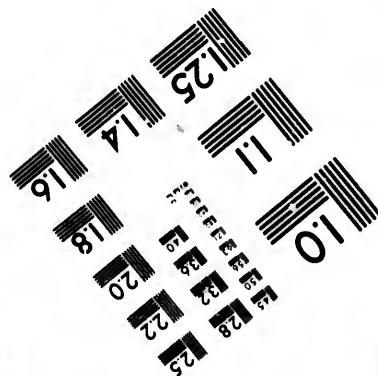
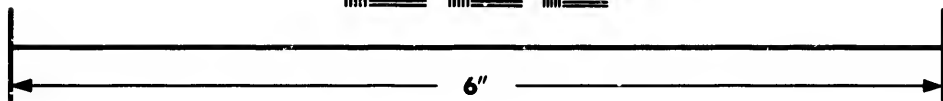
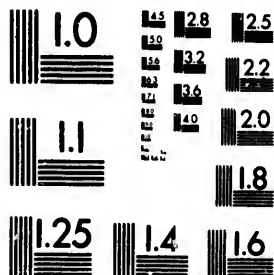


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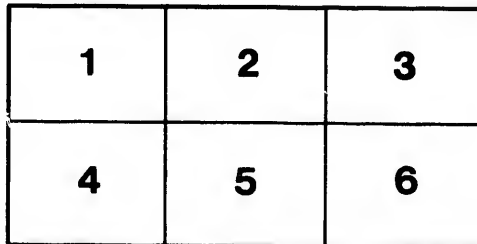
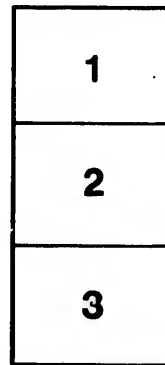
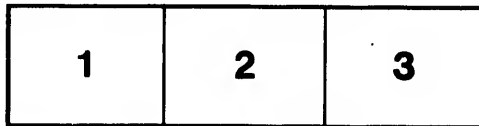
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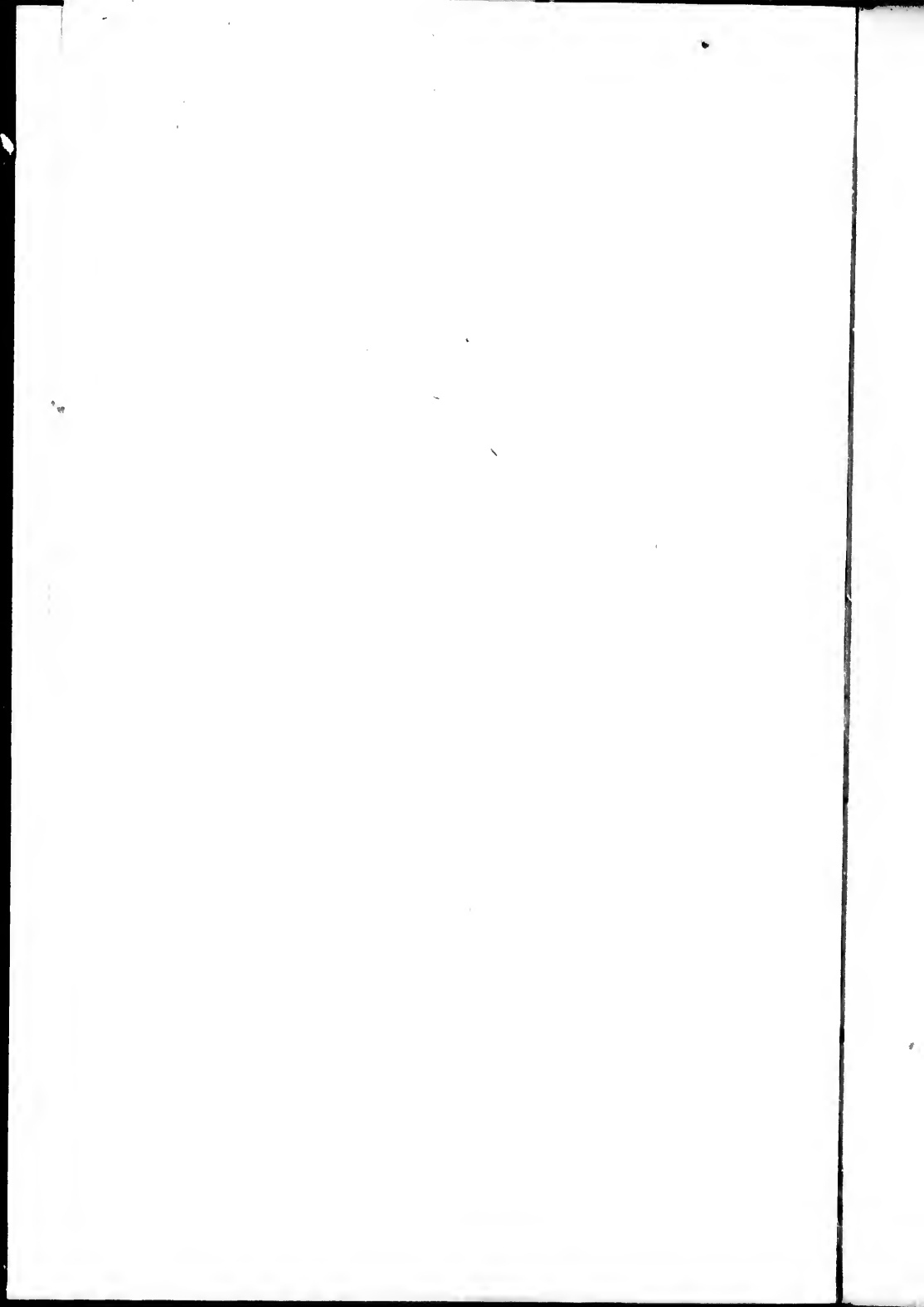
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THE  
HON. R. B. SULLIVAN'S  
ATTACKS UPON  
SIR CHARLES METCALFE,  
REFUTED  
BY EGERTON RYERSON;  
BEING A  
REPLY TO THE LETTERS OF  
"LEGION."

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TORONTO:

Printed at the Office of the British Colonist, 137 King Street.

1844.

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# PREFACE.

FROM THE BRITISH COLONIST.

THE very able and unanswerable defence of His Excellency the Right Honourable SIR CHARLES THEOPHILUS METCALFE, Governor General of British North America, against the attacks of his late Councillors in Canada, has made a firm and lasting impression upon the public mind.— That defence was voluntarily undertaken and carried out by the Rev. EGERTON RYERSON, D. D., a worthy divine, well known to the people of Canada. It exposes, in a most masterly manner, the unfounded attacks that were made upon Sir Charles Metcalfe, by His Excellency's late Executive Councillors, and the proofs that have been adduced by Dr. Ryerson, in the course of his arguments, have been drawn chiefly from the speeches and writings of the late Executive Councillors themselves. From the exposure which Dr. Ryerson has made of them, in that defence, the late Councillors have never attempted to clear themselves, or to answer any of the Doctor's arguments; but, in order to deceive the country as far as possible, and to influence the General Elections, a series of letters was published, under the auspices of the "Reform Association," under the signature "LEGION," which letters have been widely circulated throughout the Province. The authorship of these letters has been generally, and we believe correctly attributed, to the Honourable Robert Baldwin Sullivan, late President of the Executive Council of Canada. They were sent forth to the world, under the pretence of their being an answer to Dr. Ryerson's defence of the Governor General; but strange to say, throughout the whole series, there is not even an attempt made by Mr. Sullivan, to touch the main points of that defence; but, on the contrary, he passes them by unnoticed, and fills column after column of close print, with personal attacks upon the Governor General, Dr. Ryerson, and others, and rambling disquisitions on general topics, which had no connection with the main questions under discussion, but which were well calculated to mislead those who might peruse them, without having an opportunity of perusing also their refutation.



To the letters of "Legion," *alias* the Honourable Robert Baldwin Sullivan, very able answers have been written by Dr. Ryerson, and published in the columns of this Journal.— There is not a single point of importance touched upon by Mr. Sullivan, which Dr. Ryerson has not pointedly, and most successfully and triumphantly replied to; and from the conviction that the circulation and perusal by the public of these able replies by Dr. Ryerson, will be of the most essential service, in removing the bad and erroneous impressions and feelings that may have been created by the letters of Legion, and tend very materially to promote proper feeling in the community, in favour of the Constitutional and liberal Government of Sir Charles Metcalfe, in preference to the tyrannical exercise of power, aimed at by the usurpations of the late Councillors, we have published them entire, in the present shape, for general circulation throughout the Province.

We will only further add, our fervent hope, that the following pages may be carefully and attentively perused by the people of Canada, and that their beneficial effects may be abundantly evident at the elections, by the return to parliament of men who will act wisely and honestly in the exercise of the highly important trust to which they are delegated, as becomes those who love their country, who respect those in authority over them, who give dutiful submission to the laws and institutions by which they are governed, and who, moreover, seek, by all lawful means, the redress of all proved grievances, and support the fair and impartial administration of the affairs of the Province, under our lawful constitution, —allowing to each of its branches the free and harmonious exercise of its functions, as recognized by established practice, and by the recorded opinions not only of the greatest Statesmen and Lawyers of the British Empire, but by the Imperial Parliament itself.

GOD SAVE THE QUEEN!

# LETTERS.

## No. I. General Remarks.—*Legion's Omissions.*

THE authorship of the letters signed "Legion, for we are many," being known and acknowledged, I place his proper name at the head of my reply to him. The name of the unscrupulous calumniator of Sir Charles Metcalfe—the sneering assailant of Mr. Viger and Mr. Parke (men whose shoe-latchets he is unworthy to unloose)—the downright falsifier of my own sentiments and words, and the truthless vituperator of my motives and character—the name of this man, against the exclusive and unjust and high-handed policy advocated by whom, in former years, I and thousands of others in Canada have long contended—ought to be known wherever his flagitious and unprincipled writings are read.

At the outset, I disclaim and deny the sentiments which he has attributed to me; I deny the statement he has made and interwoven throughout the whole of his voluminous numbers, of the question at issue between Sir Charles Metcalfe and his late Counsellors; I deny the sentiments which he has ascribed to the Governor General; I deny the correctness of his most material statements from the beginning to the end of his lucubrations; and it will be my business in this and the following papers to expose and hold up to just reprobation the most dishonest piece of political writing that was ever laid before the Canadian public. *Legion* learned of his patron, Sir F. Head, to act and to write on public affairs; and the pupil is not excelled by his master in love of justice and truth, when writing on the principles and conduct of other men. He is the very man required and the proper champion for the Toronto Association—our Canadian "*Committee of Public Safety.*" They wanted a BARBEE, and they have found one in LEGION.

He has not only assailed me throughout in all the forms of vulgar witticism and unsparring abuse, but charged me with telling "a deliberate falsehood"—"a direct and malicious falsehood." He has spoken of the "corruption of unhappy Parke and bewildered Viger." He has assailed Sir Charles Metcalfe with as little ceremony and regard to truth as he has myself, calling the government house "the gorgeous camp of the eastern satrap," and Sir Charles Metcalfe himself "a colonist despising governor," and compared him to the Roman Emperor Nero, who fiddled and danced while Rome was in flames, set on fire by himself. He says—

"His Excellency 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 to a Canadian court, and do better for despatches to be laid before the Imperial Parliament than votes of confidence; for alas, 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 the 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 at its misfortunes with calmness; he can quietly tune his fiddle while Rome is blazing."

Such is a specimen of the insinuations, and charges, and imputations of this mouth-piece of the Toronto Association. And who is he? I answer, the man who was the right hand of Sir F. Head when he determined to trample upon the despatches of Lords Ripon and Glenelg, to which he had pledged himself when he appealed to the electors of Canada in 1836; the man who was the right hand of Sir George Arthur on the eve of the execution of Lount and Mathews, when hundreds of loyal subjects, including myself, petitioned and implored that no lives might be sacrificed after the suppression of the insurrection, and in reply to whose entreaties Sir George Arthur, with *Legion* at his side, said his Council considered the execution of those unhappy men indispensable to the public safety; the man who was the right hand of Lord Sydenham when *moderation* was the order of the day; the man who was the right hand of Sir Charles Bagot when the doctrine of equal justice as the fundamental principle of the administration, was preached to the Council of the Johnstown District. This is the man who now charges me with every thing that is mean and vile, and charges the "unhappy Parke" and the "bewildered Viger" with "corruption" by the "dark and underhand intrigue" of Sir Charles Metcalfe; this is the man who charges his Excellency with writing "libellous answers" to addresses, and with "tuning his fiddle" of joy and extacy at the conflagration of a blazing country, the flames of which he is charged with having kindled. Whether *Legion* drank, and fiddled, and danced, when Sir F. Head was firing the country, or when Lount and Mathews were hanging on the gallows, (while hundreds of more courageous, more endangered, and more loyal men than himself implored that Canada might not be made the only spot in the British dominions in which the throne of Victoria could not be upheld without hanging men for high treason,) I have not the means of knowing; but a man who can charge the humane and benevolent Sir Charles Metcalfe with being an inhuman and bloodthirsty Nero, can easily be conceived to sing and shout at scenes over which patriotism and humanity weep. Could I have supposed that the moral qualities of *Legion* were such as have been developed in these letters, far be it from me to have spoken of him with the respect and even affection that I have done in my defence of Sir Charles Metcalfe: far be it from me to have regarded him as I have done in past years. And this is the chosen and acknowledged champion of the late Council and the Toronto Association—sustaining to them the same relation that Barere did to the "Convention" and "Committee of Public Safety" of the French Revolution. Never have I latterly thought of the career of *Legion* or read a number of his letters, or the first of his "Tracts for the People," without thinking of BARERE, whom the *Edinburgh Review* for April last (art. 1.) thus describes:

"Weakness, cowardice, and fickleness were born with him; the best quality which he received from nature was a good temper. These, it is true are not very promising materials; yet out of materials as unpromising, high sentiments of piety and of honour have sometimes made martyrs and heroes. Rigid principles often do for feeble minds, what stays do for feeble bodies. But Barere had no principles at all. His character was equally destitute of natural and of acquired strength. Neither in the commerce of life, nor in books, did we ever become acquainted with any mind so unstable, so ut-

terly destitute of tone, so incapable of independent thought, so ready to lose them. He resembled those creepers which must lean upon something, and which, as soon as their prop is removed, fall down in utter helplessness. He could no more stand up, erect and self-supported, in any cause, than the ivy can rear itself up like the oak, or the wild vine shoot to heaven like the cedar of Lebanon. It was barely possible that, under good guidance and in favourable circumstances, such a man might have slipped through life without discredit." "At first he fell under the influence of humane and moderate men, and talked the language of humanity and moderation. But he soon found himself surrounded by fierce and resolute spirits, scared by no danger and restrained by no scruple. He had to choose whether he would be their victim or their accomplice. His choice was soon made." "So complete and rapid was the degeneracy of his nature, that within a few months after the time when he passed for a good-natured man, he had brought himself to look on the despair with misery of his fellow-creatures, with a glee resembling that of the fiends whom Dante saw watching the pool of seething pitch in Maleholge." "He had one quality which, in active life, often gives fourth-rate men and advantage over first-rate men.— Whatever he could do, he could do without effort, at any moment and on any side of any question. Of thinking to purpose he was utterly incapable; but he had a wonderful readiness in arranging and expressing the thoughts furnished to him by others." "There have been men as cowardly as he, a few as mean, a few as impudent. There may also have been as great liars, though we never met with them, or read of them." "He brought to the deliberations of the Committee of Public Safety, not indeed the knowledge nor the ability of a greater statesman, but a tongue and a pen which, if others would supply ideas, never paused for want of words. His mind was a mere organ of communication between other minds. It originated nothing; it retained nothing; it transmitted everything. The part assigned to him by his colleagues was not really of the highest importance; but it was prominent, and drew the attention of all Europe. When a great measure was to be brought forward, when an account was to be rendered of an important event, he was generally the mouth-piece of the administration." "The law which doomed him to be the humble attendant of stronger spirits, resembled the law which binds the pilot-fish to the shark. 'Ken ye,' said a shrewd Scotch lord, who was asked his opinion of James the First; 'ken ye a John ape? If I have Jacko by the collar, I can make him bite you; but if you have Jacko, you can make him bite me.' Just such a creature was Barere. In the hands of the Girondists, he would have been eager to proscribe the Jacobins; he was just as ready, in the gripe of the Jacobins, to proscribe the Girondists. On the fidelity of such a man, the heads of the Mountain could not, of course, reckon; but they valued their conquest as the very easy and not very delicate lover, in Congreve's lively song, valued the conquest of a prostitute of a different kind. They needed service which he was perfectly competent to perform. Destitute as he was of all the talents both of an active and of a speculative statesman, he could with great facility draw up a report or make a speech on any subject, and on any side. If other people could furnish facts and thoughts he could always furnish phrases; and this talent was absolutely at the command of his owners for the time being."

Such is the man chosen by the committee of the Toronto Association to assail Her Majesty's Government, Sir Charles Metcalfe, Messrs. Viger, Parke, and myself; the man who shouted onward in the last violent days

of Sir F. Head ; who shouted the jail, Botany Bay, and the gallows, in the counsels of Sir George Arthur ; who shouted moderation, under Lord Sydenham, and equal justice under Sir Charles Bagot : who proscribed all Reformers from 1837 to 1839 ; who would proscribe all Conservatives in 1844 ; who exclaimed the Church Establishment inviolate, under Sir F. Head ; who exclaimed the English Wesleyans, but not the Wesleyans of the Methodist Church in Canada, under Sir George Arthur ; who exclaimed no Church Establishment, under Lord Sydenham : who preached long and loud, no union with Lower Canada, under Sir George Arthur ; who preached longer and louder still, glorious union with Lower Canada, under Lord Sydenham : who wrote editorial strong and eloquent in *The Church*, in 1839, that Lord Durham's responsible government was only another phrase for republican independence ; who writes with equal eloquence, in 1844, that Lord Durham's responsible government practically republicanized, is essential to British monarchical connection—the same as Mackenzie had "*Victoria I. and Reform*" on his banners, when he came down Yonge-street to attack Toronto. *Legion* is therefore an appropriate personification of the Toronto Association ; a proper representative of their principles ; a becoming champion of their cause ; a suitable tool for their purposes. In this light alone I regard his letters ; in no other should I deem them worthy of notice.

*Legion* fights in a manner worthy of his cause, as did Mackenzie and his followers at Gallows-hill ; he flies from the main army of my arguments, and from his hiding-places of sophistry and misrepresentation, he valorously assails my incidental observations and isolated remarks. Throughout his more than ten onsets, he has not so much as once ventured to look my chief positions in the face, but skulked from the real battle-field, and bravely brandishes his weapons where no enemy opposes. He witticizes instead of adducing proofs, and theorizes and declaims, instead of attempting to overthrow the evidence I have adduced on the distinctly stated questions at issue. For example—

1. I have proved by the testimony of 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.

2. 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.

3. I have proved by the same testimony that the real question of antagonism between Sir Charles Metcalfe and his late Counsellors was not the, nor any principle of responsible government, but the distribution of patronage for one party to the exclusion of all others—(p. 79 ; ) on which vital point also, *Legion* is profoundly silent.

4. I have proved by the same testimony that the real question of antagonism was not stated by Mr. Baldwin to the Assembly, nor decided upon by it—(pp. 74—79 ; ) which cardinal question likewise is not even noticed by *Legion*.

5. I have proved by the same testimony the statements contained in Sir Charles Metcalfe's *Protest*, in contradistinction and in contradiction to the parliamentary explanation of the late Counsellors—(pp. 59—72 ; ) on which *Legion* is also as he well may be, entirely speechless, though abounding in unsupported and refuted assertions against His Excellency.

