

for a nullity." His Excellency's friends in the township of Toronto believed that the operation at issue involved the pain afterwards of connection or separation from the Mother Country. And, in return, his Excellency trusts that no demon of mischief (meaning, no doubt, Legation) would seek to destroy that blissful union. His Excellency thanks the town of Chatham for its strenuous support in defence of the Crown. The township of Moore receive like thanks. The town of Saint Thomas are thanked for attributing to His Excellency the undoubted prerogative of the Crown to appoint to office the persons His Excellency might consider the most fit to discharge the duties required of them. So I might go on, through almost all the addresses and answers of His Excellency. Those which contain anything remarkable, beyond the allegation, on the one hand, of an attempt to destroy the prerogative of the Crown, and thanks for its defence on the other, I shall notice hereafter. At present we have to inquire, What was the prerogative asserted and infringed upon, and how far its assertion and infringement agree with our notions of Responsible Government?

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

If one set of Councilors do not agree with the policy a Governor-General is determined to pursue, he is at full liberty to find another Council who will agree with him, and then resign. But to resign because he is not permitted to agree with him, who possess the confidence of Parliament, then is his policy opposed to the wishes of the people; and if he persists in the policy, the harmony of his Government is at once destroyed. But the prerogative of acting without the advice of the Councilors, the Governor-General claims: it is that of exercising his own discretion, a discretion only to be questioned in the Province under the penalties of disaffection.

What, let us ask, were the late Councilors to do, if they would not resign, but were usurping the Royal prerogative, of endeavoring to reduce the Governor-General to a nullity? They could only have stood by to see the exercise of undoubted prerogative, for which the Governor was responsible to the Imperial Authorities, and which he exercised, complained, or opposed that exercise of prerogative, then they would be endeavoring to usurp it, and to reduce the Governor-General to a nullity. The Governor-General, in his answer to the address, is himself guilty of the same. He not only usurps the prerogative, but he conducts the Government, but also the further privilege of lying to the Canadian people by pretending responsibility; but Lord Stanley has answered this position for me: "Responsibility without power (says his Lordship) is a contradiction and absurdity."

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

"If you mean (says his Excellency) that the Governor is an irresponsible officer, who can without responsibility adopt the advice of the Council, then you are, I conceive, entirely in error. The indisputable functions of the Governor are such, that he is not only one of the highest servants in which they were most numerous responsibilities than any officer in it. He is responsible to the Crown and Parliament, and the people of the Mother Country, for every act he performs, or suffers to be done, whether it originates with himself, or is advised by his Councilors. He could not direct himself that responsibility, by pleading the advice of the Council. He is also virtually responsible to the people of this colony, and practically so to the Mother Country. Every day proves it, and a resolution of the House of Commons."

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

neral's doctrine, be the removal of our only safeguard against tyranny and that the extension of the British Constitution to the Colony.

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

The forbearance of the Imperial Government to issue instructions to the Governor-General for every act that he performs: the relinquishment by the Imperial Government of the resolution of the Imperial Government to pursue no line of policy, in Canada, condemned by public opinion; and, finally, the assent of the Imperial Government in Canada placed the Governor of this Province in the ordinary administration of local affairs; either this was done, or Responsible Government gave to Governors-General absolute and despotic power. The Governor-General's responsibility ought to be to the people of local affairs, under advice of persons responsible to the country, and according to the wishes of the Canadian people. For this he has substituted his own will, his own discretion, and his own responsibility to the Imperial Government. If the Home Government claimed to hold him responsible for every act of his Government, that claim would put an end to Responsible Government in Canada. If he is permitted to assert that responsibility, and, therefore, to assert an uncontested power of acting without and beyond advice, he puts an end to Responsible Government in Canada by his own declaration, and he is the greatest enemy to the Constitution, and liberty of Canada that ever saw.

Other Governors had the excuse of Royal instructions, or orders they were bound to obey;—he has no orders but those which may have arisen from his own solicitation, or from a desire to justify his most arbitrary and unconstitutional conduct of Canadian affairs. Clarity may once have ascribed the invasion of the Constitution of this country to a French Revolutionary Convention; but time has removed this veil, and he must now be considered either as the originator or the instrument of a design to defeat and put down Responsible Government in Canada—Canadians value Responsible Government, they cannot give it up. They must use every constitutional means of asserting their rights, till they obtain them fully. If they do not value British freedom, or if Dr. Ryerson has been able to frighten them with his bugbears of Royal Proclamations and Military Provisions, let them kneel down and ask pardon for the presumption of their Parliament; and let the reign of favouritism and intrigue continue. If Canadians have not the spirit of British subjects—let them be the servants of a despotic monarch, or let them petition for the abolition of the Provincial Parliament which cannot exist without constantly reminding them of their degradation. There may be some subjects who will support a political slavery with the forms of freedom, or to all intents and purposes, wretched and utterly despicable.

My design was to conclude this branch of the subject in the letter, but I have reserved for this paper only the privilege of looking on while he conducts the Government, but also the further privilege of lying to the Canadian people by pretending responsibility; but Lord Stanley has answered this position for me: "Responsibility without power (says his Lordship) is a contradiction and absurdity."

