible Government. When he said he was in favour of that principle, he could not, unless he meant to exclude appointments to office, have considered to what the principle led him, or into what contradictions he was betraying himself.

Mr. Cartwright, if he ever said what was attributed to him, that "Responsible Government was a humbug," has reason to boast of having the authorities of the Empire at his back ; but not so Mr. Ryerson ; for the latter, by arguing in favour of Responsible Government, and its extension to official appointments, shadowy and unreal as he would make it, even by his own defini-

tion, has placed himself in opposition to the strength of the Empire ; and, until he recant, he stands, by his own confession, a disaffected man.

Now, I do not pretend to agree with his Lordship ; but I do not despair of seeing his Lordship convinced that he is wrong,—wrong in his estimate of the loyalty of the people of Canada—wrong in his notions of their want of trustworthiness and discretion—and wrong in his opinions that this country can be best governed by a constitution without the *life* of a constitution. The breath of that life has been breathed upon Canada once, and she will retain it ; and neither Lord Stanley, nor Sir Charles Metcalfe, nor Mr. Ryerson, shall persuade the Retormers of Canada that they are disaffected, because they desire a *living* British constitution for their country, or because they will not bow down before its lifeless image. We seek no republicanism, or excuse for wishing for republicanism : our desire is, long and faithful allegiance to a British Sovereign, and enduring connexion with England. But we cannot teach our children the British constitution, and tell them, that, as colonists, they are shut out from it forever, because a Secretary of State has pronounced that the *life* of the British constitution cannot be given to a Colony.

I am fully aware how very nearly Lord Stanley, in his definition of Responsible Government, approaches to all that the Colonists could desire ; he admits that a Responsible Government was conceded even by Sir Charles Metcalfe ; and he says, that the principle had been fully recognized both in England and in Canada : but that principle is not Mr. Ryerson's principle of responsibility, and advice of Counsellors, or of Secretaries, for appointments to office, whether merely supposed from the forms of the constitution, or real and substantial. On the contrary, Lord Stanley, while he expresses more than a doubt "whether Responsible Government was or was not likely to be conducive to the prosperity and welfare of Canada, whether it was most likely to enlist in the ranks of the Government the greatest number of men of talent, honor, integrity, and station,"—while he leaves it to be understood that, in his opinion, these qualities are not to be found amongst those in whom the people have confidence, still admits that Responsible Government was conceded, as he understands, to the following effect, "that the administration of Canada was to be carried on by Heads of Departments enjoying the confidence of the people of Canada,—enjoying the confidence of the Legislature of Canada, for the due exercise of the functions of

these departments ; *and more*, that the Governor, in preparing and introducing legislative measures to the Colonial Parliament, was to be guided by the advice of those whom he had called to his councils, that he was to introduce legislative measures upon their advice and upon the advice of the local authorities throughout the *Kingdom* (I suppose the colony is meant), taking the responsibility of their conduct through the Colonial Legislature." Here, Sir, is a definition,—a stipulation, which, if accepted and used with moderation, ought, so far as regards all the affairs to which it extends, satisfy the most patriotic colonist, and which may be interpreted into more of concession and independence than the Colonists ever asked or desired; for it appears (so far as the conduct of the departments, and the framing and introduction of measures) to make the Governor-General the passive instrument which I, for one, do not desire to see him, and which I hope the Governor of this Colony never will become, and which he never need become, so long as he has the power of placing his Council and Parliament before the people of this country to answer for measures either bad in themselves, or bad because they are contrary to the spirit of British institutions, or contrary (to use a strong expression) even to the prejudices of the British nation. But, Sir, while Lord Stanley thus appears to take away responsibility from the Governor-General, and while he says, that "without power there cannot be responsibility," he asks the significant question, "Well, for what was he (the Governor) to be responsible, if it were not on those two heads—for the proper distribution of rewards and honours in the power of the Crown to bestow, and for the exercise of the prerogative of the Crown with respect to certain acts of the Legislature?" Now, Sir, as Lord Stanley conceives that within these two heads of reservation from Responsible Government is contained the "life" of the British constitution, which cannot be conceded to a colony, what becomes of Mr. Ryerson's Responsible Government, which makes the *keeper of the Provincial Seal* so responsible for appointments, that it is "*impossible*" for the Governor-General to violate the principle so long as "he has a Provincial Secretary."

I think, Sir, Lord Stanley has made it very plain, that the only question which can ever arise in this Colony on the subject of Responsible Government may be stated thus,—“are the advisers of the Crown in Canada to advise upon appointments, or are they not?” No one in Canada has ever dreamed of denying the right of the Governor-General, upon his own responsibility, of reserving bills for the expression of the Royal pleasure thereon ; and for any such re-

servation. so long as the Provincial Administration have the confidence of Parliament : and so long, therefore, as no bill can pass both Houses in which they are not concurring, they cannot be held responsible, if they do not make themselves so, by their own declarations. Therefore, the only question at issue is simple, tangible, and defined : How much is it to be regretted that Sir Charles Metcalfe did not say so directly, instead of vaguely alleging that he subscribed to the resolutions of 1841 ; and instead of mystifying the Counsellors, and the public, with charges of treason and disaffection against the late Counsellors ; and, above all, instead of permitting the poor Doctor to come out as a stage player, in the tragedy of "Leonidas," tilting with anomalies and stipulations, and poisoning himself with the "shade of a virus."

I propose, Sir, in my next letter, to lay before your readers my notion of what Responsible Government, according to the Resolutions of 1841, really means ; to explain what legitimate party Government is,—to show that it is real justice to all parties ; and that it is the interest of all parties to see it established. In doing so, I shall write no treason, or sedition, or say any thing which the most exclusively loyal man in Canada may not subscribe to ; without any danger of falling foul of one of the Doctor's anomalies.

LEGION.

LETTER VIII.

SIR,

Before entering into any disquisition on party Government, it is necessary that I should say something more of Lord Stanley's views on Responsible Government. I have shown, in my last letter, that he limited it to the admission, first, that the "administration of Canada was to be carried on by Heads of Departments, enjoying the confidence of the Legislature of Canada, for the due exercise of their respective departments;" and, secondly, "that the Governor, in preparing and introducing, with his sanction, legislative measures to the Colonial Parliament, was to be guided by the advice of those whom he called to his Councils."

We are not now to learn that Heads of Departments act in obedience to orders from the Governor-General, and their responsibility, strictly speaking, may be confined to their obedience or disobedience of orders. Perhaps, however, Lord Stanley means, that Heads of Departments should have the confidence of the Legislature—that they would not remain in office if they were required to obey orders contrary to their sense of policy or proper management. Taking the definition in this latter sense, I approve of it, for it involves concurrence with the colleagues of the Heads of Departments, who have the confidence of Parliament, and, therefore, the concession made by Lord Stanley is all I can ask for, so far as Heads of Departments are concerned.

Then, as to the introduction of Legislative measures, there is no difference between Lord Stanley and the late Executive Counselors, except that Lord Stanley's definition may make, if insisted on strictly, the Governor more of a passive instrument than they wish to see him.

If Lord Stanley had proceeded no farther, I should expect to be met by Mr. Ryerson saying, that the Provincial Secretary was the head of the department of appointments, and that Lord Stanley meant, therefore, that appointments were part of the conduct of his department, which the Governor was to conduct with his

advice, or upon his responsibility. But Lord Stanley does proceed farther, and having said before, that responsibility without power was a contradiction and an absurdity, he asks "for what, then, was the Governor-General to be responsible, if it were not on these two heads—for the proper distribution of the rewards and honours in the power of the Crown to bestow, and for the exercise of the prerogative of the Crown, which consisted in interposing the authority of the Crown with respect to certain acts of the Legislature."

The latter power, of reserving bills for the royal assent, is one essentially attached to the Governor's responsibility to the Imperial authorities, and must be exercised by him, where he has reason to expect decided objections to the measures reserved, or where Imperial interests are concerned. Lord Stanley appears to have been informed that the late Counsellors objected to the reservation of the Secret Societies Bill, which they did not. They objected to His Excellency not giving them an opportunity of informing the Parliament, that it was probable His Excellency would reserve the bill. As it was, they were left in the dark; and they reasonably complained of a secrecy to them, which could serve no purpose but that of giving a triumph to their enemies, and of exposing them to the reproach of knowing less about the intentions of Government than the minority who were opposing them. Of the "antagonism" which led to this demonstration of want of confidence, the public have since had abundance of proof, and of the reasonableness of the complaint, they are the judges.

With respect to appointments to office, however, Lord Stanley not only gives his definition of Responsible Government, but he gives his reasons for the exclusion of these appointments from the operation of the principle; for, after showing that appointments were conferred, in England, by the advice of Ministers, and explaining how they were managed, and why it should be so, he says, but "the case of a Colony was wholly different from that of this country." The following is his first point of difference,—“Here (that is to say, in England,) the people respected the dignity of the Crown, from its hereditary nature, and were influenced by a loyalty and attachment to the person of the Sovereign and the monarchy that was almost inherent.”

Of course, Lord Stanley means that in Canada the case is wholly different, and I can perfectly understand where his Lordship got his information. I do not mean to say that it was from Sir

Charles Metcalfe, for I firmly believe that His Excellency knew even less about Canada than Lord Stanley; and that if he charged Canadians with disloyalty, he was just as liable to be deceived as Lord Stanley himself. But I allude to those in this country who have been its bane and its curse, ever since politics came to be discussed in the Colony; who have succeeded in poisoning the ear of the Sovereign and the Imperial Ministers for all times past, by unworthy insinuations of disloyalty against the people, and by claims of exclusive loyalty in themselves. But knowing, as Mr. Ryerson does, the truly loyal and devoted feeling of his countrymen, to the person of their Sovereign, and their respect for the institution of monarchy, which in Canada, as he well knows, is greater and more inherent in sentiment than it is in England, I dare him to express his agreement with Lord Stanley on this point of distinction. In England, we know, that abstract opinions, in favour of Republican Government, are often avowed, without subjecting the person avowing them to reproach; and eulogiums on the constitution of the United States are common in the English newspapers, without the editors being exposed to charges of disaffection. But there is, and ought to be, no such toleration here. We stand in daily danger of having the choice put to us in mortal contest, and the loyalty of each member of our community is of consequence. It is, therefore, that the feeling of loyalty is more expressed, more tangible, and more inherent here than in England, and it is, therefore, that the deepest offence which can be offered to a colonist, whether it comes from a Secretary of State or from an Orange Grand Master—whether from a Governor-General or from an Alderman—is a charge or an insinuation of disloyalty. I, therefore, ask whether Mr. Egerton Ryerson agrees with Lord Stanley? Whether he plumes himself upon the decision of the high court of appeal, the authorities of the Empire? Whether he imagines that the people of this country will join him in admitting that they are not loyal, and therefore, that the *life* of the British Constitution cannot be given to a Colony?

The second point of distinction taken by Lord Stanley, is one in which Mr. Ryerson has expressed as yet no concurrence. In England, His Lordship said, "there was the House of Lords, the hereditary peerage of the country, possessing an influence over public opinion by that hereditary rank, high station, and hereditary title." "Compare this," says his lordship, "with the situation of Canada. There they had the representative form of constitution, but

where was the parallel to the House of Lords? There was the Legislative Council, but it possessed none of the advantages of the Peerage of this country. Its members were not elevated much by rank, station, or property above their fellow citizens, and possessed no great influence." Here is a point discussed in the address of the Reform Association, the principles of which Mr. Ryerson admitted to be sound, and not one of which, though he has finished his defence, has he attempted to controvert. Yet this difference is given by Lord Stanley, as one of the reasons why the "life" of the constitution, cannot exist in Canada: and will Mr. Ryerson now advance Lord Stanley's doctrine as his, and say that the prerogative of the Crown, with respect to official appointments, cannot be safely administered according to the well understood wishes of the people, because Canada has not a hereditary peerage? I think, Sir, he will not, and dare not express his concurrence with Lord Stanley; and yet he prides himself upon Lord Stanley's support of Sir Charles Metcalfe. But, Sir, I do not envy him his triumph, and, if he calls this support, he has strange notions on the subject.

Lord Stanley's argument, if it proves any thing, proves that we should not have representative institutions at all; that public opinion should not prevail in any thing, because it wants the ingredient of aristocratic influence. It applies no more to official appointments than to any thing else; and the remedy for the evil, if it exists, is not in denying one of the inevitable effects of representation, but in taking away the representation, or in creating the aristocracy in Church and State. Pray Sir, which of these does the Doctor advocate, or amongst his threats and denunciations, which of these does he threaten us with?

But, Lord Stanley's third distinction, which is to take from us the life of the British Constitution, is this,—“There (he says) the Governor-General, had none of the dignity of the Sovereign about his position, having an income not more than that of a country gentleman—a stranger to the colony, having probably no personal influence or interest in it until his appointment, and, previous to his arrival, no connection with it.”

The end of this distinction, and the argument founded upon it, would be, that as the Governor has no influence personally over popular opinion, and as the Legislative Council have no influence, the want of it must be made up by power, to be exercised in defiance of popular opinion.

Well, Sir, I have no reason to doubt that power may be exercised in defiance of popular opinion : but I am very well convinced, that while it is so exercised, that popular opinion will struggle and contend with power. To speak of a Government conducted on this principle, as one administered according to the well understood wishes of the people is, to use Lord Stanley's phraseology, a contradiction and an absurdity—whether appointments to office, or any other exercise of prerogative be in question. The strength of an empire may maintain such a government—an humbled and subdued people may submit to such a government ; but such a government *will not be supported by public opinion*: and, Sir, the *more* public opinion is strengthened by representative institutions, and by the exercise of legitimate control in portions of the administration of the Government: the *more* able and determined it is and will be, to resist until it obtains constitutional influence over the whole.

I read with no small surprise, Lord Stanley's quotation of part of one of Lord John Russell's despatches upon Responsible Government. Not, that I was surprised to find that Lord John Russell had written the despatch, but that it should be quoted as existing authority so long after Lord Sydenham had found it necessary to disobey it. Lord Stanley laments, that Lord Sydenham did not lay it before the Legislature ; but I think any one who reads it will see the reason why it was not made public. Lord Sydenham did his best in obedience to that despatch to prevent any admission of the theory of Responsible Government ; but if he had published that despatch, he would not have preserved his majority in Parliament for one hour. The parliament was determined upon the assertion of the principle, and Lord Sydenham, who was too good a politician to place himself personally in opposition to the parliament and the country, yielded the point with a good grace. When he found that resolutions were likely to be passed asserting the principle, he sent his Secretary to move the resolutions—thus adroitly avoiding the defeat; and also avoiding the necessity of personally answering a hostile address, either in the affirmative or the negative. But this being the fact, how strange it is, after the passing of the resolutions, after their adoption by two Governors in practice—and by the present Governor-General in theory, after a voluntary subscription by Sir Charles Metcalfe in direct contradiction to the orders contained in the despatch, after Sir Charles Metcalfe doing the very thing Lord Sydenham was

desired to consider himself precluded from doing, how strange it is, to find that disobeyed dispatch quoted as an existing order of Government!

But, Sir, what does the part of that despatch made public by Lord Stanley contain? You will find in it, not one word respecting any distinction between the prerogative of appointment, and any other prerogative. I should have wondered much if it had, for I think Lord John Russell much too sound a politician to see any such distinction. It contains an argument against the Governor's declaring his admission of the principle of Responsible Government at all, an admission which nevertheless the Governor was obliged to concede indirectly, but which Sir Charles Metcalfe made directly in writing in his explanation to the Provincial Assembly.

It is well worth the inquiry, to examine what Lord John Russell's argument is founded upon. You will find it to be on the supposition of the extreme case of the Governor receiving orders from the Secretary of State, and advice opposed to these orders from the Executive Councillors. For, if he is to obey the orders, Lord John Russell very truly argues, the parallel of constitutional responsibility is gone: and if he follows the advice and disobeys the orders, "he is no longer a subordinate officer, but an independent Sovereign."

There is not the slightest doubt, on the mind of any one, but that the Governor of this Province is bound to obey the orders of Her Majesty's Secretary of State for the Colonies, however opposed these orders may be to the advice of the Council, for the time being. But there is as little doubt but that when a Secretary of State gives such orders, with respect to the administration of our internal local affairs, he violates the principle of Responsible Government, as explained in the Resolutions of 1841, to which Sir Charles Metcalfe subscribed. Lord John Russell foresaw that there might possibly occur cases in which this conflict of duties would occur, and his whole instruction to Lord Sydenham was to withhold any declaration, which would have the effect of admitting the want of constitutional power in the Home Government to issue orders, which were to be obeyed, whenever they might be issued. But while Lord John Russell thus forbade the positive recognition of the theory, he made no objection to the practice; he issued no orders to tie up the Governors hands in the conduct of the Government; and he says, in the despatch, that he saw little or

no objection to the practical views of Colonial Government, recommended by Lord Durham.

So far was Lord John Russell from making the absurd exclusion of appointments to office out of the internal affairs, which Responsible Government contemplates should be managed with the assistance, counsel, and information of a local administration, that in the illustration he gives in describing what a ministry would be headed by Mr. Papineau, he makes not the slightest allusion to official appointments. His picture of such a ministry, or of their measures, is as follows:—"British officers punished for doing their duty—British emigrants defrauded of their property—British merchants discouraged in their lawful pursuits." Lord John Russell was persuaded to see the danger of all this, and, therefore, he objected to the principle of Responsible Government being formally recognized. Yet, notwithstanding all this, he did not find fault with its recognition, when it could not be avoided without disquieting the Province, and, notwithstanding all these objections, Sir Charles Metcalfe subscribed to the resolutions of 1841.

But, Sir, did Lord John Russell, by approving of Lord Sydenham's Government, after the Provincial Secretary moved the Resolutions of 1841, mean by such approval to say, that he would allow, as Her Majesty's Minister, British Emigrants to be defrauded of their property—British officers punished for doing their duty—and British Merchants discouraged in their lawful pursuits? I think not, Sir, I think he wisely said to himself, when this shall actually take place, it will be time enough for me to interfere, and, when I see it take place, I shall take care that no principle of Responsible Government shall work these wrongs; and he who asserted and acted upon the power of suspending the constitution, altogether, by a British Act of Parliament, knew well that he had the remedy in his own hands, even should the whole people of Canada support an administration, such as he pictured in his despatch. I am not admitting that his picture was a correct one, neither am I attempting to define extreme cases in which supreme power might be used to overbear wrong committed under Constitutional form; but I do mean to say, that the British Government conceded the principle of local Responsibility, and local control, as a general and ordinary rule of conduct of the local Government. As to extreme cases of exception they have not arisen, and it will be time enough to argue upon them when they do arise.

Now, Sir, a stipulation applying to all possible cases, a stipulation which might bind the Governor to appoint to the command of the militia a rebel in arms against the Sovereign, or to do any other preposterous act upon the advice of the Council, could not be admitted, neither could a supulation to consult a council who would be capable of advising in this manner be admitted, neither, so far as I can see, would a Governor be bound to adhere to the principle of Responsible Government at all, if the country were to support a ministry, who would advise in the manner, supposed by Lord John Russell, in his despatch: and indeed, Sir, as a deprivation of representative institutions would be better than a possession of them without their proper influences on the Government, so a temporary suspension of a Constitution, bad as such a measure is, would be safer for the liberties of Canada, than a continual exercise of power, without responsibility to the people, under the pretence that there may be extreme cases, in which such a responsibility could not prevail. These extreme remedies all belong to extreme cases,—all objections to Responsible Government attach to extreme cases—all blame cast upon the late Counsellors is founded upon their alleged demand, of a stipulation in writing, which might fetter the Governor, or the Imperial Government in extreme cases; none of which have arisen, and not one of which objections would be available, if urged against a mere explanation, an understanding in a moral sense, to use Mr. Ryerson's expression, which was asked for, as applying to the ordinary course of administration, and which, so far from bearing the construction of an understanding, applying to extraordinary, and almost impossible circumstances, was partly objected to, because it related to affairs, not of "adequate importance."

With Lord Stanley's exposition of Responsible Government, so far as it extends to conduct of departments, and Legislative measures, the Reformers of Canada agree: with that exposition, so far as it excludes appointments to office, from the affairs which are to be advised upon, the Reformers of Canada disagree.

With Lord John Russell's despatch, as quoted by Lord Stanley, wherein he instructs Lord Sydenham on the subject of Responsible Government, "*to refuse any explanation, which may be construed into an acquiescence in the petitions and addresses on the subject,*" we cannot agree, inasmuch as the Governor, to whom it was addressed, did not refuse such an explanation, and inasmuch as Sir Charles Metcalfe has, in many public documents, given

explanations on the subject, which have been construed, and which he wishes to be construed into the acquiescence, forbidden by Lord John Russell. But in so far as Lord John Russell places appointments to office, and all other internal affairs of the Province upon the same footing, and declares that Her Majesty has no desire to maintain any system of policy among her North American subjects, which public opinion condemns, here public opinion in the Colony, goes with Lord John Russell, and whatever Canadians may now think of his objections against the admission of the theory, they see, in his despatch, a sincere desire that the practice of Responsible Government should be observed in its reality and integrity.

And as to extreme cases, which may be invented, or supposed to interfere with the principle, the very best which all parties can do is to leave them out of contemplation. As Colonists, we cannot be called upon to admit the possibility of an Executive Council being sustained by popular opinion, in disloyalty or in wrong; and we, therefore, cannot be called upon to stipulate against such a conjuncture. On the other hand, we must be free to admit, that in the concession of Responsible Government, no such extreme case was considered, as that of the people and the Council they support with their confidence being disloyal or disaffected, and, therefore, should they become so, we do not now claim that they should then have the benefit of Responsible Government, or of any free or even civil institutions, but let these circumstances be discussed when they do arise, if they ever arise. Let not the people of Canada be fettered like a breachy ox, lest they should leap over the fence—let them not be punished, because they may possibly be criminal. While they are permitted to possess, continually, a constitution fit for a loyal people, let them be governed as a loyal people should be governed: when the people cease to be loyal let the constitution be taken away, and let them be told the reason why it is taken away; until that time comes, let them enjoy the constitution.

What is that constitution, is the next question? and as there is no danger in my giving a definition, I shall endeavour to give such a one as is applicable to the present discussion, without entering into the legal questions upon which there is no dispute.

And first, as regards the Queen's Representative; Reformers say in Canada, as every one says in England, that prerogative should be exercised according to the well understood wishes of

the people. This is claimed by Reformers as a constitutional right so far as regards our local affairs. Lord Stanley and Lord John Russell say, that the Governor is to obey the orders of the Queen's Ministers. Now, it so happens that the orders of the Queen's Ministers, for some time past have been, that no system of policy should be maintained in Canada, which public opinion condemns. The orders and the claims of right are, therefore, in concurrence; and unless Her Majesty's Ministers issue contrary orders, the Governor stands ordered and instructed to pursue the English system of administration. We have, moreover, in the admission of the Resolutions of 1841, and in Sir Charles Metcalfe's subscription to them, as well as in Lord Stanley's declaration, that England was not disposed to interfere in the local administration of purely internal affairs, and that "*long since, the whole of the patronage of the Crown has been placed in the hands of the Governor*, and that since he had held office, he had never, by instruction, recommendation, hint, or suggestion, interfered directly or indirectly with any appointments in Canada." We have in these a coincidence with our claims, and a species of guarantee that orders from Her Majesty's government are not given, which might be in opposition to public opinion here.

It, therefore, would be quite unprofitable to discuss the question here, whether or not we should have a Government conducted according to popular opinion, as a matter of inalienable and inherent right as British subjects, or whether we hold such a constitution, by the force of orders from Her Majesty's Ministers. We have it, in fact, in both ways theoretically; and have only to insist upon our rights, whether inherent or conceded, to have it practically.

The Governor, according to this statement, not being interfered with by orders from England, has in this country, the whole delegated power of the Sovereign, so far as regards our internal affairs. Lord Stanley and Sir Charles Metcalfe have given reasons why he should not administer that power, as it is administered in England. Are the people of Canada satisfied with these reasons?

First, are we satisfied that the proposition is a correct one, that because the Governor has no personal influence on popular opinion, he should, therefore, make appointments to office irrespective of popular opinion, or in contradiction to it? Would not such a course of appointment, in a country *professed to be governed according to the*

well understood wishes of the people, be a contradiction and an absurdity?

Secondly, are we satisfied that the proposition is true in fact, that the Governor of this Colony has no personal influence?