6. I have shown by the most rigid examination of statements and words, which cannot be mistaken, and can no longer be perverted, that Sir Charles Metcalfe has from the beginning fully and entirely recognized the Resolutions of 1841 (pp. 84—92;) to which fundamental part of my argument Legion does not deign to glance, but contents himself with reiterating, without the shadow of evidence, disproved assertions.

7. 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 (p. 110;) to which Legion makes not the slightest reference, but supplies this deficiency by the transcendentalism of his speculations and the vehemence of his abuse against the Governor-General.

8. I have proved from the declarations of the Earl of Durham, Lord Sydenham, and Sir Charles Bagot, that they avowed the very same principles of administration, with those which are insisted upon by Sir Charles Metcalfe (pp. 109, 110;) but Legion condescends not even to look down upon these ugly things, yet lauds Lord Durham, does not venture to attack Lord Sydenham, loudly eulogizes Sir Charles Bagot, and loudly abuses Sir Charles Metcalfe.

9. I have proved by the testimony of the *London Inquirer*, *Hamilton Journal & Express*, *Toronto Examiner*, and *Kingston Herald*, that the views of the administration of the Government held by Sir Charles Metcalfe, are the same with those which were professed by the Reformers of Upper Canada in 1841, as well as by the late Counsellors in 1842 (pp. 105—110;) these vulgar facts are too offensive to the refined taste of Legion to admit of his noticing them—the very “shade of their virus” appears to have operated upon him as a dose of ipecacuanha, and to have induced another copious discharge of scurrillity against His Excellency.

I might easily double the number of examples on collateral and minor points. I may notice them hereafter. The above are sufficient at present. Now, on these nine important facts—embracing every material point in the present discussion—my positions and witnesses and arguments remain as completely untouched, and as entirely unnoticed, as if Legion had not written a line. And I would leave the subject to the judgment of the public without adding another paragraph, was not Legion regarded as the strength of the Toronto Association, and did not that Association seek to make up in persevering misrepresentations and calumny, what they want in justice, reason and truth. Having noticed the principal omissions of Legion, I will in subsequent papers adduce and expose his misrepresentations and false statements—the materials with which the Toronto Association build up and cement their party.

I will conclude the present paper with two remarks. Legion and the Association organs have dwelt long and loud upon the fact that Sir Charles Metcalfe has governed several months without completing his Council.—I answer, that this fact has nothing whatever to do with the original questions of difference between His Excellency and his late Counsellors. If their proceedings were unprecedented and unconstitutional (as has been abundantly proved,) they are answerable for all the consequences which have followed, or may follow. If they had resigned on *facts*, as have all resigning British ministers for a hundred and fifty years, Sir Charles Metcalfe could have formed a new council in less time than did Sir Charles Bagot; and had they conducted themselves at the time of, and subsequent to their

resignation, as did Mr. Draper when and after he resigned, a very different, and more honourable and beneficial state of things would have ensued. But, failing to establish their own supremacy by secret demand of "stipulation," they sought to gratify disappointed feeling, and accomplish the same object by public impeachment; and therefore made that the professed ground of their resignation, and now make it the ground of their proceeding—keeping, as far as possible, their own policy entirely out of sight. This I have shown at large (pp. 79—81;) and this Legion himself asserts. He says—"I have a single point to maintain, and that is that Sir Charles Metcalfe is no friend to responsible government." Such an allegation, coupled with the previous demand, in the circumstances under which it was made, imposed upon His Excellency the necessity of adopting one of three courses—to acknowledge himself practically guilty of the charge, and surrender what he believed then, and what Her Majesty has since declared is, the Sovereign's constitutional right,—to form a high party council,—or wait until the public mind should become fully informed on the questions at issue, when there would be less difficulty in completing a council that would aid him in governing according to the wishes of the people. His Excellency's choosing the latter course, and in the mean time administering the government moderately, has demonstrated his regard to the sentiments and feelings of the country, while maintaining constitutional fidelity to the Throne. But even if there be an irregularity in the non-completion of the council for several months, upon the late Counsellors rests the responsibility of every irregular proceeding which has necessarily followed from their own irregular proceeding. Their own demand and impeachment, rendered co-operation between the Crown and them as impossible, as if they had averred Her Majesty to be an usurper, and had declared for a republic; nor could any resolutions or numbers alter the necessary duty of the Crown in respect to them, as long as the barrier raised by themselves should not be avowedly removed out of the way.

My second remark is, that the organs of the Toronto Association professed a readiness to lay before their readers both sides of the question, and began by inserting the introductory part of my defence of His Excellency; but as soon as they came to the pith of my argument, they stopped short under various pretexts, as *Legion* himself has done—spinning out his numbers with theories and calumnies. My replies to him will be short, simple, and practical. I call upon those editors who have published his long letters—if they wish their readers to hear the other part—to insert my brief replies.

E. RYERSON.

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## No. II. *Correction of Legion's Misrepresentations commenced.*

THROUGHOUT his upwards-of-a-dozen letters, Legion is intent on fastening vile imputations upon his Excellency, and in exciting feelings of personal hostility against him. His Excellency's residence is the "gorgeous camp of the Eastern Satrap;" Sir Charles Metcalfe is "a colonist-despising governor;" and his qualification for governing Canada is, according to Legion, his having been "governing slaves for forty years." Nay, Sir Charles Metcalfe is a fiddling Nero, amid the flames of a blazing country, which he has "wantonly" and incendiary-like set on fire. Such is the style of political discussion in regard to the Representative of her Majesty, adopted by this ex-President of the Executive.

Council—this member and ex-leader of the Legislative Council. It now happens that his insinuations are as false as they are indecent and diabolical. It is not true that Sir Charles Metcalfe has been governing slaves for forty years. It is true that he has been a colonist forty years; but he has not been governor in a colony five years. In the first colony that he governed he set the press free, and resigned office in consequence of it, though his free policy has since been adopted by his then displeased superiors. It is true, as stated by Legion, that widows were burnt on the funeral piles of their husbands in that colony; and it is likewise true that Sir Charles Metcalfe established a free press and other collateral instrumentalities, which have effected the abolition of that inhuman practice. It is true that the second colony which Sir Charles Metcalfe was appointed to govern was really a *slave* colony when he found it; it is also true that he had an act of parliament in his pocket, which authorised him, if he thought proper, to abolish the Elective Assembly and establish the government of a Governor-in-Council. It is likewise true that he established the free legislature; that he abolished the last remnants of slavery; that in less than two years, he made that hitherto slave colony a free colony—with a free House of Assembly, more than one half of the members of which were and still are coloured persons, who had heretofore been serfs or slaves. It is also true that he governed both in India and Jamaica without preference of religious sect or party. It is furthermore true that he set both India and Jamaica in a blaze, amidst the convulsions of which he might have felt like dancing; for the blaze was that of a joyous illumination, that the press was unshackled, the widow was to live, caste was to cease, and the slave was free. And when Sir Charles Metcalfe found that there were forging by Legion and his compeers the shackles of a party despotism, as unrelenting as that which he had abolished in India and as exclusive and degrading as that which he had exterminated in Jamaica, he resolved to set his face and stake his all against the establishment of such slavery in Canada; and the blessings of a third colony will yet be upon him, and the blaze of a third illumination will yet throw its splendours around him, as the enemy of tyranny and the Wilberforce of liberty.

Legion's first letter is chiefly occupied with quirks, witticisms, and attacks upon myself—a subject as foreign to the questions of difference between Sir Charles Metcalfe and his late Counsellors, as Legion is foreign to truth, in the statements which he makes. I will make the Toronto "Committee of Public Safety" a present of them all, with two or three exceptions.

In all his letters, Legion has represented me as threatening the strength of the empire against the Toronto Committee and its adherents. I made no threat. I stated a fact, and drew an inference. I stated as a fact that the authorities of the empire had decided the question in dispute; as an inference, I said—"The strength of the empire will, of course, be employed (if need be) to support the decision of its authorities." Legion has not dared to contradict either my fact or my inference. I expressed precisely such a "threat" in 1834—although not on equally strong authority—and it was fulfilled in 1837. I suppose the empire will not employ less strength in 1847, to support the decision of its authorities, than it did in 1837. Perhaps I went too far. It will require but the fractional part of the strength of one province of the empire to deal with the military valour of Legion and his associates—unless there has been a great "reform" in their heroism since 1837. Legion may be more than a



**Leonidas**—he may even be an Achilles in the columns of the *Examiner*; but I question whether the speed of John Gilpin himself would suffice either for *Legion* or the *Examiner*—with the reinforcement of the *Pilot* and the *Globe*—in the face of a single grenadier of the empire's strength.

As I never intimated that Mr. Bidwell's name was brought before the Law Society, Legion's "much ado about nothing" in relation to it, is only the creation of his own imagination. Legion alleges that Mr. Howard (late Post Master of Toronto) did not "suffer obloquy" on account of his "removal from the Toronto Post Office." Mr. Howard considered his removal from office, under such circumstance, as ruinous to his public character, as he stated both to the colonial and imperial government, and as he afterwards published in his affecting pamphlet: and Legion knows it.

The Legion of the Gadarenes seem not to have been more alarmed when they besought a refuge in the swine, than is the Legion of the Toronto Gadarenes at the idea of my appointment as Superintendent of Education. I suppose his fears ere this have subsided. He seems to think that my having had a "controversy," in which I advocated the equal rights and privileges of all religious denominations (and against Legion himself, in former years), is a capital objection to it—especially as I happen to be a minister—and worse than all, a Methodist minister. What a pity that I had not been an *Unitarian*!—there would then have been the "shade of a viris" in the form of an objection. So confident is Legion on this point, that he says—"I would stake my life on the truth of my allegation, when I say, that no Executive Council would have advised it; nay, more, that neither Mr. Daly, nor Mr. Viger, nor Mr. Draper, ever advised or approved of it." I have only to observe, that in this short passage there are several mistakes—such as Legion has designated, in reference to me, "positive falsehoods."

He objects to the appointment of any clergyman or minister to the office of Superintendent of Education. Upon the same principle will he and his colleagues object to the appointment of any clergyman as a professor or teacher in any public institution. This is the animus of the policy which has led to the introduction of a phrase into a bill to deprive all clergymen of their elective constitutional rights as citizens—squeezing in their names among those of a great number of public officers. I was not aware of the existence of such a phrase, until several months after the session of the legislature. It is—after the example of the French Revolutionary Convention—an attack upon the clergy of the country; it is a high-handed and tyrannical measure, of the nature of which I have reason to believe the government were not fully aware when they advised the royal assent to be given to it. The tenure and right of public officers and of clergy supported by the government, may be regulated by the government that employs and supports them; but it is a violation of one of the first principles of constitutional liberty, to denude any class of men of their immemorially and universally enjoyed rights as citizens, who are not supported by the government and who obey the laws of the land. A man's elective rights are as much his property as his purse; and he does not wish to be filched of the one any more than he wishes to be robbed of the other. A clergyman may not often be disposed to exercise his rights as an elector; but he does not wish to be branded as an alien or as a slave. Let his own conscience and public opinion determine him in doing what he pleases with his own; but let him not be plundered of it. HALLAM, referring to the adoption of some clauses of the Magna Charta,

observes, that "A law which enacts that justice shall neither be sold, denied, nor delayed, stamps with infamy that government under which it had become necessary." So the enactment of a law which degrades the clergy of all denominations of their hitherto recognized constitutional rights, stamps the present race of them with infamy. It is a maxim of government, that no law shall be passed which is not necessary; and the advising and slipping through the legislature such a proscription (under the pretext of securing the independence of parliament), is a declaration on the part of its authors which involves a foul imputation upon the clergy of the province, as well as an invasion of their rights. It is, I understand, justly and indignantly viewed in both these lights by the Roman Catholic clergy of Lower Canada; I have heard of its having been denounced in strong terms by Presbyterian clergymen, both of the Establishment and Free Church; the Editor of *The Church* has strongly spoken out on the subject, in behalf of his brethren and himself; and I believe that no minister of proper sensibility can look upon a law which strips him of his elective franchise, and yet leaves him the subject of taxation, without feeling himself proscribed and degraded. In no other part of the British dominions, and in no State of the American Republic, has such a stamp of infamy been fixed upon the clergy of any church. It was reserved for the invaders of the royal prerogative, in Canada, to commence this novel invasion (novel since the days of the French Revolution) against the constitutional rights of the clergy. This, judging from the writings of Legion and other facts which have come to my knowledge, seems to be a part and parcel of a general system of policy, which will ultimately withhold legislative aid from any literary institution connected with any church—which will not allow any clergyman to be Superintendent of Education, or officer in any public literary institution—and which will rescue every part of the public educational system of the province (from the University down to the Primary School) from the contamination of religious instruction, and place the entire public tuition and whole administration of the country upon the broad godless basis of pretended philosophical reason. But I cannot prosecute this subject further at present. It will require a distinct and thorough discussion, to prevent Canada from ultimately becoming the hot-bed of infidelity. To return from this digression. Legion says—"The constitutional Reform Association of 1834, demanded responsible government; well, Mr. Ryerson prophesied against the demand. There were disturbances, notwithstanding which Lord Durham advised responsible government."

Referring to this subject again in his second letter, Legion says—"I have shewn 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 recognised 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."

Let us now examine these statements a little. Legion informs us first, that the responsible government demanded by the Toronto Association of 1834, was granted in 1841; secondly, that it was granted in consequence of the agitation commenced by that Association. Both of these statements are wholly untrue.

The responsible government demanded by the Toronto Association of 1834, may be judged from the following articles of its constitution:

"A responsible representative system of government, and the abolition of the Legislative Council, the members of which are nominated for life by the Colonial Governors.

"A written constitution for Upper Canada, embodying and declaring the original principles of the government.

"The abolition of the law of primogeniture. The extinction of all monopolizing land companies. The vote by ballot in the election of representatives, aldermen, justices of the peace, &c.

"To oppose all undue interference by the Colonial Office, Treasury, or Horse Guards, in the domestic affairs of the colonists."

Such was the responsible government demanded by the Toronto Association of 1834; and such we are told is the constitution granted in 1841,—that is, according to the interpretation of the Toronto Association and the late Council, as alleged by their organ, "Legion." When such is the construction put upon the Resolutions of 1841, by the Toronto "Committee of Public Safety," there is no difficulty in accounting for the "antagonism" which exists between them and Sir Charles Metcalfe, respecting those resolutions. But whatever the Legion of Toronto may attempt to extract from the Resolutions of 1841, no candid man will say that they are identical with the demands of the Association of 1834.

Then as to my alleged prophecy against the demand of 1834. I condemned the leading articles of that Association (as quoted above), and did predict that the proceedings of that Association, if not checked, would lead to attempted revolution in the course of five years. The rebellion of 1837 is the witness of what followed from the proceedings of that association.

In the next place, as to the "recognized constitution of Canada in 1841," being the "consequence of the agitation commenced in 1834;" the rebellion of 1837 was the "consequence" of that agitation; but before the constitution of 1841 was established, the Toronto Association of 1834 was dissolved in blood; its leaders were more than silenced and powerless—Legion himself advised the silencing of two of them upon the gallows;—the House of Assembly was in harmony with the Imperial Government and with the Governor-General, who asserted and exercised higher prerogative than Sir Charles Metcalfe ever did; and Mr. Draper was leader of the Executive Council of the Government for Upper Canada, —and Legion was not the Barere of a Toronto "Committee of Public Safety," but the denouncer of all political party associations in the country, as having produced no good, but endless evil and misery. When such a state of things returns, then we may expect the efficient and successful operation of the resolutions of 1841. But let it be remembered, that as the Toronto Association of 1834 produced the sufferings and ruin of thousands, and a lasting reproach upon Reform and Reformers, and no good in any respect whatever; so may the Toronto Association of 1844 be productive of similar fruits. Those who will not learn from experience, must blame themselves for their misfortunes. It is a *fact* that cannot be successfully denied, that political associations in Upper Canada have not contributed, in one instance during the last fifteen years, to the promotion of civil and religious liberty and that all which has been achieved in both respects, has been effected in the total absence of all political associations and party violence, when the following sentiment of a great political philosopher actuated each leading mind of the country—"For my part, I

shall always be more fond of promoting moderation than zeal ; though, perhaps the surest way of promoting moderation in every party, is to increase our zeal for the public."

Legion's law appears to be on a par with his facts. In answer to a paragraph of my introductory address, he has occupied a considerable portion of his second letter to prove that the question at issue between Sir Charles Metcalfe is a question of local policy, because it "belongs to Canada ;" that it is a party question, because it is "a question between two parties ;" that it is not a question of law, because the "legal authority of the Governor-General was not questioned ;" that it is not a question of constitutional law, or the appeal would be made to the Colonial or Imperial courts. Upon the same principle, we might argue that separation from Great Britain is a question of local policy, because it "belongs to Canada ;" that it is "a party question because it is a question between two parties"—the one for, and the other against the separation ; that it is not one of law, because the "legal authority of the Governor is not questioned ;" that it is not a question of constitutional law, or an appeal would be made to the Colonial or Imperial courts. Legion ought to know, and were he not resolved to advocate party without regard to truth, he would say, that the branch of the prerogative involved in the question is cognizable by the high court of Parliament alone ; that the Resolutions of 1841 are not a statute, but a House of Assembly opinion and record of an understanding between the Executive and that House. In that record the Governor-General is declared to be responsible to the Imperial authority alone ; and as the House of Assembly, according to those resolutions, can only demand of the advisers of the Crown an account of their own acts, and as they did not resign upon their own acts, but upon an alleged and denied act of the Governor-General, the case is one which should have been brought before that tribunal to which alone the Governor-General is responsible within the limits of his government. The question is therefore as much an imperial one as any question of commerce between Canada and the United States. The late Counsellors refusing to bring the question before the only tribunal where it can be constitutionally tried, argues conscious wrong on their part, both in point of fact and constitutional right. This is sufficient at present in reply to Legion's sophistical nonsense against the prerogative. His reasoning being as migratory and remigratory as his political opinions, (if he have any,) he comes in lusty contact with this subject in subsequent letters, and in pursuing him I may take further occasion to show that he comes equally in contact with colonial connexion, constitutional right, common sense, and matter of fact.

In the course of a couple of columns of hits at myself, (which I also present to the Toronto "Committee of Public Safety," as a special acknowledgment of their constitutional right to all that is false, and vulgar, and mean,) Legion has sundry sayings about party. The politics of party appear now to be his *magnum bonum*. He dwells upon them to the length of three letters. With him now party is patriotism ; party is responsible government ; party is liberty ; party is virtue. Such were not the sentiments of the late Dr. Williams, when, in one of his Lectures on Education, he said—"Virtue is the great transparent river, which gives general beauty and happiness to the moral world ; the politics of parties are little dirty creeks and puddles, which elevated and noble minds never approach without disgust."

I have stated distinctly that Sir Charles Metcalfe has never said one word against carrying on the government by or through a party ; so that

Legion in his columns of argument on this point, is fighting with a man of straw, set up by himself, and represented by him as Sir Charles Metcalfe, according to the tactics and pleasure of the Toronto "Committee of Public Safety." Now, Legion's three long letters on party government may be answered by three lines from the Hon. R. B. Sullivan, the Legislative Councillor, who concluded his speech of the 30th of last November, with the following words :

"Although so much could not be gathered from his Excellency's letter, he (Mr. Sullivan) hoped—he hoped—THAT A COALITION COULD BE FORMED, having the entire confidence of the people, and standing before the Assembly as responsible for their acts."

It appears from this extract, that down to the time of writing his letter of protest, and even in that letter, Sir Charles Metcalfe made no proposal of a "coalition" Council ; but Mr. Sullivan—the retiring President of the Council—did, and "hoped," and "hoped" for it. With what uniformity and generous patriotism has this proposal been carried out by Mr. Sullivan and his colleagues since last November ! I present this proposal likewise, with all its "recreant limbs," to the Toronto "Committee of Public Safety," as one of the choice gems of the Hon. vituperator of the Governor-General and their appropriate representative.

