of the Executive Council." Suppose that the reader were arraigned before the assizes for holding a treasonable "view" of the doctrine of a subject's allegiance, and in consequence inculcating treasonable doctrines and practices, and that Mr. Baldwin were Attorney General or Queen's Counsel in the case; and that Mr. B. had stated in the first count of the indictment that the reader "entertained a widely different view of the position, duties and responsibilities" of a subject's duty, from that which was involved in the oath of allegiance and required by the laws of the land; and suppose the Judge or the Jury, or both, were to ask the counsel for the Crown *to what extent* the prisoner at the bar held and taught a view of civil duty different from that enjoined by the laws of the land? and that Mr. B. should reply, "My Lord and gentlemen, his view is *widely different*"—and the court were to rejoin, *in what respects* is it different? And the Crown Counsel were to reply again, "*widely different*, my Lord and Gentlemen"—what would be thought of such an indictment? And what would be thought of such a Counsel for the Crown? And what would be thought of a verdict of *guilty* on such a charge? Yet such is the charge on which the verdict of the Province is demanded against the Representative of the Sovereign—a verdict which involves (to use the words of Captain Irving, for which he received the "loud cheers" of the Toronto Association, to whom he addressed them) "his Excellency's retirement in dear old England, *where tyrants have no power*." (Loud cheers.)

But what is the *principle* assumed and involved in this charge? It assumes and implies, that any view which Mr. Baldwin may please in general terms to declare "widely different" from his view of the "position, duties, and responsibilities of the Executive Council," is to be adjudged heretical and unconstitutional. Although the real or full import of his proscriptive declaration may, like the secret doctrines of the Greek philosophers or Egyptian priests, be confined to his own bosom, or communicated to none but the initiated, I think the Canadian people are hardly prepared for such political vassalage as this, and that Mr. Baldwin is too modest a man to assume the prorogative of political Pope of Canada; and that after the due consideration, therefore, he will abandon his mode of dealing with the character and rights of the Representative of his Sovereign.

Had Mr. Baldwin confined himself to *facts*, "free (as Mr. Howe says) from any theoretical dispute about general principles," he would have avoided this burlesque upon all constitutional legislation, and this great injustice against Sir Charles Metcalfe.

A second charge is, that "that difference of opinion has led not merely to appointments to office against their advice, but to appointments, and proposals to make appointments, of which they were not informed in any manner, until all oportunity of offering advice respecting them had passed by." This charge, like the former, be it remembered, is only the assertion of one party, and denied in all its essentials by the other. In the first place, how could the late Counsellors know, and therefore with justice or reason state, that an alledged opinion of Sir Charles Metcalfe on the abstract theory of Responsible Government led him to make appointments against their advice? Mr. Baldwin says, that "he had never asserted or held that the Governor General had not the right to appoint whom he pleased against that advice, and he appealed to the past for the correctness of what he now asserted." Might not this admitted and undoubted right have been exercised by his Excellency from a simple judgment of the case involved, and not from any heretical opinion on the system of Responsible Government? They *could not* know it unless the Governor General had informed them He denies the opinion attributed to him; he could not therefore have informed them of the fact embodied in their charge. Mr. Baldwin in his Toronto dinner speech, supposed that the Governor General had a phrenologist to enable him to judge of the qualifications of candidates for office. Perhaps the late Counsellors had something more than a phrenologist among them—perhaps there was among them a discerner of spirits, who could judge the *heart*, as well as the head and acts of the Governor General himself! Their charge is a groundless inference at best; is condemned by the counter assertion of the Governor General; and shows the desperate means they were driven to employ in order to implicate his Excellency. How would the reader like to be judged and condemned on such evidence?

Then to notice the other parts of this charge. Why has it been charged against the Governor General again and again, that he made appointments *against* the advice of the late Council, when, as Mr. Baldwin asserts, it is his undoubted right to do so? The reason is obvious—to damage the Governor General as much as possible, right or wrong.

Again, another part of the charge is, that his Excellency *made offers* of appointments without the advice of the Council. Allow the truth of this, does it authorise their conclusion or charge, that the Governor General has, therefore, violated the principle of Responsible Government? Are *offers* of appointments, *appointments*? And is it not with the latter that the Parliament has to do? What has the Parliament to do with *offers* of appointments, any more than it has to do with the dinner or counsel hours of his Excellency and his advisers. It is with the ACTS of the Executive, and not *conversations* of any kind—be they *offers* or *refusals*, on the part of the Governor or his advisers—that Parliament is concerned. Who ever heard before of Parliament being called upon to determine the *manner* and the *topics* of conversations between the Sovereign and individuals? Will any one deny that one or more of the Counsellors have talked with individuals about their appointment to office—have proposed it, have concerted it, have promised it as far as they were concerned; and all this before the Governor General had ever been spoken to on the subject? And is not the prerogative of the *Sovereign* equal to that of *one of his advisers*? Or in this respect also are the Counsellors to be supreme and the Governor General subordinate? Such is the *theory* involved in their pretensions and charges. *They* can talk and bargain with individuals for their appointment to office; but if the *Governor General* makes even a verbal offer, he violates the constitution! And why would they deny the Crown a privilege which they exercise themselves, if it were not to make it a "tool?" I have heretofore shewn that British Sovereigns have done more than make offers of appointments without consulting any minister; yet no one ever questioned the *right*, whatever he might think of the *policy* or the *expediency* of such a course. Offers of office, either by the Crown or its advisers involve, of course, the condition of a compliance with constitutional forms—in the former case, the instrumentality of at least one responsible minister—in the latter, the sanction of the Crown.