I believe, Sir, there is not a man in Canada, from the highest public functionary, the most pharisaical Tory, down to the most Radical member of the Assembly,—from the Lord Bishop of Toronto down to the humblest dissenting Minister—from the Colonial courtier to the follower of the plough, who has not felt and acknowledged the personal influence of the individual who, for the time being, represents the Sovereign in this Colony. When I say this, I do not mean the influence which the exercise of unrestricted power confers: I mean, strictly, the influence which the opinions of the Governor-General have on public opinion, which influence I believe to be greater in this community than any similar influence of the Sovereign in England. You know, Sir, there are multitudes of individuals in this country, who hold opinions because they are the opinions of the Governor, and this too, without any hope of personal advantage, or fear of the personal consequences of opposition, and a Governor-General must be very wrong indeed when this influence does not avail him.

The extent of this influence is very much regulated by the individual who possesses it. The King of Hanover, had he unhappily succeeded to the throne of England, could never have exercised the influence of Queen Victoria, neither could a bad man, or one without character, have the influence of Sir Charles Metcalfe: but Sir, if there be, aside of personal character and worth, one thing more than another which destroys moral influence, it is the assertion of prerogative, independent and irrespective of public opinion, and when whole classes of a community find themselves involved in a wide spreading charge of disaffection to their Sovereign, and their most popular men—those whom they had honored with confidence unbounded and unprecedented, denounced by a Secretary of State on the information of a Governor, as “*unprincipled demagogues, bad rash interested Counsellors*,” it is no wonder Sir, that people should be indignant, and that influence should cease, and arbitrary power become necessary.

Lord Stanley's second reason, for the exercise of power by the Governor, in appointments to office—a power which unfettered by instructions and independent of public opinion, must of necessity, however wisely it may be administered, still be arbitrary: Lord

Stanley's second reason is, the want of an aristocracy. If Sir, we really do want an aristocracy, a point which I shall not argue, I deny, that this want forms the slightest reason why public opinion should be contemned. I cannot see, why a people should be better satisfied with a government administered in any respect contrary to their wishes, because they do not possess an aristocracy. If the argument tends to prove any thing, it is, that we should not have a House of Commons, or it may prove, that we should endeavour to erect an aristocracy. But if the people of Canada are expected to be contented, and to believe that government is administered according to their well understood wishes, the want of the aristocracy cannot make them contented, or persuade them to an absurd falsehood. But, if neither the want of personal influence, or the want of an aristocracy be good reasons for the anti-British exercise of unadvised prerogative, let us enquire whether the Governor of this country really is a cypher and a tool, if left to the exercise of his constitutional powers.

When a Governor of this country not only feels it to be his constitutional duty, but also his instructions, to administer the Government according to the well understood wishes of the people, his first duty is, to seek by constitutional means what those wishes are, and he finds the means in the majority of the people's representatives, and in the Executive Counsellors in whom that majority has confidence. He does not do his duty, if he blindly follows the advice of the Council, and if he sees that the interest of the people are betrayed, or corrupt practices attempted, or impolitic measures proposed, he can dismiss his Counsellors. If the majority in parliament support these Counsellors, he can dissolve the parliament, he can choose other Counsellors, he can turn the whole weight of his patronage and power, against the opposers of his Government, and he can take the sense of the people under circumstances the most favorable to himself. He does not by this become a partizan. His new Counsellors are the partizans: it is they who attack the principles and conduct of the retiring party: it is they who have to defend the principles under which they accept office: and while if the Governor be right or nearly right, there would scarcely be a doubt of his success, failure on his part would involve no personal defeat—no personal mortification. No one will be believed, who says, that a Governor with this undisputed, constitutional and acknowledged power, is a mere cypher, or that Executive Counsellors would rashly hazard a disagreement with

him upon a questionable point, or that they would be mad enough to seek in such a disagreement the gratification of personal ambition, or corrupt advantage. It is an issue, they would not dare to try: and you may depend upon it Sir, that whenever you see ministers disagree with a Governor, and retire from his Councils, their principal reason for doing so is, because they could not remain and agree with him, and at the same time sustain themselves in popular opinion.

I am not afraid Sir, of illustrating this position by applying the doctrine to the case of the late Counsellors. Put the case in the worst point of view for them, take one of the insignificant appointments, and let us see how the matter will stand,

The late Major Powell, Sheriff of the Bathurst District, was in public employment, besides the shrievalty during his life time. Five sons survive, one of whom was lately made Clerk of the Peace of the District, (the appointment in question) one was a merchant on the Ottawa, two are in the United States, one a physician in good circumstances, two daughters are respectably married, and a son who is now deceased, was Sheriff of the Bathurst District, but was removed from office, on account of difficulties in which he became involved. The family, that is the father and the sons, were opposed in politics to the majority of the Assembly, and to the late Counsellors.

Had His Excellency asked the advice of the Counsellors on the appointment, they would probably have told him, that there was a very great antipathy in Canada to appointments running in families, and to whole families seeking a hereditary right to be provided with public situations; that there were many persons who expected the appointment, equally eligible, and the choice of any of whom would give more public satisfaction in the neighbourhood.

Suppose His Excellency nevertheless said, that he desired to make the appointment, and that the Counsellors had acquiesced, could they have sustained themselves in their majority? Well, Sir, I think they could, and if they had resigned on account of such an appointment, I think they would not have been sustained. A Governor may do more, far more than this, against the advice of his Council, either to gratify his benevolence, or his simple wish, without quarrelling with the people of Canada, and the same result would have followed, had the office been disposed of without any consultation.

Bnt, Sir, if upon the advice above supposed being offered, or

upon respectful remonstrance because advice was not taken, the Governor had said, that the claim of the Council to be consulted was a demand, to use his own words, of a "surrender of the royal prerogative," and had he denied the claim, and the right to make the claim, as unconstitutional, I ask you, would the Counsellors remaining in office then, have been sustained by the Assembly, or by one single member of their party in all Canada? What! the Responsible Government which the people had so long struggled for, the Responsible Government, the acknowledgment of which notwithstanding a positive instruction to the contrary, had been wrung from Lord Sydenham to be given up, and by whom? by those who held office, under the solemn pledge of maintaining it. Sir Charles Metcalfe may have drawn a distinction in his own mind, between the prerogative of appointment, and other prerogatives; but, neither Tory, or Radical, or Moderate, or other person in Canada, had taken any such distinction; neither had the Counsellors themselves in their often repeated pledges to the parliament and the country, and they had borne the blame of appointments, and taken the responsibility of appointments, without repudiation by the Governor, when they were cast upon them with all the venom of political enmity. It may consist with Mr. Ryerson's present course to say, that the Counsellors had nothing to do with Sir Charles Metcalfe's abstract opinions: but, Sir, his was no abstract opinion. It was to take his own version, his own despatch to Lord Stanley, and Lord Stanley's explanation, a denial of their right to be consulted upon, and of their responsibility for appointments; and when this denial was made, no choice was left to them but office and infamy on the one hand, or duty and sacrifice on the other. If the Counsellors committed treason or sedition Sir, they had committed it in the face of parliament. When they pledged themselves to be responsible for all appointments, they committed these crimes in company with the Queen's representative who had admitted of their pledges, and with the country who had supported them, and had Sir Charles Metcalfe been as well accustomed to the workings of a free constitution, as he was to the administration of despotic power, well and wisely in a country which was not free, his conscience would not have allowed him to do the injustice to the late Counsellors which he has done. He might have set up his opinion against them, and he might have appealed to the people, or to the Secretary of state upon the difference. He might have dismissed them from his Councils, but he never would

have said in his answers to the rabid addresses of their enemies, that they were insidious, or disaffected, neither would he have authorized Lord Stanley to say that they were "unprincipled demagogues ; bad, rash, and interested Counsellors."

The House of Assembly understood well the distinction between the resignation of Counsellors upon an appointment, and upon a principle : I hope I have made the distinction as plain to others. The country will be the judges, whether the principle was worth maintaining or not. I have read through, all Mr. Ryerson's letters without discovering which side he is on, as regards the principle. I have discovered only, that he is on the side of Sir Charles Metcalfe ; and that he thinks or thought himself, very learned in Parliamentary usages, diplomacy, forms, anomalies, classics, and chivalry. I have shown that the personal influence, and power of the Governor, even constitutionally used, are no cypher, but a real and formidable power, and such I wish it to continue. I must however pursue the subject further ; It will probably interest your readers more than tilting with Mr. Ryerson, who nevertheless will not be forgotten, or left unanswered in the end.

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LETTER IX.

SIR,

I have described the power of a Governor of this Colony, under a system of Responsible Government, as an active, energetic, and controlling power; as one which, if not exercised *very wrongfully*, and *very much* in opposition to public opinion, will be sustained by the people of the country against any set of men, who may happen to be the advisers of the Crown. But if this power be exercised in direct contradiction to the wishes and opinions of the people; and when it consequently fails in acquiring their support, it of necessity becomes antagonistic, and, if it is to be maintained, it must be maintained by support from abroad, by appeals to the authorities—and to the strength of the empire. In this case, obedience and submission, not approval and support, are what the Governor wants, and so long as he maintains the principle, are what he must enforce from the people, and however right, in the abstract, the policy may be which is thus enforced and maintained, it requires but little argument to show, that its enforcement and maintenance are not consistent with any definition, however loose, of Responsible Government; in short, approval and support are the conditions of Responsible Government—obedience and submission are those of Despotic Government.

In all countries, however free, obedience without approval must be required from some portion of the community, and in countries where public opinion forms the rule of Government, the members of the community whose opinions do not concur with those of the majority, must necessarily be obeying not approving individuals. The great and invaluable privilege of the minority in a free country is, that they may, without criminality or blame, disapprove and condemn, what they nevertheless obey: and, moreover, they may be as untiring and unsparing as they please in the use of every Constitutional means of ridding themselves of obnoxious measures and obnoxious policy. Blind and silent submission to any authority, whatever, is a contradiction and an absurdity in a free

country. A single individual may set up his opinions against those of the whole community, nay, even against those of the Queen and her ministers, and of the Imperial Parliament, and, if such a person finds one candidate at an election more than another, inclined to favor his opinion, he has a right, nay, it is his duty to vote for that candidate; and, if a single individual may without blame exercise this privilege, so may two or more individuals; and if a minority may do so, surely the same privilege must be allowed to a majority.

But when once the opinion becomes that of the majority in Parliament, then a certain power of enforcing its adoption accompanies it. No country can be governed well and peacefully in opposition to that opinion, and weakness of Government, distraction of Councils, contempt of authority, and impatience of rule must be the certain consequence of the enforcement of prerogative, without regard to popular opinion so expressed and maintained.

It is upon this necessary consequence of Representative Institutions that Responsible Government rests. The consequence is so necessary that we are accustomed to consider it a sacred and inherent principle of the Constitution: but whether it be a principle, or a practical consequence, we know well that without it prerogative must be antagonism, and the existence of a Parliament a contradiction and an absurdity.

Mr. Ryerson's doctrine, however, is that of appeal to authority, silent submission to authority, denunciation in case of remonstrance; and crime and penalty to follow constitutional assertion of principles. His opinions are those of an enemy to his country and his country's liberty, and when they become those of a majority of his countrymen it will be time to exclude from Canada praises of British freedom, and of the British Constitution. Doctor Sacheverell once upheld the same opinions: his book was burned by the common hangman. That, however, was in free England not in a colony. Doctor Ryerson is the man the Governor delighteth to honour for his opinions here, and if those be upheld, he should not only be made Superintendent of Education, but we should all go to school again, for we should have much to unlearn, if not to learn at his hands before we should become good subjects.

But let us, Sir, even if it be a delusion, pursue our dream of a Governor seeking to govern according to the well understood wishes of the people, and taking his orders from a Sovereign who desires that "no line of policy should be adopted in Canada which public opinion condemns." Let us imagine, if it be permitted, such a

Governor, having given him a Council possessing the confidence of Parliament, so that on all occasions, he might have the wishes and opinions of the people represented to him. Let us imagine that Council held strictly accountable for all the local policy of the Government and for all the appointments, and then inquire a little into the duties of such a Council.

In the first place, what manner of men are they who are likely to obtain public confidence ?

You need not be alarmed, Sir, I am not about to place the qualities of a Colonial Ministry quite so high as those of Morrison's Pills or Macassar Oil, neither am I inclined to pay the people of Canada so bad a compliment as to suppose that they make a free gift of their confidence to men because they are corrupt and unworthy, or because they desire that their members should be purchased, and, therefore, would have rogues in office to make the bargain. I have seen too much of the world to expect perfection even in Governors General, or in other public men, and although one does meet with villiany now and then, it is by no means as common as one would suppose it, on the authority of the newspapers, when they write about their opponents. Neither the Doctor or any of his present idols possess any absolute disqualifications that I know of, to prevent their becoming Ministers of State, and should the Doctor be rewarded with the place of a Cabinet Counsellor, even with Grand Master Gowan for a Premier, and the sainted Gibbon Wakefield for a leader of the Provincial House of Commons, there will be nothing in the event contrary to Responsible Government.

But with all this easy latitude as to qualification, there is one quality which Ministers must profess before they can have public confidence. The opinions and principles of policy they avow and act upon, must agree with public opinion ; and as there has been no period in the history of any free country in which differences on some great public questions have not been agitated ; and as the ministers cannot be supposed to accord with all sides, it would follow, that they must agree with the prevailing majority. In fact, it is because that majority has declared itself, and those forming it have prevailed, that they claim to have public servants, in their confidence, for, thereby they possess an assurance which they can have in no other way, that the consequences of their prevalence will be faithfully and truly carried out ; and, if the people desire to have, as public servants, those who have most powerfully assist-

ted them in the contest of opinion, it is not merely upon the principle that those who have won the victory have a right to the spoils of war, but upon the more just and necessary supposal, that those who contended successfully for opinions may be most safely entrusted with their practical maintenance and enforcement. Feeling and prejudice naturally aid in producing confidence in popular leaders, for it is scarcely in the nature of man to have the same high opinion of the moral and intellectual qualification and fitness for office of an opponent, which he has for those of a friend and adherent in political contest. Philosophers may decry this prejudice, but they will do so in vain. Governors-General are as liable to its influence as individuals of the humbler classes, and when we have the spectacle before us, of a Governor-General, a stranger to the country and to its inhabitants, denouncing men who oppose his views, as disaffected, as guilty of insidious endeavours to produce separation from the mother country, and ascribing motives to their opposition unworthy of good men, or loyal subjects, we may well look for sentiments of attachment and respect to political friends, and harsh construction of the conduct of political enemies, amongst, those who have entered into the contest of principle, as one in which the fate of their country for good or evil is involved.

Such are the reasonings and sentiments which make party and party spirit an inevitable consequence of constitutional liberty. To destroy or put down party is to trample upon liberty itself. The people will be partizans if they be not prevented by some superior power, and such superior power, whether exercised well or ill, must be despotic. It is impossible that it can have public opinion for its basis, and if we pass by public opinion we have no resting place but in the exploded doctrine of the divine right of King's. Earthly power is borne with only so long as men cannot help themselves, and when it is invoked against public opinion, by whatever name it may be called, it is a yoke which rankles on the neck of a people who claim to be free.

It is no doubt a very amiable, and not an unpopular sentiment, that Government should not respect party. Let any man ask himself what he would do could he govern absolutely, and without obstruction from any quarter, and he would of course answer, that he would do what should seem good to *himself*, he would do what *he* should think right. Having this uncontrolled authority, his duty would not be fulfilled either towards God or man, if he acted

otherwise ; for his rule of right and wrong would be in his own breast, and he would be without excuse in departing from it, what ever might be the opinions of others.

But what is this after all, but the substitution of one man's opinion for public opinion ? And is it not the very life and soul of all political freedom, that no man shall be permitted to rule upon his own mere notion of right and wrong in politics, the object of rulers in a Constitutional Government is, to give satisfaction and contentment to the people, and their judgment, therefore, must be the rule of that Government as to political right and wrong. It might be well if all people agreed in opinion : it might be well if all were uninfluenced by feeling, passion or prejudice : it may be well to persuade them to agree, and to form their judgment uninfluenced by feeling ; but, after all, we must take poor humanity as we find it, and it is not the most perfect Government, but the one which the people with all their feelings, interests, and prejudices, awake and active as they usually are, it is the one which, thus influenced, the community think the best, will satisfy them most ; and, it is the only one which can produce contentment and have its foundation and reliance in the inmost hearts of the people.

There was a time, and that not long since, when it was a prevailing doctrine that there should be but one religion permitted in a State, and in free countries it followed that the State religion was the religion of the majority. Kings and Rulers were forced to accommodate themselves to popular opinion, and to visit with discountenance, political disabilities, and even with persecution those who dissented. Happily for the world, popular feeling has changed, and each man's road to Heaven is at his own choice and upon his own responsibility ; but if when popular feeling against dissent ran high, had a Sovereign said to himself, I see no grounds for these religious differences, my subjects are disputing about trifles, their preachers are bad, rash, and interested Counsellors, I shall do equal justice to all sects, I shall appoint a Catholic Bishop of London, and a Protestant Bishop of Durham, and I shall take care that neither are polemical disputants, for I am *firmly determined* to put down all distinctions in religion, and in my appointments to recognize no such differences ;—I think I need not ask how long such a Sovereign would have continued to administer his equal justice in England.

Happily, as I before observed, people do not busy themselves about other people's religious principles, and each man in Canada

may pursue his own way, without obstructing that of his neighbour; but it cannot be so in politics, for every man is interested, personally, in the political opinions of his neighbour, and every man is personally interested in the advancement and prevalence of his own: and in matters which deeply interest individuals, it is not in the nature of man to look with indifference upon opposition, or, to have the same sentiments of regard towards a friend and towards an opponent.

It may be easy for a Governor to view our political distinctions with contempt and indifference, and to profess to treat all parties exactly alike, whether they support or oppose the prevailing public opinion, he may call his contempt and indifference, liberality and justice, but to administer a Government thus, and to pretend at the same time to govern according to the well understood wishes of the people, is, what Lord Stanley would call, a contradiction and an absurdity.

The Constitution has given the people of this country a peaceful means of arranging their party differences, without surrendering them. We do not, however, find both parties treated alike, for the minority in a constituency remains unrepresented, while the representative of the majority, speaks in the name of the whole. When these representatives of majorities meet in Parliament again there is a majority and a minority, the minority is constitutionally powerless, the majority speaks for the whole Parliament, and for the whole people.

And as concord with this majority is attainable, while concord and harmony with the whole people is unattainable and impossible, to produce this possible and constitutional concord is the great use and object of an Executive Council; they are to advise the Governor in the administration of the prerogative according to the well understood wishes of the people, and this is the expressed object of the Resolutions of 1841.

It may be very becoming in Mr. Ryerson, to profess to belong to no party, and it would be still more consistent with his position really to attach himself to none; but so long as there are public questions, upon which men think differently, so long as there is freedom of thought, and freedom of election, there will be a division of opinion upon questions in Parliament, and those who usually think and act alike on one side, will unite in forming the majority; and those who think differently, will form the minority, and those together will form two parties. It is in vain to preach

or disclaim, or quote wise sayings to the contrary, the formation of parties is the demonstrably necessary result of liberty of judgment, and universal experience proves that there is no fallacy in the argument.

(If both sides of the House of Commons were represented in the Cabinet Council, that body would not represent the ascertained wishes of the people, but their contending opinions; and the contest already decided in the House, would have to be decided over again in the Government. This absurdity has been inflicted upon one Colony, we know with what success, but it has never been even attempted in England. Those two parties have sometimes agreed to such minor differences for the purpose of forming a strong party; but men have never united to form a Cabinet professing to retain and hold adverse opinions, or to give up party.

(The Council in which a majority of the peoples representatives have confidence, must then of necessity, be a Council known to agree in the opinions of the majority; and as their business is to see, that the Government is conducted in harmony with these opinions, they must, before they can enjoy the necessary confidence, have shewn their intimate understanding of the politics of the majority; and as further, they are expected to fight the battle of opinion for the majority, they must have shewn themselves ready, able, and zealous for the contest. They are placed in the position of leaders. Men will not be led, by those who are luke warm, or feeble. Popular political men, must be those who hold distinctive and strong views of questions interesting to the community. Silence and indifference regarding these questions, however proper in a minister of the Gospel, would never make a man a minister of state in a free country. The politician has no right to say, that any matter which interests the public mind, is one of indifference to him. Those who are in public life, have no opportunity of being indifferent or inactive. If they are supposed to have minds capable of judgment, they must adjudge. If they are capable of giving reasons for their opinions, they are called on for these reasons. If they have ability to persuade, they must become advocates.

The opinions of men are the results of many combinations beyond the mere circumstances of the hour or the moment that calls them forth. The accidents of birth, fortune, education, and temperament, influence the opinions of the best and most honest men, and while they make human reason fallible and erring, they have the advantage of teaching men the characters of their fellow men,

and of giving stability to the foundations of mutual reliance, and strength to the ties by which men combine for great ends. Man has not been fashioned according to the wisdom of man. If it were so, all men would probably think alike, and the thoughts of all would be those of the mind from whence the formation came; but infinite and inscrutable wisdom, has subjected the human mind to influences from which it cannot free itself; these give diversity of thought and of character, and although we cannot judge of ourselves by them, they enable us to judge of others.

How well and how correctly we can prognosticate the opinions of those we are acquainted with, whether they happen to be superior or inferior to ourselves, and however new or strange the events may be, which call for their expression. The ignorant and low minded attribute to baseness and insincerity, all dissent from their own conclusions. The liberal and high-minded, can respect character, and see sincerity and honesty, in an opponent; but both can generally form a judgment upon the future conduct of others, and of public men above all others. Men unite with and support those who, in their judgment will think and act with them; and they cannot give their confidence to those from whom they expect differences of opinion and opposition in action, no matter whether the motives attributed to that difference or opposition be good or bad.

Public opinion being but an aggregate of the opinions of individuals, public confidence in one man or set of men, is inevitable; and its effect is certain where there is freedom; and where this exists, there must be party, and public men must have parties, if their characters have been such as to attach others to them, who coincide with the general bent of their minds, and expect sincerity to be evinced in their conduct. Mr. Pitt, was a partizan, so was Mr. Fox, so is Sir Robert Peel, and so is Lord Stanley, and so is Lord John Russell. Nay, there never was a period, not a moment in the history of England, when public opinion was free, and when there were not parties, and when the great men of the period, or of the moment were not partizans. The same may be said of all free countries, at every period of history. If we wish to find absence of party, or indifference to party, we must look to the history of despotism. Napoleon, put down party, he desired no confidence except in himself and in his fortunes. Henry the Eighth, admitted no party spirit, neither did Queen Elizabeth. Oliver Cromwell crushed party in England, and Lord Clive and

Warren Hastings put down party spirit in India. I have not chosen the worst examples ; perhaps it was better for the countries *they* governed. to lose freedom, for the sake of strength or of justice or of humanity. And when Sir Charles Metcalfe so sweepingly denounces party spirit, and would substitute the despotism to which he was accustomed, for the liberties which he found in Canada ; when he places his own judgment above all public opinion, when he speaks of Councils in which *he* has confidence, while disregarding those in whom the people had confidence, far be it from me to attribute to him evil intentions. Greater and better men than Sir Charles Metcalfe have destroyed public liberty, and have neither thought or worked evil by so doing ; and he is not the first who made use of the name of liberty for her destruction. Napoleon bore the standard of the republic, with the motto of liberty and equality, over the bridge of Arcola, before he was Emperor of the French, and he too declaimed against party, when he was establishing an iron despotism.

Napoleon too, made his appointments without regard to party. The Royalist noble, and the Jacobin of the reign of terror were alike to him, so they brought him obedience. The wise and good, the bloody minded, and the infamous, were all made use of ; he sought for talent, bravery and submission, utterly regardless of opinion or party. He cared not how much men differed from each other, so they obeyed him, and popularity in the men whom he made his instruments was a crime, not a recommendation to his favor.

But, you will ask me, may not party and public opinion lead to crime, injustice, corruption, and national degradation ; and I cannot deny, that it may lead to those evils, any more than I can deny that good has sprung from arbitrary power ; but I fear the evils of despotism, more than I do those of party, and I desire the blessings of freedom, more than I do those of irresponsible rule. I do not deny, but that there have been, and may be nations in which arbitrary government would be better than freedom ; but I deny that the country in which I live, is in that condition, and I deny that the condition of the people of Canada requires that public opinion should be put down or disregarded by any power on earth, because of consequences which it may please the sycophants of our vice regal court to prognosticate or apprehend.