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*No. III. Correction of Legion's Misrepresentations continued—his criticisms on facts of British history refuted, and his conduct and views shown to be incompatible with the principles and practice of the British Constitution.*

HAD Legion observed the decorum and dignity of style which became a Legislative Counsellor and the ex-President of the Executive Council, it would have afforded me much pleasure to have replied to him in a style of respect suitable to the exalted stations which his Sovereign had appointed him to fill. But when, forgetful of his own rank, or the still higher rank of his Sovereign's Representative, or only employing the weight of the former to give effect to vile aspersions upon the latter, he descends to a style of writing below that of the London *Satirist*, the exaltation of his rank, with its attendant advantages, aggravates his offences, and demands the severer punishment. This demand is greatly increased, when his statements and insinuations against her Majesty's government, and her Majesty's Representative, are as false as they are indecent. Several of these have been noticed ; others will be hereafter noticed. I will notice one in this place. In his first, and several of his succeeding letters, Legion has coupled the name of Sir Charles Metcalfe with that of Ogle R. Gowan, in a way to represent his Excellency as the abettor, or confreer of C. angemen ; an imputation which, no man knows better than Legion, is wholly destitute and the reverse of truth. It has been stated upon the best authority—as Legion well knows—that Mr. Gowan never had but one private interview with his Excellency—that that took place (according to his Excellency's desire) a few days before the 12th of July, 1843, and solely with a view by his Excellency to prevent Orange exhibitions on that day, and to induce the dissolution of Orange societies. The fact unwittingly stated by Legion that about that time there was a good deal of talk respecting

the dissolution of those associations, indicates both the object and influence of his Excellency's proceedings on that occasion. Mr. Gowan taking upon himself to address a political letter to his Excellency, implicates the Governor-General just as much as would a letter from Legion at the present time to his Excellency on similar topics. Yet in the face of these facts does Legion attempt to identify his Excellency's name with Orangeism. Legion has also been pleased to associate my name with that of Mr. Gowan and Mr. Wakefield—in the teeth of my own declarations in my fifth number (p. 74)—in the teeth of my unqualified condemnation of secret as well as other political associations headed by Legion and his colleagues—and also in opposition to the fact that I never spoke to Mr. Wakefield, and should not know him were I to meet him in the streets. Legion's having in his palmy official days fraternized in succession with both Mr. Gowan and Mr. Wakefield, may have suggested to him the idea of his present false and groundless insinuations.

In my last number I noticed sufficiently the rhapsody contained in the former part of Legion's second letter. I will now reply to the latter and more argumentative part of that letter. Legion says—

“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.”

Legion then proceeds to argue upon the facts referred to and admitted, as follows (I give his argument at length) :

“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 for ever 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."

Such is Legion's interpretation of one part of my historical argument ; and out of his own mouth shall he now be condemned. In the first place, I will notice his misrepresentations ; secondly, his argument. He says, I have "denied the claim of the Executive Counsellors to be consulted." This is entirely untrue. I have asserted the right of the Counsellors to advise the Crown on all matters as fully as Legion has ; and I appeal to my entire argument in proof of my assertion. In order to make out even a plausible answer to my argument, Legion has found it necessary to misstate a fundamental part of it. In the next place, he says that Sir Charles Metcalfe has never admitted the responsibility of the Executive Counsellors for the acts of the government. The following are his Excellency's own words in his reply to the address of the Gore District Council :— "*That the Council should be responsible to the Provincial Parliament and People, and that when the acts of the Governor are such as they do not choose to be responsible for, they shall be at liberty to resign.*" It is thus that Legion cannot even form a basis for his reasoning without a glaring misrepresentation both of his Excellency's and my own sentiments and words. In the third place, Legion misrepresents the entire scope and design of my argument. I never inferred, or thought of inferring, that "it was the duty of Ministers to remain in the government, and to be impeached or disgraced for acts which they never advised, nor had the opportunity of advising." My argument was, that when Ministers resigned, it was their duty to resign upon the *acts* of the Sovereign, and not upon his *opinions* or the *manner* of his acts—with neither of which had the British Parliament interfered during the period of one hundred and fifty years. I adduced the examples of Orford and Somers as cases in point—that Ministers did not resign or impeach the Sovereign for the *manner* of his acts, and that the House of Commons did not take cognizance of it, but held ministers responsible upon the ground of their *continuing* in office ; and that their alternative was to resign on the *acts* or be responsible for them ; but not upon the alleged ground, that the Sovereign (to use Legion's words) "was no friend to responsible government ;" or (as Mr. Baldwin expresses in a late letter to certain persons in the County of Middlesex) "*an attempt has been made [by the Crown] to get rid of that principle in practice.*" The late Counsellors had alleged first, that the Representative of the Sovereign had come to a decision on certain measures without consulting his advisers ; secondly, that in consequence of his so doing, he was an enemy of responsible government ; thirdly, that in consequence of his Excellency's being both in theory and practice an enemy to responsible government, they resigned and appealed to the country for support against the Governor-General. In reply, I maintained, even admitting the facts as stated by the late Counsellors (which I denied and afterwards disproved), their avowed ground of resignation and appeal was at variance with *British Practice*—the rule of decision in the case. In proof, I appealed to the examples of William the Third, George the Third, and George the Fourth. It is with what transpired in the reign of William the Third, that we are now dealing. In reference to that case, I showed (as admitted by Legion in the above quotation) first, that William the Third did decide upon a most important measure without consulting his ministers ; secondly, that they did not resign on account of the *manner* of his act, much less impeach him before Parliament for coming to such a decision without consulting them ; third, that when the fact that the King

had thus decided without consulting his ministers, came to the knowledge of the Parliament, the Parliament took no notice of it, but held the ministers who *voluntarily* remained in office, responsible for it. My words were—"It will be seen in this case, that the *Commons did not inquire or care* (and has not for 150 years) *WHETHER* the King determined upon the measure *before or after* taking the advice of his ministry; *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.*" (p. 20.)

It is therefore clear, that Legion's statement that I had maintained "that it was the duty of ministers to remain in the government, and to be impeached and disgraced for acts which they never advised, and never had the opportunity of advising," is a sheer misrepresentation both of my reasoning and words. Now, aside from Legion's misrepresentations, what is the argument of his answer to my facts? Why, to be sure, that Lords Orford and Somers did not do as Legion and his colleagues have done (although William the Third *actually* did as *they say* Sir Charles Metcalfe has done)—the very fact that I wished to prove—the very fact of *British Practice* that I had adduced against them. No, Legion tells us, that Lord Orford and Lord Somers did not do their duty to the public. He maintains that they ought to have resigned because they "*were not consulted.*" What a pity Lord Orford and Lord Somers, and the British House of Commons, and the People of England had not had Legion and his colleagues, and the Toronto Associationists to have taught them the British Constitution, and British Responsible Government! Then would Lord Orford and Lord Somers have come before Parliament with a charge against the King, that (to use Legion's own words in respect to the Governor-General) "he was no friend to responsible government"; or (to use Mr. Baldwin's words to certain Middlesex electors) "an attempt had been made to get rid of that principle in practice"; as the King had decided a question without consulting his advisers. Then would the House of Commons have decided that the King had no right to do so. Then would the people of England have sustained the House of Commons in such a decision. Then would William the Third have been sent a packing back to Holland, or to the block, as an enemy of the British Constitution. What lessons of responsible government would the world of the British Empire, would the world of mankind have learned, had Legion and his confederates lived a hundred and fifty years sooner! Such is Legion's argument. Such is his answer to my appeal to *British Practice*—tantamount to a practical plea of guilt for the violation of it on the part of himself and colleagues.

Now, in one point I agree with Legion. I think Lord Orford and Lord Somers ought to have resigned; not, however, because they were not consulted, but because the Partition Treaty was a bad measure. Had they resigned upon this latter ground, then I agree further with Legion, "they would have escaped censure, and placed themselves in a position to accuse the real advisers of the treaty." But had they resigned upon the ground of their right to be consulted, (the Legion-Baldwin ground,) then the merits or demerits of the treaty itself would have been put out of the question; then no advisers of the treaty could have been got at, because the treaty would not have been the matter in dispute; then the King alone would have been the object of the accusation; the King alone would have



been the alleged culprit before the Parliament and the nation. But had they resigned on the treaty itself, then the justice and expediency of the treaty would have been the subject of Parliamentary inquiry and decision; then their successors would have been placed in the position of the real advisers of the treaty; and Lords Orford and Somers "would have placed themselves in a position to accuse the real advisers of the treaty." But by *voluntarily* remaining in office, with its emoluments, Orford and Somers placed themselves in the position of the real advisers of the treaty, and were so judged. And though they sought to excuse themselves individually, they did not attempt to shelter themselves and ask the support of Parliament, by charging the Crown with unconstitutional opinions and conduct; although they had stronger ground for doing so than is even pretended by Legion and his colleagues. Now, had the late Counsellors resigned upon *facts*—the appointments *about* which they have said so much, but *of* which they will give us not one fact, not a particle of information—then their successors would have been placed in the position of the real advisers of those appointments; and then the expediency or inexpediency of those alleged appointments and the policy involved in them, would have come fairly before the Parliament and before the country, and the decision of Parliament would have influenced the future policy of government, and determined the advisers of it. But they did not do so.—Like Lord Orford and Lord Somers, long after the alleged acts of the head of the government took place, they *voluntarily* clung to office and its emoluments; they thereby prevented any others from assuming the position of real advisers of those acts; had nothing been said about those acts, it is possible the late Counsellors would have continued to remain as quietly in their places as they had done (how long we know not) before their collision with the Governor-General. But, it appears, they did like to *defend* those acts when called in question in Parliament, as well they had done to tacitly assume the responsibility of them; yet they appear to have determined to do so, provided the Governor-General would "come to an understanding" to adopt their recommendations in future; that is, they would defend his past acts if he would endorse their future acts, by agreeing to make no "appointment prejudicial to their influence," and virtually declaring at the same time that no appointments should be given to the party of their opponents. The Queen's Representative not agreeing to such a stipulation, they found themselves in a dilemma, to extricate themselves from which and accomplish their objects, they determined to come before Parliament with an accusation against his Excellency for having unconstitutionally performed those very acts the responsibility of which they had voluntarily assumed by their continuance in office, and which they would have defended had the Governor-General agreed to pay them their demanded price for so doing. Their conduct is far beneath that of the Earl of Orford and Lord Chancellor Somers, and stands condemned in every respect by the practice thus appealed to.

I had also appealed to facts in the history of George the Third and George the Fourth; to which Legion answers thus:

"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 lia-

ble 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."

Here, again, I have to remark that Legion, while he is compelled to admit my facts, misrepresents both my sentiments and my argument. I have not thought or said, from the beginning to the end of my defence of Sir Charles Metcalfe, that the Sovereign or the Governor *ought* to make appointments or decide upon any measures without knowing the sentiments of his advisers; I have denied and produced in proof his own positive statement that his Excellency has not done so; nor have I said or thought of saying that ministers *ought* to remain in office when their advice is not asked or taken; nor has Sir Charles Metcalfe said so, or intimated any thing of the kind. These perpetually recurring representations throughout Legion's letters are his own imaginary creations, unsupported by a single proof, and contrary to fact.

My appeal was to BRITISH PRACTICE, to which the late Counsellors also pretended to appeal. In such an appeal, it is of course assumed that *British practice* is authority in the case. But Legion flies from that tribunal of appeal, and arraigns its acts with as little ceremony as he does those of Sir Charles Metcalfe. I appeal to the example of William the Third and his ministers; Legion replies by attacking them right and left. I appeal to George the Third and his ministers; Legion says, in reply, George the Third "did many things that were wrong;" for which I suppose Legion and his colleagues would have served him as they are trying to serve Sir Charles Metcalfe—*ostracise* him. I appeal to the example of George the Fourth and one of his ministers; Legion says, the question is not what George the Fourth did! With what patriotic valour would Legion and his colleagues have fought against successive British Sovereigns, had they been in the place of the Orfords, and Pitts, and Wellingtons of imperial cabinets! The thrones of the Brunswick Sovereigns would have been

less secure than those of the Stuarts, under the direction of such Counsellors and such doctrines. Such proceedings long ere this would have converted England into a cruel oligarchy or bleeding republic.

I have appealed to these undisputed and admitted facts of *British practices* for a threefold object :—1. To prove that British Sovereigns had performed acts similar, or of a stronger character than those which the late counsellors have even alleged against Sir Charles Metcalfe. 2. To prove that British Ministers had never resigned upon the *manner* in which those acts were performed, or the abstract prerogative assumed in them, but upon *the acts themselves*, without ever bringing the prerogative into question. 3. To prove that in the extremest exercise and assertion of the prerogative in England, no minister ever came down to parliament with the declaration that the Sovereign held opinions inconsistent with the constitution, as settled in 1688, and had performed acts subversive of that constitution, in consequence of which he and his colleagues could no longer retain office, without sacrificing the constitutional rights of themselves and their fellow-subjects. It is perfectly clear from the facts which I have adduced and which are admitted by Legion, that the Earl of Orford, Lord Somers, Mr. Pitt, and the Duke of Wellington might have made such declarations to parliament, upon stronger grounds than those on which the late counsellors have made similar declarations against Sir Charles Metcalfe. Suppose the British ministers mentioned had thus proceeded; suppose the British Sovereigns referred to had remained inflexible; and suppose the British Parliament and the majority of the people of England had sustained such ministers; then there would have been three revolutions, or, at least, three civil wars in England, since that of 1688. But those distinguished British Ministers knew their duty, and knew the British Constitution too well, to adopt or sanction for a moment such a proceeding as that which Legion and his compeers have adopted and undertaken to defend. Mr. Pitt and the Duke of Wellington never thought of going to their Sovereign and making such a demand as to the future distribution of patronage, as I have proved from themselves, the late counsellors made of the Governor-General.

Legion, in the above quotation, assigns two reasons why neither Mr. Pitt nor the Duke of Wellington did not come down with an impeachment against the Sovereign. His reasons imply that they might have impeached the Sovereign, and that "if their *principles* were upheld, those of the Sovereign must have been denied." If the *principles of the Sovereign* can be tried and condemned by Parliament, then is the Sovereign responsible to Parliament; then may he do wrong; then may he be punished; each of which conclusions is at variance with a fundamental principle of the British Constitution.

Legion quotes the example of Queen Victoria. He is as unfortunate in his quotation as he is unconstitutional and absurd in his reasoning. The Queen's acceding to the advice of her ministers respecting certain appointments, has no more reference to such a question as that now under discussion, than it has to a game of cricket. But the Queen decided and stated in her own name, that such an interference was contrary to usage, and against her feelings. Sir Robert Peel did not question her right thus to decide, but declined becoming responsible for such an act. Other ministers assumed the responsibility of it. Parliament was dissolved; an appeal was made to the nation; the nation condemned the interference of Sir Robert Peel, and he remained out of power two years, when he gained a majority in parliament on the corn-law question. The Ladies of the

Bed-chamber then resigned with their Lords ; so that Sir Robert Peel had no removals to recommend—only vacancies to fill up. In reference to the example of Queen Victoria, to which, with Legion, I am happy to appeal, and in reference to the very interference to which he alludes, Von RAUHAN—the celebrated German professor, and writer on England—makes the following remarks in his work entitled “England in 1841,” under date London, July 11, 1841 :

“Queen Victoria was fortunate enough to find, in Lord Melbourne, a paternal friend, who, far from seeking, with short-sighted presumption, to give her a dislike for public business, endeavoured rather to habituate and attach her to it. Accordingly, the reproach that the Queen was inexperienced, and indifferent, was soon changed into the opposite extreme ; and it was loudly affirmed that she took too decided a part, and that her firmness of character degenerated into unconstitutional self-will. Many adherents of the modern political doctrines, desire entirely to set aside the personal character of kings : they imagine that the less knowledge and individual will, thought, and feeling—the less decision of character, a monarch possesses, the better is he qualified to fill the place of a symbol at present indispensable. As Diogenes presented the cock stripped of his feathers as the representative of a perfect man, so do they present a king, stripped of all kingly qualities, as their ideal of royalty !—In a kingdom, where every one claims, as an individual right, the liberty of maintaining his political and religious opinions, where the most decided extremes meet together, and each party endeavours to support its own views, how can it be required that the Queen alone should have no opinion, no thoughts, no feelings of her own ? Queen Victoria has, in no instance, violated the constitution, to follow her own ambition. She was silent when her consort (certainly with the observance of the legal forms) was refused what was immediately afterwards granted him : it was only when demands were made of her, without sufficient reason, which the meanest of her subjects would not have tolerated, that she manifested becoming spirit and feeling, and proved that she knew how to assert her own liberty.”

It might have been supposed that Legion's historical knowledge would have extended as far as the reign of Queen Victoria ; but even in respect to our youthful and beloved Queen, he is a most unfortunate quoter of “wise saws and modern instances.”

If there have been a shadow of doubt as to the conclusiveness of my argument in reference to British practice against the late counsellors and in defence of the Governor-General, that doubt will be removed by the complete failure of Legion to set aside a single fact that I have adduced—by his substantial plea of guilt in his attempts to war against William the Third, George the Third, George the Fourth, and now Queen Victoria—against Lord Orford, Lord Somers, Mr. Pitt, and the Duke of Wellington, as well as against Sir Charles Metcalfe.

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*No. IV. Legion's omission of the vital part of the argument, on the mode of the late Counsellors' resignation—Exposure of his misrepresentations and evasions continued.*

In comparing Legion's lengthened answer to my *third* number, on the *mode* of the late Counsellors' resignation, with what I had written on

the subject, I have been surprised to observe, more fully than I had at first imagined, that he has passed in silence over the *vital* part of my argument, and concentrated and laid out all his strength upon the preliminary and subsidiary portions of it. The citadel of my argument is not even attacked; whilst this Hercules of the Toronto Association wields his club with amazing prowess against some of my outworks.

The vital point of my argument—that with which I commenced, and which constitutes its *essence*, throughout my third number—was, that the late Counsellors did not come before Parliament with a *case of facts*, which I had shewn to be essential to a ministerial explanation of the kind involved in this discussion. On this cardinal point, Legion is entirely silent. The establishment of this point is essential to the first step of the justification of the late Counsellors, as the proof that a claimant of property is the person whom he represents himself to be, is essential to the establishment of his claim. Whatever *else* he might prove about the property or about himself, if he neglect or fail to establish that point, his case would be dismissed with costs, without being even submitted to a jury. In a court, I might therefore claim judgment against Legion by default. He has not appeared to answer to *the* charge. He has talked and reasoned about many things, but he has not said one word about *the thing itself*—he has not faced the argument. All that I have said, therefore, respecting the *case of facts*, and the fearful consequences to the Sovereign, the Throne, and the public peace, in consequence of a disregard of it, stands unimpaired and even unnoticed by Legion. The essence, the life, the soul of my case is unreached by the adversary; the exterior members of it only have even been struck at. Now, in his two *long* letters of professed reply to my comparatively short number on this subject, Legion ought to have said something on *the* question. He has, it is true, raised a prodigious dust, and made an extraordinary swagger, but dust is not argument, nor is swagger proof; *except*, in the vocabulary, and service of the Toronto Association. After all their attempts to obscure and darken the subject by evasion, by misrepresentation, by digression and scurrility, the real question stands out with the prominence of the Eddystone Light-house in the British Channel, where is the *ministerial case of facts*? I have denied its existence; I have, I venture to say (as will appear presently), proved to demonstration, that all the late Counsellors stated to Parliament, in the form of an explanation, did not amount to a case of facts, did not approach it—no more resembles it than darkness resembles light. I will reduce the whole argument to about as many lines as Legion writes columns.

A case of facts is a statement agreed upon by different parties, and laid by mutual agreement before the tribunal authorized to decide upon the case involved.