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

LEGION.

From the Pilot.

IMPORTANT CORRESPONDENCE.

We present this day to our readers a correspondence between the Hon. L. H. Lafontaine and A. N. Morin, and Mr. Secretary Daly, which we have no doubt will be read with the deepest interest. The slender charges against those gentlemen and their colleagues, contained in the Drummond address, are now republished, and we already noticed and repelled by us, and we can add nothing at present to the many and dignified rebuffs given to the Executive by our respected friends.

The reply of Mr. Daly calls for some remark. It is a biting and disingenuous attempt to extricate the Government from a position which they have not the manliness to defend. There has been no second opinion with regard to the meaning of the Drummond answer among the public. The signers of the address approve of it.

"Firmness with which you resisted the attempt of the late Executive Council to degrade the Representative of Her Majesty into a party tool, a mere official stamp to authorize and consecrate the passage of the bill, and to give it the appearance of a law, is a noble and patriotic sentiment, which we have no interest in questioning. The signers of the address approve of it."

Now we put it to every candid man to say what are the designs imputed in this address to the late Councilors, and what are the charges imputed with having made an attempt to degrade the Queen's Representative into a "mere official stamp" for the purpose of using that stamp to authenticate measures and proceedings tending to separate? Such is clearly the language of the address; and we say the reply. There is no expression of dissent to be found in it, it is customary when the sentiments contained in an address are disapproved of, and such as is to be found in the Gwillimbury answer that we lately copied. My satisfaction would have been unalloyed, had it not contained an imputation of unworthy motives, &c.

No such dissent is to be found in this case. But on the contrary "Having abundant reason to know that you have accurately described the designs and the natural tendency of such designs, if they had been successful." Can language be plainer, and what will the public think of the Government that after meanly encouraging its advisers to adopt such a course of conduct is dastardly enough to give such a shuffling answer when called to account.

It is also to be observed that Messrs. Viger and Daly persist in declaring that the views of Responsible Government taken by the Ex-Ministers have "a natural tendency" to the result of separation &c.

Now Mr. Papineau has by his recorded vote in Parliament declared his approbation of the conduct of the Ex-Ministers. Mr. Daly was himself a party to the whole demand, and was pledged to the same view of this question as his colleagues and Mr. Viger, Mr. Wakefield, and others have repeatedly admitted that they took precisely the same view. To what degradation are these men reduced. It is rumored indeed that the new Councilors are already beginning to

ack. Mr. Papineau cannot find himself very comfortable under such imputations as are to be found in the Drummond answer and in Mr. Daly's letter, and Mr. Papineau is yet an honest man, although a dupe. He won't like to allow Mr. Private Secretary Ugginton to drag him and his countrymen through the mire.

We consider the correspondence highly creditable to the Hon. Gentlemen who have come forward to record their disapprobation of the old Dalhousie and Colborne system of Government with certain exceptions. Mr. Moffat, Mr. Morin, and others are identified. The allusion to Mr. Viger's imprisonment is most appropriate, and must cut that wretched apostate to the quick. It is worthy of notice that the *Aurore*, Mr. Viger's mouth-piece, published the answer to the Drummond address, omitting the paragraph which has Messrs. La Fontaine and Morin to throw up their silk gowns. This looks strange. We should like to see it explained.

[TRANSLATION.]

Montreal, 2d September, 1844.

Sir,—The *Montreal Gazette* of Saturday last has published, as having been presented to His Excellency the Governor-General, an address from certain individuals in the country of Drummond, in Lower Canada, in which the signers, in alluding in a general manner to "measures and proceedings" of the late Executive Council, designate them as "measures and proceedings of party tending directly, in our opinion, to the terrible result of separation from British connection and rule." The same journal publishes, as the answer of the Governor-General to that address, a certain document in which His Excellency says, "Having abundant reason to know that you have accurately described the designs and the natural tendency of such designs if they had been successful, it was my bounden duty to resist them."

We having had the honour of being members of the Executive Council, we are enabled to state that in the two documents cited above cannot but feel strongly the weight of the accusation that His Excellency has been thus advised by his Councilors to advance against our colleagues and ourselves. Placed under the weight of an accusation so grave, and which has not only followed from so high a source, but doubtless be followed by ulterior proceedings, it would not become us any longer to retain the commissions that we hold at the bar as Queen's Council. We therefore tender our resignation of them, which we respectfully beg His Excellency will be pleased to accept.

If this accusation were prejudicial to ourselves alone we should stop here, waiting patiently the opportunity of being confronted with our accusers either before the ordinary tribunals or before the British Government, and we would not be content with the ordinary means of defence, but we would have recourse to every legal consequence to the country, as in consequence of that system the mind of the British Government and people has been in former times poisoned against our fellow countrymen, we do not feel disposed to rest content with the ordinary means of defence, but we would have recourse to every legal consequence to the country, as in consequence of that system the mind of the British Government and people has been in former times poisoned against our fellow countrymen, we do not feel disposed to rest content with the ordinary means of defence, but we would have recourse to every legal consequence to the country, as in consequence of that system the mind of the British Government 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