I look upon popular confidence, in leading men, to be the first ingredient in free and Responsible Government, and this Govern-

ment is the Government of a party; to this Government men are free to give their confidence—free to withdraw it; if men in power be unjust, corrupt or incapable, the people have the remedy in their own hands, and the Canadian people know well how to use it. But if a Governor should happen to be unjust, corrupt or incapable, the people have no remedy. If they remonstrate, there will always be an Egerton Ryerson to tell them they are factious. If they dare to meet together, there will be an Ogle Gowan, to disperse them with his loyal myrmidians. If they make the far cry across the Atlantic, a sainted Gibbon, will be ready with his pamphlet of fabrications for the London market. In the House of Commons, they will be Colonists, who may have the form but not “the life” of the British constitution:—and in Canada they will have the satisfaction of seeing themselves in print with the honorary distinction of “disaffected,” attached to their names, vouched by the signature of the Queen’s Representative.

But why should I further argue the proposition that Government in a free country, must be party Government. Mr. Ryerson and Sir Charles Metcalfe, are the first to deny it, and with reasoners like them, a word from a Secretary of State, is of more avail than mathematical demonstration. Hear Lord Stanley’s opinion given in the debate of the 30th May last;—these are his words: “He would not enter into the question, whether A RESPONSIBLE GOVERNMENT BY WHICH MUST BE MEANT A PARTY GOVERNMENT, was not that most likely to be conducive to the happiness and good government of the people of Canada.” Lord Stanley for reasons which he advanced, evidently thought it was not best for Canada, and he took care to say that the “life” of the British constitution could not be given to a colony; but at the same time he said, what every man must feel to be true, that by Responsible Government, *must* be meant party Government. Lord Stanley knew it was so in England, that he himself was a leader of the party in power; he spoke no Utopian nonsense against party; and if he had denounced party Government as applicable to England if he had alagated that the Queen’s individual authority was to be exercised to put down party, he would have been laughed at. Sycophancy does not now o the length of idolatry in England, and Ministers of State may there be contradicted without rebellion. Lord Stanley was a member of a party who gained power in very despite of the Queen’s individual wishes and opinions; and his government were conducting public affairs on party principles; but when Lord Stanley spoke

of a colony, then the Governor was not "to be reduced to that degree of power, which was vested in a Sovereign of this Country:" then Sir, he took his distinction upon reasoning borrowed from Sir Charles Metcalfe, and excluded official appointments from the Responsible Government which he was obliged to admit had been conceded,—a doctrine which would have been a contradiction and an absurdity, as applied to England, but which answered well for exportation, and which he dared not, if he wished re-land for home consumption.

Responsible Government is then, upon the undeniable authority of Lord Stanley, the Government of a party, and he who denounces party Government, denounces Responsible Government whether he chooses to deny the influence or whether he avows it. Mr. Ryerson may ransack all the school books in Victoria College, for sayings against party and party government; and in praise of politicians who are so impartial, as to have no opinions and no party, when he applies his quotations to the violence of party, to the injustice of party, I agree with him, for I am no friend to violence or injustice, but when he seeks to *put down party*, because it may be violent and unjust, he shows himself an enemy to Responsible Government, and when he argues in favor of the exercise of a power in the Governor General unknown to the British Constitution for the purpose of putting down party, he is an enemy to the British Constitution, or if he can be assumed to admit its excellence, he is an enemy to his country, because he denies her capability of enjoying that constitution.

If Responsible Government, be party Government, the advisers of that Government, will be popular leaders, for to none else, will the majority of the people trust the management of their affairs and the advocacy of their interests. Mr. Ryerson and Sir Charles Metcalfe, may call these men demagogues and lawyers, and partizans, but they are no better off for all their abuse; they cannot take away their influence, or put in their places the silent dignity of the proud man, or the subservient insignificance of the flatterer. Those who lick the dust, before the footstool of power, may in the opinion of Sir Charles Metcalfe, be those who can render the most efficient services to the state; and the arm of power may enforce silence and persecute into submission, but power cannot procure one small particle of affection or confidence for its satellites. Those who rely on the strength of the empire and the decisions of authority, must be satisfied with the support on which they lean; they cannot reject and trample upon public opinion at one moment, and whistle it

back like a beaten spaniel at the next ; the people know their friends, and the Canadian people cannot be persuaded to consider masters and friends, as always meaning the same thing.

But, if the foolish people, will have their own favorites and friends the advisers of the Government, whether they agree or disagree with Governors, and if in this wayward fancy of theirs, they only follow the example, set them by Englishmen ; if this must be so, we have to inquire what kind of harmony will be produced by a Governor's antagonism ; his selection for himself of the subordinate servants of the Government, on the principle of angelic impartiality and equal justice to all parties ?

The same principle which attaches men to those who hold their own opinions, and work with them for the same ends, in preference to those who differ from and oppose them, becomes stronger instead of weaker, as we apply it to public approval of appointments, descending in the scale of individual consequence, but increasing in numbers, and becoming objects of ambition to larger classes ; and when a party have succeeded at the hustings in establishing their own principles ; and when they have further succeeded in placing as advisers of the Sovereign, those in whom they have confidence ; when they find a government placed and supported by their influence and by their votes, and impeded and opposed by their opponents ; they naturally and rightfully expect that in the distribution of office, a preference will be given to men who are the supporters of the Government over those who are either its enemies, or indifferent whether it succeeds or not.

I know not upon what reasoning this consequence of representative institutions can be denied, and in fact I do not find that it is denied by Mr. Ryerson ; he stigmatises it by every vile term in his vocabulary, but he does not deny its existence ; and if public feeling in a free country is never indifferent to party, and if Lord Stanley be right in saying, that by Responsible Government, must be understood party Government, it is idle to argue, that a government can by possibility be conducted in harmony where there exists an antagonistic power which professes indifference to popular feeling, and on its own responsibility chuses to set itself above public opinion.

Distribution of patronage however pleasant it may be to an irresponsible agent, is most dangerous to the stability of a popular Government. For one man who can receive office, there are always many who think themselves qualified, and who imagine they have claims to favor. The reasons why a claimant is passed by, can sel-

dom be explained to him, or if explained, he most probably would be the last person to be satisfied with the reasons given. It is difficult and even impossible to avoid making enemies by appointments to office; and the gaining or keeping a friend thereby is always doubtful. The appointment of indifferent persons however, is much more offensive than a choice amongst political friends: and the choice of avowed political enemies in preference to both, without very strong and very apparent cause, is certain destruction to the influence of those who have or who are supposed to have any thing to do with the appointments.

A desire too anxiously followed to acquire popularity, or a fear of losing it, may lead to the appointment of very improper persons, and to the rejection of qualifications and claims so striking and urgent, as not to be overlooked with due and conscientious regard to the public service; but we must remember that popularity is never thus gained with impunity or without loss of character; and although all Governments are charged with undue and improper appointments, few have been able to stand against such charges when justly made. The people after all said against their factiousness and party spirit, have a keen eye upon their public interests, and a perfect readiness to find fault with those who have them in charge. They are the sufferers from improper appointments, and their jealousy of their own rights, while the remedy is in their own hands is a sufficient safeguard; it is in fact the constitutional one. A people who can be contented, while public employment is injudiciously or corruptly bestowed, do not deserve a pure or a good government. To say that popular jealousy and watchfulness over public interests is not the proper guarantee for good government, is to deny the use or practicability of Responsible Government. To say that the people of Canada do not possess that jealousy, or are incapable of exercising that watchfulness is an insult to them, and an argument against their capability of enjoying constitutional freedom. Mr. Ryerson does not dare to deny constitutional freedom to the British people; it is his own countrymen he libels, so far as he can succeed in bringing into contempt the Canadian people in England. They will be indignant; but when he asks their own assent to their own degradation, they will laugh him to scorn:

I seek to establish no wild theory. I look merely for the practice of the Constitution, as it is well understood and acknowledged in England. It is not amongst the Greeks or Romans the British people found a model for their Constitution; and what is taking place

before our eyes, is the best test of what that Constitution is. When we hear Mr. Ryerson raise his voice against party Government and against party appointments, the most obvious question for a Canadian to ask, is, how he can reconcile this doctrine with British practice? I am perfectly certain, that Mr. Ryerson cannot point out a period, however short, in which, in England, office has been distributed, irrespective of party: but, if we wish to bring the question to its most satisfactory solution, we have the history of the last eight years before us, and need not go further for a lesson. Many persons in Canada may know very little of Parliamentary debates, or of particular acts of the Government in England, but all are perfectly aware of the general practice of the Government. That practice is the result of no stipulation, of no conventional rules, but springs spontaneously from the working of Representative Institutions. When a Canadian feels perplexed amidst the contending principles of political writers and speakers, if he finds contention on the same subject in England, in relation to English affairs, the labor of discovering which party is in the right is still before him, but if he discovers that in England, a practice prevails amongst all parties, admitted by all and denied by none, he may be certain that it has necessarily followed from the nature of British institutions, and that he who sets up *sine spun* theories, and abstract notions of policy against that practice is deceiving himself, or more probably endeavouring to deceive his auditory. I am willing to be tried by this test, and, I can, therefore, fairly offer it as a test, whereby to try my opponent, and I only ask those who are in doubt, as to any principle contended for by me, or by Mr. Ryerson, to ask themselves the simple question, how is this matter managed in England?

The Whig party were in power when our present gracious Sovereign came to the throne: her personal opinions and predilections were and are supposed to be in favour of that party. The simple question is, whether the practice prevailed of choosing public servants, indifferently from amongst the Tories and the Whigs. When the House of Commons deserted the Whigs, and when new elections showed they could not retain power, was the course of appointments then one of indifference to party? did Her Majesty ever set up her personal opinion in favour of the Whigs, for the purpose of granting office to them? Does not every one know that with the changes of Government, the distribution of patronage was changed, and totally changed? Now, the merits of individuals seeking appointments did not change, neither did their talents for office, high

or low. If justice required impartial choice, as Sir Charles Metcalfe and Mr. Ryerson assert, justice is the same in England as it is in Canada, and, therefore, either on one side or the other, or on both, the Queen must have been the instrument of injustice,—what Sir Charles Metcalfe presumes to call a tool in the hands of a party; and both parties must have been unjust, factious, and proscriptive : from which it would follow that the English people are unfit for free Government, and that the Queen ought to exercise arbitrary power though she did not. It is impossible to escape from this conclusion, if we adopt any one of Mr. Ryerson's arguments against party. But then we are commanded on pain of the Vice Regal displeasure, to adopt a different rule in Canada, because of some essential difference between Colonists and the British people,—some humiliating distinction, which renders colonists incapable of forming opinions respecting their domestic affairs,—something which makes the Provincial Parliament untrustworthy, and those in whom it has confidence necessarily traitorous and corrupt. There are distinctions which a people never can be brought, by fair means, to make against themselves. To ask them to do so, is the deepest insult any man can offer : and that it is borne with the patience with which the people of Canada endure it, however much it may be owing to deeply seated loyalty to the Sovereign, whose authority is for the time abused ; or, to the systematic quiet and constitutional resistance to wrong which is recommended by all who advise the people of Canada for their good, is nevertheless, in no small degree to be attributed to the newness of the feeling of love of country as applied to Canada, and to the difficulty which men experience in associating the idea of settlement in a new community, with that of home, which for a time causes them not to feel with keenness, or resent with bitterness, injuries to Canadian Colonists, which would have stung them to exasperation, if offered to their nation and their native land.

When Mr. Ryerson informs the Canadians that the Government of Canada is to be conducted according to their well understood wishes, and then informs them that their wishes must be guided by the Governor-General : when the people of Canada have decided in favour of a line of policy, and he tells them that before their decision can be of any avail, it must agree with the opinions of the Governor-General : when the people of Canada have decided in favour of those holding one opinion or set of opinions, in favour of one party, and Mr. Ryerson informs them that the Governor-General is yet to be the supreme arbitrator between parties ; and when

the people see that this is not the place or condition of the Sovereign in England; let them ask, of what value are their forms of free institutions? The proper place of the representatives of the people under such a Constitution would not be that of legislators, but of petitioners; men of differing opinions should supplicate, and not pretend to decide by majorities. We should then, at all events, have submission and harmony:—as the matter stands, we can have nothing but discord and antagonism.

Let Sir Charles Metcalfe and Mr. Ryerson say what they may, Lord Stanley has said, that by Responsible Government must be meant party Government, and as to the application of party Government to official appointments, I am able to give another saying by which Lord Stanley is bound, just as much as if he said it himself, for he was a listening, assenting, and responsible party, and he and his colleagues voted with, and sustained that saying in the Imperial Parliament. It was upon the very question of official appointments, and it came from his party who are now in power,—from the men who, according to Mr. Ryerson, are a Sovereign Court of Appeal, against whose decisions it is treason to complain.

Lord Elliot, in the House of Commons, he belonging to the Government and speaking for the Government, made use of these words, in the debate on the motion for a Committee on Irish affairs:—

“As to the exercise and distribution of patronage, honourable gentlemen must know that it would be impossible for any Government to dispense favour or patronage to their political opponents.”

This, I think, is sufficiently strong and explicit. It may go for nothing if said by Lord Durham. When said by a member of Parliament in Canada, Mr. Ryerson sets it down as a crime. In England it is Constitutional. In a British Parliament it is received with acclamation; but for Canada, and its wise Governor, it will never do at all.

Well did Sir Charles Metcalfe know that no Government could stand which bestowed office and patronage on political opponents, but he did not wish the Government to stand; well did he know that when office is bestowed on political opponents, it is always taken as a bribe to gain or to silence, and that it produces but discontent in one party, and contempt in the other; and if bestowed by him against the advice of his Council, that it was encouraging and rewarding opposition to them. He knew that under such a system, his Counsellors

would sink into public odium and contempt, and while he would not openly challenge their claims to popular confidence, he desired to place them in a position in which they could not possibly retain it.

But, Sir, I have not only British practice, and the principles of British Statesmen on my side, but I have also the practice of Sir C. Metcalfe and the principles of His Excellency's father confessor, Dr. Ryerson, on the same side.

Let us, in the first place, enquire why in the course of the Government of Lower and Upper Canada, all office was bestowed upon the supporters of the Government, for the time being, and all opponents of that Government were excluded, unless when they were meant to be bribed or silenced ? The true reason may be given in Lord Elliott's words, as I have quoted them above. But what was the avowed reason of preference and exclusion ? Why, Sir, you well know it was this, the supporters of the Governors were called loyal men, and their opponents disloyal ; no matter what faction, in truth, governed the country in the name of the Governor-General, office was given as the reward of merit and loyalty ; and merit in opposition was sedition, and sedition could not be promoted or encouraged.

Look back, Sir, upon the numerous questions which have agitated Lower and Upper Canada, and particularly those in which popular claims have at length prevailed, and you will find that in every instance, the advocates of those claims were stigmatized as disloyal, and were on that pretence excluded from office ; and call to mind this further fact, that whenever it suited the Government and the individual opposing them to agree, office was given, and disloyalty became loyalty.

You will remember in how many of these questions the opposition was to the decision of the authorities of the Empire, and in how many to the Governor and his party. That, almost on every question, the Government in England supported the Governor in the Colony, whether right or wrong, and that in all cases opposition to the Governor was treated as disloyalty and sedition, and so, Sir, it must always be, so long as Governors are the partizans, when they choose to become contending parties personally. They can always make sedition out of opposition, and set up the maintenance of their own views as essential to the maintenance of the Royal Prerogative.

And thus it is with Sir Charles Metcalfe now ; he can forget the imputed treason of a few years past ; he can forget that Mr. Ryerson

was always of very questionable loyalty, and that Mr. Viger spent a twelvemonth in prison, on an imputation of treason. Even Mr. Papineau it is said, would be welcome to his heart and to his Councils. I, Sir, should honour Sir Charles Metcalfe, for this oblivion, for this justice, if the condition of agreement with himself were not attached, and only that he in common with other Governors, nay, more than any other Governor, has been ready to stigmatize his opponents as disloyal, and to make submission to his will the test of loyalty to the Queen, and of qualification for office. Professing perfect indifference with regard to party, that is to say, of parties arising from differing opinions, he has sought to make passive obedience and non-resistance, the principle of a party of which His Excellency himself is the leader. Professing to regard all parties alike, he has proscribed all alike who do not subscribe to his doctrines, and admitted all alike who would subscribe to them. Charging his late Counsellors most untruly with an intention of purchasing parliamentary support, though they possessed it in abundance, from the freely accorded confidence of the people, he has by every means in his power sought to purchase the very parliamentary support which was so contraband except to himself. For eight months his official patronage been under the great Auctioneer's hammer, while the ominous "*who bids most*" has resounded throughout the land, and always the more treacherous the desertion of principle, the more welcome was the purchaser. A Superintendent of Education was not wanted, but parliamentary support was in demand, and Dr. Ryerson was supposed to have a large quantity on hand with the Wesleyan Methodist brand, and the lot had to be purchased. The Solicitor-Generalship was up for sale in Lower Canada, and, learning, professional repute, and fitness for public service offered in vain, Parliamentary support was what was wanted, and amidst the disgust and ridicule of the whole bar of Lower Canada, poor Bernard was bought for a supposed quantum of support. To obtain parliamentary support all the decencies of the place of the Queen's Representative have been abandoned, and abject solicitation has grovelled about in obscene and obscure corners, digging for the earthworm votes of wretches without opinions, while men of lofty character and independent spirit, of all parties, have looked on with undisguised surprise and abhorrence. This, however, is the necessary consequence, of Vice Regal partizanship, of rejecting the open course of legitimate party Government. A Governor's party cannot always do without Parliamentary support any more than a Whig

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party or a Tory party. The two latter must, however, deal with avowed friends and avowed enemies. To the first of the three belongs the avowed purchase of parliamentary support, open unmitigated and unalloyed corruption, compared with which, party influence, party spirit, and party proscription, are as harmless as Dr. Ryerson's shadow of a virus.

But it remained for the Doctor himself to declare the principles upon which the new system or, rather the old system revived, of a Governor-Generals party, and a Governor-General's opposition, which is to swallow up all other parties in Canada, is to be conducted. In future as in past times, all the Governor has to do when he cannot have his way, is to write and receive a few despatches, to bring into play the authorities of the Empire, and then will come the Doctor's denunciation against defeat and opposition. Let us hear his warning.

"I doubt not says the Doctor, but Sir Charles Metcalfe will with his characteristic forbearance and liberality, allow time and opportunity for these conciliations, and faithful warnings of the Imperial authorities to be fully understood by every man in the Province, *that when the time arrives for drawing the line of demarcation—if it must at length be drawn—by placing all administrative, all judicial and militia offices, in the hands ONLY of those who will sustain the constituted authorities of the Empire, no man may be taken by surprise, that no man may be dismissed from any official situation without the clearest evidence of having arrayed himself against the supreme tribunals of the Empire, of his having done so deliberately and wilfully, that there may be no dupes and no room for the plea of ignorance, which many made who were implicated in the movements of 1837. But I hope says the Doctor, that the religion, the good sense, the patriotism of the people will duly appreciate the liberal and admonitory Councils of the British Government. That no military provision nor royal proclamations, nor removal from official situations may be required to sustain the constitution as maintained by Sovereign authority; but that the great majority of all classes, will unite to maintain an affectionate connection with the Mother Country, and a legitimate Responsible Government upon the principles of equal justice to all classes of Her Majestys Canadian subjects."*

This insolent threat of the Doctor, surpasses all the most extreme party declarations we ever heard, and goes beyond the most violent and exclusive party proscription we ever witnessed Party draws

no such line of demarcation as the Doctor chalks out. Party only claims that political opinions, support of the Government for the time being, or opposition to it, should enter into the considerations upon which office is bestowed; and that these considerations should not be lost sight of, so as to injure the Government which has the disposal of the patronage. Lord Stanley who declared Responsible Government to be a party Government, nevertheless bestowed office sometimes on a political opponent. The late Executive Counsellors often recommended political opponents to office, they never recommended dismissal, but for active opposition of Government at elections by officials, and that but in two instances, and they recognized and acted upon a well understood principle that there may be claims and merits in political opponents which the character and interests of the party in power forbade to be overlooked. They never said that the whole of the administrative, judicial and militia offices, should be in the hands of those only who were of their party. It remained for Sir Charles Metcalfe and Mr. Ryerson, to draw this line. To say that the Governor is alone responsible for the distribution of patronage,—to say that he may at his pleasure, make such distribution as would make it impossible for his Counsellors to continue in office, and provided a secretary of state approves, to charge all opposition to the account of disaffection, to threaten a parliament and a people with *military provisions, royal proclamations and removals from official situations*, and to offer royal favor and the situations to become vacant to all classes of Her Majesty's Canadian subjects, who will be of his party: this is the true way of putting down party spirit, but it is not new except in its naked avowal; it has from the beginning been the rule of the Colonial Government; it has alienated and lost many a fair Colony to England. Responsible Government was the remedy, but so long as Governors may be partizans, whether they join personally with existing parties, or whether they cast upon the ground their own, to devour, like the serpent-rod of Moses, all other parties, Responsible Government will be but a pretence, a source of interminable discord, and never an element of strength, contentment or public happiness.

We have one comfort however, for the present Mr. Editor, and that is, though we are threatened with *military provisions* by General Leonidas, we need not eat them, while we have provisions of our own. Sir Charles Metcalfe cannot put his opponents in Canada upon *rations*, so easily as the Doctor supposes; and while we can

earn by honest work sufficient to live upon, without any thanks, to what the sainted Wakefield calls the *paternal despotism* of the Governor-General, and even without being able to trace our obligations for the blessings we enjoy to vice regal proclamations or military provisions; We can afford to stand a long siege, before we quail before the terrible warnings, or yield to the characteristic forbearance and liberality, which we have seen exemplified in eight months of unconstitutional Government.

LEGION.

LETTER X.

SIR,

I send you for this week a short chapter, by way of variety. Our excellent Viceroy seems to be willing to give time for hearing the long and the short of the matter before submitting to a decision. Parliament appears to be no longer necessary for the actual despatch of public business. Poor public business is despatched in private. What are despatches for, if they will not answer for the despatch of public business? What use is there in loyal addresses if they do not show all of public opinion a Governor needs to see: and as humanity revolts of late days at public executions; the convict, public business, may, in accordance with this humane feeling, be despatched by a private Secretary, with more advantage than by public executioners. The oriental mode of disposing of malefactors with the bow-string, is a vast improvement in the administration of prerogative: and as the implements of execution are now of extraordinary length and in high order, made for the purpose of shooting across the Atlantic, when they are not in use for that purpose, they will serve to strangle Responsible Government, in the meantime, in Canada. As, therefore, I have no means of conjecturing when the form will be gone through of calling Parliament together for the despatch of business; I see no occasion to hurry. Perhaps before long some "Royal Proclamation" will issue, as prophesied by Doctor Ryerson, or some "military provisions" will be served out which will effectually silence public discussion; but, before that time, I gather from the sybilline leaves of the Doctor's prophesy, Parliament will meet, and in the interim you will be permitted to print, and I to write. We may now enjoy our privilege quietly, and as we have time economically and moderately, and, therefore, as well as because I have not a long letter ready for you I send you a short one.

Mr. Ryerson has laboured infinitely to show that the cause of difference between his Excellency and the late Counsellors was, in reality, that His Excellency was averse to party Government;

and that the late Counsellors wished to introduce party as a new element into Responsible Government. Had I commenced by denying that party was the cause of the quarrel I should have been held, according to the Doctor's logic, to deny the necessity or propriety of party Government; to avoid this, I have shewn that party is no new element in free Government in any country whatever. I gave Lord Stanley's opinion that "by Responsible Government must be understood party Government," and Lord Elliott's declaration of the principles, on which party Government applied to patronage, in the emphatic words, "that it would be impossible for any Government to bestow favour and patronage upon its political opponents." I appealed to the universally known practice of all free Governments, and to that of all despotic Governments, and to the principles acted upon by Sir Charles Metcalfe and declared by Mr. Ryerson, for the purpose of establishing a very simple proposition, which one would imagine to be almost self-evident when clearly stated. I may as well state that principle now, in a few words, so that those who choose to gainsay it may have no trouble in discovering what they have to contend with.

I mean to say, that in all Governments administered according to the understood wishes of the people, adherence or opposition to prevailing public opinion, or in other words party, will of necessity influence most materially the distribution of office and patronage, and that in all despotic Governments adherence or opposition to the arbitrary opinion of the ruler, must to a still greater extent direct the distribution of office; I mean to say that those who honestly and sincerely think party influence in the distribution of office an evil, and one so great as to make them wish to see patronage distributed by a Governor-General, according to his own notions, are honest and sincere enemies to Responsible Government. Those who desire to see office given, upon the advice and responsibility of the party in power, for the time being, are the true friends of Responsible Government. And as to the class of non-descripts, of which Mr. Ryerson is the leader, who pretend to favour Responsible Government, while they place across the path of its legitimate operation, the public nuisance of a Governor-General's antagonism, and supported by "Royal Proclamations" and "Military Provisions,"—they are hypocrites and deceivers, and deserve what they have got, the reprobation of all parties.