The late Counsellors laid no such statement—written or verbal—before the Parliament.

Therefore, their explanation was not a case of facts.

Again. No Sovereign or Governor in his senses would authorise his advisers to make any statement they pleased of matters of difference between him and them; or to state any other than a case of facts.

The late Counsellors did not state such a case.

Therefore, their statement was unauthorised.

Legion himself is witness that their explanation was not a *case of facts*, but an *ex-parte* statement; for he calls the Governor General's letter "a

counter statement;" and says, his Excellency "contradicted them;" and reasons throughout upon the *opposition* which exists between the two statements.

The essential part of my argument, therefore, remains uncontradicted and untouched. If retiring advisers of the crown can, as Legion's argument maintains, come before Parliament with an *ex-parte* statement, as an explanation, then there is no end to such disputes as now agitate the country, there is no security whatever for the reputation or character of the Monarch or the Governor, as I have shewn at large (pp. 29-33), and to which Legion makes not one word of reply. They may represent him an enemy to the constitution, and so damage his character and excite such hostility against him as to dethrone him, or render him unable to command the assistance contemplated by the constitution in carrying on the government. And Legion might as well contend that Sir Charles Metcalfe had authorised them to cut his throat, as to contend that he had authorised them to make a statement calculated to blast his character. The attempt to prove such a case is as imprudent and absurd—as gross an insult to the common sense of the reader—as the conduct to which it refers is un-British and insulting and dangerous to the Sovereign. That such was the nature and tendency of the conduct of the late Counsellors towards Sir Charles Metcalfe, is thus stated in an editorial article of the *Kingston Chronicle & Gazette*, of August 28th :

"The difficulty which Sir Charles Metcalfe has experienced in forming a council, has arisen from an impression very generally entertained by the Canadian constituencies—that he has desired, at least, to controul the full and free exercise of the constitution. They do not deny that he admits its existence, yet they feel that he does not cordially approve of it, and that he would if he could be freed from its trammels, which it imposes upon him. *Had not this impression prevailed, Sir Charles Metcalfe might have chosen whom he pleased as his council, and he would have found a very large majority of the country determined to support his administration.*"

The fact so well stated by the *Chronicle & Gazette* is trumpet-tongued. It tells us that the representative of the Sovereign has been prevented for several months from completing an administration because of a "prevalent impression," not that he wishes to do injustice to any man, sect, or party, but that he is an enemy of the constitution—has a political leprosy which involves every one that approaches him in the reproach and proscription of the infection! It is an anomaly which has no precedent in British history since the days of James the Second; though (as is admitted in the quotations which I made from Legion in the preceding number) successive British Sovereigns have done more than the late Counsellors have alleged against Sir Charles Metcalfe. Did ever Mr. Pitt, or the Duke of Wellington, or Earl Grey, or Sir Robert Peel, come before Parliament and the British public, and represent the Sovereign as infected with an unconstitutional leprosy which renders it impossible for them to aid him in carrying on the government without endangering and ultimately destroying the constitution, and that they had the Sovereign's gracious permission to make *that* explanation to Parliament? Was ever a British Sovereign represented in such a light and placed in such a position before the British nation? No, nor would the people of England suffer for a single day their Sovereign to be placed in such a position; and far better would it be for the British government (if their interference be required) to give Canada away, than to suffer the Queen's Represent-

ative thus to be murdered in his character and trampled under foot ; and that too by a proceeding the antipodes of British practice.

There are two features in which the parliamentary explanation of the late Counsellors *essentially* differ from every explanation which any resigning British minister ever made to Parliament. 1. *No explanation of any resigning British minister ever implicated the character of his Sovereign, as being inimical either in his principles or acts to the established constitution.* 2. *In regard to such an explanation, there never was a dispute between the Sovereign and resigning ministers either in respect to the correctness or omissions of facts.* Whether the fact or facts causing the resignation of ministers were so simple, that misrepresentation or misunderstanding of them was impossible, as in the case cited by Legion, when Lord Grey resigned on the refusal of the Sovereign to create a large number of Peers (in which case a written statement was superfluous); or whether such was the confidence of the Sovereign in the retiring minister's judgment and honour, that a verbal communication only was required, there was never any dispute between the retiring minister and the Sovereign, or any others in behalf of the Sovereign, in regard to *correctness or fairness* of the statement. Hence the just and shrewd observation of the *Quebec Gazette* in respect to my defence and Legion's letters, that "Canadian literature will have to boast of what no other country can furnish an example, *two volumes about misunderstandings between persons in situations of mutual confidence.*"

The above two facts would in a week have decided the fate of the strongest English Cabinet that ever existed. Yet on those two facts, and what I have shewn to be the essence of my argument, Legion is as silent as Patience looking at Grief. But for his silence on the *essential* parts of the argument, he makes ample amends in the volubility of his misrepresentations and quibbles on the *circumstantial* parts of it. A few examples will suffice. On page 20, I have used the following words :

"Having stated the responsibility of ministers, let us now consider the *grounds* of their resignation, and *mode of justification* before Parliament. They may resign on various grounds. For example, they may fall in a minority in one or both Houses of Parliament ; then the ground of their resignation can be explained without divulging any secret. Sometimes one or more ministers may resign on account of a difference or differences with their colleagues ; then almost any mode of explanation may be safe, as both parties are in the same house, and on the same footing, and are equally responsible for their statements and opinions. Again, ministers may resign on account of a difference with their Sovereign. That difference may be evinced by the Sovereign's disregarding their advice, either by rejecting or by deciding without it. This ground of resignation involves matters of more delicacy than either of the former ; and, according to British usage requires the use of more form and precaution in explaining it."

On this paragraph, Legion makes the following remarks :

"But, Sir, discussions in council are subject to the same obligations of secrecy, whether the Sovereign takes 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."

Now mark the misrepresentation of my words. I had not said—did not say—nor thought of saying, that one kind of discussion in the council was less subject to the obligation of secrecy than another. On the following (21st) page, I said—“No minister can lawfully divulge *any thing* that has transpired in the councils of his Sovereign, without permission of the crown.” Out of the many reasons for the obligation to secrecy, I assigned one in the following words :

“One of the many reasons for this obligation to secrecy is, the security of the reputation, if not the very crown of the Sovereign. If incensed or disappointed ministers could tell what they please about the opinions and acts of the Sovereign, then might they excite such hatred against him as would lead to his dethronement; or, if a representative of a Sovereign, to his removal; and thereby inflict upon his character indelible disgrace and infamy. The Sovereign’s character, as well as his crown, should therefore be sacred.”

In answer, Legion says—“A Sovereign’s personal character requires no guard, as Mr. Ryerson imagines; *it can never be called in question legally, or constitutionally.*”

This last phrase contains the very doctrine of a great part of my defence; and I have maintained throughout, that because the late Counsellors have called his Excellency’s character in question, they have acted “unconstitutionally.” Sir Charles Metcalfe’s “character,” appears in a very different light before the country now from what it did ten months ago. Who has arraigned it? Who has impeached it? Who has “called it in question?” A man’s character consists, of course, of his *principles, feelings, and acts.* Now, have not the late Counsellors represented the Governor General’s *principles, and feelings, and acts,* as alien to the constitution of Canada? They have by speech, writing and organization, been calling the “personal character of the *Representative of the Sovereign* in question” for several months, and have therefore, according to Legion’s own admission, acted “illegally and unconstitutionally.”

And the conduct of the late Counsellors themselves has also proved not only that “the character of the Sovereign *docs* need the guard which I imagine,” but that even *that* “guard” is insufficient to protect it from being “called in question” by certain Canadian counsellors and their abettors.

Again, Legion says—“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 can avoid.”

But what are the accusations of the Governor General in the present case? They are the “personal accusations” of a *defensive protest* against spontaneous aggressive “personal accusations” which had been preferred against him by his retiring confidential advisers—accusations which charged his Excellency with being an enemy in principle, feeling and practice, to the established constitution of Canada. There can be no defence without an implication of the author or authors of the charge or charges preferred. Had the late Counsellors regarded the principle admitted by Legion himself, that the “Sovereign’s personal character can never be called in question legally or constitutionally,” they would not have impeached the principles, and feelings, and acts of the Governor General. Had there been no impeachment or “accusations,” there would have been no defence or protest; and had there been no defence or pro-



test, there would have been none of the "personal accusations" to which Legion refers. The late Counsellors, therefore, are the originators and responsible authors of the whole anomalous and unconstitutional proceeding.

Legion devotes two or three columns to the principle involved in the following passage of my third number, which he thus quotes and italicises:

"And here, in order to *remove every* obscurity from the question, I beg to make a preliminary remark on the *mode* of official communication between the crown and its servants, or between public officers and individuals. *In all such cases, in all enlightened governments, no communication is considered official which is not in writing.*"

In contradiction to this doctrine, Legion instances Mr. Pitt, Earl Grey, Duke of Wellington, &c., consulting *verbally* with the Sovereign. Legion dwells long (before and after quoting my words) upon the doctrine implied, saying "that Executive Counsellors do not discuss matters in council with Governors, by means of written notes and documents," &c.:

Now, will the reader believe that the whole of Legion's rant on this subject—his protracted sneers and sarcasms—are founded upon a shameful suppression of a part of my words, and a downright misrepresentation of my sentiments! For *immediately after* the words quoted by Legion, are the following words:—"Cabinet consultations ordinarily may be verbal, for the Cabinet is a body not known in law. It is with the acts of the government, and not with the modes of intercourse between its members, that parliament has to do. And of these acts written documents are the only legitimate proof." (P. 23.)

It is thus that the whole strength of Legion's letters consists in an adroitness and unscrupulous effrontery, such as I have never seen equalled in misrepresenting my reasoning and sentiments.

Against my argument that the late Counsellors ought to have furnished the Governor-General with a statement of their demands in writing, Legion argues at length, with his usual fairness. The very disputes now before the country as to the real ground of difference between the Governor-General and his late Counsellors, are demonstration itself, of the correctness and importance of my argument. Had they furnished such a statement, I should not have thought it necessary to write one word on the subject; nor would there have been any occasion, or indeed any possibility of the discussion which has taken place, and of the consequences which may follow. This single stubborn fact is of more weight in the question than volumes of evasion and sarcasm.

Legion adduces the examples of Mr. Pitt in 1801, and Lord Grey in 1832, who verbally tendered their advice to their Sovereigns—whose advice was verbally rejected by the Sovereign who gave his verbal permission for them to make a verbal explanation to parliament. This is Legion's argument, stated in the fewest words and strongest light. He adds:—

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

The fallacy and unfairness of this most plausible part of Legion's argument may be expected by any school-boy. In the first place, I have shewn, contrary to Legion's representation of my statement, that *Cabinet consultations* are ordinarily *verbal*. In the next place Mr. Pitt advised the measure of Roman Catholic emancipation; Earl Grey advised the *act* of creating a number of peers. Here was a specific *fact* in each case, respecting which there *could* be no misunderstanding—no misrepresentation—nothing which implicated or involved the principles and feelings of the Sovereign respecting the system of responsible government, which had been established since 1688. Mr. Pitt and Lord Grey did not go to their Sovereign to ascertain his views on that subject, and to procure from him an "understanding" as to the principle on which he would administer it in respect to the distribution of patronage. Had Mr. Pitt and Lord Grey gone to their Sovereign with such a proposition, and such a demand, they would have soon been shewn the way out of the palace, and out of office too. Here is the *poies-apart* difference between the Pitts and Greys of England, and the pretended Pitts and Greys of Canada. Here is the *toto celo* difference in the two cases. Had the Pitts and Greys of Canada gone to advise the Governor-General in favour of some measure to be brought into parliament, such, for example, as the property tax bill, and be refused; or had they advised the creation of a number of Legislative Counsellors, to enable them to remove the Seat of Government, or the appointment of certain persons or person to office, and be refused; then there would have been some *shades* of affinity between their position and proceedings, and those of the genuine Mr. Pitt and Earl Grey; and then might a verbal advice and explanation have been sufficient and safe, as permitted by the Sovereign.

And these remarks furnish the key to Legion's sophistry in the last paragraph quoted above. The first phrase contains a fallacy, the detection of which, like the removal of the key-stone of an arch, will prostrate the whole structure. He says "there is a *question of prerogative* in both." It is true there "is a question of prerogative in both;" but it is also true, the "question of prerogative" in the one, is as different from the "question of prerogative" in the other, as the *right* of the prerogative and the *binding* of the prerogative is different from the *exercise* of the prerogative. The *right* of a man to his farm, and the *act* of a man in selling his farm, or refusing to sell it when advised, are two different things, although they are both embraced in the "question of prerogative" respecting his property. To *deny* or to *demand* a man's *right* of property, and to advise him to exercise it, involve alike "a question of prerogative," but in totally different senses. The real Pitts and Greys of England, advised the exercise of the prerogative *as cases did occur*; the shadowy Pitts and Greys of Canada demanded the *royal exposition of it*, and an *agreement or "understanding" in respect to a particular mode of exercising it when cases SHOULD occur.* The difference then in "the question of prerogative" in the two cases is, the difference between the *exercise* of the prerogative, and the *right* of the prerogative—the difference between the *freedom* of the prerogative and the *binding* of the prerogative. This vast and fundamental difference in the "question of prerogative" is kept out of sight by Legion, but constitutes the difference in the two cases—destroys the attempted analogy of the two cases; and the difference in the nature of the "question of prerogative" in the two cases, involves, of course, a corresponding difference in the *advice* (or rather demand in one instance) offered the *rejection* of it, the grounds of *resignation and explanation*.

Thus the very precedents of Legion become so many additional witnesses against him ; so many additional witnesses in favour of the Governor-General.

The only remaining precedent, Legion is compelled to confess is directly against the late Counsellors ; so direct and complete that he can neither evade or disguise it ; but parries it by saying "one swallow does not make a summer." This is his mode of setting aside the authority of British practice as illustrated in the example of the Queen and Sir Robert Peel, in 1839 ; in which case the proposal of Sir Robert Peel and the reasons for it, the refusal of Her Majesty and the grounds of it,—the resignation of Sir Robert Peel, and the request for permission to explain, —and Her Majesty's permission for him to explain—were all in *writing*, and all read by Sir Robert Peel as his explanation. To all this Legion replies "one swallow does not make a summer." In his second number he thought otherwise, when he said "Queen Victoria is as good an example as George the Third." We are now told "one swallow does not make a summer."

It now happens, that of the several cases appealed to in this and the preceding number, that of Her Majesty and Sir Robert Peel is the only one which involved "a question of prerogative" in any degree in the sense in which the question of prerogative is involved in the present case. Sir Robert Peel did advise Her Majesty to do what she not only refused to do, but respecting which she asserted as a prerogative sanctioned by usage, her right to consult her own feelings independent of ministerial advice ; an assertion of prerogative which Sir Charles Metcalfe has not made. The question, therefore, did involve in some degree the *principles* and *feelings* of the Sovereign. Measures and facts may be stated safely in various ways, and in a variety of language ; but the statement of a question, or decisions involving principles and feelings, requires the utmost precision of language—the variation of a word or particle may involve the most serious mistakes and evils. Sir Robert Peel did, therefore, what the late Counsellors ought to have done—wrote out the substance of what he had verbally recommended to Her Majesty—and hence, the sequel involved no misunderstanding or "counter-statement," and "protest" against alleged mis-statement. Legion pretends that the late Counsellors could not reduce their oral discussion to writing, "without indecorum and offensive distrust of the Governor-General." Sir Robert Peel did not think so, the Queen did not think so ; nor did Sir Robert Peel wait until Her Majesty commanded him to do so. He did so from a sense of courtesy and propriety. Had the late Counsellors imitated his respectful and honest British practice, no misunderstandings and disputes would have ensued. Such *written* papers appear to fill Legion's mind with great terror. He says—

"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 that it had taken place with all the forms of an affair of honour, 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 more fairly brought before Parliament, by a demand for correspondence, which it is acknowledged on all hands never took place ?"

To all this, I answer, that the absence of such correspondence is the very ground of objection against this part of the proceedings of the late Counsellors. Had they reduced their demand in the first instance to writing, "*two explanations*" would not have been sent down to Parliament; there could have been no "*controversy as to facts*;" there could have been no "*contradiction*," not even an apparent misunderstanding. Legion cannot regard it as "*decent or right to have a controversy between the Governor and the Councillors.*" I agree with him. But who is the cause of it? Who has been bandying contradictions and all manner of dictions against the Governor-General during the last nine months? Let Legion's own letters speak; let the speeches and papers of the Toronto Association speak. Had the late Counsellors come down to parliament with *a case of facts*, there could have been no contradiction. Had they made their demand or reduced their advice to writing, (as did Sir Robert Peel,) there could have been no contradiction. Had they not impugned the principles, and feelings, and conduct of the Governor-General, we could not have witnessed "*a Governor contradicting his councillors.*" A worm will resist when trodden upon; and is the Queen's Representative to be silent when impeached by his own advisers as an enemy of the constitutional government which he is appointed to administer? It would no doubt have well answered the purpose, and gratified the wishes of his assailants, had he remained dumb as a sheep before her shearers. His silence would have been appealed to as an admission of the truth of the charges preferred against him, and of the justice of his punishment. But self-defence is no less the right of Governors than of peasants. The necessity of it in the present instance, is the phenomenon and the shame; and that necessity is the creation of the late Counsellors; and that creation is the result of a position and proceeding, which, viewed in every variety of light, are alike unprecedented and un-British, as dangerous to the Throne as they are destructive of public tranquillity.

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*No. V. Further reply to Legion on the "Explanation"—Attacks repelled—Mr. Baldwin.*

I AM not surprised at the personalities with which the productions of Legion and his coadjutors abound. The absence of argument requires such a substitute; their cause needs such an instrumentality. But were I all and if possible worse than they represent me, affects not the merits of the question—affects not the weight of my arguments. I am not a witness, but a defender of one who has been accused. I am not giving in evidence in favour of the defendant; I am examining the evidence which has been given in against him. And the attempts of Sir Charles Metcalfe's accusers to strengthen their accusations against him by blackening me—a voluntary and humble defender of his Excellency—because I weigh their testimony and proceedings, and prove them wanting in correctness and British usage, may be very worthy of themselves and their cause, and very gratifying to their taste and feelings, but will not be regarded by any candid man of common sense, as evidence of the truth of their own statements, or of the correctness of their own merits and patriotism. Nor will their scurrility prevent me from finishing the work I have undertaken. And as to any incidental statement which I have made, and which they have impugned, I will notice them in due time, and, I trust, in a manner confounding to my impugners, and perfectly satisfactory to those who have had the kindness to defend me, either publicly or privately.

Legion ventures still to claim the permission of his Excellency for the explanation of the late Counsellors, and labours long and hard to prove that they had such permission; and he does so in his usual style of evasion—of shifting the ground—of fallaciously stating the question; he faced not my main argument, but substitutes fallacies in new forms. The entire strength of his argument consists in a fallacious use of the ambiguous word PERMISSION, and the employment of it in a different sense from that in which I employed it, and from that in which it is invariably employed on such occasions. The word *permission*, when applied to that act by which the crown consents to a resigning minister's explanation, implies not merely the crown's assent to an explanation being made, but a concurrence in the fact or facts constituting such explanation; and involves, consequently, a corresponding obligation on the part of the retiring minister to state the fact or facts as concurred in by the crown—whether his explanation be verbal or in writing. Thus Sir Robert Peel gave the decision and views of her Majesty on the point of difference between the Queen and himself, by *reading her own words*; but Mr. Baldwin, so far from doing so, and recognising it as the true interpretation of the Governor General's decisions and views, kept his Excellency's words out of sight altogether, and made a statement explicitly contradicting them, and yet claiming his Excellency's permission for that contradicting statement of inculpation against his Excellency! Legion even proceeds to say that "a statement may be permitted, without an admission of its correctness; it may be permitted for the mere purpose of contradicting it. It was 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."