But suppose, contrary to all precedent and to common sense, that Parliament could interfere with the conversations of the Sovereign with individuals, what, in parliamentary law, would be deemed an *offer* of office, and what would be regarded as *proof* of an offer of office having been made? Would a *private conversation* be deemed either an *official act*, or *official proof!* Is any thing short of written correspondence deemed official in such cases? How utterly destitute then of the very shadow of proof, as well as propriety, is this charge of the late Counsellors against the Governor General?

Another item of it is, that his Excellency made appointments without giving his late advisers an opportunity of tendering their advice. This likewise, be it recollected, is the mere assertion of one of the parties against the denial of the other—unproved, therefore, and such as no judge would suffer even to go to a jury. But the charge is as vague, and therefore as senseless as it is proofless. They do not state what they mean by "*an opportunity* of tendering their advice"—whether it should include ten days, or ten hours, or ten minutes—whether it should imply their meeting his Excellency in council, or meeting themselves in committee of council, or one of them advising with his Excellency, nor do they state *how many* appointments—*what kind* of oppointments—*when* they were made—*who* were appointed; nay, the late advisers state not one single circumstance which would render it possible for man or angel to rebut their charge. How would the reader like to have his character and rights thus dealt with? I venture to say, that any court, or even election committee of the Assembly, would dismiss such a charge with costs, as frivolous and vexatious.

But there may have been important *political* reasons for this very vagueness, which, in the eye of reason and law, would vitiate the whole charge. It seems to have been presumed that the house would not observe the irregularity and unfairness of the proceeding itself, although there might have been ground to apprehend that minute specification in regard to the charge would be too well understood by the house. For example, had it appeared that there was but a plurality of appointments made in the manner stated, out of the scores of appointments which had taken place; that one or more of them had transpired months before, without the Counsellors either leaving office or remonstrating respecting them; that the salary attached to each but little exceeded the sum which the Governor General has given in a single subscription out of his own private purse; the late advisers might have found it difficult, upon any one or more of these cases, to have justified their proceeding. They, therefore, kept them out of sight. Had the specification of them been favourable to their objects, we should doubtless have had them in ample detail. But the indefinite and imposing term "APPOINTMENTS" served the purpose of party better than the specification of cases, and the general and startling phrase "without an opportunity of tendering advice," would be more effective than an unsophisticated statement of facts. On the former, a *party vote* could be carried; on the latter, only an honest verdict could be expected; and thus the character of the Governor General, no less than his prerogative, must be *secondary* to *party*.

I have not, however, done with this charge. I have shewn its indefiniteness, its unfairness, its injustice, its destitution of proof, its suspicious character: yet it has been the rallying cry and the watchword of the party that invented it. I will, therefore proceed to prove the impossibility of its truth. Mr. Hincks, in his pamphlet in reply to Mr. Viger, p. 13, says—"Every member of the late council was as well aware as the Governor can be that it is 'physically impossible to make formal references to the council of every matter that comes up for decision:" (quoting Sir Charles' reply to the Gore District Council) nor did any of them desire that any such system should be practised. Every act of the Governor, however, must be communicated by his *Secretary*, and that Secretary should be *a responsible minister*, thoroughly acquainted with the policy of the administration of which he is a member, and capable of advising the Governor on every subject not of sufficient importance to be referred to the council. If the Secretary recommends any step prejudicial to the administration, which, for his own sake he would not do, his colleagues of course hold him responsible to them."

Such then is the exposition of the practical working in detail of Responsible Government, by the party of the late Counsellors themselves. Now, can an appointment be officially made by the Governor General except through the Secretary of the Province—a member of the Legislature, a responsible adviser of the Crown? They know it cannot—any more than the Governor-General can talk without a tongue, or see without eyes. The Provincial Secretary is the keeper of the *Provincial Seal*, with which every commission must be stamped—the same as the Lord Chancellor is the keeper of the Great Seal of State in England. The Secretary's office is the *medium* through which every official appointment must be made; and the Secretary is (to use De Lolme's words) "the necessary instrument" by whom it must be made.