But, Sir, I must not leave room for the supposal, that while I uphold with Lord Stanley, that Responsible Government means

party Government, that I admit that this was the question upon which the late Counsellors resigned. Sir Charles Metcalfe, asserted not merely his legal right, but the propriety of his practice of disposing of office without consulting his constitutional advisers. His opinions had led to appointments contrary to advice, and without advice; and upon remonstrance his Excellency according to his own account, asserted, that to agree to ask advice, would be a surrender of the royal prerogative; this is a sufficient reason for their resignation, and one which would be applicable to a Council acting upon party principles, or professing to act upon any principle but that of abandonment of the principal function for the discharge of which they were appointed.

It was His Excellency who paraphrased their remonstrance into a demand of the surrender into their hands of the prerogative of the Crown for party purposes—for the purchase of parliamentary support. The Counsellors are not to be tried by his Excellency's paraphrases, or by Mr. Ryerson's perversions of language. The lists of their appointments, and I call them theirs, because they acknowledge them, are before the public; there they are—administrative, judicial and military. Were they proscriptive—were they intolerant—were they injudicious? Mr. Ryerson who approved of the appointments up to the time of the resignation, surely has no right to argue that they were so. He cannot expect to persuade the parliament who approved of them, that they were so. It is Sir Charles Metcalfe who disputes the propriety of these appointments, though he made them himself. Mr. Ryerson has no right to do so, and if these appointments recommended or approved by the Council were judicious, if they produced none of the calamitous effects which Mr. Ryerson would infer from party Government, what right has he to argue that taking advice for the future, would do more harm than taking advice had done for the past? For what was good in Sir Charles Metcalfe's administration of patronage, he can claim not a particle of credit, he avows that it was bestowed upon the advice of Counsellors, and in antagonism to his own opinions. The people of Canada are then the judges: they have had years of experience of Government, in which office was given according to the opinions and upon the responsibility of Governors; they have had many Governors. The people of Canada have had a short period of Responsible Government, in which office was distributed with the advice of a responsible Council. The question they have now to decide upon is,

which system they prefer, the British or the old Colonial system—the justice of Governors or the deference to public opinion of responsible Counsellors—the former resting upon “royal proclamations” and “military provisions”—the latter upon the well understood wishes of the people.

In almost every conversation I have heard on the subject of patronage, and of advice upon its distribution, this most common and familiar view of the matter has recurred. The Governor cannot make appointments from his own knowledge, and he must advise with some persons whether Counsellors or not. What then is the leading principle of Responsible Government, but that the Governor is not responsible, and that his advisers are. He who denies this, must be held to deny Responsible Government, according to any common understanding, but Mr. Ryerson it appears thinks otherwise.

The Counsellors it appears desired to see the lists of candidates for office, and that they might be placed in the office of the Secretary of the Province, rather than in the office of the private Secretary. The Provincial Secretary's office under Sir Charles Metcalfe being the one accessible to the Executive Counsellors; and the Private Secretary's office accessible to all the world except the Executive Counsellors.

You would, I think, suppose it a very reasonable and unexceptionable desire on the part of the Counsellors, who as Mr. Ryerson says, are responsible, to know who it was they had the responsibility of rejecting, as well as those whom they had the responsibility of preferring. What is called the list or a list of candidates for office contains as you may suppose the names of the candidates, their claims, and the names of the persons by whom they are recommended: and was it not a very reasonable desire on the part of the Counsellors, to know who were the real advisers of the Crown, with whose advice their advice was to be compared, and upon which it was liable to be rejected? But against this request Mr. Ryerson exhibits a shuddering delicacy. “Is the Governor-General (says Mr. Ryerson) any more than any other man of honor at liberty to make use of the name and communications of an individual, to any greater extent than may be authorized by that individual?” Now, I never blink or go aside of any question I understand; and I answer directly that no individual has a right to make recommendations or applications to the Governor-General, and to expect or require they should be kept from the knowledge of the Council.

Where Mr. Ryerson picked up his hole and corner notions of Government, it is difficult to say; but to declare in the face of the public of Canada, that applications and recommendations may be made to a Governor which the individuals making them may at *their discretion* keep from the knowledge of the sworn advisers of the Crown, is a justification of back stairs advice, and secret and irresponsible influence I never heard or read of before. In other countries such transactions are called intrigues, and they are unworthy of honorable men, whether they be Governors or advisers: and what must be thought of a Government in which backstairs advice was so general, and intrigue so reduced to a system, that even the common applications and recommendations for office, would not bear the inspection of an Executive Council, and had to be kept out of their sight by a private Secretary? And what must be thought of Dr. Ryerson, who speaks of the disclosure of lists of Candidates to a Council, as a sacrifice of individual rights? The parliament and the public Sir, have a right to know who advises the Crown, and to know what the advice is; and it is not only the right but the duty of the Executive Counsellors to inform themselves upon the subject. No man has a right to do that, with regard to public affairs which requires secrecy for his sake. Executive Counsellors have no such privilege. Their advice and recommendations may all be made public without interfering with their individual rights. The Governor-General's most secret despatches may be made public by her Majesty's Ministers, without any individual right on his part to complain; upon what argument then, can Mr. Ryerson found a privilege of voluntary applicants, and self-appointed advisers of the Crown to have their applications and advice kept secret from the Executive Council of the Province? And yet this fancied privilege is set up by Mr. Ryerson as the only defence for placing lists of Candidates for office in the office of a private Secretary.

Mr. Ryerson asks "is the name of an individual the rightful property of the Council, unless that individual chooses to make it so?" I answer yes, the moment that individual interferes with his advice, or his application in the business of the public; nay not only is the name the property of the Council but of the Parliament when they choose to call for it. Mr. Ryerson asks is there any precedent in British history for asking a reference to lists of Candidates by a Council? My answer is, the Queen keeps no private Secretary's office for the receipt and record of secret applica-

tions for office, or for secret and irresponsible advice. In England, public officers are named and proposed by responsible ministers for the sanction of the Sovereign : the nomination is received not as a favor to the ministers, but as the performance of one of their indispensable duties ; how then can there be a precedent for what never did happen, because there was nothing to occasion its happening ? It is I who have the right to ask for a precedent. Let Mr. Ryerson show me, that the Queen keeps a private list of candidates for office ; let him show me that the advice of a private person is held with her in the same regard as that of her responsible Ministers ; let him show me, that the Queen receives recommendations which she hides from her Cabinet Council, or into which she denies their right to inquire ; and besides these, let him show, that the whole management of the patronage of the Crown, is transacted in a private Secretary's office ; and that when her Majesty listens to her constitutional advisors, she regards it as a favor to them : when all this is shown, there will a parallel be found in England for the office of Captain Higginson, as it appears to be set up in Canada.

Mr. Ryerson says, that this demand showed that the late Counsellors wished to cut off all communication between the Governor-General and any individual in the Province except themselves. To this I answer, that any man who will make private communications with a Governor-General, which he desires to hide from the Council, or the public, is a base intriguer, and unworthy the character of a British subject ; and if such communications be received, and kept secret, unless with a view to immediate change of Councils, and to publicity, whether that change takes place or not, the transaction may read well enough in oriental language, but it will look very dark in English, paraphrase it as much as you please. When private men advise Governors—and Governors receive their advice *these men become public men, and they are accountable to the public.* Every subject has a Constitutional right to petition, to advise, and to complain, but none have a right to do this *in secret.*

Let any Englishman imagine, for an instant, one of Her Majesty's subjects, high or low, soliciting an audience with Her Majesty, and after asking for an appointment, recommending a friend, advising a measure, or, proposing a change of Ministry—saying to Her Majesty, that his name must not be told to Sir Robert Peel or Lord Stanley. I think the person, who would make such a propo-

sition, would be thought insane, for no degree of ignorance would excuse it; but let an Englishman further imagine Her Majesty replying, certainly, they shall know nothing about the matter, the secret is your property; I keep a private Secretary—who will not let my Cabinet know a word concerning you. It is in *his* office my Government is conducted, it is in the *other* offices you will find those who are *responsible* for its conduct.

Let no one take my word for this doctrine; let those who wish to understand in what light secret advice to the Sovereign is looked on in England, read any history of the reign of George the Third. There they will find that the Earl of Bute after he had ceased to be a Minister was supposed, perhaps unjustly, to be a secret adviser of the King. Universal odium, and public scorn, and hatred followed the man who was suspected of this baseness, the term "the King's friends," as applied to secret advisers was a term of reproach before which no man's character could stand in the British House of Commons, while this suspicion lasted. Let them read the debate I quoted from in a former letter, on the resignation, and restoration of Earl Grey's Ministry. Let them see how indignantly the Duke of Wellington and Lord Lyndhurst reject the imputation of being secret advisers. If any of your readers still doubt let them read Sir Robert Peel's answer to a like charge. "*The Hon. Gentleman (said Sir R. Peel,) has talked of some intrigues of some recent communications. If the Hon. Gentleman has any information on the subject, let him bring it forward, let him state who it is that assumes a power unknown to the Constitution—which the Constitution has never granted—and interferes between the responsible advisers of the Crown and the Crown itself.*"

The late Executive Counsellors did not wish to prevent all communications to the Governor, except through them, but they had a right to expect that no communications, except from His Excellency's superiors, should take place worth repeating, with which they should not be made acquainted. Otherwise *political intrigue, secret antagonism, plotting and treachery* would not only be casual but would be reduced to a system with its proper department, and these would be acknowledged and legalized principles of Government. Woe to the country where they prevail, and where they can be tolerated and defended with impunity!

I am not now making a charge against the Governor-General, for I am ignorant whether or not he received communications from persons in the Colony which he meant to keep secret from his

Council. My charge is against Mr. Ryerson for attempting to justify a system of communication with the Governor, of which his Council were to be kept ignorant, and for setting up a right in individuals *to make such communications and to have their names kept secret* from the Council of the Province. I am convinced no man of character will ever acknowledge that he made such a communication or claimed such a right. I know not if any man has been promised such a secrecy, but this does not relieve Mr. Ryerson from his defence of secret and privileged communications, a doctrine so slavish, so dishonest, so grovelling, that a stranger would fear for the moral understanding, for the sense of right and wrong, in a population to which it could be addressed, and, by whom it could be received without indignation. Oh, Sir, the Doctor should leave for a while his heroes and saints, of all ages, and study the moral code under which the British Constitution is administered. It may be that, as Lord Stanley says, we cannot in a Colony have *the life* of the British Constitution. But let us at least have the form, and *if the decay of rottenness and death* must be within, let them not be exhibited and paraded by teachers of public morals. If there must in a Colony be *secret intrigue* and *back stairs advice*, and a Council for *responsibility*, and a Council for *antagonism*, let the latter at least have the decency to hide its existence, as well as the names of its members ; or, if this cannot be so, and if there must in this Colony be an office for what Sir Robert Peel calls *intrigue*, for the convenience of those who assume a power *unknown to the British Constitution*, for the despatch of business--with those who "*interfere between the responsible advisers of the Crown and the Crown itself*," Mr. Ryerson should at least forbear from tantalizing us with the name of the British Constitution, he should, as Shakespeare prophetically advises,

D'off that Lion's hide,
And hang a Calf-skin on his recreant limbs.

LEGION.

LETTER XI.

SIR,

Mr. Ryerson in his sixth letter informs us, truly, that there is not an example in the history of England, since the commencement of Responsible Government in 1688, of any British Monarch having been called upon to explain his views of that system, his reverence for it, or his adherence to it.

We scarcely needed the information that since that famous stipulation, the declaration of rights; which William the Third was obliged to assent to before his coronation, no Monarch has been called upon to explain his views of Responsible Government. Since that period the Parliament has been satisfied with limiting and onbted prerogative from time to time, by acts of the Legislature, and with punishing ministers who advised its unwise exercise. William himself refused his assent to the bill for limiting the duration of Parliament, but was met by a resolution of both Houses, that whoever advised His Majesty was an enemy to his country. Many a time and oft since the bill of rights, Monarchs have, in England, desired to set prerogative on its ancient footing. Ministers of State and Ministers of Religion have vainly attempted the same purpose; but still I admit there has been no new bill of rights—no definition of Responsible Government by the Sovereign.

This allegation of Mr. Ryerson would have been a very good argument against the late Counsellors, had they instituted an examination of the Governor-General, with a view of disqualifying him, had he not been able or willing to define Responsible Government. But they did no such thing. They alleged that His Excellency had expressed views which, being acted upon, were incompatible with their continuance in office—and, therefore, they resigned. To meet this case, and to criminate them, his Excellency has attempted to define Responsible Government. He has done it voluntarily. If his definitions be false and unconstitutional, they cannot be defended on the ground that definitions were not neces-

sary : neither can practice, contrary to his definitions, be supported because the definitions are uncalled for ; and, what is still of greater consequence, definitions on his part, whether false or true, will not alter his position as an enemy to Responsible Government, if his acts are unconstitutional.

I have at present to deal with his Excellency's declarations and definitions, for which, according to Mr. Ryerson, the people of Canada should feel under such deep obligations. These declarations are, in Mr. Ryerson's view, in harmony with the Resolutions of 1841 ; First, because, as he says, "they are declared to be so by the great statesmen in England, all of whom declare those resolutions as the practical basis of Canadian Government,"—"all of whom declare the views of Sir Charles Metcalf to be in harmony with those resolutions, *and with the practice of British Responsible Government.*"

Mr. Ryerson must, it appears to me, have written his defence in the expectation that most part of his readers would confine their researches to his writings. I cannot on any other principle discover what advantage he could have hoped to gain by asserting that either Sir Charles Metcalf's declarations or acts were declared by British Statesmen to be in harmony with the practice of British Responsible Government. Lord Stanley justified Sir Charles Metcalf upon the ground, that although in England the Sovereign was not responsible, and, therefore, did not personally exercise political power, yet in a Colony it was wholly different ; for the life of the British Constitution could not be extended to a Colony. Lord Stanley justified Sir Charles Metcalf for refusing a stipulation which he, Lord Stanley, most untruly, though with unintentional untruth in his part, asserted several times in his speech to have been demanded under the Governor's hand and seal. Lord Stanley drew a marked distinction between a Colony and the Mother Country, with respect to the distribution of patronage. Upon these distinctions he defended Sir Charles Metcalf, and yet Mr. Ryerson would have us believe, that Lord Stanley declared Sir Charles Metcalf's views and declarations to be in harmony with British practice. I think that those who will take the trouble to refer to Lord Stanley's speech will find that he declared directly the contrary. The art with which Mr. Ryerson has claimed the support of British Statesmen, I have already exposed. He dares not openly take the distinctions which form so prominent a part of Lord Stanley's defence. He has passed them by. He knew

they would be offensive and hateful to his liberal readers ; and he knew that to controvert them would neither please his master or his tory supporters. He, therefore, covers them with a cloud, through which irresponsible prerogative may be seen by one party and British Constitutional practice by the other.

Mr. Ryerson is never tired of reiterating his argument, " That the Head of the Executive Government of this Province being within the limits of his Government the Representative of the Sovereign, is responsible to the Impèrial authority alone ;" and, that the authority to which Sir Charles Metcalfe is alone responsible has declared that both his views and practice are constitutional according to the resolutions of 1841.

Now the doctrine of despotism, all over the world, is founded on the irresponsibility of Sovereigns. Join this to authority, and you have perfect despotism. The divine right of Kings to rule, and exercise prerogative, without accountability, was the very one overthrown by the revolution of 1688. It is true that the limitations of prerogative, then introduced, brought no personal responsibility of the Sovereign, but they produced an actual and practical necessity, that all the public acts of the Sovereign should be advised, and that the advisers should be responsible. The practical Constitution of England may in this point of view be defined almost in the words of our Canadian Resolution : that the Head of the Executive Government in England is responsible to divine authority alone. According to Doctor Sacheverel it was rebellion to question the acts of the Sovereign ; but this is not what follows, according to the British Constitution. Responsibility without power is a contradiction and an absurdity, according to Lord Stanley, and power without responsibility is tyranny. To escape that tyranny the British people hold the Crown *incapable* of acting without advice ; and they hold the advisers responsible. This incapability in the Sovereign of acting without responsible advisers, is really and truly the essence of Responsible Government. Admit for a moment the capability or power of the Sovereign to do individual public acts, and the doctrine of passive obedience and non-resistance follows inevitably that of irresponsibility of the Sovereign. What, Sir, is Lord Stanley's conclusion, from premises like these,—“the Sovereign in England exercises no political power.” This is in England a well understood principle, and strange it would be if, in the assertion of irresponsibility in a Governor-General, our Parliament had been led into consequences such as

Mr. Ryerson would contend for, destructive not only of Responsible Government, but also of any particle of liberty that lingered in the ancient Colonial Constitution.

The Parliament of this country asserted the principle that the Governor was responsible to the Imperial authority alone. Well, Sir, were they satisfied with this responsibility? If they had been, there the resolution might and would have stopped; but on the contrary they went on to declare, "but that nevertheless the management of our local affairs *can only* be conducted by him with the advice, counsel, and information of subordinate officers *in the Province.*" It was thus that the Canadian Parliament placed the representative of the Sovereign in precisely the same position respecting the local affairs, as the Queen is placed in England, irresponsible, personally, to the people; but incapable of acting without the advice of some persons responsible in the Colony, unless in breach of the Constitutional principle which is the essence of Responsible Government.

But what is the doctrine of our Canadian Sacheverel, Dr. Ryerson; but that the Governor-General being responsible to the Imperial authority alone, he must be right whenever that authority approves of his conduct. Had the resolution of the Assembly, after declaring the Governor's responsibility to the Imperial authority alone, gone on to say, "and, therefore, the Canadian Parliament and people have no right to interfere with the exercise of the prerogative, or to inquire into the advice upon which it is exercised, or to seek responsibility amongst themselves for its exercise," the resolution would have borne out the Doctor's argument, and then instead of voting confidence or want of confidence in provincial Ministers, our Parliament would have been petitioners or suitors to the authorities of the Empire, like Her Majesty's East Indian subjects. But the Resolution did not so conclude. It established local responsibility, which neither the Governor-General's will, or the approval of the British Ministers could affect. Without this Canada has no Responsible Government. With it, the people of Canada are the judges of their own confidences—of their own wants and wishes. And, if there be advisers of the Crown, they are responsible, whether approved or not by the authorities of the Empire; and whenever a Governor-General chooses to act without advice, and without producing to the country the persons who are responsible for his acts, he is conducting the Government in defiance of the principle of Responsible Government which he

pretends to have adopted. If these British principles are declared by Her Majesty's Ministers to be unconstitutional in Canada, then we have no longer Responsible Government; and if to claim Responsible Government contrary to the opinion of Her Majesty's Ministers be rebellion, then we are rebels. But the question whether we are to admit or deny that we are in the enjoyment of Responsible Government remains as much as ever unsettled. If we must do without it we must, and there is an end to the argument; but the prisoner cannot be persuaded by authority that the sun shines, and the wind blows as freely for him, as the passenger outside, whose voice penetrates to the dark recesses of his dungeon.

Now, Sir, as there is as yet no Royal Proclamation, or Military Provision against opinion, let us take the liberty of examining for ourselves His Excellency's declarations; and, in the first place, his explanation to Parliament, which I intreat your readers to look into with patience and attention, keeping in mind two assertions of principle by which I desire to have this matter judged, and which I dare Mr. Ryerson to controvert, either in theory or by reference to British practice.

The first is, That there must, according to the principles of Responsible Government, be some person or persons responsible in the Colony, or, in other words, some person or persons who can be made accountable, for every act of the representative of the Queen, respecting the local affairs of the Colony: this is the essence of Responsible Government.

The second, is a practical consequence of the first, and may be thus stated—that in order to preserve harmony, the advisers of the Crown, should have the confidence of Parliament.

The first principle is essential, and should be inviolable both in theory and practice. Any declaration, which necessarily involves a contradiction to it, is a contradiction to Responsible Government itself. The second, as we have seen, for nine months past, may be violated in practice, and a Government may be carried on without the confidence of Parliament, at the simple sacrifice of the peace and harmony of the country, so long as enemies of the country can be found in the Colony, who will take the responsibility of advising such a Government.

Now, Sir, the Governor-General's objection, according to his own explanation to the demand which he states to have been made by the late Counsellors, was not because of a real or supposed

stipulation, but because an agreement to take advice on all occasions of appointment, would be a surrender of the prerogative of the Crown, "as it could not be maintained, that the mere form of taking advice without regarding it, was the process contemplated."

"He appealed to the number of appointments made by him, on the recommendation of the Council, and to instances where he had abstained from conferring appointments on their opponents, as furnishing proofs of the *great consideration* he had evinced towards the Council in the distribution of patronage. 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 to be given to the man best qualified to render efficient services to the state, and when *there was no such pre-eminence, he asserted his right to exercise his discretion.*"

The late Counsellors, you will observe, defend the appointments made under their advice. These appointments have been approved by the Parliament, and by the vast majority of the people. The Governor-General insinuates that the Council sought the distribution of patronage with exclusive party views. The Counsellors say, they advised the distribution of patronage so as to produce contentment and harmony between the Government and the people. Mr. Ryerson even approved of the conduct of the Government as they advised it, and so the public affairs of the country continued to be administered to the satisfaction of the majority of the people, until the introduction of vice-regal antagonism, and the substitution of His Excellency's discretion, for the judgment of responsible advisers.

But, what is the discretion which the Governor-General asserts the right of exercising—what is the prerogative which he would not surrender? It is the discretion of acting upon his own judgment contrary to advice, or without advice—the discretion of judging for himself who are best qualified to render efficient services to the state, and where there was no preminence of doing as he liked. Now, Sir, upon whose responsibility was he to exercise this judgment and this discretion? He substitutes no new or other advisers for the Council, whose advice he proposes rejecting. It is not that being displeased with the advice of his ministers as being founded upon party views; he therefore seeks other advice. No, it is his own unadvised discretion; and I ask again, who was to be responsible for the exercise of that discretion which it is treason even to question? Why, Sir, the Governor-General him-

self, and to whom? Why, Sir, to the Imperial authority alone. Then Sir, ask the question, whether the responsibility of the Governor-General to the imperial authority, or the responsibility of some person to the people of Canada, was the responsibility sought by the Resolutions of 1841! If the latter, then there could not be a more direct disavowal of the principle of Responsible Government than the Governor-Generals own explanation; for according to that explanation, to consent to the first and essential requirement of Responsible Government—namely, that there should always be advisers locally responsible, would be a degradation of the character of his office, a violation of his duty, and a surrender of the prerogative of the Crown.

You will find that Lord Stanley, in his speech in parliament, takes the same view of the matter with Sir Charles Metcalfe—that he has borrowed his arguments from Sir Charles Metcalfe's explanation. His expression is, "For what then is the Governor-General to be responsible, if not for the distribution of patronage." So that, according to both these high authorities, you find the responsibility of the Governor-General absolutely substituted for local responsibility. There is this difference to be observed however: Lord Stanley could not bring himself in a British Parliament to argue in favor of a like discretion on the part of the Sovereign. He could not be guilty of the manifest absurdity of saying that it was in accordance with British Constitutional usage; and surely it is not upon Mr. Ryerson's bare assertion, that the people of Canada can be persuaded to such an accordance.

But, let us enquire what was the Governor-General's duty, if he really and conscientiously differed from his Council? His duty was, certainly, not to act independently of advice, and thus to violate the essential principle of Responsible Government. His duty was to seek other advisers who would agree with him. Unless he could find them, he could not by possibility have exercised his discretion, without trampling upon Responsible Government. If his new advisers happened to possess the confidence of Parliament all would be right. The Governor's acts would then be sustained, not by his own discretion, but by the advice of his Ministers. If his new advisers happened not to possess the confidence of Parliament, then would peace and tranquility be sacrificed to a Governor's discretion, and a line of policy would be followed which the people of Canada would condemn.

The Governor-General's appeal to the number of appointments

made on the recommendation of the Council, or his assertion of "the great consideration" he had evinced towards them by no means removes or even softens his denial of the essential principle of Responsible Government; for "the great consideration" is still expressed to be a matter of grace and favor, and the unconstitutional right to act independently of all advice, is as much asserted in this paragraph of the explanation as elsewhere.

The distinction cannot be kept too plainly in view, between a Governor-General's procuring the assent of a Council to acts contrary to their opinions, and the exercise of a prerogative independently of their assent. Such a Council as the Governor has lately chosen—such a one as he seeks for, would depend entirely upon his strength, and could not refuse their concurrence in any acts dictated by him. If they should be supported by Parliament, the Government would be constitutional, for they would be responsible, and their individual opinions a matter of indifference; for there would be the concurrence of responsible advisers. But the Governor-General, in his explanation, goes the length of asserting *his* right to exercise *his* discretion, in contradistinction to discretion advised in any quarter. He avowed his right to act upon that discretion: he had acted upon it; and, in so acting, produced no advisers who were to be responsible. He, therefore, substituted his own responsibility to the authorities of the empire, for that of all local advisers, and the Council were bound to the country to place themselves in a position to disclose this startling infringement of principle. They did so act; and for this they are said to be disaffected.