Now this statement Legion knows, or ought to know, is in the teeth of *British practice* since 1838, and the very reverse of the example of Sir Robert Peel, and incompatible with the very nature of an explanation, and fraught with the dangerous consequences which I have pointed out in my Defence, pp. 30-33; not one of which has Legion denied. The following considerations prove its incorrectness and absurdity:

1. If correct, there may be endless disputes between the crown and retiring ministers relative to the facts and grounds on which they may differ, and the public have no possible means of ascertaining the truth. A Sir Robert Peel might assert one thing, and the Queen by message assert another thing; and thus might a subject be crushed, or a Sovereign be dethroned; and after all the truth not be discovered.

2. Legion's statement is not sanctioned by a single precedent in British history, since the establishment of Responsible Government. There is not an example of the crown and its servants ever having a dispute before Parliament as to the grounds of a difference between them.

3. It is *inconsistent with the nature of a parliamentary explanation*, which professes to be an *official exposition* of the grounds on which a minister retires from the counsels of his Sovereign. Legion's interpretation would convert it into an *ex-parte* statement; inducing the necessity of *another* statement from the crown to render the explanation complete. Any new ministers could not furnish this second half of the explanation, because they could not have been present when the facts involved transpired; it must be given from the Sovereign. And hence the collision with its consequences already referred to, and now witnessed in part in this Province.

4. It is inconsistent with the very trust reposed in retiring councillors. Their explanation is the last act which they perform by permission or under the personal sanction of the Sovereign. They cannot explain without permission of the Sovereign; the moment they have concluded their statement, they can do what they please by virtue of their constitutional and parliamentary rights, without asking the permission of the Sovereign. The permission to them to explain, is confiding to them a trust of honour to state the question or questions of difference between their Sovereign and themselves. For them to give a partial or unfair statement of such question or questions, is a breach of trust—a violation of *honour*—subject to the same fearful penalties which are attached to other violations of honour by public men. If they are at liberty to make a *party* statement as an explanation, the same as they would make a party speech (which is the doctrine of Legion's words as quoted above) then would the crown state the case by message rather than place itself in the hands of its adversaries. Such an unheard-of proceeding would be the necessary result, and therefore the practice, from Legion's un-British doctrine.

5. The absurdity of Legion's doctrine is also apparent from the astonishment that was expressed last session when the Governor General's "counter statement" was read to the Assembly. Many said it was irregular; some said it was a breach of privilege; all looked upon it as extraordinary. But if Legion's doctrine be true, that "a statement may be permitted without an admission of its correctness" "and even for the mere purpose of contradicting it," then such a "counter-statement" would follow as a matter of course, would become a usage, and contradictions between the crown and its servants would be as common as such ministerial explanations. But as the contradiction between the Crown and the late Councillors is the first example of the kind in the history of responsible government, it is hoped it will be the last; but it would be only the commencement of a series, should Legion's doctrine be admitted.

No such doctrine as Legion has advanced was ever mooted by the late Councillors in their parliamentary explanations or subsequent discussions, or even in their Toronto Dinner and Association speeches. They were aware that a contradiction between the Governor-General and them would destroy the character of their explanation—prove it to be no explanation in the parliamentary sense of the term, but a mere party and therefore worthless statement—and prove their proceedings to be unauthorised and irregular; therefore they maintained that their statement and that of the Governor-General were essentially the same, and that they had his authority for their statement. But it having been proved that the two statements are utterly incompatible with each other, Legion shifts the ground, becomes more bold, and says the Crown may permit a statement without any admission of its correctness, and even for the mere purpose of contradicting it—a degrading employment indeed for the Crown—an absurdity that would be laughed at in England by school-boys as well as statesmen from Land's End to John o' Groat's.

I have heretofore shown that Legion has not even touched the essential points of my argument in the defence of his Excellency on this subject; but I have added the above observations that the question might be put beyond dispute.

Legion claims the permission of the Governor-General, because he *did not forbid* the intended explanation of the late Councillors. Had his Excellency used the word *forbid* instead of the word *protest*, then

would Legion and his colleagues have been delighted indeed ; then could they with some show of reason have called him a despot,—an enemy of light as well as of liberty—proclaimed their entire innocence, and demanded a verdict in their favour as first persecuted and then gagged. His Excellency deprives them not of liberty, but exonerates himself from any responsibility for the intended explanation, (which his verbal consent for an impartial explanation would give) by protesting against it. He expresses no objection to such an explanation as he supposed would be given when he authorised it ; but expresses his “surprise” at the explanation intended by the leaders of the late Council, and protests against it. He assumes not the office of their instructor, as to the proper constitutional course sanctioned by British usage in such a case. It was not for him to dictate ; but for them to know and consider, whether they would use the means (such as I have pointed out, p. 29) to prepare a parliamentary explanation, or to come before the legislature with an unauthorised *ex-parte* statement of their own, in the teeth of the Crown’s protest and of British usage. They chose the latter course, and upon themselves be the consequences of it. But Legion says :

“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 to explain, 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 silliness of this passage is only equalled by its audacity. The leaders of the Council obtained verbal permission on *Sunday* to explain ; they deferred, at *their own discretion*, their explanation until *Wednesday*. Had they not the same “discretion” to defer their explanation for *one, two, or even three days more*, if they chose, that they had for deferring it three days at their own discretion in the first instance ? And would not the parliament that supported them permit them this “discretion” for a day or two longer, had they desired a further delay ? And what “discretion” had Sir Charles Metcalfe in the matter ? Had he the right to say when the parliament should, and when it should not, hear statements from its own members ? Had not the parliament—ay, either branch of it—a right to postpone hearing the explanation, not only for a day, but for a month, if it pleased ? Was not a majority of the Assembly favourable to the late Counsellors ? had they not the time, therefore, to explain, completely at their own “discretion,” and completely independent of the Governor-General ? And again, Legion pretends that if they had not explained forthwith, their “mouths would have been closed.” I would ask any man of common sense—even Legion himself—if the alleged permission of the Governor-General was *limited* to one, two, three, or five days ? Or whether it is not in as full force this day as it ever was ? It is by such solecisms and absurdities, that Legion attempts to evade the force of my arguments, and to impose upon the public.

In discussing this subject, I will ask two or three simple questions.

When his Excellency gave permission to the leaders of the late Council to explain, did he *intend such* an explanation as they made to Parliament ?

If not, had they his authority for *that* explanation ? If they had not his authority for *that* explanation, was it a *parliamentary* explanation ?

Legion attempts to palliate the discrepancy between the statement of the Governor-General and that of the late Counsellors—stating that his

Excellency's objection was to their *omission*, not to their *facts*. This is another puerile fallacy. The late Counsellors stated certain differences between the head of the government and them as the grounds of their resignation. His Excellency protested against their statement as omitting the real grounds of their resignation, and as attributing to him views and conduct which he disclaimed. Now if they stated certain grounds of resignation, and not what the Governor-General maintains were the real grounds of it, they must have stated false grounds; and in stating the false grounds, they must have ascribed false views and conduct to his Excellency. So that his Excellency's protest implicates their whole statement, from beginning to end. It is marvellous that the late Counsellors should attempt to impose upon the public by such shallow artifices.

Legion thus impugns again his Excellency's character for sincerity and honesty :

"Sir Charles Metcalfe's ideas are equally accommodating to William Morris, Ogle R. Gowan, Mr. De Blacquiére, Mr. Viger, and Thomas Parke;" he "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 agrees with them equally, *because he despises them all alike.*"

This is the writer who had said a little before, that it is "illegal and unconstitutional to call in question the personal character of the Sovereign." But yet with him and his abettors, Sir Charles Metcalfe is not only a "Colonist-despising Governor," but a despiser of all classes of colonists alike; is without a spark of sincerity, and can "tune his fiddle while Rome is in flames." Now in the above statement, there is a dishonest fallacy and a disgraceful slander. Suppose the statement were *literally* true, it is yet *morally* false. Suppose Sir Charles Metcalfe did agree with the several classes of persons mentioned—suppose he agreed with them all equally—yet it does not follow that he is inconsistent or insincere. When Mackenzie was raising the standard of rebellion, there were found high church Tories and reformers, the wealthy merchant and the humble peasant, side by side, equally agreeing with the Representative of the Sovereign and he equally agreeing with them—yet that very cohesion and unity and cordiality, was a proof not of deceit or hypocrisy, on the one side or the other, but of genuine liberality, of unaffected sincerity, of sound loyalty and noble patriotism. So in the present struggle, it is not surprising that all minor differences should be forgotten and absorbed in the all-important questions of the stability of the throne and the constitutional rights of the subject, and that the Church bishop and the Methodist minister, the merchant and *habitant*, the high tory and the *constitutional* reformer, should be seen rallying round the representative of the rights of the throne and of the subject, and that he should equally respect them in their several conditions in life as true subjects of their Sovereign and true friends of their country. It is not the language of honesty, but like the language of a mind without sincerity and principle, to ascribe unprincipled hypocrisy and contempt of all classes of colonists to such a man as Sir Charles Metcalfe—a man as much above falsehood and treachery, as he is above bigotry and selfishness—a man whose heart is as guileless as his hand is beneficent.

It is instructive and amusing to compare this philippic of Legion against Sir Charles Metcalfe for being supported by men of different classes, with Mr. Baldwin's late address to certain Electors of Middlesex, in which he



plainly exhorts Tories and reformers of all shades to rally round him— including of course all the gentlemen named by Legion and others, “too numerous to be mentioned”—of all ranks and of all colours. Mr. Baldwin says—

“It is because I would wish to see a provincial feeling pervade the whole mass of our population—because I would wish to see every man belonging to us proud of the Canadian name, and of Canada as his country, that I should rejoice to see our *Tory opponents forgetting all minor differences*, as I am satisfied under similar circumstances we should ourselves forget them, and acting as if they remembered only that they were *Canadians*.—Such occurrence would do us reformers no good as a political party, for our principles must triumph, and even as a party we are strong enough to sustain them, but it would show to the mother country, it would show to the sister colonies, it would show to the world, that as *Canadians we have a country and are a people*. And it is therefore as a *Canadian*, and not as a member of party, that I should rejoice in such a step towards *provincial union and provincial strength*.”

This is very benevolent, as well as very grandiloquent of Mr. Baldwin—make him king and ostracise Sir Charles Metcalfe, and the “*Canadians will have a country and be a people*.” No doubt Mr. Baldwin would “rejoice in such a step towards provincial union and provincial strength.” In such a step, Mr. Baldwin would welcome to his embraces his “*Tory opponents*”—those to the least of whom, the late Council would not consent to give the least official crumb, from their richly spread table of patronage. In reading this passage of Mr. Baldwin’s address, I could not keep from my thoughts two passages from very different books—the one a parable in the Book of Judges, in which “the bramble said unto the trees, if in truth ye anoint me king over you, then *come and put your trust in my shadow*: and if not, let fire come out of the bramble, and devour the cedars of Lebanon.” The other passage which Mr. B.’s address brought to my recollection, is one of *Aesop’s Fables*, where the fox that had lost its tail, exhorted his brethren of all shades and sizes to imitate his example, as the best fashion of promoting their comfort and elevation.

I doubt not Mr. Baldwin’s sincerity. Far be it from me to ascribe to him the qualities and feelings which Legion has ascribed to Sir Charles Metcalfe. I think that Mr. Baldwin is rather the honest bramble than the crafty fox in his party politics. I doubt not but he sincerely believes that he can govern Canada upon exclusive party principles, better than others can govern it upon constitutional and liberal principles. But I do not like his monopoly of the word Canadian, though I shall not disturb him in his monopoly of all the patriotism of the Province. There are other Canadians besides him, who love their native country as well as he does—whose hearts beat as warmly for its rights as his does—who have contended much longer for the equal rights and privileges than he has—who have the advantage of him in this, that their advocacy of civil and religious rights has not been contemporaneous with elevation to high places—who are as firm friends of British Responsible Government as he is, and who have given as strong proofs of their adherence to it—whose earthly home and hopes are as much bound up in Canada as are his—and who believe as strongly as they believe their own existence, that in supporting Sir Charles Metcalfe, they are supporting the very principles to which Mr. Baldwin pledged himself, when he advised the reply of Sir Charles Bagot to the address of the Johnstown District Council—the very principles in letter and in spirit embodied in the Resolutions of 1841—the equal constitutional

umpire of the Throne, and the equal constitutional rights of the subject—the true honour and the best interests of Canada as an integral portion of the British Empire.

*No. VI. Further exposure of Legion's fallacies and the unconstitutional position and proceedings of the late Counsellors.*

LEGION commences his fourth letter by charging me with "deliberate falsehood," with "direct and malicious falsehood," because I had said "it is known that several of the late Counsellors were reluctantly acquiescing parties in the proceedings of the leaders." I stated what was known as current in well-informed circles at and some time after the events referred to transpired—a fact which I never before heard disputed, and which, I am credibly informed, is susceptible of all the proof that the nature of the case admits. If it should yet appear that there has even been application from certain of the late Counsellors for remuneration for loss of office, my remark will have been more than justified. Time will show. I repeat the same observation with respect to my allusion to the "professor of law," which was read to gentlemen on whose authority it was made before it went to press; and I affirm that certain members of the late Council not only intimidated their belief that they would be out of office only a few days, but that even after the debates took place in the legislature on their resignation, one of them said to an officer of the Governor-General, "*in three months we will send you back to England with a bad character.*"

I had said—

"The first anomaly that strikes the mind of an attentive observer of their (the Counsellors) proceedings, is the position in which they place themselves before the legislature and the country. 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."

Legion's answer to this amounts to a confession of guilt, and his plea is not one of denial, but of *justification*. He prefaces his answer, as usual, with sundry strictures upon myself, with the view of raising a dust, and then substantially confesses the correctness of my statement. His words are as follows:

"It is a great pity the Doctor does not examine his propositions 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 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 showing it to be wrong. No one was ever fool enough to say that a king or governor may not hold wrong opinions, or direct wrong acts; though they*

[he] may not be responsible for either ; but it surely follows, that if the 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.'

I am glad to meet with the "anomaly" of Legion's attempting to "launch" an answer "into the sea of political controversy" against the ship of my "untenable proposition"—a figure of speech which, if it does not run upon all fours, runs quite in harmony with Legion's general style of reasoning, and in the navigation of which he unfortunately, as usual, becomes stranded on some rock of absurdity, or founders in some quicksand of sophistry or whirlpool of self-contradiction. In his third letter, Legion says (for it answered his purpose at that moment to say so) "the Sovereign's personal character can never be called in question legally or constitutionally." In his fourth number, he says (for it answered his purpose at that time to say so, that none but a fool would exonerate a king or governor from holding wrong opinions or directing wrong acts, and even confesses that the late Counsellors did come before the legislature and the country, nor to answer for their own views and conduct, but on account of the "opinions avowed by the Head of the Government"—opinions which the Head of the Government positively disclaims and denies. A plaintiff cannot be witness in his own case. There is, therefore, no witness in support of the charge preferred against the Governor-General, the truth of which he denies. Upon every ground of usage, law, and justice, therefore, is he entitled to the verdict of the country against the unproved and unsupported charge of his accusers. But let the intelligent reader mark also the fallacy which Legion introduces into the latter part of the above quotation, by varying the form of expression. He says that "if the Executive Counsellors are to be responsible for the *acts* done by order of the Governor, they must be allowed to have an opinion respecting those *acts*." This is sound doctrine ; and had Legion and his colleagues stuck to it, no misunderstanding or irregular or unconstitutional proceeding could have taken place. But in the second syllogism of his "hypothetical serites" (as the logicians would call it) he slips in an important term (which makes all the difference) which is not found in the conclusion of the first. It is the word "OPINIONS." He says they must be allowed to show that the "*opinions and acts* entertained or directed were wrong." I will reduce his reasoning to the simple syllogistic form, when the fallacy of his slipping a term into the conclusion which is not contained in the premises will be apparent to every reader.

Upon those things for which Executive Counsellors are responsible, they must be allowed to have an opinion.

They are responsible for the *acts* of the Governor-General.

They must therefore be allowed to have an opinion upon his *acts*.  
Again,

The things upon which they are allowed to have an opinion, (and for which they are responsible,) they should be at liberty to explain to Parliament.

They are allowed to have an opinion upon (and are responsible for) the *acts* of the Governor-General.

Therefore they are to show the *opinions* and acts entertained or directed by him were wrong.

Now that which forms a gross logical fallacy in Legion's reasoning, is, when applied to the conduct of the ex-Counsellors, a gross unconstitutional act. They are responsible for the *acts* of the Governor-General; yet, they resign upon his alleged *opinions*. Their Parliamentary explanation is constitutionally limited to the *acts* of the Head of the Government, for which alone they are responsible; yet, (in the words of Legion) "The reasons they alleged were *opinions* avowed by the Head of the Government." Nay, they represent Him as avowing certain opinions, from which they say, "*they dissented*;" not that they gave certain advice from which the *Governor-General* dissented. The above exposition and arguments of Legion implies that the Council is first and the Governor is second in order,—the reverse of the constitutional order. It implies that they are the judges of the constitutional orthodoxy in doctrine of the acting Sovereign; that they have heard him utter political heresy, and have condemned his "*opinions as wrong*," and refuse any further connexion with him; and call upon the people of Canada to aid them in voting him down as such, notwithstanding his constitutional responsibility to the imperial authority alone!

But Legion says, "the views and conduct of the late Counsellors were not impeached, therefore they did not come before the legislature and the country to answer for them." I answer, neither were the views and conduct of Mr. Pitt, of Earl Grey, of Sir Robert Peel, impeached; yet *did* they come before Parliament to answer for them. Mr. Pitt advised George the Third on a certain measure; the King refused to act upon his advice, (doubtless from the *opinion* that it was wrong;) Mr. Pitt resigned, and came before Parliament, (not to tell what wrong opinions the King held, which rendered it impossible for him (Mr. Pitt) to serve him without violating the constitution,) but to state the advice which he had felt it his duty to offer to his Sovereign, and which had not been approved of—leaving it to Parliament to say, whether he (Mr. Pitt) was right or wrong in giving such advice. Earl Grey explained to Parliament, that he had felt it his duty to offer certain advice (known to be the creation of a number of Peers) to his Majesty, and his Majesty had declined acting upon it, and he (Earl Grey) there left it to Parliament, to judge whether he (Earl Grey) was right or wrong in tendering such advice. Sir Robert Peel explained, that he had felt it his duty to advise the Queen to remove certain ladies of her bed-chamber, and her Majesty had declined acting upon it, as opposed to her feelings and contrary to usage, and he (Sir Robert Peel) left it to Parliament and the nation to judge whether his (Sir Robert Peel's) advice was proper or not. The nation decided it was not proper, and there the matter ended. Now, in all these cases, (the very cases appealed to by Legion,) the Imperial Ministers came before Parliament (though not impeached) to explain their own views and conduct, and to seek the approval of them by Parliament. But, according to Legion's own admission, and even argument, the late Counsellors did not come before Parliament to state the views or advice which they had submitted to the Governor-General, but the opinions of the Governor-General—not to justify their own conduct in giving that advice as to certain acts or measures, but to impugn the opinions or acts of the Governor-General. Had Mr. Pitt, Earl Grey, or Sir Robert Peel been disposed to attempt the elevation of himself upon the depression or overthrow of his Sovereign, he might have done

as the late Counsellors have done. Mr. Pitt might have informed Parliament and the British nation, what an unconstitutional bigot the King was—that his views were hostile to the liberties of mankind, and were at the bottom of his conduct against the emancipation of millions of his own subjects, in consequence of which he (Mr. Pitt) was forced to resign office, especially as the King had also offered appointments, and even decided upon appointments to office, before giving him (Mr. Pitt) an opportunity of tendering any advice respecting them. Earl Grey might have informed Parliament that King William held such unconstitutional views as to the constitutional rights of his subjects,—that he had refused to create even twenty Peers—to enfranchise more than twenty thousand Britons, in consequence of which he (Earl Grey) had been forced to quit office. Sir Robert Peel might have informed Parliament that the Queen—a young woman, not 20 years of age, and therefore without the knowledge of the principles and working of the British Constitution, which might be supposed to be possessed by an “East India Governor”—had such wrong and extravagant views of the prerogative, that she claimed to exercise her own sovereign pleasure, independent of ministerial advice, in regard to even the ladies of the bed-chamber, and that he considered it unworthy of British statesmen, unworthy of Britons, to submit to such despotism, and therefore he (Sir Robert Peel) had been compelled to decline office. All this might British statesmen have stated to Parliament, had they chosen to adopt the expedient of the Canadian Counsellors, of attributing to their Sovereign certain extreme opinions, (denied by the Sovereign,) instead of stating the advice which they had offered either for or against certain measures which the Sovereign had declined or determined upon, leaving it with Parliament and the country to decide whether they were right or wrong in tendering such advice. The more thoroughly and critically the subject is examined, the more clearly do the proceedings of the late Counsellors, and the lucubrations of Legion appear, both in letter and spirit, in the very teeth of the principles and practice of the British constitution. From the absurdity of Legion's reasoning, I am inclined to think that the late Counsellors acted, in some respects, ignorantly. Should they acknowledge their wrong opinions and wrong doings, I should hope their errors might be forgiven and forgotten.