Now, suppose the Goveror-General were to send an order to the Secretary directing him to affix the Provincial Seal to a commission for an appointment respecting which the Council had never been consulted, and on which they had no apportunity of tendering their advice, the Secretary would have four courses before him. He could not positively disobey orders; but he could tender his own resignation, and request the Governor to appoint some other person to perform that act; or he could go to His Excellency and advise and remonstrate against it; or he could affix the official seal to it forthwith, for which he would be responsible to his colleagues; or he could inform them, and they could either consent to it, or go in a body, or send one or more of their number to the Governor, and tender their advice against it. Taking, therefore, the extremest and least favourable view of the Governor-General's mode of making an appointment, it is *impossible* for him to do it without giving his Council an opportunity of tendering their advice according to the very working of the system of Responsible Government, as above explained by one of the late Counsellors. What is impossible cannot be true. Their charge, therefore, against the Governor-General—their great charge—their charge repeated ten thousand times—is shown to be not only undefined and unproved, but utterly groundless and false.

But it has been alleged by Mr. Hincks and others, that his Excellency has carried on correspondence with individuals in the Colony, even on public affairs, through his *Private Secretary*, and not through his responsible official Provincial Secretary. To give the adversaries every advantage they can ask, let this charge be admitted in its full extent; and will the *legitimate* conclusion from their charge be but a proof of what Sir Charles has complained of, that the late advisers made demands incompatible with the inviclableness of the prerogative, and calculated to reduce it to the office of a party tool. Had not each of the late advisers a *private* as well as an *official* correspondence? Did they not carry on their private correspondence, either in their own handwriting or by means of a private secretary? Did not that private correspondence often relate to public affairs—to offices, colleges, &c? Did not that private correspondence sometimes contain declarations, or, in common paralance, pledges, of what they would do in relation to particular appointments or measures, to the utmost of their power? Had they not a *right* to this private correspondence—and that on any subject, public or private, they choose to write about? They might exercise that right indiscreetly—as a man might eat and drink indiscreetly—but the *right* was there, and the exercise of it was a matter of their own concern, although it might sometimes prove inconvenient both to the writer and his colleagues. And has not the Governor-General a right equal to one of his advisers? Is he the only member of the Government who has no right to express his personal views and feelings on any subject? If any member of the Council can even pledge himself to a particular act or measure to the utmost of his power, cannot the Governor-General do the same—although the power of the latter, as well as the former, may be limited by constitutional restrictions? Can any Counsellor write to whom and through whom *he pleases*, without the sanction or knowledge of the Governor-General? and has his Excellency no right to correspond with any body on any matter relating to the country, except *through them*? If so, then in this respect also, as well as in others that I have stated, they claim to be supreme, and make his Excellency subordinate.

And this is not all. They thereby *deprive every man in Canada* of all epistolary communication with the Governor General, *except through themselves*. If even a stray letter should happen to find its way to the government house, without stopping for examination as to its orthodoxy, at the Secretary's office, it would have to go there for acknowledgement, and consequently for censorship Here again their supremacy would appear, both over the Governor and over every man—and every man's business in the country. And this usurpation on the one hand and degradation on the other of every man in Canada as well as the Governor-General, is dignified with the absurd name of "Responsible Government," and vice-regal non-acknowledgement of it is called an invasion of constitutional liberty!

Nor even is this all. The chairman of the Toronto Association, at a meeting held 25th March, exclaimed against persons not supporters of the administration having interviews with the Governor-General, and against any but the "leading members of the majority of the Legislature" advising with his Excellency; and concluded by declaring that "he maintained that *no person had a right* to be consulted by the Crown but the *administration*." It has been seen that the right of epistolary communication between the Governor-General and any inhabitants of Canada, except through the Counsellors, has been denied. The right of *personal* intercourse between them is now interdicted except through the same channel. Thus the Governor-General, like the Grand Lama of India, may be worshipped, but he must be approached by the permission of the priests who have him in custody, and give forth answers of their dictation; or, like an inmate of the Kingston Penitentiary, communicate neither verbally nor by writing with any person, except by the permission and through the medium of his keepers. If this does not imply an oligarchy—and an oligarchy of the worst kind, over both the Crown and the people—I know not what an oligarchy means.

Mr. BLACK—an able and constitutional lawyer of Quebec, and representative of that city—argued in favour of the Governor's receiving the advice of the Council upon the same ground that a judge should hear both sides of a case. Mr. Black said that the Governor would receive abundant information from various quarters on one side of a case—especially one involving an appointment—his Council could give him the necessary information, on the other side. But the doctrine of the late Counsellors would preclude and prohibit his Excellency from receiving any information, either verbally or written, except what they might please to lay before him. He would thus of necessity, and therefore in fact, be a "*tool*" in the hands of his advisers.

But even all this does not reach the full demands of the