To make this distinction still more plain, let us, for the sake of argument, admit the principle avowed by the Governor-General, of his discretion to overbear the advice of his Council, without seeking their assent, and without producing to the country other advisers. Let us suppose, that in the Government they were assenting to this doctrine, and out of doors holding themselves responsible: let us suppose an act done which the country would not bear them out in, and let us suppose their resignation. The Parliament would then have a right to demand upon whose advice the act was done. The true answer would be, that it was without advice, and done upon the Governor-General's discretion. Who would then be responsible? the Governor-General. To whom? to the Home Authorities. Is this, then, the British Responsible Government Mr. Ryerson upholds—to which Sir Charles Met-

calfe is so warmly attached ? It certainly is ; and no wonder it should be so ; for it is the Responsible Government of every Governor of Canada, up to the time of Lord Sydenham ; and it is the Responsible Government practised in India—in short, everywhere in the Empire but in England itself.

Imagine for a moment a Council thus resigning, and a vain inquiry made after the advisers, to whom might be attributed an obnoxious act of power : imagine that when these resigning Counsellors impeached the transaction before the Parliament, they were met by a statement, that, long ago, the Governor-General had told them of his right to exercise his own unadvised discretion, and that they had submitted. Then, Sir, would they have been traitors to their country ; and then would they have deserved the impeachment and condemnation which the late Counsellors avoided, by the only means in their power—a resignation.

The inhabitants and freeholders of the township of Warwick, who, it appears by the Address, are thirty-two in number, viewed with astonishment and indignation the attempt to wrest from His Excellency the prerogative of the Crown ; and His Excellency, in his answer, is cheered by the approbation and support of that populous neighbourhood in the “ course which he had pursued, in refusing to surrender the constitutional prerogative of the Crown.” His Excellency also answers certain inhabitants of Lennox and Addington with gratitude, for their determination to support him in “ vindicating the constitutional prerogative of the Crown.” His Excellency’s supporters in the city of Toronto are thanked for their opinion, “ that the concessions demanded by these gentlemen (the late Counsellors) would be, in His Excellency’s emphatic words, virtually to surrender the prerogative of the Crown to the Council, for party purposes,—to render that Council supreme, and the Governor a nullity.” His Excellency’s friends in the township of Toronto believed that the question at issue involved the plain alternative of connexion or separation from the Mother Country ;” and, in return, his Excellency trusts “ that no demon of mischief (meaning, no doubt, Legion) will seek to destroy that blissful union.” His Excellency thanks the town of Chatham for its “ strenuous support in defence of the Crown.” The township of Moore receive like thanks. The town of Saint Thomas are thanked, for attributing to His Excellency the undoubted prerogative of the Crown “ to appoint to office the

persons His Excellency might consider the most fit to discharge the duties required of them." So I might go on, through almost all the addresses and answers of His Excellency. Those which contain anything remarkable, beyond the allegation, on the one hand, of an attempt to destroy the prerogative of the Crown, and thanks for its defence on the other, I shall notice hereafter. At present we have to inquire, What was the prerogative asserted and infringed upon, and how far its assertion and infringement agree with our notions of Responsible Government?

The essential principle of Responsible Government in Canada is, as I explained above, that there should always be advisers locally responsible for every act of the Governor. The prerogative claimed is, that of acting without, or contrary to, the advice of those who form the Provincial Cabinet, and without changing that Cabinet, or finding others who are to be responsible. The Governor-General, in that most extraordinary after-thought, the answer to the address of the Gore District Council, says, "that the Council should be responsible to the Parliament and the people; and that when the acts of the Governor are such as they do not choose to be responsible for, they should be at liberty to resign." But what they are to resign for it is difficult to discover. What! resign because the Governor exercises a discretion which he avowedly claims, and for the exercise of which he is responsible to the Imperial Authorities alone. What are they to be responsible for? Why, for permitting the Governor to act upon his own discretion and upon his own responsibility. Admit, for a moment, the prerogative claimed by the Governor, of acting beyond any advice in this Province, and it inevitably follows that any Minister who would resign because of any exercise of that prerogative, would stand liable to the charge of attempting to usurp the Royal prerogative—to the charge of claiming supremacy himself—to the charge of desiring to make a tool and a cypher of the Governor-General. Hundreds of loyal addressers are found in Canada who impeach the loyalty of the late Counsellors, because they refused to be responsible for the exercise of a discretion in which they were not consulted. What then, would be said of Counsellors who, admitting the discretion of acting without and against advice as an undoubted prerogative, would yet resign because it was so exercised. We all know that Executive Counsellors "are at liberty to resign;" but a resignation because of a Governor-General's acting on his own respon-

sibility, when it is once admitted to be constitutional for him to do so, would expose the resigning Counsellor to ridicule and contempt, as well as to the imputation of disaffection.

If one set of Counsellors do not agree with the policy a Governor-General is determined to pursue, he is at full liberty to find another Council who will agree with him, and, therefore, he may reject advice if he pleases, but if he cannot find a Council to agree with him, who possess the confidence of Parliament, then is his policy opposed to the wishes of the people; and if he persists in the policy, the harmony of his Government is at an end. But it is not this prerogative of changing Counsellors the Governor-General claims: it is that of exercising his own discretion, a discretion only to be questioned in the Province under the penalties of disaffection.

What, let us ask, were the late Counsellors to do, if they would avoid the charge of usurping the Royal Prerogative, of endeavouring to reduce the Governor-General to a nullity? They could only have stood by to see the exercise of undoubted prerogative, for which the Governor was responsible to the Home authorities; for if they resigned, complained, or opposed that exercise of prerogative, then they would be endeavouring to usurp it, and to reduce the Governor-General to a nullity. The Governor-General in his answer to the Gore address is kind enough to allow them not only the privilege of looking on while he conducts the Government; but also, the further privilege of lying to the Canadian people by pretending responsibility; but Lord Stanley has answered this proposition for me. "Responsibility without power (says his Lordship) is a contradiction and an absurdity."

This answer to the address of the Gore District Council, is worthy of close and deliberate attention, and as it is much relied upon by Mr. Ryerson, let us see if all its doctrines are those of Responsible Government.

"If you mean, (says His Excellency,) that the Governor is an irresponsible officer, who can without responsibility adopt the advice of the Council, then you are, I conceive, entirely in error. The undisputed functions of the Governor are such, that he is not only one of the hardest worked servants in the Colony, but also has more responsibilities than any officer in it. He is responsible to the Crown and Parliament and the people of the *Mother Country*, for every act he performs or suffers to be done, whether it originates with himself or is adopted on the advice of others. He could not divest himself of that responsibility, by pleading the advice of the Council.

He is also virtually *responsible to the people* of this colony and practically more so than to the Mother Country. Every day proves it, and no resolutions can make it otherwise."

One of the principal effects of the struggle for Responsible Government, and of Lord Durham's Report was, an acknowledgement in England, that no one had the same interest in the local affairs of Canada, as Canadians themselves. Lord John Russell disclaimed any desire on the part of Her Majesty's Government to pursue any line of policy in Canada, which public opinion condemns; and Lord Stanley declared, that he, the Colonial Secretary, did not interfere with patronage. Canadians claimed Responsible Government, as a matter of right in which they were much interested. It was granted as one which the Imperial Government had no interest in refusing. Now, Sir, I ask you if Her Majesty's Ministers thus gave up the exercise, if not the right of interfering in the details of local policy, and of local patronage, at the intreaty or upon the demand of the people of Canada: was it for the purpose of giving the uncontrolled power, the exercise of which was thus relinquished, into the hands of a petty King, with the name of a Governor-General,—of a petty King not exercising his power in the same mode, or under the same restrictions as the Queen of England, but swaying that power absolutely. The people of Canada did not complain of any want of power in their Governors, they complained of the exercise of that power, contrary to the British Constitution, without the advice of responsible Ministers. The British Ministers to satisfy them gave up, and disclaimed all desire or design of interfering. Pray, Sir, was this for the purpose of leaving the Governor entirely uncontrolled, or for the purpose of placing popular influence, expressed through Parliament, in the place of despatches and instructions? Now, Sir, if the Governor, notwithstanding all this, is still held practically responsible to the Crown and Parliament and to the people of the Mother Country for *every act that he performs*: and, if the Crown, and Parliament, and people of the Mother Country disclaim all wish to direct or interfere with him in our local affairs, his responsibility must either be to govern the country despotically, or to govern it constitutionally with the advice of responsible Ministers. The prerogative Sir Charles Metcalfe asserts is, that of using his discretion independently of all advice; we see that it is independent of all instructions of all interference from home. The Governor calls this the Royal Prerogative, but it is not a prerogative of the Queen of England: it is the prerogative of a Provincial Satrap, of a Despot, and the

forbearance of the Home authorities from interfering, would, according to the Governor-General's doctrine, be the removal of our only safeguard against tyranny, and not the extension of the British Constitution to the Colony.

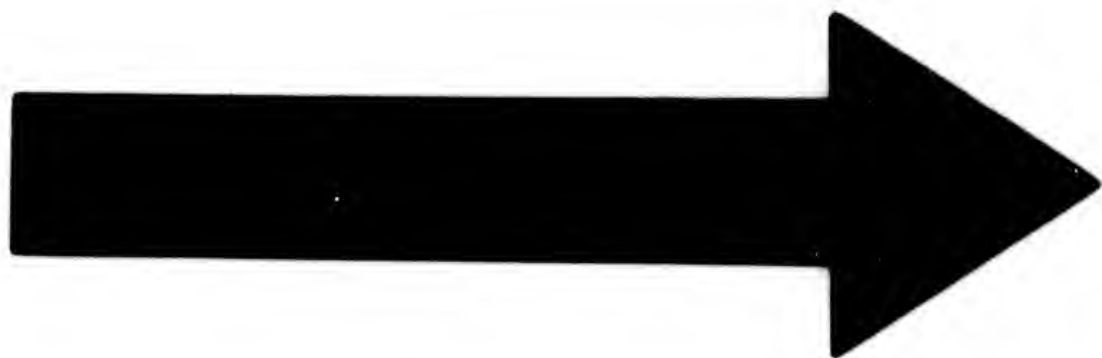
The strongest argument in favour of passive obedience and non-resistance used in the darkest periods of English history, was the responsibility of the Crown to Divine authority, and the absolute duty of the Sovereign to govern according to his own conscientious opinion of right and wrong, because he could not *divest himself of that responsibility by pleading the advice of others*. Plausible as the argument is, it was controverted in battle, and in blood shed in the field and on the scaffold, and the Revolution of 1688, was the victory of responsibility of advisers, of the Sovereign to the people of England, which did divest the Sovereign of responsibility *on the plea of the advice of others*, over the responsibilities of the Sovereigns themselves. Orangemen idolize William the Third, because he won a victory over their countrymen, who were more loyal to their hereditary Sovereign than attached to liberty, not because he was the hero of a British revolution. But the victory of that revolution, of which we have truly reason to be proud, was the one won by the nobility and the people of England, when the responsibility of Kings, and the divine right of Kings fell to the ground, and the practical responsibility of Ministers to the Parliament was substituted for the ineffectual and unavailing responsibility of the Sovereign.

The forbearance of the Imperial Government to issue instructions to the Governor-General for every or any act that he performs: the relinquishment by the Imperial Government of patronage in the Colony: the resolution of the Imperial Government to pursue no line of policy, in Canada, condemned by public opinion; and, finally, the assent of the Imperial Government to Responsible Government in Canada placed the Governor of this country in the precise position of the Sovereign of England, in the ordinary administration of local affairs; either this was done, or Responsible Government gave to Governors-General absolute and despotic power. The Governor-General's responsibility ought to be now to govern this country in the ordinary administration of local affairs, under advice of persons responsible to the country, and according to the wishes of the Canadian people. For this he has substituted his own will, his own discretion, his own responsibility for every act of his Government. If the Home Government claimed to hold him responsible for every act of his Government,

that claim would put an end to Responsible Government in Canada. If he be permitted to assert that responsibility, and, therefore, to assert an unconstitutional power of acting without and beyond advice, he puts an end to Responsible Government in Canada by his own declaration, and he is the greatest enemy to the Constitutional liberty of Canada that Canada ever saw. Other Governors had the excuse of Royal Instructions, of orders they were bound to obey; he has no orders but those which may have arisen from his own solicitation, or from a desire to justify his most arbitrary and unconstitutional conduct of Canadian affairs. Charity may once have ascribed his invasion of the Constitution of this country to ignorance of British Constitutional usage; but time has removed this veil and he must now be considered either as the originator or the instrument of a design to defeat and put down Responsible Government in Canada. If Canadians value Responsible Government they cannot give way. They must use every Constitutional means of asserting their rights, till they obtain them fully. If they do not value British freedom, or if Dr. Ryerson has been able to frighten them with his bugbears of "Royal Proclamations and Military Provisions," let them kneel down and ask pardon for the presumption of their Parliament; and let the reign of favouritism and intrigue continue. If Canadians have not the spirit of British subjects—let them be the servants of servants they deserve to be; but if they have any wish for peace and quietness, as the fruit of ignominious vassallage; let them petition for the abolition of the Provincial Parliament, which cannot exist without constantly reminding them of their degradation. There may be something noble in political slavery, but political slavery with the forms of freedom are, to all intents and purposes, wretched and utterly despicable.

My design was to conclude this branch of the subject in this letter, but I have occupied all the space you reserved for me in your next paper. I shall very soon conclude my letters, which have been extended to their present length by my own blunder of mixing up a disquisition upon the Constitution with remarks upon Mr. Ryerson's defence,—subjects which appeared to have some connection in the Doctor's prospectus, but which lost all similitude as he proceeded. I have been further embarrassed with a multitude of inconsistent defences from other quarters, and my task has been something like that of Samson, when he tied the tails of the hundred foxes together: he required a good long string for his purpose, and I have been obliged to spin a long yarn for mine.

LEGION.



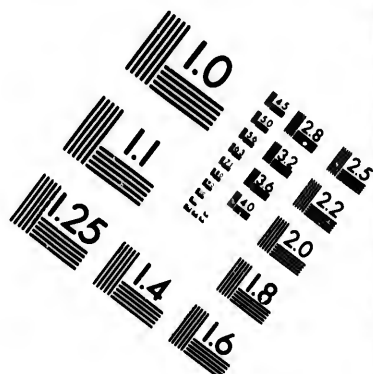
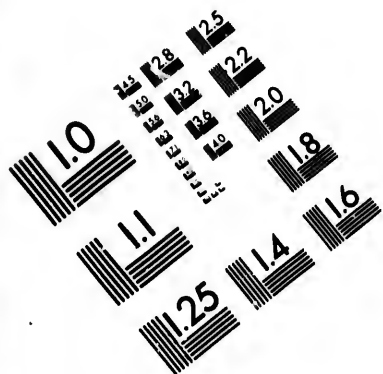
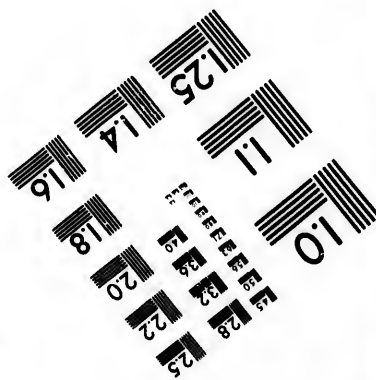
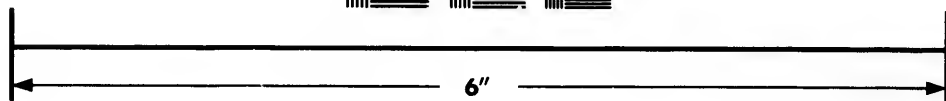
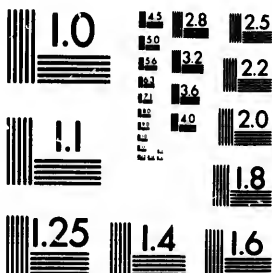


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LETTER XII.

When I concluded my last letter I was in the midst of my remarks upon Sir Charles Metcalfe's generously accorded definitions of Responsible Government, the chief ingredient in which, according to His Excellency's answer to the address of the Gore District Council, consists of *his own* responsibility and obligation *to the Crown and Parliament and People of the Mother Country* to do exactly *his own* pleasure in the management of Canadian affairs, and particularly in that portion of Canadian affairs in which the Crown, Parliament, and people of the Mother Country have *no* earthly concern—about which they know little and care nothing, and in which it is the boast of the British Ministry that they do *not* interfere. The sainted Gibbon—not the author of the Decline and Fall of the Roman Empire, but the author of the Decline and Fall of Sir Charles Metcalfe—once wrote a pamphlet, in which he was very sharp upon Her Majesty's Colonial Office, which he personified by the name of Mr. Mother Country, and the fault he found with that personage was, interference in Colonial affairs of consequence only to the people of the Colony. Lord Durham's Report, in a more dignified style, and with greater force, demonstrates the same proposition, showing that it is both unjust and impolitic for the British Government either to direct the Colonial Government in matters of merely local interest, or to uphold Governors, under pretence of orders from home, or obligation on their part to act in accordance with any real or imaginary Metropolitan policy. Whereupon Lord John Russell declared, that Her Majesty had no desire that any policy *should be pursued in the Colony which public opinion there should condemn*. Lord Stanley said that patronage of any kind had been given up in the North American Colonies. All this had been done while Sir Charles Metcalfe was as far from Canada as her peace and happiness required; so that he came to this country with his responsibilities to the Imperial Government as clearly limited as they could be, by the language of competent authority, and limited to

within these plain and comprehensive boundaries :—The Governor-General was to be responsible for the management of Imperial interests, as, for example, on measures relating to trade with England, her Colonies, or with foreign countries, or in those in which intercourse with foreign countries might be affected; for measures relating to or affecting relations of peace or war; in short, in all things in or by which the Empire was directly interested: so that the Colony, in its legislation or its government, should not be permitted to go beyond colonial bounds, or in any way intermeddle with questions out of the circle of its internal concerns. But, as regarded matters in which the people of Canada only were interested, the responsibility of the Governor to the Crown and Parliament of Great Britain was simply for the administration of the Royal prerogative according to the well-understood wishes of the people,—amongst whom the Imperial Government had disclaimed the exercise of patronage, and professed to desire that no line of policy should be pursued which should be condemned by public opinion. This being the Governor-General's responsibility, he was not left to grope in the dark for public opinion. He was referred, by the Resolutions of 1841, to subordinate officers responsible in the Province, who were to form a Provincial Administration, whom he might change as often as he had reason to suppose public opinion required the change, or as often as he had reason to judge that he would be supported by public opinion in making the change. He had, regarding the internal affairs of this country, the precise power and prerogative of the Queen of England: and no power or prerogative which the Queen could not constitutionally exercise in England could be exercised by the Governor-General here, without infringement of the principles of Responsible Government.

But, when the Governor-General informs the Gore District Council, that he is responsible to the Crown, Parliament, and people of the Mother Country, for every act he performs or suffers to be done, he directly passes by public opinion in the Colony, and refers his every act to the judgment of public opinion in the Mother Country. And as public opinion, as expressed by the Crown, Parliament, and people of England, professes not to interfere with the internal concerns of the Colony, or with every or any act which the Governor-General does, or suffers to be done,—the responsibility which the Governor-General professes to be burthened with, is a mere pretence,—a pretence under cover of

which he sets up *his own* prerogative, not the prerogative of the Queen; to which prerogative of his own, he claims passive obedience and non resistance, to be enforced as a condition of the allegiance of British subjects, and with the force of "*royal proclamations*" and "*military provisions*."

The purpose for which Sir Charles Metcalfe sets up his responsibility and his prerogative, is as extraordinary, as the assertion of them. It is, that he may be enabled to put down party spirit in the Colony; to do what *he calls* justice to individuals in Canada; to exercise the patronage disclaimed by the Mother Country, according to his individual discretion. Now, Sir, this was not the responsibility to the imperial authorities mentioned in the resolutions of 1841. Party and party spirit, in Canada, are of strictly internal interest and concern. The Queen of England does what her Ministers call justice to individuals in England—not what *she* calls justice; and when individuals are candidates for office, the Queen of England *does not* exercise her own discretion. This responsibility of Sir Charles Metcalfe to the Queen, Parliament, and people of the Mother Country, for every act that he performs is not only disclaimed by them, but it does not exist in practice. It is not only a pretence inconsistent with Responsible Government: it is the assertion of despotic, uncontrolled and irresponsible power, which Canada is made to feel in reality, under the assumption of what does not exist, and upon the non-existence of which the existence of Responsible Government in Canada depends. The authorities of the Empire may interfere with our local concerns, because they have might on their side: they may order and direct the Governor-General in every act he performs, because he is their servant: and they may hold him responsible for every act of Government he does or suffers to be done, because he is in their power; but whenever they do these things we have in Canada, no Responsible Government—no British freedom. To satisfy the claims of the Colonists, the Imperial Government disclaim interference; hence we have in Canada Responsible Government, if it be advised Government. But if it be not advised Government, it is despotism—the despotism of one who has not the duties, interests or inducements of a real sovereign—of one who cannot be a gainer by the good he does or by the mischief he causes: and it is therefore, the worst and the vilest despotism to which a people can be subject. Other despots sink with the country they destroy, or they rise with its greatness; but our Master crosses the boundary, em-

barks in a packet, he is heard of, and thought of no more ; while the evils of his Government remain stumbling blocks in the way of future rulers, and sources of the everlasting antagonism, which seems to overcloud colonies, one would say forever, were it not for a few glimpses of sunshine, which belonged to better days than those of Sir Charles Metcalfe.

But Sir Charles Metcalfe is not satisfied with this unreal responsibility, as a foundation for his real despotism ; but in the same answer to the Gore District address, he says, of himself the Governor-General, "*He is also virtually responsible to the people of the Colony, and practically more so than to those of the Mother Country : every day proves it and no resolutions can make it otherwise.*"

Here Sir, is a direct contradiction in words and intention to the resolutions of 1841—a direct contradiction to Mr. Egerton Ryerson, if that be worth remarking. It was for some purpose surely, that the Canadian Parliament resolved, "that the head of the Executive Government in this Colony, being the representative of the Sovereign, is responsible to the Imperial Authorities alone." It is for some purpose, Sir Charles Metcalfe denies this principle, and asserts *his own* responsibility to the people of this country, and says, that no resolutions can make it otherwise. The purposes of the resolutions and of the denial of the principle contained in them is obvious. The resolutions support Responsible Government : the denial upholds the antagonism of His Excellency.

The one only possible reason why the Parliament of Canada, should have solemnly denied the responsibility of the Governor-General to the people of Canada, was, *that they might seek responsibility elsewhere.* They sought it in advisers, who might be made answerable. The only purpose which the Governor-General could have in view in asserting *his own* responsibility to the people of Canada, was to rid himself of the necessity for acting with advice, which necessity the resolutions of the Assembly implied. The responsibility claimed by the parliament, was one which they could enforce, by *insisting* on the removal of obnoxious ministers ; that asserted by the Governor-General, could not be enforced, because neither the parliament or the people, have a desire to have the right of *insisting* on the removal of an obnoxious Governor. To claim such a right, would indeed be an infringement of the Royal prerogative, and treasonable interference with the authorities of the Empire. Of the responsibility of ministers, we have

many examples in England, in their retirement, when their opinions no longer agreed with public opinion. Of the same responsibility we have had a late example here, when the Government was no longer allowed to be conducted in accordance with public opinion. Of the other kind of responsibility, we have now an example before us,—in a Government conducted in opposition to a direct vote of the Provincial Assembly—a Government by which a meeting with Parliament is avoided to the latest moment,—in a Governor who declares that he never will give up his own opinions—in a Governor who casts aside the representatives of the people, and takes his notions of public opinion from the addresses of a partizan minority,—and popular interpretations of Responsible Government from those who have always been its undisguised enemies. The Governor-General says, that every day proved his responsibility to the people of the country. Is it that every day brought him an address, which applauded him for trampling on the constitution? Or is it that there are two public opinions, one to which Ministers are responsible, as expressed by the representatives of the people; the other, the public opinion to which Governors are responsible expressed by back stairs advisers, orange lodges, and sycophant subscribers to addresses?