Again, Legion thus quotes my words and reasons upon them :

“‘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, (says Legion,) a Governor has only to take care that his advisers should not be known, and do every thing himself, and let him act 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.”

Legion says, “a Governor has only to take care that his advisers should not be known.” As well might he take care that he himself should not be known, or that the sun in the firmament should not be known. They are as much gazetted and sworn into office as the Governor himself; yet by this absurd and impossible proposition does Legion

attempt to set aside one of the resolutions of 1841. Those who voluntarily remain in office as advisers of the Crown are considered responsible for its acts. For those acts *they* may be arraigned, not the Governor-General. The attacking and impeachment of him for them is one of the anti-responsible government absurdities and anomalies of Legion and his coadjutors. And to render his absurdities plausible, Legion becomes even metaphysical, and makes a distinction with which I have not before met amongst either philosophers, or moralists, or jurists. He says, "Sir Charles Metcalfe's *opinions and his acts* are questioned, not himself." And again, "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." And yet again, "Views and conduct may be considered, judged, and condemned, but they cannot well be hanged or decapitated; and as their views and conduct cannot be punished by themselves, their owners have to bear the penalty for them." Here we have, in the first place, a distinction between a man's *opinions, and acts, and himself*. The former, it would seem, may be very bad, and the latter very good; the former may be criminally unconstitutional and be guilty of high misdemeanours, and the latter be blameless. I should like to learn what a man is politically and morally apart from his *opinions and acts*? And what is the impeachment of a man's *opinions and acts*, but an impeachment of the man himself? Yet Legion sagely tells us, that arraigning a man's *opinions and actions* is not arraigning the man himself! Yet adds at the same time, (an important piece of information to be sure,) that views and conduct cannot be decapitated, but that the owners must bear the penalty for them! It is by such solecisms and frivolous distinctions, that Legion seeks to neutralize the resolution of 1841, and impose upon his readers.

Nor is this the length of Legion's unscrupulous sophistry and impudent trifling with his readers on this point. The following is another example:

"But although, as Mr. Ryerson says, 'Cromwell had a shadow of constitutional pretension for arraigning Charles the First, even before his rump Parliament, yet he says the late Counsellors prove the resolutions of 1841, *positively against the arraigning of the 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 *views and conduct of the Governor* therein, you need not print any more of my letters." This is the most puerile and the meanest specimen of political quibbling with which I recollect of ever having met. The words of the resolutions of 1841 are—"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." Now, is not every opinion and every act in the conduct of the Governor-General "within the limits of his government?" I am responsible to the Board of Victoria College, within the limits of my charge. Does not that responsibility embrace all my *views and conduct* in relation to my official duties? Does not the whole include all its parts? It is not said in the resolutions of 1841, that advisers of the Governor-General are responsible to any body; nor do the words "*views and conduct*," nor does even

the word responsible, occur in connection with the advisers of the Crown in those resolutions; yet who does not know that by those very resolutions the advisers of the Crown are held responsible to the Provincial Parliament, and responsible also for their *views and conduct*? Such quibbling on the part of Legion, is beneath contempt. It argues the utter absence of reason and truth, and indicates a spirit of reckless desperation that will stick at nothing in order to accomplish its purposes.

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*No. VII. Further Examples of Legion's Evasions  
and Equivocations — His appeal to British  
Precedents.*

LEGION next attempts to answer my observation on the anomalous proceedings of the late Counsellors,—namely, that their explanation not only consisted of charges against the Governor General, but that these charges were general,—contained no *specifications* which could be met—threatening his Excellency the onus of not only proving a *negative*, but a *general negative*. I observed—"Mr. Baldwin, in his 'explanation,' ascribes to the Governor General certain anti-responsible government *doctrines* [which his Excellency denies], and alleges against his Excellency certain anti-responsible government *acts* [which his Excellency also denies], as proof that he holds these doctrines; but Mr. Baldwin *specifies* no acts—not even the names of the parties to whom they refer. Assuming then that his Excellency, instead of Mr. Baldwin, was on his trial before the House of Assembly, and that Mr. Baldwin was a legitimate witness in his own case, and that his Excellency was permitted to come to the bar and answer for himself, how could he disprove the charges preferred against him, when the *specifications* included in those *general* charges, were not stated? To this question Legion makes no answer, nor does he offer one word of answer to my whole argument, which follows this question. But in answer to the former part of my remarks, Legion strangely enough quotes the whole of the late Counsellors' letter to the Governor General, and then makes the following extraordinary statement:

"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 the council upon their duties and responsibilities, and an allegation of candid expression of difference of opinion thereupon on the part of the Governor General, and of acts of government inconsistent with these opinions, and inconsistent with that of his Excellency."

What a disgraceful play, again, here is upon words, and how contradictory to Legion's own admissions and statements elsewhere! In passages which I quoted in the last number, Legion declares that the late Counsellors resigned upon the *opinions* and *acts* of the Governor General. What is the "allegation" against those *opinions* and *acts* (denied by him), but *charges*?—call them what you will. And in the concluding lines of the above quotation, Legion admits, in artful phraseology, that the explanation did contain an "allegation" of "*opinions*" and "*acts*," against the Governor General, as "inconsistent" with responsible government. Now, what is this two-fold "allegation" but a two-fold *charge*? Legion tells us, that the late Counsellors resigned

upon the opinions and acts of the Governor General, and yet tells us that their explanation contained "not a single charge against his Excellency, but simply a precise statement of the opinion of members of council upon their duties," &c. Such equivocation and quibbling are worthy of such a champion, and such a cause!

Again, Legion says—

"I assert that it is not usual in the explanations of ministers, to specify particulars of *advice neglected* or of *acts done without advice*. To make out Mr. Ryerson's side of the argument, it must not only be 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."

Here is another evasion and misstatement of the question. I was not speaking of *particulars of advice (of the late Counsellors) rejected*, but of *opinions and acts alleged against the Governor General*. And in the above passage, Legion himself admits that British Sovereigns have "done acts *without advice*." Will he inform us whether any minister since the days of William and Mary, ever stated such a fact to Parliament? Will he state whether any British Minister ever resigned on that account? He knows that he can adduce no such examples. They allege certain acts to have been performed by the Governor General without affording an opportunity to his late Counsellors to offer advice respecting them. His Excellency denies that he has ever performed any acts of the kind. Are not his accusers then bound to specify the acts on which they found their charge? They demand a decision in support of their general charge, yet, up to the present hour, refuse to specify the facts embraced in that charge, and thus deny to the Representative of the Sovereign the privilege of the meanest criminal in the land, to meet the facts one by one alleged against him. They withhold the demanded specifications; and by doing so they practically confess the groundlessness of their charges, yet they prosecute their shameful efforts to implicate the Governor General, and to bring about a collision between the Canadian people and his Excellency and the Imperial government.

Legion proceeds to give examples in support of his assertion, as follows:

"For instance, when Lord Grey, the Chancellor of the 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 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.'"

Mark now the very example adduced by this "unfortunate quoter of wise saws and modern instances." 1. Lord Grey was not impeached; he had a large majority in the House of Commons. 2. He does not give an account of the Sovereign's opinions or acts respecting the Reform Bill, or any other question of government. 3. Much less does he ascribe views and acts to the King which his Majesty denies.



4. Nor does he state any facts which the King disputes. 5. Nor does he assign as the ground of his resignation what his Majesty stated was not the ground of difference. 6. Nor does he omit to state what the King averred to be the real ground of his resignation. 7. Nor does he resign upon the personal opinions and acts of the King, and make his appeal to the Parliament and to the nation against them. 8. Nor did he come before Parliament with a written protest from the King against the correctness and fairness of the intended explanation, much less did he keep that protest in his pocket, and make an explanation in defiance in the teeth of it. 9. Nor did he evade *specific* statements when called upon to be explicit and precise. Legion himself says, "we find the advice was brought out in the course of debate *more fully* in the *House of Commons*." Yes, the Chancellor of the Exchequer having been called upon by a single member for a more minute statement of particulars, said (according to Legion's own quotation) "I stated it (our advice) 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." But Legion and his colleagues object "to specify particulars," and strange to say quotes as authority the case of Earl Grey and the Chancellor of the Exchequer, who makes at first what he conceives "a *perfectly clear*" statement, and afterwards offered to give any "*further explanation*" that might be desired. But we can extract no "*further explanation*" no "*perfectly clear*" specification of particulars from the late Counsellors.

Such are several points of difference in the explanation of the late Counsellors and that of Earl Grey, &c., appealed to by Legion himself—such are the *omissions* of British ministers in contrast with the *commissions* of our Canadian counsellors. BUT there are other points of difference in respect to what Lord Grey *did* do, and the late Counsellors *did not* do. 1. Lord Grey resigned upon and came before Parliament with the specific statement of a *fact*, not a vague statement about opinions and understandings. 2. Lord Grey stated a fact which had the concurrence of the King (not his contradiction), as well as the royal permission to state it—not the King's protest against it. 3. Lord Grey stated the *fact* as far as *involved the advice which he himself had given to the King*, and he left it with Parliament to approve or condemn that *advice*—not the opinions and acts of the King. A more perfect opposition and contrast, therefore, can scarcely be perceived between any two proceedings, than between the explanation (so called) of the late Counsellors and that of Earl Grey, to which Legion appeals for justification—which proves to be as complete a condemnation as can well be conceived. Legion says, "I might quote from parliamentary proceedings many—very many cases directly in point upon this question." I dare say he might—as I have already done—and as "directly in point" as the one which he has quoted, and which I have thus shewn is as perfectly in point as Sir Charles Metcalfe himself could desire—condemning the proceedings and explanations of the late Counsellors in every single particular—even apart from what I have proved to have formed a prominent feature of their proceeding, namely, their attempt to extract from his Excellency a "stipulation" or "understanding" as to the future distribution of the patronage of the crown. I have pressed this point—this all important point—in a somewhat new light, not because Legion has removed a pin, much less a pillar, from the structure of my argument, but to shew that upon Legion's own authorities

are he and his colleagues condemned beyond the benefit of clergy, for ignorance of or forgery upon the principles and practice of the British constitution.

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*No. VIII. Exposure of Legion's Twelve  
"Allegations."*

I THINK it has been made as plain as a, b, c, in the preceding numbers, that every single example of imperial practice to which Legion has appealed, is as clearly and strongly condemnatory of the proceedings of the late Counsellors, as it is possible for it to be. Bold indeed are they to be able even to look the public in the face, when thus condemned by unanimous and continuous British usage, during a century and a half. In addition to this, Legion has made no attempt at an answer to my argument from the nature of the case, in which I think I have shewn that the proceedings of the late Counsellors, are at variance with the obvious and admitted principle of law, justice, personal safety, and expediency. (pp. 34-43.)

Legion proceeds to analyze the (miscalled) explanatory statement of the late Counsellors, and find in it twelve distinct allegations,—not one of which he has the hardihood to say is denied by the Governor General! Let us see how far they are fallacious, and how far they are both incorrect and fallacious. Legion says—

“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 Governor General has asserted the same thing, from the beginning, in the most explicit terms. (See Defence, &c., pp. 86-92). The statement therefore of the fact in a way which implies that the Governor General denies, or does not avow the doctrine which it involves, is a foul calumny against him. Again, Legion says—

“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.”

This “allegation” is positively denied, and its absurdity has been shewn in the defence of Sir Charles Metcalfe, pp. 39, 40, 86, 87. His Excellency never differed from the late Counsellors on account of “the position, duties and responsibilities under which they *accepted* office”—their “duties and responsibilities” he has stated and recognized, as fully as they themselves have; but he resisted the agreement and stipulation which they demanded of him, and which they had never presumed to demand of Lord Sydenham or Sir Charles Bagot.

“The third allegation [says Legion] is, that appointments were made contrary to their advice. This is not denied.”

The late Counsellors have admitted that his Excellency had a right to do so. When he did so, they ought either to have resigned, or, having remained in office after such appointments, ought to have defended them. But they did neither. They voluntarily continued in office after such appointments were made. They then went to the Governor General to get him to agree not to make any more such appointments, and because he would not enter into any such agreement,

they resigned upon his views, and complain of appointments, which they themselves had voluntarily adopted, by voluntarily remaining in office! Again, says Legion—

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

I answer, this has not only been denied, but I think fully disproved, and the truth of it proved, from the very nature of the case, to be impossible. See *Defence, &c.*, pp. 42–44. Nor have the late Counsellors, in justification or support of their charge (though challenged and denied from the beginning), been prevailed upon to mention any “appointments” thus made. They make the general charge—they repeat it in every variety of form; yet they refuse to give a single fact necessary to support it.

“The fifth allegation is (says Legion) that proposals to make appointments were made, on which the Council had no opportunity of offering advice. This is not denied.”

The fallaciousness of this “allegation,” as involving any question of responsible government, has been shown, and its invidiousness and injustice in the present case have been exhibited. See *Defence, &c.*, pp. 41, 42. And in reply to the whole of my, as I conceive, conclusive argument on this point, Legion has not said one word. Admitting all that is stated—though no facts have been adduced in support of the allegation—it must not be forgotten that *proposals* are not *appointments*. For the latter, not the former, are Counsellors responsible. The latter cannot take place, without the Counsellors having an opportunity to offer advice or to resign. I have adduced examples of British Sovereigns having done what the late Counsellors allege against Sir Charles Metcalfe; but British history furnishes no example of any British minister ever having gone down to parliament to complain of his Sovereign for so doing. We are told—

“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.”

It has been denied and disproved in the unqualified sense in which it is here stated. See *Defence, &c.*, pp. 73, 74. It was for the *act* of reserving the bill, not the *manner* of performing the act, that the late Counsellors could pretend any responsibility. If they were not prepared to justify the act, they had the right to resign; but British usage condemns their bringing the *manner* of the act before Parliament as a complaint or charge against the Sovereign. Besides his Excellency could not communicate his purposes respecting a measure before he had finally adopted them. Again, says Legion—

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

To neither the right of remonstrating, nor the exercise of it, has the Governor General made the slightest objection, but has recognized and avowed it as fully as have the late Counsellors. Had they gone no

further—had they not added demands to remonstrance—no collision would have ensued. It is the right of a minister of the crown to remonstrate, to retire, and to go into opposition if he please, but not to make demands upon his Sovereign. Legion proceeds—

“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.”

I reply that it is most unequivocally denied, and it has been entirely disproved, in the sense in which it is meant and avowed by the late Counsellors. By the term “subject,” they have declared they mean the *subject of responsible government*. On that subject, Sir Charles Metcalfe denies that he ever had an “antagonism” with his late council; and declares that the subject of antagonism referred to by him was the *distribution of the patronage of the Crown on exclusive party principles*; and this I have proved from themselves to have been the fact. See Defence, pp. 75-79.

“The ninth (says Legion), that the members of the council repeatedly and distinctly explained to his Excellency that they considered him free to act contrary to their advice, and of knowing before others his Excellency’s intentions. This is not denied.”

This statement would appear strange indeed from any other writer than Legion. Not only is it denied, but the very reverse is a principal statement of his Excellency’s protest, in which he declares that a demand was made upon him which, had it been granted, would have deprived him of all freedom of action—would have reduced him to the condition of a tool in the hands of his council. Demands which I have proved out of their own mouths were made upon the Governor General. See Defence, pp. 68-71. Legion states furthermore—

“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.”

Yes, and this declaration ought to have for ever prevented the Counsellors from making the representation they have made to parliament and to the country in the face of this solemn avowal. In the teeth of his own words—as admitted by themselves to have been used by him, the late Counsellors have represented his Excellency as not only “altering the course of administration of affairs which he found on his arrival in Canada,” but as subverting the very constitution which then existed. Yet in the face of all these facts does Legion make the above assertion! Legion states yet again—

“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 the government. This is not denied.”

This allegation has been most expressly denied so far as it applies to Canada. No man has pretended that Sir Charles Metcalfe ever proposed to change the composition of his council, or to exonerate its members from the duties and responsibilities imposed upon them in the Resolutions of 1841. Besides, to go no further, Legion’s *tenth* allega-

tion contradicts his *eleventh*. They cannot be both true at the same time. Nor has his Excellency ever admitted the truth of the *eleventh* allegation of Legion. Legion says finally—

“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 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 the public and repeated pledges in the Provincial Parliament, if his Excellency should see fit to act upon this 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.”

While Legion's tenth and eleventh allegations contradict each other, his *twelfth* allegation contradicts itself. In the first place, Legion here affirms that his Excellency has admitted the opinions attributed to him as the real ground of difference with his late council; and yet in the concluding sentence, Legion admits the Governor General denied that such opinions formed the real grounds of the resignation. Both of these statements cannot be true at the same time. In addition to which self-contradiction, the whole of the evil anticipated from the alleged (but disproved) opinions of his Excellency, rests upon an *IF*—“*IF* his Excellency should see fit to act upon this opinion of their functions and responsibilities.” It has also been said, “if the sky should fall down, larks would sing.”

Thus out of Legion's twelve enumerated allegations, more than half have been positively denied and disproved, and the remainder are true in a different connection and sense from that in which they are used by Legion.

He next addresses himself to the protest of his Excellency; but, singular to say, he attempts not one word of answer to the proofs which I have adduced from the late Counsellors themselves, of the truth of the statements contained in that document. (See Defence, pp. 50-72.) More than twenty pages of close reasoning and indisputable testimonies yet remaining in their unimpaired force against the late Counsellors. His assertions are no evidence; nor are his speculations, proofs. The only remark requiring notice is, his supposition that if the late Counsellors had omitted specifications, names, places, or circumstances, his Excellency could have disclosed them. This supposition is as extraordinary as most of Legion's statements. His Excellency denied the truth of the charges, and by consequence the existence of any specifications to support them. How then could he be supposed to mention facts, the reality of which he denied? It is thus that Legion's suppositions are as absurd as his statements are unsustainable and unfounded.