The Governor-General (as he says,) is responsible to the people of the country, and no resolutions can make it otherwise. The Parliament have passed resolutions declaring him *not* to be responsible to the people of the Country; but according to his doctrine, he is responsible and the resolutions consequently false from their very foundation. Yet the Governor-General says, in the same address, these resolutions should be faithfully adhered to. How this can be, I fear it would take a greater casuist than Dr. Ryerson to demonstrate; but nevertheless this very document is the one chosen, out of which to demonstrate the Governor-General's friendliness to Responsible Government. Samson, was able to tie his foxes together by the tails, and like the Doctor's Spartans, I understand there were three hundred of them, not one hundred as I stated in my last letter; but I doubt very much whether Samson was able to make all the foxes pull exactly one way. In like manner Sir Charles may exercise his prerogative over unre-sisting contradictions: he may string them together, but there will be an antagonism in spite of him: and so it must be when he professes to adhere faithfully to resolutions which *he himself* declares to be false and impossible. But with this very consistent safeguard,

--the Governor-General admits that it should be competent to the Executive Council to offer advice on all occasions, (by which liberal admission I suppose is meant all occasions which they can find out the existence of, by the newspapers or by private correspondence : the greater part of the occasion being kept in the private Secretary's office,) and should receive it with the *attention* due to his constitutional advisers ; and he should consult them in all cases of adequate importance. Now, "the attention due," is mere matter of opinion, the interpretation of which is very prudently reserved, and may mean any thing or nothing : and the "adequate importance" is about as valuable and definite. But every subject of the Queen in Canada has a right to offer advice to the Governor-General, and to have it received with due attention ; and Parliament has a right to be consulted on affairs of adequate importance : but the reading of Mr. Ryerson's defence with due attention, does not imply that it should have any influence. Neither does the receiving the advice of a Council with due attention preclude a greater degree of attention being paid to back stairs advice. If the Governor likes secret intrigue, better than constitutional advice, --if he likes partizan addresses better than votes in parliament, as guides to him under his heavy responsibilities, what is there in his answer to the Gore Address to prevent him from following his liking? The resolution of September 1841, requires that His Excellency should administer the Government with the assistance, counsel, and information of subordinate officers, known to the people ; but according to his definition of Responsible Government, he is responsible to the people ; and he may administer the Government with the assistance, counsel and information, of any body he pleases, officers or not, known or unknown, provided he condescends to listen, when his constitutional advisers intrude upon him, and provided he consults them, on such affairs as he thinks fit.

Then, says Sir Charles, "when the acts of the Governor are not such as they choose to be responsible for, they are at liberty to resign." But pray, Sir, what is to be the consequence of their exercising this their *only* privilege ? Is it that the Governor-General must seek other advisers having the confidence of Parliament :--if so the Governor-General does not say so, and his acts prove that he does not think so ; but, on the contrary, when they resign he takes the liberty of accusing them of attempted usurpation of his prerogative, and lest Parliament should have any confidence or want of

confidence he sends the members home, with abundance of good advice, and he carries on his Government according to the well understood wishes, expressed in the loyal addresses, of such as choose to applaud him.

Definitions are sometimes good, and sometimes they are good for nothing ; but Mr. Ryerson asks you to be satisfied with this definition of His Excellency. My answer to this demand is, that you should not be satisfied with definition at all ; and that definitions of a constitution consistently with every word of which a Government can be so unconstitutionally administered as to be totally without example, are worse than worthless : they betray a foolish people, and they are hateful to a people worthy of a Constitution.

But this is not all ; this Responsible Government so excellently defined by the Governor-General, is declared to be practicable or impracticable according to circumstances :—that is to say, His Excellency sees nothing impracticable in it, provided that the respective parties engaged in the undertaking be guided by moderation, honest purpose, common sense, and *equitable minds devoid of party spirit.*"

ALL the parties engaged ? Who are they ? First, the Governor for the time being, must be guided by moderation, honest purpose, common sense, and an equitable mind devoid of party spirit, otherwise His Excellency sees something impracticable in Responsible Government. So, Sir, you see that unless a Governor be precisely such a man as Sir Charles Metcalfe supposes himself to be, a principle of the Constitution becomes impracticable.

Now, Sir, all Responsible Government, all popular interference with rulers, happen to be founded upon and justified by a common opinion, namely, that Sovereigns, and even Governors are not always guided by moderation, honest purpose, common sense, and equitable minds devoid of party spirit. If they were always thus qualified perhaps there would be very little use in freedom, but if there can ever be a real and crying necessity for Responsible Government at all it is precisely at the time when Governors are neither unpeccable nor infallible : and as this upon a moderate calculation, may be rated at one half the time, during that half Responsible Government must be impracticable, and unfortunately that period occurs when it is most wanting—

"Success to the Moon for a brave noble creature,

"That gives us her lamplight all night in the dark :

"While the Sun only shines in the day, which by nature

"Wants no light at all, as you all may remark."

The Governor-General's Responsible Government is like the poor Irishman's Sun, you may have it when you don't want it, but when you want it most,—it is impracticable.

Well then we come to the Executive Counsellors. Unless they too are angels, Responsible Government must be, for the time, impracticable. The climax of these qualifications is made to be, that they have minds devoid of party spirit. What would Lord Stanley have said, if instead of calling his ministry into office when the Tories beat the Whigs, what would he have said had the Queen prorogued the Parliament, and suspended the Constitution, until she could find a cabinet with minds devoid of party spirit? Where are the politicians to be found who have minds devoid of party spirit? There are no such men in England who could claim to be Cabinet Ministers. Where are the men in Canada? Name me such a Cabinet out of the United Province: publish their names in your next paper, that the public may know them; for as yet they have not shown themselves, and without them Responsible Government is impracticable. Look over the names signed to the Governor's loyal addresses, not one do you find there; look to the Toronto Association, there are none of them there; but I forget, there is one man in Canada so moderate, so impartial, and so equitable, as to be placed in your list of a Cabinet, I need not name him: he should be made Commissary-General, and set to serve out the military provisions.

But, Sir, suppose the persons could be found, occupying a permanent position as partizans, and devoid of party spirit, would the Cabinet-makers work be performed? not by any means, for still it must rest with the Governor-General to decide whether they are devoid of party spirit. Any difference with himself may yet be set down to the account of poor party spirit, and Responsible Government is forthwith suspended as impracticable.

I will venture to assert that under the Governor-General's definition given in the answer to the address of the Gore District Council, the existence of Responsible Government for a single hour is absolutely impossible, but it may be possible to find a *sufficient number* of men of any party, who, if the people will let them, will agree to have neither party spirit or any other spirit; and that is the Cabinet the Governor-General seeks and which he probably will find. Whether they have the confidence of the people or not, it will be for the people to determine.

I learned from one of Sir Walter Scott's Novels, in which I

studied history, that when James the Sixth was undergoing his education, a companion for the young King was kept to take all the floggings, so that when the Prince was in fault, the other boy was unmercifully whipt; he poor wretch was responsible. Such would be the use of Sir Charles Metcalfe's Counsellors. His Excellency would be virtually responsible for doing just as he pleased; the Counsellors would be responsible for his pleasing the Parliament; and they, as in duty bound, would take all the thrashings; when tired of these they would be at liberty, poor creatures! to resign, preserving "the silent dignity of retiring ministers." Sir Charles, in the meantime, would exercise his prerogative so long as Responsible Government did not interfere, and when it did, then it would be impracticable, and he would go on exercising his prerogative still, his doctrine being,—“I shall do as I please. If you please to be pleased with what I do, well and good, but I shall do as I please at all events.”

Do, Sir, recommend to that Toronto Association to accept *gratefully these essentials of Responsible Government—to cling to it* like wax, and not to be like the silly dog, who dropt his piece of meat, and only got a mouthful of cold water. It was very wrong in the Association to say in their address that constitutional principles were independent of all opinion. The Governor-General proves that they are not so, for he can declare constitutional principles impracticable just when he pleases. Anything beyond his pleasure—his paternally despotic pleasure, is the “shadow of a virus,” and if you catch at that too eagerly you may chance to be choked with a double return of Doctor Ryerson's military provisions. Such is Colonial Responsible Government, and now that we know what it is and how well it is secured, we cannot do better than get up a loyal and devoted address of our own, and after that think no more on the subject, and above all things let us never say anything more about British freedom, or British principles. They may be consistent with the honor and dignity of King's and Queen's, but they are not to be borne with under the paternal despotism which holds its “blissful” reign in a British Colony.

There is scarcely one answer to the numerous addresses to His Excellency, which does not betray a design to overthrow what the Parliament of Canada sought to establish, under the name of Responsible Government, or which does not display an ignorance of its fundamental principles, only to be found in one who learned British politics in an East Indian residency. I must not prolong

this controversy by going through all the answers but, I offer you another specimen.

In His Excellency's answer to the *Inhabitants* of the County of Russell, written at a time when His Excellency began to have some suspicion that Mr. Viger was not Lower Canada, or Colonel Gowan Grand Master of the upper section of the Province, or the Sainted Gibbon, trusted in either. In that answer His Excellency says, "The Constitution as established by the arrangements of Lord Sydenham, and by the resolutions of September, 1841, I am using and shall continue to use my anxious endeavours to work through responsible Heads of Departments, for the benefit and contentment of the people of Canada, with the advice and co-operation of an Executive Council, which will I trust obtain the confidence of the Provincial Parliament. And if this cannot be done successfully the blame will be justly due to those who in the pursuit of unbridled power have sought to destroy the Constitution, which they pretend to uphold, and are doing their utmost to obstruct the formation of any Responsible Government, while their unfounded outcry is that it is intentionally avoided."

Never, I venture to assert, was the violation of a Constitution justified on such grounds, by a Sovereign or the Representative of a Sovereign. In England should delay take place but for a day in the formation of a Cabinet, public business is suspended, and it would be considered as outrageous a violation of the Constitution to do that business without a Cabinet, as without a Sovereign; but here, while in this document, a Responsible Government is acknowledged not to be formed after months of delay, His Excellency admits that the *formation of any Responsible Government* is yet obstructed, and of consequence what His Excellency calls by the name of a Constitution is yet suspended. To the months which then had elapsed, His Excellency has added months, and time is creeping on establishing his Excellency's doctrine, that it belongs to him to declare a *Constitution* impracticable. And why is it impracticable? Is it that amongst the hundreds who address his Excellency, and who are received by him as the *people*, he can find no one to assume the responsibilities of office? No such thing; too many would be found to accept office on any terms: but it is because no one will accept office who has a hope of obtaining the confidence of Parliament and conducting the Government upon His Excellency's plan. Thus the Constitution, which was meant to influence the will of Governors, is made to depend for its exist-

ence upon the will of a Governor. The guaranteed Constitution which was supposed to be superior to all will and to all opinion, is a bauble; a plaything given and withheld by "paternal despotism," at its sovereign pleasure.

Perhaps, Sir, those who advised His Excellency to write his answers knew the people of Canada better than I do. If so—and if these answers shall ever be accepted and approved as Constitutional, then Sir Chas. Metcalfe, and Doctor Ryerson, Mr. Wakefield, Colonel Gowan and his other advisers are right. The people who receive these answers with approval are fit for despotism, and this country is an infant Colony, whose Constitution may be turned into nursery rhymes, and sung as a lullaby, when the infants of Canada complain of arbitrary power, or prattle about British institutions.

Had His Excellency been the true Representative of his Sovereign, had he obeyed Her gracious instructions, to administer the Government of this Colony according to the well understood wishes of the people, and to follow no line of policy condemned by public opinion,—how easy might have been his task, and how gratefully he might have been remembered in Canada. Suppose all his allegations against his late Counsellors had been true: supposing that they abandoned the interests of the country to serve corrupt party purposes, surely the people of Canada were sufficiently awake to their own concerns to have detected the abuses of bad Ministers and to have withdrawn the confidence, of which these Ministers were the creatures. Then would His Excellency—the true Representative of the Queen, not the Colonial King of a party—have been ready to accept his new advisers, without inconsistency, or mortification on his part, and without complaint from any quarter. If his Excellency chose to believe back-stairs advice, or loyal addresses, in preference to the voice of Parliament, there was nothing to prevent a dissolution and a new election; nothing to prevent his previous choice of Ministers, or his throwing the whole weight of his influence and theirs into the scale. Had he succeeded he would have been the triumphant asserter of the Responsible Government he now pretends to advocate: had he been unsuccessful, he would only have been mistaken regarding public opinion, and after conclusive proof of what it was, all parties would have respected him—all parties would have worshipped him: he would have done all for the minority he could do for them constitutionally, and he would have done nothing of which the majority could complain. But he

chose to carry on a Government of secret antagonism which did no constitutional justice to himself, or either party; and he has involved himself in difficulties, which have led him to trample upon the Constitution of the country,—difficulties which whether he bears with resignation as some say, or whether as his Montreal friends assert are sources of merriment, are yet difficulties which he is unable to surmount, and which with all honour, and duty, and obedience to instructions and regard to the interests of his Sovereign and the empire he might have altogether avoided.

It will always be a matter of question how a man with Sir C. Metcalfe's experience of the world, came thus wantonly to place himself in his present condition. One solution of this problem is to be found in his want of knowledge, or rather in his want of habitude, in administering a Government in a country with the forms of freedom. A great writer found the same inaptitude in a greater man than Sir Charles Metcalfe, and as the passage contains no offensive allusions to moral character, but on the contrary if it contains any thing from which comparisons may be instituted, they are such that are complimentary to His Excellency,—I shall give it for the information of our readers.

Mr. Macaulay, who writes from personal experience of Indian Government, in writing of the character of Warren Hastings, thus describes him after his return to England:—

"Hastings' it is clear, was not sensible of his position. Indeed that sagacity, that judgment, that readiness in devising expedients, which had distinguished him in the East, seemed now to have forsaken him; not that his abilities were at all impaired, not that he was not still the same man who had triumphed over Francis and Nuncomar, who had made the Chief Justice and the Nabob Vizier his tools, who had deposed Cheyte Sing, and repelled Hyder Ali; but an Oak as Mr. Grattan finely said should not be transplanted at fifty. A man who having left England when a boy, returns to it after thirty or forty years passed in India, will find, be his talents what they may, that he has much both to learn and unlearn before he can take a place among British Statesmen. The working of a Representative system, the war of parties, the arts of debate, the influence of the press, are novelties to him. Surrounded on every side by new machines and by new tactics he is as much bewildered as Hannibal would have been at Waterloo, or Themistocles at Trafalgar; his very acuteness deludes him, his very vigour causes him to stumble: the more correct his maxims, when applied to the

state of society to which he was accustomed, the more certain they are to lead them astray. This was strikingly the case with Hastings. In India he had a bad hand, but he was master of the game, and he won every stake; in England he held excellent cards if he had known how to play them, and it was chiefly by his own errors that he was brought to the verge of ruin."

Very like this has been the course of Sir Charles Metcalfe in Canada. Accustomed for a very large portion of his life to a Government on which public opinion was as nothing, and the opinion of Government every thing, he learned to hold public opinion as naught, or, at most, as something which was to be satisfied with vague coincidence in generalities without practical results. Accustomed to a Government, in which, when there happened to be contending opinions, these were between individuals appointed from abroad, and responsible altogether to Imperial authorities with whom he who had the ear of those authorities was always the victor. Sir Charles Metcalfe set himself to establish his power by dispatches, to which his opponents in Canada had no opportunity of answer. He could not see, because he had never seen the like, that he might succeed in satisfying Lord Stanley, without satisfying the Canadian people. Accustomed to rely on his own resources altogether, he could not understand the policy which had caused the British Government to withdraw all interference with persons, parties, and domestic affairs in Canada. He could not see that it was for the purpose of leaving these affairs to be arranged by the people themselves, and to relieve the British Government from the odium and responsibility of sustaining any person or any internal policy of its own in Canada. When prerogative, unrestrained by instructions and orders, was left to him, he could not see, that it was for the purpose of leaving him the power without responsibility of acting like a British Sovereign, whose rule of political right and wrong is the opinion of parliament. On the contrary, he took this unrestrained prerogative as a means of contending against parliament and against public opinion, and his Government became essentially one of antagonism, in which success must be the fruit of contest and victory, not of peace and concord. Unused to see popular opinion, and even popular prejudice, materially affect the policy of Government: unable to see that the strength of the Government in free countries, depended upon the acknowledged prevalence of party, and the conduct of public affairs

according to the wishes of a majority, he assumed it as a duty to put down party, and to substitute therefor his supposed justice and impartiality. Accustomed to a Government in which the whole community looked to the Governor, and to his individual favor or discountenance; and where petitions, addresses and complaints, were the only instruments of popular influence, he could not understand the fact that a majority in a country governed according to the British Constitution, look to their representatives, and to the Counsellors on whom they have confidence: while the minority, weak in legitimate contest, seek their objects through intrigue for the favor of Governors. He found the advice of his Counsellors, accordingly balanced against the advice and complaints of fifty times a greater number of back-stairs Counsellors, and the latter were, of course, in his view the most obedient, the most reasonable, and the most loyal, as well as the most numerous. Sir Charles Metcalfe could not see that the injustice, the proscription, the violence of party, where it exists, finds a safe remedy in the changes it produces in public opinion; and that these changes produce the harmless and peaceful revolutions in public administration, which leave untouched the bulwarks of the Constitution. He could not see, that to bind himself personally to any line of policy, either as to affairs or patronage, upon his own responsibility, and whether upon his own judgment or upon the judgment of others, exposed him to the chance of being personally opposed to popular opinion; and that when thus opposed, openly, decidedly and personally, the people must give up their opinions and their wishes, or he must submit to act contrary to his avowed sentiments, or he must exemplify in practice, his pretended responsibility to the people by a withdrawal from the country. This responsibility, if avowed by the Queen in England would involve the necessity of a frequent change of Sovereigns, of actual revolutions. As the Governor-General avows it here, it involves the necessity of a change of Governors, or the extinction of popular influence in the Government; and take it as we may, it is the most dangerous to the connection of this country with England, the most destructive of Responsible Government, the most inconsistent with the Royal prerogative in the choice of Governors, and the most inimical to the liberties of Canada, and to its peace and tranquility of any doctrine which can be avowed, or acted on in the Colony. Yet such is the conclusion to which Sir Charles Metcalfe's ignor-

ance of constitutional practice has led him, and happy will it be for Canada, if this should in the end appear to be the sole cause of the present struggle, and if that struggle should not turn out to be the offspring of a deliberate plan, to try an experiment so often tried in vain, when it could be tried with greater safety and impunity than at present; that of governing the Colony, either by instructions from Downing-street, or according to the uncontrolled will and discretion of the representatives of Majesty.

You will shortly, if any dependence can be placed upon rumor, see an announcement of a new cabinet. We know not who the men may be, who nominally will be responsible to the people of Canada, but you may be certain that there will not be one—no not one amongst them, in whom, I will not say the majority of the people, but in whom even the party in the minority have the slightest portion of the confidence, necessary to a successful or a tranquil Government. They will be opposed to the people, and without the inclination to serve them, unless as men serve their enemies, and if they had the will to do good, they will not have the power. They will, or rather Sir Charles Metcalfe will have a party, and he will be King of that party. He will have no occasion to call it a party, for his Excellency has already, in his answers, shewn, that he includes all whom he considers loyal, and that all the rest are disloyal seekers for separation. To the latter favor or patronage cannot be extended, unless upon change of opinions—patronage given to produce change of opinion is bribery. Mr. Ryerson has, apparently with the highest authority, shewn how his Excellency proposes to deal with those who are contumacious. Here there will be the impartial, the just, the equitable Sir Charles Metcalfe, who puts party under his feet—a party leader, with his party in the minority, a minority supported by a class whose violence, insubordination, contempt of law and persecuting spirit are proverbial. Was Sir Charles Metcalfe a despotic ruler with the active power of an absolute sovereign, he might rule Canada, as a conquered country, as justly as a conquered country can be ruled; but he can only threaten “military provisions,” while he uses the weapons of civil rule, and the forms of the constitution—and although he may declare Responsible Government impracticable, and abandon the pretence of respecting its usages, his best success must end in weakness, and weakness is not its own master: it is cruel without intention, and unjust from necessity.

LEGION.

LETTER XIII.

SIR,

I have quoted and remarked upon Sir Charles Metcalfe's messages to Parliament, and upon his answers to public addresses, sufficiently to show, that his Responsible Government is one of his own imagining, and that it is not British, either in theory or practice; so that if with all the desire to persuade the people of Canada, that he was in favor of the principle, he has made such a case for himself, it may well be supposed that the freshly imported antagonism, expressed to his late Counsellors, with an announcement of his determination as to his principles of Government, was quite as much opposed to those of British Administration, as any he has been pleased to publish since. Of the language used in the consultations in Council, we have short statements of what opposing parties wish to be considered the substance of what they respectively required or determined upon. Had his Excellency's subsequent definitions or explanations been satisfactory, and his acts consistent with them, there would exist some evidence of his present intentions, and it would appear, that these, whether originally his, or extorted from him by the difficulty of his position, were such as might be accepted with safety and relied upon as pledges to be used in future, when occasion should require. But, as they are not so, as they are anti-British and unconstitutional, they prove beyond question, not only that the late Counsellors did their duty in resigning, but that neither with them or with others, so long as Sir Charles Metcalfe's determination shall prevail, is there any hope of Responsible Government. The whole question might have been safely trusted to this issue, and there is no very good reason why it was not confined to it on my side, except that Doctor Ryerson's defence was begun to be answered, while yet in its commencement, and a very undue degree of attention was paid to his unimportant distinctions, and absurd strainings at gnats while he was devouring camels. It is important to us to know, what the late Counsellors meant by requiring, that they

should be consulted. We have learned that they required to be advised with, by the representative of Majesty, in like manner and to the same extent as Ministers are advised with by Majesty, under the Constitution of which ours should be the perfect likeness, in all matters of merely local concern. It was of importance to us to know what his Excellency meant, by receiving the advice of his Counsellors with due attention—what his Excellency meant by selecting for office, persons best qualified, and when there was no pre-eminence using his discretion. We have learned, that the advice was to be received and rejected, *if such was his Excellency's pleasure*; in the ordinary course of Government; and without change of Government, or assent of Counsellors; and that the discretion to be exercised, was so paramount as not to be questioned without subjecting the objectors to a charge of disaffection. We had no occasion to discuss abstract principles, for these have been discussed and settled in theory, and by long practice in England; and we had Lord Stanley's explanation, "that it was well known that in England the Sovereign exercised no political power." And we knew; that in practice, whatever the influence of the Sovereign personally might be, there was no such thing as discretion beyond advice—and that if Sovereign discretion were used, it must be supported by advice, which would meet with either condemnation or approval, from the representatives of the British people; and and that when in England, acts were determined upon, advice and real substantial assent must either be obtained from those in office, or from others who should take their place. When, therefore the exercise of discretion, self dependant and beyond advice, was asserted as an active principle in the ordinary course of Government, it was plain enough that it was not a British principle without discussing the theory of the British Constitution. Then it was of vast importance to the people of Canada, to understand what his Excellency meant, by the administration of prerogative and the distribution of office without regard to party, and with Sovereign impartiality to each and all. Again, we turn to England, and look in vain for a day or an hour, under any administration, when such a principle was either acted on or professed. We ask, was it in the reign of William the Third, who actually penned a message to the House of Commons, which he did not send, threatening to abandon the Government because he could not control party, and who was obliged to yield throughout his reign, to the party majority in the Parliament—a Parliament in

which party spirit was carried to mischievous lengths—did he declare Responsible Government impracticable, because his Ministers were not devoid of party spirit? Was it in the reign of Queen Anne, whose whole reign was the scene of fierce party contest, between the Whigs and Tories, throughout which patronage and appointments, were distributed to the successful party for the time being? Was it in the reign of George the First, who is represented as a leader of a Whig faction, who made an instantaneous change on his accession in all offices of trust, honor and advantage, and placed a new party in power? Was Sir Robert Walpole a Minister whose advice was received with merely due attention, and overborne because it favored a party. Was the Duke of Bedford or was the Marquis of Rockingham directed by King George the Third, to bestow office without regard to party, or did they do so? Or did the same Sovereign inform Lord North, that the patronage of the Crown was to be disposed of without regard to party, or was it so disposed of? Mr. Fox was a Minister obnoxious to the King, and his party was not the party of the King, yet was he told, that his Majesty would take him as an adviser, but would use his own discretion in appointments? Did his Majesty make appointments from the same party when Mr. Fox was Minister, and when his rival Mr. Pitt came into office? Or under the administration of either, was prerogative administered without regard to party? Was Lord Castlereagh a man to continue a Minister with patronage distributed without respect to party? Was patronage so distributed when Mr. Canning was in Government? How was it under Earl Grey and the Whigs? How was it managed under Lord Melbourne and Lord John Russell? and how is it now under Sir Robert Peel and Lord Stanley? We may look through every history of England, small and great, Whig or Tory, through every administration, through the reign of every Sovereign, we may see the evils of party spirit when carried to excess—we may see it led by Kings, and opposed to Kings, but never has it been proclaimed as a rule of British Government, that patronage was to be conferred upon persons who supported, and upon those who opposed Government alike. And never was any Sovereign able to say that he would exercise his own discretion in the ordinary course of Government, so as to avoid the partiality of party. Never was the time known, when it was not of consequence to the seeker of office, whether or not his friends were in power.