### *No. IX. Reply to Legion's last Nine Letters.*

At the end of his fifth letter, Legion says, “I have for a long time parted from Mr. Ryerson;” and at the close of his eleventh letter, he says, “My letters 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." Legion's letters and "disquisitions" are very like the discourse of an individual which I heard described as being "about every thing in general and nothing in particular." His reasoning is like his political career, rambling from beginning to end. In his first four letters, if he did not exhaust the subject, he seems to have exhausted himself on the subject; and he occupies his remaining nine letters—with one exception as long as they are rambling—with repetitions and amplifications of what is contained in the four first letters, and to laboured attempts to talk as long as he can about any thing and about nothing. For instance, his *fifth* and *sixth* letters (so far as the argument of them is concerned) is a dilation upon the very same topics which he professed to treat systematically in his *third* and *fourth* letters, and to which I have fully, though briefly, replied. His *seventh* letter is a mere variation of the same tune. His *eighth* letter is (as Legion would term it) a "disquisition" on Lord Stanley's speech on Canadian affairs. His *ninth* letter is another "disquisition" (of his sort) on government in general and parties in particular. His *tenth* is a continuation of the *ninth*. His *eleventh* letter is a ramble back to the subject of his *third* letter, containing also sundry things about Dr. Sacheverel and against the responsibility of the Governor-General to the Imperial authority. His *twelfth* is another "disquisition" about Sir Charles Metcalfe and his sayings, and Warren Hastings and the government of India, with which Legion compasses sea and land to identify his Excellency. His *thirteenth* letter is a repetition of previous topics, with sundry additions and modifications. Now, as Legion's last nine letters are the mere repeating with variations of his first four letters, to which I have amply replied, it is not necessary for the interests of truth, nor is it respectful to the public, or just to the interests of your journal, that I should follow Legion in his "disquisitions" of the perpetual ringing of changes on the same topics. I will therefore conclude this discussion by doing two things; first, by noticing those topics connected with the question at issue before the country, in Legion's last nine letters, which I have not already discussed; secondly, by extracting from his theoretical "disquisitions" a confession on several points which involve all that I have insisted upon in defence of Sir Charles Metcalfe. From which it will appear that Legion himself cannot theorize on British constitutional government without admitting every principle laid down and held sacred by his Excellency, and that when he attacks Sir Charles Metcalfe and the British government, he opposes doctrines which he admits when he theorizes. My task will be completed in this and the following number.

The only topics in Legion's *fifth* letter which have not been disposed of, are his attempts to prove Sir F. Head a better man than Sir Charles Metcalfe, and his dilation upon an extract of a despatch which Sir C. Metcalfe addressed to Lord Stanley in May, 1843. As Legion was the chief councillor of Sir F. Head, who picked him up and made a politician of him, Legion's partialities for his patron may be excused, and need not be answered. As to the despatch, it has been shown in the *Colonist* of the 20th of August, that Sir Charles Metcalfe had ample reason and authority for what he stated in that despatch, and that his Excellency's subsequent proceedings were as forbearing and as liberal as they were constitutional. Opinions avowed by a leader of the Council, of a startling and extraordinary character, ought of course to be known to the authorities to whom the Governor-General is responsible. It was also important that his Excellency should know the views of the

Imperial government, as a guide in case such opinions should be officially proposed and embodied in the form of a demand, which was indeed made in the course of a few months, as had been feared.

In Legion's *sixth* letter I cannot find a single argument to which I have not replied. The peculiarity of it is, the frequent repetition of assertions which have been denied a score of times by the Governor-General himself, and which I have refuted by all the evidence that the nature of the case admits. They are, 1st—that his Excellency made appointments without giving his Council an opportunity to offer advice respecting them. This has been denied from the beginning,—the injustice of it has been demonstrated; the facts alleged have been denied. They have not been produced—not even one of them; yet the slanderous assertion is repeated everywhere, and on all occasions. 2dly—That his Excellency denies the right of the Council to offer advice upon all occasions; an assertion not only in the teeth of his Excellency's general denial, but of his specific statement to the reverse, as I have shown—(see Defence, pp. 87, 88.) 'The *sixth* letter of Legion abounds also in more than the usual proportion of insinuations and allegations against his Excellency's honesty and sincerity—the cement and quintessence of Legion's letters.

Legion's *seventh* letter is a mere appendix to his *sixth*—the ringing of changes, with variations, upon the same topics. The peculiarity of it is, that while Legion, after having admitted my explanation of the nature of responsible government, forms an analogical argument upon the basisless and false assumption that I had denied the right of the Council to advise the Governor-General on "all occasions, whether as to patronage, or otherwise," as his Excellency himself has expressed it. The concluding part of Legion's *seventh*, and the whole of his *eighth* letter consists of a lengthened "disquisition" on Lord Stanley's speech respecting Canadian affairs, delivered in the House of Commons the 30th of last May. With the several observations of his Lordship's speech I have nothing to do, except in so far as they relate to the full and unequivocal recognition of responsible government in Canada, according to the resolutions of 1841. That the British Government have done so, I have shown by quotations from Lord Stanley's speech, which Legion himself cannot pervert or quibble away. (See Defence, pp. 157, 158.) Legion has, however, attempted to neutralize the effect of this liberal bearing of her Majesty's Government, and to awaken against it hostile feelings, by perverting several passages of Lord Stanley's speech. I will notice but one. Lord Stanley speaks of the responsibility of the Governor-General to the Imperial authority, as provided for in the resolutions of 1841; which responsibility Lord Stanley regards as extending to the two points (the distribution of patronage and reservation of bills) objected to by the late Counsellors against the Governor-General, as well as the other acts of his government. On this Legion attempts to create the impression that Lord Stanley and Sir Charles Metcalfe deny the right of the Council to advise respecting the distribution of the patronage of the Crown, or that they are responsible for it; a representation condemned by the whole tenor of Lord Stanley's speech, and expressly condemned by his Excellency's own words, as quoted in a previous paragraph of this number. Lord Stanley's argument, and his only argument, is against the Governor's binding himself not to make any appointment against the recommendation of the Council. The subject which his Lordship was arguing, was not whether the Council had a right to offer advice to the

Governor on the distribution of patronage, but whether the Governor should consent to an agreement with his Council, that he would not make any appointments except such as they might recommend. It is thus by misrepresenting the drift and character of Lord Stanley's argument, that Legion falsifies the views of her Majesty's Government, and endeavours to excite hostility against them. It is a fact of no small importance, that Legion, whenever he ceases to theorize, and attempts to argue upon the points at issue, can make out no argument without misrepresenting the views of those he opposes. He ascribes to them sentiments which they either never uttered or have positively disclaimed, (more frequently the latter,) and then battles these fictions of his own imagination with an exuberance of patriotic zeal. The demand, and the only demand which Lord Stanley resists, is thus stated by his Lordship, himself:—"Their demand had been, that the Governor-General should bind himself, that no single appointment should be made *without their sanction and controul.*"

After reading about half of Legion's ninth long letter, I ascertained that it was intended to be a "disquisition" on *party government*; throughout which Legion, as usual, ascribes or assumes sentiments to his Excellency, which he has never avowed. The whole Toronto Association school have ascribed to Sir Charles Metcalfe the sentiments which were expressed last winter by Lord Falkland, to the Legislative Assemblies of Nova Scotia, and which it appears were concurred in by a majority of those bodies; whereas Sir Charles Metcalfe has never expressed a sentiment of the kind, either in his protest or in any one of his replies to addresses. Lord Stanley has remarked that responsible government is party government; and from Lord Stanley's and the true sense of that phrase, Sir Charles Metcalfe has not for a moment dissented. That sense is, the governing by or through a party. As I have stated in my *Defence*, p. 77,—“To this kind of party government, Sir Charles Metcalfe has not even hinted an objection, in any of the various documents which he has put forth. It is not pretended that he ever expressed the slightest objection to the *composition* of his late Council; or that he ever so much as suggested or entertained the idea of dismissing some of them, and filling up their places from the ranks of the opposite party. To the administration of the government *through a party*, his Excellency has assented as practically and as thoroughly as her Majesty herself. But there is another—a new—a very different element, which the Upper Canada section of the late Counsellors have introduced into *their* system of the government of party—that is, *governing for a party, and to the exclusion of a party.* It is this new element which is the doctrine of Mr. Hincks' address, which has been adopted and republished by the Toronto Reform Association; it is this new element which is the doctrine of Mr. Sullivan, in pronouncing as “childish folly” the idea of bestowing an office upon any other than the supporters of the ruling party; it is this new element which has formed the point of ‘antagonism’ between Sir Charles Metcalfe and his late Counsellors, from an early period of his administration; it is this new element which originated the demand for the patronage of the Crown for party purposes, and under the false but plausible pretext that it formed the essence of responsible government, as intimated in the above quoted passages from the address adopted by the Toronto Association, and as stated by Sir Charles Metcalfe, when he says that the “demand which was made by the Council, regarding the patronage of the Crown, was based on the construction put by some of the gentlemen on the meaning of responsible government.”



Now, Legion in his "disquisition" on party government, in the former of the above stated meanings of the phrase, is fighting a man of straw, whom he himself had made and called Sir Charles Metcalfe. As to whether the Counsellors should consist of the principal members of one party or of all parties, his Excellency has not stated.—declaring simply that they should be men possessing the confidence of the Parliament.—As to party government: in the second sense above stated, Legion has not answered, nor attempted to answer one of my arguments and various authorities, amongst which are the former opinions of the late Counsellors, and of Reformers generally. [See Defence, pp. 102, 115, 141, 143.]

In regard to Legion's *tenth* letter, after falsifying my views as usual, (for the correction of which see Defence, p. 45,) he admits that the object of the late Counsellors was to "cut off all communication between the Governor-General and any individual in the Province except themselves." This is quite enough, in connection with my argument on the subject, (see Defence, pp. 44, 46,) which is not touched by Legion's feeble declamation.

The *eleventh* and *twelfth* letters of Legion, are a "disquisition" on the responsibility and irresponsibility of the Governor-General to the Imperial authority; and throughout those two long letters, singular to say, Legion does not so much as allude to my argument on the subject, much less does he offer one word in answer to it. This is Legion's controversial policy throughout his letters. Whenever he comes in contact with an argument which he can neither pervert nor answer, he diverges into a theory. If there is any part of my entire argument more clear and conclusive than another, or that may be called demonstrative, it is that which relates to this subject, exhibiting as it does the precise line of distinction between responsible government in a Colony and in the Parent State. [See Defence, pp. 125, 129.] That line of distinction Legion and his colleagues insist upon obliterating, which involves the annihilation of Imperial authority in the local government of Canada. This is proposed to be done by the **ADDING** of a phrase to the Resolutions of 1841, and by denying that the Governor-General is responsible to the Imperial authority for *all* the acts of his government, or for any of the acts for which his Counsellors are to be held responsible; and they claim to be responsible for all his acts in the administration of the local government. The words of the resolution of 1841, relative to the responsibility of the Governor-General, are 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." Now, mark the words of Legion, who says—"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 that 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 that of the Queen." This is sufficiently plain; but Legion, in his speech at a public dinner in Toronto on the 23d instant, is more full and definite still. The following are his words:

"One single expression in these resolutions has been seized upon, and, by a false construction of its meaning and intention, made an instrument of destruction to the whole fabric of responsible government in Canada. It was not necessary, in the resolutions of 1841, to allege that the Queen's Representative in this Colony was a servant of the Crown; it was not necessary to allege his responsibility to the authorities of the Empire; but, in the desire of the Canadian Parliament to avoid all pretence for the exercise of arbitrary and unadvised prerogative, and with the determination of limiting the exercise of the prerogative, over which public opinion in Canada was to have no influence or controul, to matters in which Imperial authorities might, for Imperial interests justly and properly interfere, it was declared that the Head of the Executive Government of this Province was responsible to the Imperial authorities alone. (Cheers.) This simple declaration would have been sufficient to guide aright any Governor who desired to adopt or adhere to the resolutions; but it has been far different in the hands of those who advise our present Ruler. A Governor who desired to act upon the resolutions of 1841, would have inquired, *what were the affairs of Imperial interest in which he was bound to consult the Imperial authorities? Within these he would have limited his responsibility.*"

Thus then one part of the great question at issue comes prominently out for the first time. In order to denude the Representative of the Crown in the Province of this power, Legion and his colleagues deny his responsibility to the Imperial authority in the internal affairs of the Colony. In other words, they deny the exercise, directly or indirectly, of the Imperial authority in the local government of Canada; for they deny the right of that authority to influence the Governor, and then deny the responsibility of the Governor to that authority. They therefore claim independence. And having claimed independence for the Governor, they next denude him of "*discretion*" in respect to even the distribution of patronage; for the following is Legion's definition of the power of the Sovereign, in his twelfth letter, and with his own italics:—"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."

Here, then, in the *first place*, the right of the Imperial authority to interfere in the local government of Canada is denied; *secondly*, its right to influence the Governor is denied; *thirdly*, the responsibility of the Governor to that authority is denied; *fourthly*, the exercise of any "*discretion*" by the local Sovereign in regard to even candidates for office, is denied. How far these facts and confessions coincide with other professions of the same parties, every candid reader can judge. If all this does not annihilate Imperial authority in Canada, and reduce the Governor himself to a *cipher*, I do not know what does. Disguise and deny it then as they may, the real question involved is, shall Great Britain have any authority in Canada or not; and shall the Governor in the country have any "*discretion*," or shall he be a mere cifer or sign-manual to be used at the "*discretion*" of others?

Never before did I myself see so clearly the import and magnitude of the question at issue, as since a careful examination of these letters of Legion.

Throughout his whole argument, Legion represents the Governor-General as denying the responsibility of the Council and their right to

advise him, because he asserts his own responsibility to the Imperial authority; which responsibility (as the reader will perceive by examining the resolution of 1841, above quoted) is not limited, as Legion and his colleagues are striving to limit it, as it has no other limits than the limits of the Governor-General's government. Now the Governor-General asserts, as strongly as Legion, that he cannot act constitutionally without the assistance of responsible advisers; he also asserts (as I have heretofore quoted more than once) their right to offer him advice "on all occasions, whether as to the distribution of patronage, or otherwise." His Excellency furthermore asserts, that they are responsible for all acts of the government, and that when they do not *choose* to be responsible for these acts, they are at liberty to retire. The Governor-General and the Imperial government, in harmony with the resolutions of 1841, maintain a *twofold* responsibility for every act of the Canadian government, and that this constitutes the peculiarity of responsible government in a colony—namely, the responsibility of Executive Counsellors to the Canadian Legislature, and the responsibility of the Executive Head to the Imperial authority. Legion and his colleagues deny the latter, and by denying it endeavour to annihilate Imperial authority in Canada. Lord Stanley, in reference to this twofold responsibility, says, "The *two responsibilities* might, by possibility, nay, perhaps without difficulty, be exercised by mutual forbearance and good sense on the part of the Governor and the other body; but let the principle of Mr. Roebuck be adopted, and the Governor would be a mere agent in the hands of the Executive Council, and yet at the same time responsible at home."—Sir Charles Metcalfe, in his reply to the Gore District Council, expressed the same opinion as to the feasibility of this system of responsible government, by the exercise of good sense and mutual forbearance. The Hon. Mr. Young—Speaker of the Nova Scotia House of Assembly—declares the same sentiments, in a speech at a public dinner given him in Toronto, on the 23d September. He does not presume to deny the right of the Imperial Government to give any instructions to the Governor, nor does he deny the responsibility of the Governor to the Imperial authority. His words are—"If, indeed, the Imperial Government interfere to issue its instructions, or if the *Executive Council* were to attempt any course of policy inconsistent with the Royal instructions, or with an act of Parliament, the duty of the Governor is clear. He is the minister or servant of the Crown, and must obey its mandates whether he approves of them or no, or resign his office. Where is the difficulty then of fulfilling *both* of these obligations, and where the probability of their jarring with each other? A thousand imaginary obstacles may be raised by prejudice or passion, but with mutual forbearance, and a desire to carry it harmoniously, I am convinced that the system would work well and smoothly." Then Mr. Young's whole statement of what he means by responsible government, and especially on this very point, is in letter and spirit what Sir Charles Metcalfe has stated again and again, and what I have advocated from the beginning; but it is in the teeth of Legion's denial of the responsibility of the Governor to the Imperial authority. Mr. Young thus proposes and answers an objection which involves the very doctrine under consideration:

"But it is objected, that the Governor's first duty is to the Imperial authority, and therefore, that he cannot obey or be subject to an Executive Council. Now, in the first place, no one dreams [yes, Legion has thus dreamed and written, as above quoted] of a Governor obeying any

one within the Colony. All that is asked is [and Sir Charles Metcalfe has stated this in express terms, and acted upon it invariably], that he shall exercise the prerogative on all occasions with the advice of a subordinate officer who shall be responsible to the people. The minister being consulted on any act within his department, and approving of it, assumes the responsibility; disapproving, must still assume the responsibility, to resign. This is the English practice, and I maintain there is no difficulty in extending it to the colonies in all matters arising within the colony, and on every exercise of the prerogative touching its local affairs. If, indeed, the Imperial Government should interfere to issue its instructions, or if the Executive Council were to attempt any course of policy inconsistent with the Royal instructions, or with an act of Parliament, the duty of the Governor is clear. He is the minister or servant of the Crown, and must obey its mandates whether he approves of them or no, or resign his office. Where is the difficulty then of fulfilling both of these obligations, and where the probability of their jarring with each other? A thousand imaginary obstacles may be raised by prejudice or passion, but with mutual forbearance and a desire to carry it harmoniously, I am convinced that the system would work well and smoothly."

The difference therefore between Mr. Young's responsible government and that of Legion and his colleagues, is, after all, in reality, precisely that of the Governor-General—the one is responsible government and British connection—the other is responsible government and independence—the one acknowledges and the other denies the authority of the Imperial Government within the colony—the one maintains the responsibility of each minister for his own department, the other advocates the responsibility of each minister for all the departments—both alike assert the right of each minister to give advice on all occasions within his own department.

Thus much then in reply to Legion's *eleventh* and *twelfth* letters, in addition to my as yet unanswered argument on the same subject.

In regard to a misapprehended and misapplied remark of Lord Stanley, that the *life* of the British constitution consists in the *irresponsibility* of the Sovereign, and that this could not exist in Canada as the Governor was responsible to the Imperial authority, his Lordship may apply such a term to designate that peculiarity of the British constitution, but it can have no bearing upon the question in Canada, as his Lordship objects not in the least to the Council's giving advice on all occasions—recognizes their responsibility to the Legislature—only objects to their *coercive demand* or "stipulation."

It appears that Legion's *thirteenth* letter was a sort of after-thought, or, in his imagery, an after-birth. It was produced a long time after the last of its predecessors. The first part of it consists of what he had said on party government, party patronage, and stipulation; which I have already disposed of—and it is not necessary for me to repeat the same thing over again, because Legion has done it so often. The principal part of this letter is a professed rejoinder to the first number of these my refutations of his attacks upon the Governor-General; and in this he has out-Legioned himself in unfairness, and dishonesty of statement. It is the climax of his letters in bold misrepresentation. For example, he represents Lord Chatham, Mr. Pitt, and Sir Robert Peel, as having resigned because the Sovereign would not come to an understanding, or agree to a stipulation with them, when Legion could not but know, (as

his quotations and references elsewhere prove,) that they each advised certain *measures* or *appointments*, and because their advice was rejected, they resigned, explaining the nature of the measures or appointments which they had advised, and leaving Parliament to judge whether their advice was proper or not,—not demanding of the Sovereign an understanding or stipulation, that he would in future distribute the patronage of the Crown upon a certain party principle, and on his refusing to come to such an agreement, resigning upon the views of the Sovereign—thus dragging the views, principles and merits of the Sovereign before the people, as the subject of their discussion and decision.

Again, Legion represents me as admitting "that the Counsellors only wished to be understood as a condition of their remaining in office, that they should substantially be advised with on public affairs, &c.,"—a statement the reverse of fact, as every reader of what I have written can bear witness. I have not only asserted the reverse throughout, but have proved it. See Defence, pp. 63-67.