In short, we find that patronage has been distributed at all times, as if it was supposed that those who favoured the majority in Parliament, and the Ministry for the time being were in the right, and their opponents in the wrong. This may have in its excess led to evil, to Parliamentary corruption, to undue influence, but well exercised it has led to strength and union, and steadfastness of popular opinion at all events good or bad. Regard to what is called party, but which more properly may be called public opinion, as represented by the Ministry for the time being, has been ever an acknowledged principle of administration in England. If we want something better than the British Constitution, we may look to the supreme discretion of Governors, and the prerogative of Governors, but it would be folly to liken it to the discretion exercised by the Sovereign in England, or to call it the prerogative of the Crown.

In like manner the question appeared to be of importance, whether or not a stipulation was demanded; and while it appeared to be asserted that the late Council demanded a promise which would unconstitutionally limit the legal exercise of the Royal Prerogative, and particularly when this was alledged to be demanded under hand and seal: but when it appeared from a strict examination of Sir Charles Metcalfe's explanation to Parliament, as well as from Mr. Ryerson's admission, that the Counsellors only wished it to be understood as a condition of their remaining in office; that they should substantially be advised with on public affairs, including appointments and offers of appointments, as English Ministers are advised with, all the importance of the term "stipulation" was lost, and the question afterwards rested upon the reasonableness of their claim not upon the legality of the alledged demand. Such was the case when Sir Robert Peel refused to remain in office unless her Majesty would come to an understanding not to have the enemies of the Ministers attendants upon her Royal person; and understandings and misunderstandings of this nature, and terms upon which office is accepted, or the refusal of terms upon which office is resigned, being strictly according to British usage, and common in the arrangements by which Cabinets are made up, and upon which they are dissolved,—every one of which may in Mr. Ryerson's sense of the term, be said to have arisen from a demand of a stipulation,—the question I had to discuss was, whether the understanding which the late Counsellors desired, was a fair one; and whether, when a determination to

act contrary thereto was expressed, they were not obliged to take the course they did take, or to remain in office, assenting parties to His Excellency's determination, and for ever stopped from objecting to it or its consequences. Lord Chatham resigned, because he was not allowed to direct public affairs, not only against the opinion of the King, but of all his colleagues; and the British nation sustained him, because they had more confidence in him than in his colleagues. Mr. Pitt, resigned, because the King would not come to an understanding on the subject of Catholic Emancipation. But in Canada, for no possible reason, except that it is a Colony, the small boon asked by the late Counsellors namely, to be advised with, before they became responsible, is decried as an attempt to destroy the Royal Prerogative. The question for Canadians to decide, is, whether or not it is competent for a person in the office of an Executive Counsellor, asked to become one, to say yes, if your Excellency will advise with me, no, if your Excellency chooses to act without my advice. Can he do this, as he might do it in England, with all constitutional propriety, and is it disaffection and treason in a Colony?

I make these observations for the purpose of again calling to the attention of my readers, the fact that in British Constitutional history they will find a true guide in all their difficulties. No resolution, or series of resolutions, can fully define Responsible Government, or follow it into its consequences in practice. Whenever Canadians go beyond the Constitution, as understood and practised in England, they expose themselves justly to charges of republicanism. When they confine themselves within these limits, they may despise imputations of disaffection, come from what quarter they may. Before the concession of Responsible Government, they had the legal letter of a Constitution, with which they were dissatisfied. Under Responsible Government they had the life and spirit of the Constitution and they were for the time happy. With the dead legal letter, some looked for freedom in Republicanism: under Responsible Government republicanism was no longer whispered or thought of,—but rational, tried British freedom came to be respected in America, where, for the first time, it was known. It was found, notwithstanding the previous fears of many, to be consistent with the condition of a colony, and to have left that colony without an enemy to its colonial condition within its boundaries. Responsible Government was attempted to be explained away and destroyed, in the common mode used by all enemies of

constitutional liberty ;—the enemies of Responsible Government have rallied round the destroyer ; and the betrayers of the country have honor, and place, and power. It was not in the sunshine days of Responsible Government the people of Canada could show they were worthy of it. It was too great a blessing to be easily obtained, and it never would have been valued unless obtained with difficulty. It never would have been safe unless the faith of its friends was tried, and the constancy of the people, who claimed it, tested. It is well for this purpose, if for no other, that Canadians have been exposed to so long a trial ; well that every art has been used to beguile them ; well that they have been led to the pure fountains of British freedom, and well, above all, that they can find these without danger of republicanism on the one hand, or “ paternal despotism ” on the other. In other countries constitutions have taken centuries for their growth, and what is valuable in them, has been the fruit of contest and blood. In Canada, with Responsible Government, the British Constitution, in its perfection was received, and Canadians reap where they have not sown, and gather where they have not strewed. Their duty to themselves and to their country is to guard with care and jealousy the treasure they have obtained. If evil be found mingled with good, let those who see or think they see the evil, look for its correction, not by the sacrifice of principle, but in the natural progress of public opinion. Let them see in the representative of their Sovereign, a British Sovereign and nothing more, and let them not permit, if they can prevent it, any power to be set above the Constitution, with supremacy over its movements, and assumed competency of judgment, upon its practicability.

* * * * *

It was my intention before concluding these letters to have reperused Mr. Ryerson's defence, with a view of taking up any stray points not involved in my argument ; he has by furnishing a list of what he calls his strong points saved me a trouble which few would willingly undertake. I am not disposed to go over this controversy again, neither have I so low an opinion of those who are interested in this discussion as to think it necessary. I shall nevertheless take advantage of the list of omissions Mr. Ryerson has published, and make some remarks upon each, in the order in which he has given them.

“ 1st. (Mr. Ryerson says) I have proved by certain of the late Counsellors themselves, that they did demand a stipulation from

His Excellency, (pp. 62—67;) respecting which testimony Legion says not one word."

The first evidence produced, is what Mr. Hincks said, in answer to Mr. Viger's pamphlet, "the votes of the ex-Ministers for Mr. Boulton's resolution, which was seconded by Mr. Lafontaine, afford the best evidence which can be offered, that they did not demand a stipulation in the ordinary acceptation of the term." The second evidence is, "Mr. Baldwin says, again an attempt has been made to mislead the public into the belief that the disruption turned wholly on a demand by the Ministry for a stipulation, as it is called, of an unconstitutional character, but he (Mr. Baldwin) thought that his learned friend, Mr. Lafontaine, having seconded Mr. Boulton's addition to the address, was a sufficient proof that all they asked was, that mutual understanding which Mr. Boulton's resolution not only recognized but indeed declared to be absolutely necessary." The third point of evidence is, that "Mr. Sullivan alleged, in his explanatory speech, the impossibility of their remaining in office after understanding his Excellency's views."

This is the whole evidence Mr. Ryerson furnishes within his pages 62 to 67, from the late Counsellors, and he has the impudence to assert that I have been silent on the subject. The Counsellors have denied that they desired his Excellency to become bound by a stipulation, which would limit his exercise of the Royal Prerogative in future, for this would have been what his Excellency had no legal authority to give; but they never denied that they wished an understanding, an understanding necessary to correct what might be inferred from acts of his Excellency, and which they hoped had arisen from misunderstanding. They explained to his Excellency that in their sense of their duties and responsibilities, they were to be consulted. His Excellency expressed views and determinations, upon the hearing of which the Counsellors must either have resigned or been assenting parties. Stipulations between Sovereigns and Ministers are not common, but explanations of intended policy are as common as changes of administration; and it would be vain to attempt the formation of Governments, were not these explanations and understandings part of the ordinary course of Ministerial arrangements. Should Mr. Morris, for example, before he took office, have explained to his Excellency his views on the University Bill, and asked his Excellency's intentions with a view of ascertaining whether in coming into office he could render conscientious support to the Govern-

ment ; would this be demanding an unconstitutional stipulation, or does the Constitution demand profound silence on a probable point of difference until the difference is shown, by acts of the Governor ? But why should this flimsy pretext for the suspension of a Constitution be further dwelt upon. I understand Mr. Ryerson to deny that Ministers and Sovereigns can constitutionally explain each others views and intentions, and part when they are found to be incompatible. I allege on the other side, that such explanations are common, constitutional, and necessary ; let the public judge between Mr. Ryerson's school-boy criticisms and the practice of the British Constitution.

Mr. Ryerson is fond of quoting George the Third, as an infallible authority, on all Constitutional points, yet he was as fond of a stipulation as any one, for after a course of intrigue against Lord Grenville and his Ministry, he demanded of them a *written* renunciation of all schemes and intentions favourable to the Catholic claims. This they refused ; and notwithstanding the matter was specially moved in the House of Commons, and the King's demand alleged to be unconstitutional, his new Ministry were sustained ; that was a demand of a stipulation ; but his Majesty's determination not to permit his Ministers to bring in a Catholic Relief Bill, upon which Mr. Pitt resigned, might, in Mr. Ryerson's and Sir C. Metcalfe's explanation of the term, have been construed into a demand of a stipulation by Mr. Pitt, who resigned, not because his Majesty refused his assent to a bill for Catholic Emancipation, but because his Majesty's expressed determination was against the measure. Who ever thought of complaining that Mr. Pitt had no facts upon which to resign, no bill prepared, no measure introduced, no legal dissent given.

Mr. Ryerson's second charge of omission, is thus stated : " I have proved by the same testimony that the demand of the late Counsellors did involve the surrender of the prerogative of the Crown, as alleged by Sir Charles Metcalfe, (pp. 68—72 ;) respecting which, Legion says not one word."

Now, all this incontestible proof, from 68 to 72, consists of a justification of the practice of seeking advice from others than the responsible Counsellors. 2ndly. Of a justification of a practice of appointing friends of the administration and their enemies to office, indifferently. 3rdly. Of an assertion that this was a hitherto acknowledged reform doctrine. 4thly. Of an assertion that for a Sovereign to change his policy under successive Ministers, or for

him explaining his intention to do so would be becoming a Proteus, and degrading the name of Royalty. 5thly. That it is right in a British Sovereign to make appointments prejudicial to the influence of Ministers, and sixthly, that the proper mode of conducting a Government is for a Sovereign to resolve upon appointments, and to have the advisers of the Crown, who in England, virtually propose almost every appointment, in this Province to take them or leave them as they judge fit. Now, Sir, so far from being silent upon these points, I have shown that Mr. Ryerson's doctrines are wholly at variance with all English usage; that secret advice is in England considered mean intrigue; that enemies of the Government for the time being, are there very rarely appointed to office, and do not look for office; that friends of the administration and enemies are not shown equal favour in the distribution of office; that these doctrines of Mr. Ryerson are anti-British and impracticable even by Sir C. Metcalfe himself. That under the British Constitution Sovereigns without degrading the name of Royalty, do change their policy with respect to appointments, and to every thing else, with every change of Ministry; and that upon such occasions the Sovereign does become the very Proteus that Mr. Ryerson holds in so much contempt; that the Queen of England does not make appointments even in her Royal Household prejudicial to the influence of her Ministers; and that candid explanation and understanding of plans and principles, are not unconstitutional. Mr. Ryerson calls all this perfect silence, he is welcome to be as deaf as he pleases, but the country hears and judges, not Mr. Ryerson.

The power in the Governor-General to go contrary to all English practice has been denied by no one. His prerogative to do what would be wrong in any other person to advise, has not been denied; therefore the surrender of the Royal Prerogative has not been required. But if to do wrong, without the wrong being questioned, be Royal Prerogative in Canada, then the surrender of the prerogative was required; and if to withdraw from a Government after a determination was expressed to conduct that Government on wrong, impracticable, and absurd principles, was an invasion of prerogative, then prerogative was invaded. But of this strong point the Canadian people are the judges, and not Mr. Ryerson.

Mr. Ryerson's thirdly alleged omission is thus stated: "I have proved by the same testimony, that the real question of antagonism was not the, or any, principle of Responsible Government but the distribution of patronage for one party to the exclusion of

all others, on which vital point also, Legion is profoundly silent."

As to the real point of antagonism, I did not, and I could not, state all or any of the points discussed between Sir Charles Metcalfe and his late Council. That their insisting on the right of being advised, was one, they allege. Sir Charles Metcalfe says, that taking advice and following it mean the same thing: and he says that the Counsellors meant to advise the distribution of office for the purpose of purchasing parliamentary support. He gives what he states to be their own words, however, and from these we find that they expected that appointments should *not be made prejudicial to their influence*. I have justified this expectation as consistent with British usage, and I have upheld the doctrine of *advised—actually advised* Government as the main principle of the British Constitution, what matter then, to me, is Mr. Ryerson's essential point. I have taken up all points, offered, and discussed them all, and upon them the Canadian people are the judges, not Mr. Ryerson.

The fourth point of omission, is with respect to the principle discussed in the Assembly, and on this point I need only say that, all the principles which Sir C. Metcalfe's explanation invited the discussion of—were discussed in the Assembly, and decided upon, in the resolutions expressing confidence in the Government, which had been administered on the principles avowed by the late Ministers, and upholding a system of advised Government regarding appointments to office.

As to the fifth point of omission, I have discussed at far greater length than the subject demanded, the points of contradistinction and contradiction between the statements of Sir Charles Metcalfe and the late Counsellors; and in the whole course of my letters, I have made not one assertion against his Excellency, though I have deduced many consequences from his Excellency's own doctrines, and from those of Mr. Ryerson, which show that Sir C. Metcalfe has placed himself, and is placed by his defender, in a false and unconstitutional position.

As to the sixth point of omission, I have shown, abundantly, that although Sir Charles Metcalfe, professed and professes to adhere to the resolutions of 1841, his own answers are, in the teeth of these resolutions, and his doctrines, and practice, directly at variance with the spirit and working of the British Constitution.

Mr. Ryerson's seventh statement of omission is as follows: "I have proved by the official and collective testimony of the late

Counsellors themselves, that Sir Charles Metcalfe's avowed principles of administering the patronage of the Crown are precisely the same with those which they professed; during Sir Charles Bagot's administration."

"Sir Charles Metcalfe's professions, "that the appointments are to be made without reference to party considerations," have been sufficiently adverted upon, let us see what Lord Sydenham's were. The favorite phrase of Lord Sydenham was, Mr. Ryerson says, "equal and impartial justice to all classes of her Majesty's subjects." I suppose, Sir, this may be a phrase in any persons' mouth, without involving any political principle whatever. The question is, what is equal and impartial justice? It is not justice to a Ministry to make appointments prejudicial to their influence; and it is not justice to the country to treat the friends and enemies of the administration for the time being alike. At all events it is not true; neither is there an iota of truth in Mr. Ryerson's assertion in his 103d page, that Lord Sydenham acted upon the principle either in his legislation or his appointments; and it is not known, and it is not true, as Mr. Ryerson asserts in his pamphlet, that Mr. Baldwin took office upon any principle approaching to that of distribution of office to friends and enemies of the administration alike, and without regard to party. Lord Sydenham, as Governor, was no party man; he sought to form a Government which the Parliament would support, and having formed that Government, he did not consider its friends and enemies alike, for he avowedly and actually used his prerogative to strengthen that Government; and there never was a Governor in Canada who was less disposed to bestow office on any man who voted with or supported the opposition. Mr. Ryerson's example in confirmation of this, were it a mere blunder would expose him to laughter, but it is worse than a blunder, it is an exhibition of the deep hypocrisy and insincerity with which he has conducted his defence of Sir Charles Metcalfe.

"When Mr. Draper, (says Mr. Ryerson,) and Mr. Baldwin, (the former Attorney and the latter Solicitor-General,) were announced as Candidates, previously to the elections of 1841, Mr. Hincks, then Editor of the Examiner, denounced Mr. Draper, and supported Mr. Baldwin; and yet professed to be favourable to Lord Sydenham's administration. In consequence of this, as my views of Lord Sydenham's policy were known, I received a letter from one of his Lordship's Household, containing the sub-

stance of the following paragraph, (including the Capitals) in an article written in reply to Mr Hincks, headed "on opposing and supporting the Government" published in the Guardian, April 15th 1840 :—

"Now we assert, advisedly that the Governor-General attaches equal importance to the return of Mr. Draper and Mr. Baldwin, and that opposition to the one, as well as to the other, under whatever pretence it may be got up, is equally opposition to the Governor-General's administration. Parties and party spirit have nearly ruined the country, the object of the Governor-General is, to abolish parties and party feelings, *by uniting what is good in both parties.* Therefore the moderate of both parties who possess superior qualifications to others, ought to be supported, and the violent extremes of both parties ought to be rejected as the enemies both of the Government and the country. Adopting this course, will be supporting the Government, pursuing the opposite course, will be opposing the Government. Every man has a right to oppose or support the Government as he chooses, but every man ought to know when he is doing the one or the other. We assure our readers and all concerned, that both the Attorney and Solicitor-General are bona fide government candidates, and that opposition to either of them, is opposing the administration of the Governor-General."

Now, Sir, what was the state of facts, when Mr. Ryerson, thus became the vehicle of Lord Sydenham's opinions. Lord Sydenham had succeeded in forming an administration, composed of persons who had belonged to different parties, but who united for a time, under the hope that they could agree as to future policy. While so united, they formed one party, their views and objects were the same: the members of that administration were not like those of a Nova Scotia coalition, avowedly opposing each other and pulling different ways. On the contrary, their object was, to unite the supporters of both the candidates as one party, a very good and happy object could it have been eventually accomplished. Lord Sydenham's object was, to befriend and support his Ministers, and for that purpose to unite two parties, which he desired to merge into one. Through Mr. Ryerson therefore, he let it be known that support of his Ministers, was support to himself; and opposition to them, was opposition to himself: but when he said "every man has a right to support or oppose the Government as he chooses, but every man ought to know when he is doing one or

the other ;" did he mean to say, that he looked upon the supporters and opposers in the same light, with perfect impartiality, and when he said that the violent extremes of both parties ought to be rejected as the enemies both of the Government and the country, did he not mean to designate those who opposed his ministers as such enemies ? and did he mean to bestow office on them without regard to party ? There are but two parties which can be recognized by a Sovereign or a Governor, one the supporters of his administration for the time being ; the other, those who oppose it, and there is not a word in Mr. Ryerson's own paragraph which does not breathe hostility on the part of Lord Sydenham to the opposition and favor to the supporters of the administration. Lord Sydenham fairly and patriotically, desired the abolition of former party spirit, he sought the accomplishment of his desire by bringing party leaders together, and by procuring their agreement, but he never tried to put down party by rewarding opposition ; he never pretended to do so. Even Mr. Hincks, who appears to be one of those personally denounced for his opposition, was received into the Government upon that opposition ceasing : but Lord Sydenham promoted no enemies. In Lower Canada the French population were excluded by him from office, simply and for no other reason than because they opposed him. Their opposition he regretted, because it made his administration weak ; but he did not soften it by promoting them while that opposition continued.

Had Sir Charles Metcalfe endeavoured to bring about a reconciliation between parties, so as to induce them to join in the same Government : had he induced Mr. Baldwin and Sir Allan McNab to act together, he would probably have done good : he would probably have strengthened his Government and lessened opposition, and the enemies of one of these gentlemen would, while they were united, have been the enemies of the other ; and those who objected to the union, would have been in opposition, but Mr. Ryerson well understood the difference between strengthening a Government by bringing it support, and destroying it by appointments prejudicial to its influence. But Mr. Ryerson has presumed to quote this paragraph, in support of Sir Charles Metcalfe, in support of a determination, to treat opposition and assistance to Government alike. But such was not Lord Sydenham's policy, and no contrast could possibly be greater than the one disclosed in Mr. Ryerson's paragraph. Lord Sydenham said, every man has a right to support or oppose the Government

as he chooses; but every man ought to know when he is doing one or the other. Sir Charles Metcalfe's policy is, every man has a right to support or oppose the Government as he chooses; but I care not which, and as it is indifferent to me which he does, so let it be to him. Lord Sydenham's doctrine and practice, were those of a British Statesman: Sir Charles Metcalfe's those of an East Indian ruler, regardless of English usage, and seeking to put down party, by substituting his own despotism for popular opinion.

Mr. Ryerson quotes a passage from Lord Durham's answer to the Toronto address, which he would make appear very much in favor of Sir Charles Metcalfe's system, and would be so if said under the same circumstances, as Sir Charles Metcalfe has promulgated his impartiality. Lord Durham said, "On my part I promise you an impartial administration of the Government, determined not to recognize the existence of parties provincial or imperial, classes or races. I shall hope to receive from all Her Majesty's subjects those public services which must ever warmly depend on their comprehensiveness." Such was the doctrine of Lord Durham, who had no administration formed in the country, but who looked to the future to form one, without recognition of by-gone party differences, provincial or imperial, classes or races. He intended to be, as all Governors should be, impartial in his selection of an administration, and to make his policy as comprehensive as he could; to have as much support for that Government as he could procure, but he was at the time recommending the establishment of a Government to rest upon popular support, and to depend, as the British Government was depending upon the confidence of Parliament. He never meant to say, that he would look upon support or opposition to that Government with indifference; or treat those as friends who would obstruct it. The late ministers asked no favour from Sir Charles Metcalfe, they asked no partiality at his hands; they did not desire to assist themselves with the weight of his individual opinions, they did not desire to be maintained in Government by his strength. Perfect impartiality, was what he says, they asked from him, that he should make no appointments prejudicial to their influence, while they were his ministers; and when the time should come, when they would no longer be his ministers, they expected the same consideration should be extended to their successors. This is the British impartiality which enables the Queen of England, to remain beloved and respected,

through successive changes of administration, and through the most complete political revolutions as to policy and the course of appointments. She personally recognizes the existence of no parties, classes or races, the confidence of her parliament is her rule of right and wrong in politics. Under our administration, appointments are given to Whigs, not because they are Whigs, but because the voice of the nation places them in a position to conduct a Government successfully, under another administration appointments are conferred on Tories for the same reason. But this could not be the case, if besides the constitutional impartiality I have thus described, the Queen were to seek other advice, than that of her Ministers; if she were to look upon them as leaders of a new party and constitute herself the supreme arbiter between them and their opponents; if she were to appoint their enemies to office, encourage opposition to her administration, and then say it was constitutional usage to hear the advice of her Ministers with due attention, to hear the advice of their enemies also with due attention; and to take care that patronage was equally distributed between the supporters and opponents of Government. I deny, that this ever was the doctrine of Reformers, or of any other party in Canada or England. I deny that it is one, which Sir Charles Metcalfe can or will act upon, support and opposition to Government, whether the Government is despotic, or whether it be constitutional must influence appointments. Under the first kind of Government, the Governor and his friends, form the Government which is to be supported or opposed; under constitutional government, the administration for the time being, must be considered in that light. And Lord Durham, who was a statesman and a reformer himself, knew well the distinction one which Mr. Ryerson was as well aware of, as Lord Durham or any one else; but hollowness, insincerity and hypocrisy, seem to be engrained in his nature.

But Mr. Ryerson, in his 110th page, quotes with great triumph Sir Charles Bagot's reply to an address, on the subject of Mr. Buell's appointment, as Treasurer of the Johnstown District, and I shall give the quotation at length, after stating the circumstances under which the reply was made. On Mr. Buell's appointment, an accusation was made by the Johnstown District Council, charging Mr. Buell with disaffection and with being directly concerned in the late insurrectionary troubles. Sir Charles Bagot was prayed to investigate the charges. This his Excellency refused to do, and as it was

his policy, as well as that of his advisers, including, I believe, every one of them, to repudiate by-gone party differences, and to seek the support of the Government from all her Majesty's subjects without distinction. His Excellency was advised not to renew inquiries into the late rebellion, although the individual case would have borne them, and the individual charged courted inquiry. The Johnstown District Council, or the majority of them, were bitter opponents of the then administration, but this did not prevent them from repudiating, very impressively, all the distinctions, animosity, and exclusion which were more than suspected to be the motives of the address, to this address Sir Charles Bagot returned the following answer :—

"I observe with pleasure, your declaration that you wholly repudiate all selfish, all factious, all national, all religious distinctions, animosity, and exclusion, and that you desire to see all her Majesty's subject's enjoy the most perfect toleration and equality; AND THE DISTRIBUTION OF THE PATRONAGE OF THE CROWN CONFINED TO NO PARTICULAR SECTION OR PARTY, RELIGIOUS OR POLITICAL, YOU MAY BE ASSURED THAT it is in accordance with these principles that I am determined to administer the Government of this province, and that in doing so, I but execute the commands I received from the Queen, I, therefore, call on you to *co-operate* with me in my task, and with that view to *lay aside* those by-gone distinctions to which you advert, and which have been the bane of this fine Province. I call upon you to turn your attention to the practical measures necessary for the improvement of the country, and to prove your loyalty and earn the gratitude of your fellow subjects, by making this province what it was by nature intended to be, the most valuable dependency of the British Crown, a source of wealth in peace, and a means of strength in war."