In the first number of my refutation of Legion's letters, I noticed *nine* principal points of my argument, which Legion had not answered. Legion professes to supply this deficiency; and in doing so, descends to a species of unfairness that is scarcely credible. All that I would desire of any reader, to satisfy himself of Legion's shameful unfairness, (to use no stronger term,) is to compare his statement of the pages of my Defence referred to, with the pages themselves, from which he would see that Legion's statement is not only fallacious in every instance, but in some instances positively untrue. I will take the first as an example, though the subsequent ones are equally deceptive, and might be selected to equal advantage. The following are my words:

"1st. I have proved by certain of the late Counsellors themselves, that they did demand a stipulation from his Excellency, (pp. 62-67;) respecting which, Legion says not one word."

Legion, after quoting this sentence, professes to give the evidence to which I referred; in doing which, he quotes passages which I had given from Mr. Hincks's pamphlet, Mr. Baldwin's explanation, and Mr. Boulton's resolution, to which Mr. Baldwin and Mr. Hincks had appealed, and two lines from Legion's own explanatory speech; and then says, "This is the whole evidence Mr. Ryerson furnishes within his pages 62 to 67," &c.

Now will the reader believe—and I refer him to my Defence, pp. 63-64,—that the passages from Mr. Baldwin, and Mr. Hincks, and Mr. Boulton's resolution, were quoted by me *not* as proofs that they had demanded a stipulation, but as *their* evidence that they had *not* demanded a stipulation!!! This is the most impudent act of argumentative dishonesty, and the most impudent imposition upon a reader, with which I ever met.

As this subject of stipulation is the burden of the greater part of Legion's last letter, (bating his apology for himself, which I cordially present to the Toronto Association,) and as it is one of great importance, I will conclude this number by exposing more specifically his misrepresentations, and adducing my argument itself, to which he has made no reply. In the first place, I showed that the one of the parties being the accuser, and the other the accused,—the statements of the parties themselves would not be considered *evidence* on either side,—the one statement counterbalancing the other. I then proceeded (p. 65) to consider the *evidence* (so

called) which the late Counsellors appealed to in support of their allegations—commencing with these words, "To what evidence, then, have the late Counsellors appealed in proof of their statement?" I then quote from Mr. Baldwin, Mr. Hincks, and the resolution of Mr. Boulton, which Legion represents me as quoting to prove that the late Counsellors *did* demand a stipulation—the very reverse of the fact! For after quoting them, I proceed (p. 64) to show their utter insufficiency to establish the part alleged—commencing with the following words, "Such is the evidence to which Messrs. Baldwin and Hincks appeal in support of the assertion, that the late Counsellors had *not* required from the Head of the Government any understanding or stipulation, as to the terms on which the provincial administration had deemed it prudent to continue in office." I then proceed to demonstrate, [as I conceive] that the evidence [so called] thus adduced would not even be received in a court of justice, much less conclusive in the judgment of a jury, either of twelve men, or of the whole country; after which, I proceed to consider the evidence in support of the Governor-General's statement; which evidence is twofold—the *actions* of the late Counsellors, and the statement of Legion himself, together with that of the *Examiner*; and from which I *demonstrate* the fact [as I think] that a stipulation had been demanded of the Governor-General, by the late Counsellors; after which again, I proceed to show [pp. 68-72] that the stipulation thus demanded, did involve the surrender of the patronage of the Crown to the Council, for the purchase of Parliamentary support. It is, however, with the evidence as to the stipulation itself, that I have to do at present—evidence to which *Legion attempts not one word of reply!* That the reader may appreciate the truthfulness of Legion's statement, and the weight of the evidence I have adduced on this all-important point, I will quote it at length, and with that quotation, will conclude the present number. It is as follows:

"Thus much then for their own evidence, or rather the absence of the very shadow of evidence, in support of their assertion. Let us now consider the evidence in support of the Governor-General's statement.

"In the first place, then, what did Messrs. Baldwin and Lafontaine go to the Governor-General for? What did they go to him two days in succession for? Was it to resign? No. Was it merely to offer advice? No. Was it not to make a demand? Was it not to come to an understanding as to the terms upon which they might "deem it prudent to continue in office?" Was it not to extract from the Governor-General such a "stipulation" as would induce them to "deem it prudent to continue in office? And was not such a proceeding at variance with both the letter and spirit of Mr. Boulton's resolution, to which they appeal in their own justification? And does not such a proceeding go far to establish the truth of the *Governor-General's statement*?

"That such was the object of their waiting upon His Excellency, we have ample proof in the testimony of many of their own supporters, and even of themselves. Two witnesses and one fact will be sufficient on this preliminary point. Mr. Sullivan, in his explanatory speech, November 30, alleges "the impossibility (of himself and his colleagues) staying in office *after understanding His Excellency's views*." It appears then, that before understanding His Excellency's views, it was possible for them to have remained in office; and that it was upon "His Excellency's views?" that the late Advisers resigned. And how come they to know his "views?" Why, Messrs. Baldwin and Lafon-

taine went to ascertain them—views which (as the concluding phrase of Mr. Boulton's resolution expressed it) "*a due respect for the prerogative of the Crown, and proper constitutional delicacy towards Her Majesty's Representative FORBID THEIR BEING EXPRESSED.*" Again, the Editor of the *Examiner*—one of the Secretaries of the Toronto Association—has the following words and Italics:—"When waited upon by Mr. Lafontaine, in behalf of himself and colleagues, in order that they might come to *some understanding* as to the principle upon which the government was to be conducted, *as far as regards appointments to office*, His Excellency positively refused to recognize it as a constitutional principle, that he should consult them at all upon this important department of the administration of public affairs, evidently claiming its patronage *ad libitum* without the advice, council or concurrence of his responsible advisers." [March 19.] With the latter part of this statement, I have at present nothing to do. I have heretofore shown its falsity, and proved that it was *impossible* for the Governor-General to make any appointment, without the concurrence of at least one "responsible adviser," and that his Excellency has denied that the right of the Council to advise him was a subject of dispute between him and his late Counsellors. But their demanding a declaration of his Excellency's views even on that subject, was as unconstitutional [according to Mr. Boulton's resolution] as their demanding "*some understanding*" with his Excellency, as to the future policy of appointments, or on any other subject. They were to remain, or to retire from his counsels according to his *ACTS*, as they were responsible to the Legislature, not for his views but for his *ACTS*; and they had no more business with his views, as to what might be or should be, than they had to do with his purse. To seek "*some understanding*" with him, as to what his views were or might be, was, according to Mr. Boulton's own resolution, unconstitutional; to resign upon these views was unconstitutional; to represent these views to Parliament—especially in the teeth of his Excellency's protest—was not only unconstitutional, but unjust and dangerous, as I have shown in the second number of this argument.

"Then, as to the *fact*—a fact trumpet-tongued in its import, and bearing on the character of the present crusade against Sir Charles Metcalfe—the fact is this:—The late Counsellors admit that they would have remained in office had the Governor-General's views [which they went to ascertain] as to his future policy accorded with their demands or wishes. That is, they would have assumed the responsibility of his past acts, had he given them assurance or pledge, or "*stipulation*," as to the character of his future acts!! Can such a proceeding be paralleled in the entire history of England, since 1688? Had the Governor-General's views of future policy proved orthodox, according to the "*terms*" of the late-born party expediency creed of the ex-Counsellors then—can it be believed?—then all his past acts would have been defended by them—the very acts which they now pronounce unconstitutional—acts which extended over a period of months—acts against which they now vociferate from Essex to Gaspe—these very acts for condemning which they now demand the support of the Province,—yes, those identical acts, [and the reservation of the Secret Societies Bill among the rest,] would have been white-washed—would have been assumed as constitutional—would have been defended as worthy of the support of the Province, had the Governor-General only "come [to use the *Examiner's* words] to *some understanding*, as to the principle upon which the government was to be conducted, *as far as regards appointments to office*"!!

"Now, does not this single fact prove to a demonstration, that they violated the last part of Mr. Boulton's resolution? Into the pit which they dug for another, have they not fallen themselves? And I appeal to the honest reader of any party, whether their resigning or not resigning can change the nature of the Governor-General's acts, which were performed before they resigned? And whether they are not, in all honour, and consistency, and truth, and decency, bound to defend those acts out of office as well as in office? Their continuance in office was, [to use a figure in Mr. Boulton's Toronto Association speech] an endorsement of every note in the shape of a government act,—during the period of their incumbency, they were the only indorsers known in the law of Responsible Government—as long as they remained in the emoluments of office, they excluded all other endorsers; and, it appears by their own confession, that they would have continued to have endorsed every note of the Governor-General's past acts, as well as of his future acts, had he consented to have endorsed their notes, [which they presented to him,] of "some understanding as to the principle upon which the government was to be conducted, *as far as regards appointments to office.*" And, because he would not endorse in advance for them, they repudiated what, by their continuance in office, they had endorsed for him. Every note of His Excellency's acts would have been as good as the Bank of Responsibility itself, had he consented to endorse the "*stipulation*" note for them; but his refusal to do so has made him a heretic in theory and a despot in practice, and that, too, for months while they were his voluntary and paid endorsers!! Now, statute-law will not allow an endorser to *repudiate* his name from a *discounted* note, whatever may become of the drawer of it; nor will responsible law allow advisers of the Crown to repudiate notes which have been discounted, while they voluntarily continued in office, and received the pay of constitutional endorsers. They are not, indeed, liable to imprisonment; but *repudiators* of all countries will receive, as they have always received, the *repudiation* of the moral world."

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### No. X. *The admissions and confessions of the Legion Party—Conclusion.*

THE preceding numbers of my reply to Legion have sufficiently shewn, that not only had nine principal points of my argument been answered, but that many other points scarcely less important had not even been noticed, much less refuted. I may also add, that the entire argument of my *ninth* number, embracing the principles of government and of the administration of it, as applicable to the *Governor, Ministers of the Crown, Legislators*, and the *People* generally, each part of which is based not only upon the eternal principles of justice and christianity, but fortified by the highest authorities of statesmen, philosophers, and divines—occupying upwards of thirty pages—the whole of this argument remains unimpaired by any thing that Legion has said. Whenever Legion came in contact with such principles and authorities, he found it easier to sit down and theorise, and to divert his reader by "disquisitions," than to attempt to remove such obstacles out of the way. I have contrasted the operations of government administered upon exclusive party and upon just principles, and their comparative influence on the prosperity, liberties, morals and happiness of a people, and upon the character of the rising generation;



nor can Legion deny the conclusions which I have established—conclusions which lie below and reach beyond the conflicts of party and the squabbles of party men—forming the basis of all just government, the arch of public liberty, the life and health and vigour of the whole body politic. But from the putrid mass of even Legion's "disquisitions" some virtue may be extracted; over the desert of his worthless speculations, we here and there meet with the oasis of a sensible observation; for when he forgets his party subject, comes to himself, and talks about things in general, he now and then speaks like other men, and utters apothegms and asserts principles, which, however inconsistent they may be with his party doctrines, involve all for which Sir Charles Metcalfe has contended, and for which he has been abused and is still opposed by Legion and his coadjutors: I will select a few examples.

1. Sir Charles Metcalfe has maintained that he ought not to be the mere tool of any party—that he ought not to act upon the principles of party, but upon those of justice and impartiality—that he ought therefore, as the Hon. Joseph Howe, the leading reformer of Nova Scotia, has expressed it, "bestow all offices for the general good, without reference to party." Legion says, in his thirteenth letter, "The Queen of England personally recognises the existence of no parties, classes, nor races; the confidence of her parliament is her rule of right and wrong in politics." Such is the sentiment and such is the rule of Sir Charles Metcalfe. In juxtaposition with this remark, I cannot but notice another, in which Legion virtually confesses what he elsewhere labours long and hard to disprove. Legion says, "perfect impartiality is what he [Sir Charles Metcalfe] says they [the late Counsellors] asked from him, that he would make no appointments prejudicial to their influence, while they were his ministers." What appointment would be "prejudicial to their influence" they were of course to be the judges; and what did the preferring to Sir Charles Metcalfe such a demand, or request, or *asking*, imply, but an agreement or "stipulation" and what did such a "stipulation" involve, but a virtual transfer to the Council of the patronage of the Crown? But did they ask any such impartiality for all who differed from them? Did they ask the Governor to agree or stipulate to make no appointments "prejudicial to the influence" of *other* than themselves? Oh no, they only asked this "impartial" stipulation for themselves—all others for the time being had no right to "impartiality"—were no body as Britons—were strangers and aliens. It is not surprising that the late Counsellors should offer, upon the condition of Sir Charles Metcalfe's agreeing to *such* a stipulation of "impartiality" to them, that he might "extend the same consideration to their successors." This proposal and promise was like the request of the Romans to the Carthaginians, in the third Punic war, that the latter should deliver up to the former all the arms and implements of defence in Carthage. The result of Punic *credulity* in that instance is well known. Had the late Counsellors obtained the asked-for "impartial" stipulation from his Excellency, they would have feared no "successors"—they would have secured for themselves and theirs a perpetual succession—the throne itself would have been powerless, and they would have been all-powerful—and the government of Canada would have been an oligarchy, instead of a mixed monarchy. But to return from this digression.

2. I have maintained that the late Counsellors had nothing to do with the *opinions* of his Excellency—whether right or wrong—only with his *acts*. Legion says, in his sixth letter, "A Governor may hold abstract

opinions in favour of the most despotic form of government, and yet be a very good responsible government Governor." Legion adds—"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." This admission is also important, though the conclusion is false. If Counsellors have nothing to do with the opinions of the Governor in the *abstract*, they have nothing to do with his opinions in the *concrete*. If his *acts* are right, however wrong his opinions may be, and however peculiar his mode of acting may be, his Counsellors approving of the acts are bound to defend them. If his *acts* are wrong in their judgment, however right his opinions may be, they are not obliged to defend them, but can if they choose resign. If *both* his *acts* and *opinions* are wrong, they have still only to do with the *acts*—not with the origin or motives of them;—otherwise they are inquisitors and judges of opinions, instead of being advisers of *acts*. Their duty is to *advise respecting acts*; their right is to *resign upon acts*; their *privilege* is to *explain their own advice respecting acts*; and the *province of parliament* is, to *judge whether that advice is right or wrong*. The personal opinions of the Sovereign or her representative cannot be brought before the parliament or the country as a subject of complaint or discussion, without the violation of a vital principle of responsible government. The late Counsellors have so brought the personal opinions of the Representative of the Sovereign before the public, and even ascribed to him opinions which he has from the beginning disclaimed as strongly as ever Mr. Baldwin disclaimed rebellious opinions, which have been ascribed to him.

3. On the subject of *stipulation*, which has formed so prominent a topic of contradiction between the Governor General and the late Counsellors, we have the following zig-zag concession and remarks from Legion's *fifth* letter:

"A stipulation to make no appointment or offer of an appointment without consulting his 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 a stipulation? A stipulation would have bound the Governor General at all times and under all circumstances; and 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."

Now, the foregoing passage is a curiosity even from Legion himself. It is here admitted that the late Counsellors had no right to demand the Governor to stipulate or agree that he would even have a Council at all, much less that he should agree not to make any appointment without consulting that Council; but that all they could have wished was an expression of his intention, which "*would have bound him to nothing*." He states likewise that the most uniform practice admits of exceptions; and assuming that what the late Counsellors have stated is correct (notwithstanding the denial of it by his Excellency), that appointments were made by him without the council having an opportunity to tender any

advice respecting them, they will not mention one, and they do not assert even in general terms that there were more than *two or three* "trifling appointments" so made during the uniform practice of eight months. Is not a man's stumbling two or three times during a uniform travel of eight months, an exception to the general rule? Are not two or three out of two or three score, exceptions? Yet on two or three exceptions, which their own expositor and defender admits are consistent with even a uniform practice, do they found a general charge against his Excellency—nay, do they go to him and demand either what "would have bound him to nothing," or what "no Sovereign has ever entered into!" In the former case, their conduct was absurd; in the latter, it was unconstitutional. Then in the Governor General's protest itself, there is all the declaration of intention, which Legion says "could have been wished;" and even in their written intended explanation, the late Counsellors themselves admit that his Excellency "*disavowed any intention of altering the course of administration of public affairs, which he found on his arrival in Canada.*"

Taking the above admissions and declarations of Legion as authority, the proceedings of the late Counsellors have been anti-British and unconstitutional from first to last.

4. I have maintained that the essence of responsible government consisted in the fact of there being a minister responsible for every executive act. On the contrary, Legion has lampooned (not refuted) this doctrine at no moderate rate; and Sir Charles Metcalfe has been charged with violating the constitution, because he had not more than *three* responsible Counsellors. The Hon. W. Young—Speaker of the Nova Scotia House of Assembly—observed, in a speech recently delivered in Toronto, which I have already quoted,—"*All that is asked is, that the Governor shall exercise the prerogative on all occasions with the advice of a subordinate officer, who shall be responsible to the people.*" Has not this been the case during the last eight months, as well as during the preceding eighteen months? The Hon. Mr. Boulton, who presided at a reform dinner given in Toronto, on Monday evening, the 23rd Sept'r, uttered the following words: "Where there is a mixed monarchy, there can be no act of state without the intervention of some adviser who is responsible to Parliament, as the Lord Chancellor who affixes the great seals to such acts. [Cheers.] This is the sort of responsible government the British people have, and this is what we want, and this is what we will have." And have we not got it already? Has a single act been performed by Sir Charles Metcalfe, since he came to Canada, to which the provincial seal has not been affixed by a responsible adviser? Mr. Hincks, in his reply to Mr. Viger, p. 15, gives the following definition of the principle of responsible government, in italics, from the London Morning Chronicle: "*That every appointment under the Crown should be made with the sanction of a responsible minister, is the first principle of parliamentary government.*" Has Sir Charles Metcalfe made a single appointment without the sanction of a responsible minister? But let Legion himself declare on this subject, all that I ever thought of contending for. In one of his theoretical moments, in his seventh letter, Legion says—

"I most fully and freely admit, that the passing of the 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."

5. Finally, Legion proposes the following test of the real existence of responsible government in Canada, under the administration of Sir Charles Metcalfe—a test by which I am willing to abide—a test by which Legion and his party are of course bound to abide—a test by which Canada will no doubt abide. That test is thus stated by Legion in his sixth letter:

"WHEN A SESSION OF PARLIAMENT PASSES OVER WITHOUT OUR SEEING EXECUTIVE COUNSELLORS ON TWO SIDES OF IMPORTANT QUESTIONS; AND WHEN WE SEE THEM ACT WITH THE UNITY OF SENTIMENT AND PURPOSE FOUND IN A BRITISH ADMINISTRATION, I WILL BEGIN TO BELIEVE THE OPINION IS REALLY ABANDONED, OR THAT IT IS ONE OF HARMLESS THEORY. AND WHEN I SEE THIS UNANIMITY PREVAILING OVER MEN, I SHALL CONGRATULATE CANADA AND CANADIANS OF ALL PARTIES, NO MATTER WHICH PARTY SHALL HAVE THE CONFIDENCE OF PARLIAMENT OR OF HIS EXCELLENCY."

Proposing to meet the Legion party upon this ground, and abide by the issue of this test, I call upon Legion and all classes of the inhabitants of Canada to give the administration of Sir Charles Metcalfe a fair trial.

I leave Legion without personal feeling, though I have animadverted upon his writings and proceedings with deserved severity. His *forte* lies in speaking and declamation; he missed his way when he undertook to write—and more so when he descended to write as he has done. As I embraced the doctrines of the church to which I belong, not because they were popular or unpopular, adopted by many or few, but because I believed them true; so have I embraced and advocated the views which I expressed on the question now before the country, because I believe they are constitutional, true, and even scriptural, and such as have been held by the people of Upper Canada generally for many years;—involving as they do the application of a principle understood and appreciated by even the father of Grecian history; for, says Herodotus, "*Not by one instance only, but by universal experience is it manifestly proved, that a government which secures an EQUALITY OF RIGHTS is highly advantageous to a people.*"