I suppose, Sir, that very many Royal speeches, proclamations, and answers of Kings and Queens, as well as Governors, may be quoted to deprecate party and faction, but I am very certain that there is not one which designates the majority in Parliament, or the Ministry for the time being, as either one or the other, until Sir Charles Metcalfe set the example. Kings under Responsible Government are identified with their Ministers, as was Sir Charles Bagot with his, when he delivered the answer above quoted. The difference between Sir Charles Bagot and Sir Charles Metcalfe was a wide one, as Mr. Ryerson well knew. Sir Charles Bagot spoke of by-gone parties which divided the country, and caused

hostility to the Government, he deprecated these, and called upon the Johnstown District Council to lay them by and to co-operate with him ; he never meant to place co-operation with his Government and opposition to it on the same footing, and he did not and could not mean to say, that his administration was a party or a section of a party; neither did he say, or mean to say, that he would distribute patronage and office, to reward support and opposition alike. But Sir Charles Metcalfe, in his declarations of impartiality, directly refers to his administration as a party: he does not invite co-operation with them, he does not announce, as Lord Sydenham did, that opposition to them, or any *c' nem*, would be opposition to him ; but he claims it as a proper constitutional usage of prerogative, that he should regard his advisers and their opponents upon terms of equality ; each of them parties or sections of parties, and that qualification or ability should be his rule, without regard to whether it was applied in support or opposition of the administration over which he presided.

Mr. Ryerson says, that this reply was received with dismay and dissatisfaction by the opponents of the late administration, (who in fact constitute nineteen-twentieths of Sir Charles Metcalfe's present friends,) but these opponents well knew that office could not be confined to them, when the highest in the country were in the hands of their opponents ; they could not have been dismayed and dissatisfied if support and opposition to Government were reduced to equality. They could only have been dismayed and dissatisfied at the obvious determination implied by that answer, that by-gone differences, arising out of the late troubles, differences which that class of politicians hoped to perpetuate for ever, should be buried in oblivion ; that all should be at liberty to co-operate with the Government, or to oppose it, and that those who chose the latter under pretence of former distinctions, party, religious or political, should take the necessary consequences, which opposition to Government in all countries necessarily involves.

If, Sir, a practical commentar / on what Lord Sydenham and Sir C. Bagot said and wrote either with or without the advice of the late Counsellors were wanting, the whole course of these appointments furnishes that commentary; neither they nor the Council extended or desired to extend political considerations further than their just boundaries ; but they made no appointments, and they did not pretend to be under an obligation to make any which they knew would be prejudicial to the influence of the administrations serving under them.

Men of all former and by-gone parties were appointed, but in the disposition of offices, not necessarily diffused, or including numerous individuals they had strict regard to the political position of the applicants towards the administration; and so far were they from regarding opposition to Government with indifference, that two officers, namely, Mr. Murney and Mr. Berrie, were removed for no other reason than opposition to administration candidates, and their removal was defended on that ground solely. Whatever merits Sir Charles Metcalfe's paternal despotism may possess, no one but Mr. Ryerson could be impudent enough to institute a likeness between it and the Government of his predecessors, or between his declarations and theirs.

I shall not lengthen out the concluding letter by further criticisms on Mr. Ryerson's defence, neither do I intend to enter into controversy upon what he calls his refutation. I am satisfied to let my letters go before the public in defence of any refutation which he has produced or is able to produce. I shall not follow his example by bragging as to what I have proved or what I have refuted; I have no taste for the Mountebank style of puffing my own productions. It is not what I think is proved, the public may think so: and it is not what Mr. Ryerson says he has established, is established. Had I ever been given to a display of egotism and vanity, the odious and disgusting exhibition of both, in his letters, would have prevented it; and had I been aware of the little effect they would have produced, I should not have answered them at all: had I been his enemy I could not have wished him worse than he has made himself appear, by his own writings; and as he has made himself appear, so would I have left him.

In the course of these letters I have avoided reviving by-gone party differences. I have made no allusions to Mr. Ryerson's political course in former times, such allusion was not necessary for my purpose, which was simply to answer his defence of Sir C. Metcalfe, or rather his attack upon the late Counsellors, whom he accused of ignorance of their duty, falsehood, and treason. He did not believe what he wrote, and I have accused him of deception and hypocrisy.

For this he has naturally enough sought his revenge, and has selected Mr. Sullivan as his object; respecting that gentleman's political course I feel obliged to make a few remarks.

Mr. Sullivan joined Sir Francis Head's administration, as an opponent to Responsible Government. He avowed that he thought it dan-

gerous, and inconsistent with the condition of a Colony. He argued that British Responsible Government was produced by the actual power of the people, and not by convention or understanding; and he looked upon the attempt to introduce it into Upper Canada, as a vain one—the power of the Crown and of the Empire not being capable of being balanced against the political influence of the people of Upper Canada, so as to produce a likeness to the British Constitution, in which likeness he always contended Responsible Government consisted. The Parliament of Upper Canada sustained that view, the country was agitated, some insatuated men took up arms in rebellion, and lives were lost on the part of the defenders of the loyalists. The rebellion was suppressed, and Mr. Sullivan was in the Government at that miserable time, when law had to be vindicated, and when actions had to be accounted for which motives could not justify.

Two lives were taken in consequence of the insurrection. One of the unfortunate persons was a man very much esteemed in his neighbourhood, but he was a leader: the other led a detachment of the insurrectionary force against the City of Toronto; for this taking of life Mr. Ryerson may hold Mr. Sullivan responsible, and the multitude of loyalists who approved of it, and who desired greater extension of the penalty of death, may, if they please, be gratified when that act is re-called by their friend, Mr. Ryerson, with opprobrium and condemnation. Sir C. Metcalfe may also, if he pleases, reward Mr. Ryerson for now calling in question an act which involves in condemnation his Sovereign and her Majesty's Ministers, as well as his own predecessors in office, and more than one of his present Counsellors, who were in the Government in Lower or Upper Canada, immediately after the late rebellion. If these latter submit to the condemnation of Mr. Ryerson, Mr. Sullivan has no reason to complain.

Lord Durham came to Canada, and in his report to her Majesty's Government attributed the troubles of the country to the want of Responsible Government,—to the want of a Government administered according to British usage. Mr. Sullivan was opposed to Lord Durham's recommendations, for he saw Responsible Government in the same light then as he had seen it before. Lord Durham recommended a union of the provinces; Mr. Sullivan was opposed to it, because the union of the popular strength of both provinces made a struggle for Responsible Government inevitable.

The question of Union was brought forward in the Upper Canadian Parliament, without the authority of Government, and Mr. Sullivan opposed it, because it had a certain tendency to bring on the struggle for Responsible Government, and he argued against the injustice and uselessness of the preponderance in the legislation proposed to be given, as a safeguard against the popular influence of the French Canadians.

The finances of the province, in consequence of grants of money for public improvements came into a state of difficulty amounting to insolvency; and Upper Canada claimed assistance from the mother country.

Lord Sydenham came to Canada with a proffer of the requisite assistance, but upon the condition of the Union of the Provinces. He saw the accession of popular influence which would be acquired by the Union, but he approved of and invited it.

No man who opposed the Union, as proposed by Lord Sydenham, suggested or was able to suggest any means by which the Government of Upper Canada could be carried on, or its finances restored, unless by means of assistance from the British Government, and no assistance could be obtained without the Union of the Provinces. Mr. Sullivan supported the Union under these circumstances, not as his measure, or one that he desired, but because it could not be avoided; and opposition to a measure without the power of proposing an alternative, was no part to be taken by a politician either in or out of Government.

Mr. Sullivan opposed unjust conditions, attempted to be introduced into the Union Bill, as well because of their injustice as because they must in their nature be temporary and unavailing.

The Union Bill was enacted, and immediately thereupon came the forms of British Government, and the claim for it in substance as it was understood in England; this Mr. Sullivan always looked upon as an inevitable consequence of the union of the Provinces, and when her Majesty's Government chose, for the sake of the peace of the country, to concede the principle, and to withdraw from intervention in the domestic affairs of Canada, he rejoiced to believe the struggle at an end, to see a probability of a union of parties theretofore opposed. He pledged himself in Parliament on many occasions to the principle of Responsible Government, of the intention and interpretation of which he never had but one opinion—and he resigned his place, when an interpretation con-

trary to his understanding of the principle adopted was endeavored to be put upon it.

Like most men, who have been concerned in public affairs, he has made enemies, and he has never attempted to avoid it by disguise or pretence. He has had the misfortune to differ from principle, and to have to contend with them, but he has done so without losing the friendship of those who he believes ever felt it for him; he has with his colleagues been stigmatized as a revolutionist and a disaffected man by her Majesty's Representative, and, by a lying saviour upon power and place, he has been compared with villany and infamy, but he is yet unhurt, and time will show who has most reason to regret these imputations.

Amongst many charges made by Mr. Ryerson, there is one which he probably believes, and that is, that Mr. Sullivan reported his own explanatory speech in the Legislative Council, on the disruption of the Ministry. That speech was reported by the reporter of the Montreal Gazette, who asked for, but did not procure any assistance from Mr. Sullivan. Neither did the latter see the report until it was in the newspapers. It is probably as correct as such reports usually are in this country, and there are many things in it which were said, but amongst them was not any recommendation of a coalition Government.

Mr. Sullivan, is not however, the Toronto Association, neither will he be the judge of Mr. Ryerson's defence, or the one to suffer from the black hypocrisy which could pretend to respect and affection for a man whom it now abuses. The young men of Victoria college, it is to be hoped, will not follow example rather than precept; and professors of religion will choose, rather to observe what they hear from the pulpit, than what they see in the conduct of their Minister. It is time for the sake of all, that the Doctor forsook a calling, for which he never was fitted, and as he denies Mr. Sullivan's worthiness to unloose the shoe strings of Messrs. Viger and Parke, I hope that he himself will undertake the office, as one for which he is eminently qualified. These gentlemen appear to know how far they may use, and they know him too well to trust him.

I have but one word to say in conclusion: Governors will be changed, parties will change, persons will come into favor, and others will lose it, resolutions will be passed, and they will be interpreted and misinterpreted. Majorities may change, (though of that there appears at present little probability,) but there is one

thing steadfast, which is, the British Constitution. When Canadians obtained Responsible Government, they got the life and soul of the Constitution with it. Men may for a time err in their notions of its usages and consequences, but they are always set right by looking for its beaten path; he who starts from a point, and travels by the compass, if his compass be wrong, is going more from his object every hour, but he who has a blazed line in the darkest wood, can only be in error for a short space. My advice to Canadians therefore is, to discuss with every one they meet, whether their Government is conducted according to British usage; and when any man begins to draw distinctions between Responsible Government in a Colony and the British Constitution, let them avoid that man as an enemy. Many, very many are sincerely opposed to Responsible Government, but none sincerely support it, and shrink from its interpretation by its best commentary—British history.

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A P P E N D I X.

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P R O C E E D I N G S

OF THE LEGISLATIVE ASSEMBLY OF CANADA, ON
THE QUESTION OF RESPONSIBLE GOVERNMENT,
FRIDAY, 3RD SEPTEMBER, 1841 :—

Mr. BALDWIN moved to Resolve, seconded by the Honourable Mr. VIGER,—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 which do not, on the ground of absolute necessity, constitutionally belong to the jurisdiction of the Imperial Parliament, as the paramount authority of the Empire.

The Honourable Mr. MOFFATT moved, seconded by Mr. SHERWOOD,—That the Orders of the day be now called.

The question being put upon the said Motion, a Division ensued, and it passed in the negative.

Sir ALLAN N. MACNAB moved, seconded by Captain STEELE,—That the said Resolution be taken into consideration in a Committee of the whole House to-morrow.

The question being put upon the said Motion, a Division ensued, and it passed in the negative.

The Honourable Mr. HARRISON then moved, in amendment to the main Motion, seconded by Mr. DESALABERRY,—That all the words after "That," in the said Motion, be struck out, and the following substituted :—"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."

The question being put upon the Motion of amendment, it was agreed to unanimously.

The question being then put upon the main Motion, as amended, it was also agreed to, and

Resolved, Accordingly.

Mr. BALDWIN moved to Resolve, seconded by the Honourable Mr. VIGER, That the head of the Provincial Executive Government of the Province, being within the limits of his Government the Representative of the Sovereign, is not constitutionally responsible to any other than the authorities of the Empire.

The Honourable Mr. HARRISON moved, in amendment, seconded by Mr. DESALABERRY, that all the words after "That," in the said Motion, be struck out, and the following substituted :—"the head of the Executive Govern-

"ment of the Province, being within the limits of his Government the Representative of the Sovereign, is responsible to Imperial authority alone; but that nevertheless the management of our local affairs can only be conducted by him, and with the assistance, counsel, and information of subordinate Officers in the Province."

The question being put upon the Motion of amendment, it was also agreed to unanimously.

The question being then put upon the main Motion, as amended, it was also agreed to, and

Resolved, Accordingly.

Mr. BALDWIN moved to Resolve, seconded by the Honourable Mr. VIGER, That the Representative of the Sovereign, for the proper conduct and efficient disposal of the public business, is necessarily obliged to make use of the advice and assistance of subordinate Officers in the administration of his Government.

The question being put upon the said Motion, it passed unanimously in the negative.

Mr. BALDWIN moved to resolve, seconded by the Honourable Mr. VIGER, That in order to preserve that harmony between the different branches of the Provincial Parliament, which is essential to the happy conduct of public affairs, the principal of such subordinate Officers, advisers of the Representative of the Sovereign, and constituting as such the Provincial Administration under him as the head of the Provincial Government, ought always to be men possessed of the public confidence, whose opinions and policy harmonizing with those of the Representatives of the People, would afford 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 at all times be faithfully represented to the head of that Government, and through him to the Sovereign and Imperial Parliament.

The Honourable Mr. HARRISON moved, in amendment, seconded by Mr. DESALABERRY, that all the words after "That," in the said Motion, be struck out, and the following substituted:—"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."

The question being put upon the Motion of amendment, a Division ensued; and the names being called for, they were taken down, as followeth:—

YEAS.—Messrs. Aylwin, Baldwin, Barthe, Boswell, Buchanan, Cameron, Chesley, Child, Christie, Cook, Crane, Daly, Day (Solicitor-General), Derbyshire, DeSalaberry, Draper (Attorney-General), Dunlop, Dunn, Dunscombe, Durand, Foster, Gilchrist, Harrison, Hincks, Holmes, Hopkins, Killaly, Kinner, D. McDonald, Merriitt, Moore, Morin, Morris, Neilson, Parent, Parke,

Powell, Price, Prince, Quesnel, Robertson, Roblin, Ruel, Simpson, Small, Henry Smith, Hermenus Smith, Steele, Tache, Thompson, Thorburn, Turcotte, Viger, Williams, Woods, and Yule.—(56.)

NAYS.—Messrs. Burnet, Cartwright, MacNab, McLean, Moffatt, Sherwood, and Watts.—(7.)

So it was carried in the affirmative.

The question being then put upon the main Motion, as amended, it was agreed to, and

Resolved, Accordingly.

Mr. BALDWIN moved to Resolve, seconded by the Honourable Mr. VIGER, That as it is practically always optional with such advisers to retire from office at pleasure, this House has the constitutional right of holding such advisers politically responsible for every act of the Provincial Government of a local character sanctioned by such Government while such advisers continue in office.

The Honourable Mr. HARRISON moved, in amendment, seconded by Mr. DESALABERRY, that all the words after "That," in the said Motion, be struck out, and the following substituted:—"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 within its constitutional limits shall be exercised in the manner most consistent with their well understood wishes and interests."

The question being put upon the Motion of amendment, it was agreed to unanimously.

The question being then put upon the main Motion, as amended, it was also agreed to, and

Resolved, Accordingly.

Mr. BALDWIN moved to Resolve, seconded by the Honourable Mr. VIGER, That for the like reason this House has the constitutional right of holding such advisers in like manner responsible for using, while they continue in office, their best exertions to procure from the Imperial authorities the exercise of their right of dealing with such matters, affecting the interest of the Province, as constitutionally belong to those authorities, in the manner most consistent with the well understood wishes and interests of the people of this Province.

The question being put upon the said Motion, it passed unanimously in the negative.

(True extracts from the Journals of the Legislative Assembly.)

W. B. LINDSAY,

Clerk of the Assembly.

M E S S A G E

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 a 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, introduced into the Legislative Assembly with the knowledge and sanction of Her Majesty's Representative in this Province, on the 3rd 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 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 Excellency 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 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 Counsellors 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 Counsel 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 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 service 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 conversation 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 Resolution 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 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 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, on whose confidence he places his sole reliance for the successful administration of the Government.

Government House, 22th November, 1843.

THIRD SESSION, FIRST PARLIAMENT. A.D. 1843.

PROCEEDINGS

OF THE LEGISLATIVE ASSEMBLY OF CANADA, ON
THE SUBJECT OF THE RESIGNATION OF THE
MEMBERS OF THE LATE EXECUTIVE COUNCIL.

Extracts from the Journals of the Legislative Assembly.

Saturday, 2nd December, 1844.

According to order, the House resumed the Adjourned Debate on a motion made by Mr. PRICE yesterday, viz :—

“ 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 of September, 1841.”

And the said motion being again read ;

Mr. WAKEFIELD moved in amendment thereto, seconded by Mr. SIMPSON, that all the words after “ That” in the said motion be struck out, and the following substituted :—

“ 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.

“ 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.

" That the well known practice of the British Constitution recognizes one effectual means, and no other, of securing the observance of the aforesaid principles, namely, the Resignation of the Members of 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 engagement with the Members of his Executive Council, or even with this House, binding himself in any wise, 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."

And the question being put on the said motion of amendment, it passed unanimously in the negative.

The Honourable Mr. VIGER then moved in amendment to the main motion, seconded by Mr. FORBES, that all the words after "That" be struck out, and the following substituted :—

" 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."

And the question being put on the said motion of amendment, it passed in the negative.

" The Honourable Mr. BLACK then moved in amendment to the main motion, seconded by the Honourable Mr. NEILSON, that all the words after "That" be struck out, and the following substituted :—

" 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 became public by any other channel, without any claim to control 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 of September, 1841, to which this House firmly adheres."

And the question being put on the said motion of amendment, it passed in the negative.

The question being then put on the main motion, the House divided thereon ; and the names being called for, they were taken down, as followeth :—

MR. PRICE'S MOTION.

YEAS.—(46.)

UPPER CANADA.

Boswell, Macdonald John S.
 Boulton, Merritt,
 Cameron, Morris,
 Crane, Parke,
 Derbshire, Powell,
 Dunn, Price,
 Durand, Prince,
 Gilchrist, Small,
 Harrison, Smith Hermannus,
 Hincks, Steele,
 Hopkins, Thompson,
 Lafontaine, Thurburn,
 McDonald D.,

LOWER CANADA.

Armstrong, Jobin,
 Aylwin, Lacoste,
 Barthe, Lesslie,
 Baldwin, Moure,
 Berthelot, Morin,
 Bontillier, Papineau,
 Beaubien, Quesnell,
 Chabot, Tache,
 Child, Turcotte,
 Christie, Viger Louis M.
 DeWitt,

NAYS.—(23.)

Cartwright,	Roblin,	Black,	Neilson,
Chesley,	Smith Henry.	Forbes,	Noel,
Dunlop,	Sherwood G.	Foster,	Simpson,
Johnston,	Stewart,	Hale,	Viger Denis B.
McNab Sir A.	Williams,	Hamilton,	Wakefield.
McLean,	Woods.		
Murney,			

So it was carried in the affirmative.

The Honourable Mr. BOULTON moved, seconded by the Honourable Mr. LAFONTAINE, that the following be added to the Resolution now adopted, and make part thereof:—

"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."

Mr. CHESLEY moved, seconded by Mr. GEORGE SHERWOOD, that the House do now adjourn.

The question being put on the said motion, it passed in the negative.

The Honourable Mr. Boulton's motion being then again read;

Mr. Speaker objected to the said motion as being unparliamentary and out of order.

And an appeal being made to the House from Mr. Speaker's decision, the House divided thereon; and the names being called for they were taken down as followeth:—

For Mr. Speaker's decision:—

Messrs. Cartwright, Chesley, Child, Christie, Crane, De Witt, Dunlop, Forbes, Foster, Hamilton, Johnston, Leslie, MacNab, McLean, Murney, Neilson, Noel, Roblin, Simpson, Smith (Henry), Sherwood (George), Stewart, Williams, and Woods. (24.)

Against Mr. Speaker's decision:—

Messrs. Armstrong, Baldwin, Barthe, Berthelot, Boswell, Boulton, Boutillier, Beaubien, Chabot, Dunn, Durand, Gilchrist, Hale, Harrison, Hincks, Hopkins, Jobin, Lacoste, Lafontaine, McDonald, (Donald), Merritt, Moore, Morin, Papineau, Parke, Powell, Price, Prince, Quesnel, Small, Smith. (Hermanus) Steele, Tache, Thompson, Thorburn, Turcotte, Viger, (Denis B.) Viger, (Louis M.) and Wakefield.—(39.)

The question being then put on the Honourable Mr. Boulton's motion, the House divided thereon; and the names being called for, they were taken down as followeth:—

YEAS.

Messrs. Armstrong, Aylwin, Baldwin, Barthe, Berthelot, Boswell, Boulton, Boutillier, Beaubien, Cameron, Cartwright, Chabot, Childe, Christie, Crane, Derbishire, De Witt, Dunn, Durand, Forbes, Gilchrist, Hale, Hamilton, Harrison, Hopkins, Jobin, Johnston, Lacoste, Lafontaine, Leslie, MacNab, Donald McDonald, John S. Macdonald, Merritt, Moore, Morin, Morris, Neilson, Noel, Papineau, Parke, Powell, Price, Prince, Quesnel, Roblin, Simpson, Small, Hermanus Smith, George Sherwood, Steele, Stewart, Tache, Thompson, Thorburn, Turcotte, Denis B. Viger, Louis M. Viger, Wakefield and Williams. (60.)

NAYS.

Messrs. Chesley, Dunlop, Foster, McLean, Murney, Henry Smith, and Woods.—(7.)

So it was carried in the affirmative.

Resolved, That a Select Committee composed of the Honourable Mr. Boulton, Mr. Price, and Mr. Leslie, be appointed to prepare an humble Address to His Excellency the Governor-General, in conformity to the foregoing Resolution.

Mr. Price, from the Select Committee appointed to prepare the Draught of an humble Address to His Excellency the Governor-General, in conformity to the Resolution adopted by the House, this day, presented to the House, the

Draught of the said Address; which Address was again read at the Clerk's table, and agreed to by the House; and is as followeth:—

To His Excellency the Right Honourable SIR CHARLES THOMPSON 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 most 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 might possibly be placed upon their 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 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.

Mr. PRICE moved, seconded by Mr. DURAND, that the said Address be engrossed.

The question having been put on the said motion, a division ensued; and the names being called for, they were taken down, as followeth:—

YEAS.

Messrs. Armstrong, Aylwin, Baldwin, Barthe, Berthelot, Boswell, Boulton, Boutillier, Beaubien, Cameron, Chabot, Childe, Christie, Crane, Derbishire, De Witt, Dunn, Durand, Gilchrist, Harrison, Hincks, Hopkins, Jobin, Lacoste, Lafontaine, Leslie, Donald McDonald, J. S. Macdonald, Marritt, Moore, Morin, Morris, Papineau, Parke, Powell, Price, Prince, Quesnel, Roblin, Small, Hermanus Smith, Steele, Stewart, Tache, Thompson, Thorburn, Turcotte, Denis B. Viger, and Louis M. Viger.—(49.)

NAYS.

Messrs. Cartwright, Chesley, Forbes, Foster, Hale, MacNab, McLain, Murney, George Sherwood, Williams, and Woods.—(11.)

So it was carried in the affirmative, and

Ordered accordingly.

Ordered, that Mr. PRICE, the Honourable Mr. BOULTON, Mr. CHILD, and Mr. BERTHELOT, do present the said Address to His Excellency the Governor-General.

(True Extracts.)

W. B. LINDSAY, Clerk Assembly.

an, Murney,

CHILD, and
Governor.

sembly.

