

that day, and I had not the most distant idea that he intended to do so. I then parted with him.

A few minutes before three o'clock of the afternoon of the same day, in my place in the House of Assembly, I received a note from him saying that he wished to see me at once. I immediately repaired to Government House, and after a short conversation with him upon other matters, he informed me that he was going to receive the Legislative Council with their Address at three o'clock. I expressed my surprise at this, and inquired what answer he intended to make. He then handed me a paper which contained his proposed answer, accompanied with a Memorandum for the Executive Council. I expressed my disapproval of it, and complained that he had not advised with his Council before preparing it; that as they were responsible for it, they should at least be consulted before it was given. He remarked that, if they did not approve of it, they could relieve themselves of responsibility. I replied, even if that were true, was it courteous and fair that the Council should be treated in that way; that what they asked from His Excellency was fair play, not as a favor, but as a matter of right? He then proposed that I should drive down to the House of Assembly and see my colleagues, and return in half an hour, and he would keep the Legislative Council (who in the meantime had arrived at Government House) waiting until I returned. I said I could not do this, that the Debate on the Vote of Want of Confidence was going on, and that they could not leave the House, and besides, they could not possibly consider so important a question in a few minutes. His Excellency then proposed to send one of the carriages that were standing at the door for them. I then stated they could not leave the House. He replied, "I suppose not." I further stated that it was unfair and ungenerous, and not such treatment as the Council had a right to expect, to be called upon in this sudden and extraordinary way in a matter so important. I expressed my condemnation of the course adopted by the Legislative Council, and urged the impropriety of their praying Her Majesty the Queen to cause a Law of the Imperial Parliament to be passed, giving effect to a scheme of Union which both the People and the House of Assembly had rejected by overwhelming majorities, and that I never would consent to any Address which authorized the Imperial Parliament to pass an Act for Union without reference to the people. I thought His Excellency seemed disposed to yield the point and strike out the last paragraph of the answer, which I consider very objectionable. He then asked me to excuse him, and left the room to consult, as I thought at the time, and from information received since, I am confirmed in that opinion, a gentleman of the Opposition and a member of the Legislative Council, who was in the House at the time. He returned in a few minutes, and after some conversation similar to that already detailed, told me that he would deliver the answer as it was, and send me a copy in the evening. I remonstrated against such conduct, but concluded by saying that if he had resolved upon that course, it was vain to protract the interview. I then left him.

(Signed)

A. J. SMITH.

The Lieutenant Governor has received from the members of His Execu-

tive Council a Minute, tendering the resignation of their seats at the Council Board.

The reason assigned by them for this step is a disinclination to accept the responsibility of a reply made by His Excellency to the Legislative Council, when requested by that body to transmit to Her Majesty an address, praying that a scheme for the union of the British North American Provinces may be introduced into the Imperial Parliament.

Several causes for this disinclination are enumerated by the Council. They may, however, all be resumed in the objection, that the Legislative Council, in adopting the address in question, overstepped the limits of action prescribed to it by constitutional principles and usage.

In this view, His Excellency cannot at all concur, and he perceives with regret the name of a member of the Upper House, for whose character and abilities he has a sincere respect, appended to reasoning which would, in His Excellency's opinion, go far to destroy the position of that Chamber as an independent and co-ordinate branch of the Legislature.

The papers on which the address in question was founded, were laid before both Houses of the Legislature by Her Majesty's express command at the commencement of the present Session.

It had at that time long been known to Her Majesty's Government, that the General Election in New Brunswick in 1865, had terminated unfavourably to the cause of Union, and the communication of these papers was made to the Provincial Parliament in the avowed hope that the question might be again considered and more favourably received there.

The Address in answer to His Excellency's Speech at the opening of the Session, even as originally proposed, conveyed an assurance that those papers should receive a careful and respectful attention from the Legislative Council.

But the chief documents which the Members of that body thus pledged themselves to consider, were the Resolutions adopted at Quebec, the approval of that Scheme by Her Majesty, and the expression of a hope on the part of Her Majesty's Government, that its provisions might be favourably reconsidered in New Brunswick.

On the questions then thus submitted to them by Her Majesty's command, the Legislative Council was bound to form and to express an opinion. In so doing they have intimated their approval of a Union of the British North American Colonies, and indicated the basis on which it might in their opinion be accomplished.

It is neither constitutional nor reasonable to maintain that the Legislative Council is incompetent to act with reference to a Scheme thus submitted to them, until after its previous approval by the House of Assembly, nor can it be imagined that the Legislative Council alone is debarred from that right of appeal to Her Majesty which is accorded to all Her subjects without distinction.

The Council also take exception to His Excellency's having delivered this Reply, without previously communicating to them the terms in which it was couched.

Without enquiring how far their Ministerial responsibility, from which it is always in their power to escape, requires that the Council should possess a previous knowledge of all the Lieutenant Governor's words and actions, His Excellency must observe that the non-communication to the Council, of the Reply

in question, was the result, not of design, but of accident, and that it was his intention and desire to have submitted the terms of his reply to the consideration of his Council.

The language employed by His Excellency to the Legislative Council was not, however, inconsistent with the policy which his Advisers had informed him they were inclined to follow; or, in his judgment, with the reply which, with the knowledge and consent of his Council, he had returned a few days previously to an Address from the same body. His words were, that he "rejoiced to believe that the avowal of the desire of the Legislative Council that all British North America should unite in one community under one strong and efficient Government, cannot but tend to hasten the accomplishment of this great measure." This by no means conveys an approval of the particular scheme or the provisions of which his Council so strongly object, although it does express a hope that an Union of the British North American Provinces might shortly be accomplished. But from previous communication with the leader of the Government, His Excellency was fully entitled to assume that this hope was shared by his Council.

On the 8th January His Excellency received from the Honorable R. D. Wilmot, a letter tendering the resignations of his seat in the Executive Council, and assigning as his chief reason for so doing, the indisposition of his colleagues to entertain propositions for a closer Union of the British North American Provinces. To that resignation His Excellency declined to reply until after the return of the President of the Council from Washington, which took place on the 14th February.

On the following day His Excellency had several communications with that gentleman, in the course of which His Excellency observed that the resignation of Mr. Wilmot, and the fact that the Legislature had now been summoned for despatch of business, rendered it necessary that a distinct understanding on the subject of union should be arrived at between himself and his Advisers.

His Excellency stated that it would be his duty, in accordance with his instructions, to submit the question again to the Legislature on its assembly, and to express the conviction of Her Majesty's Government with respect to the benefits likely to attend the measure.

That if Mr. Wilmot were mistaken in supposing that the Government were hostile to all measures of union, and Mr. Smith and his colleagues were prepared to consent to the introduction into the speech at the opening of the Session, of the recommendation of Her Majesty's Government, conveyed in Mr. Cardwell's despatch of the 24th June, 1865, it would have been His Excellency's duty to accept the proffered resignation of Mr. Wilmot; but if, on the contrary, the statements made by him in this connection were correct, it would be a matter for grave consideration whether His Excellency could accept the resignation so tendered, and whether His Excellency would not be bound to enquire whether Mr. Wilmot was prepared to undertake the responsibility of recommending to the people the adoption of a measure which was, in the opinion of Her Majesty's Government, calculated to confer benefit on Her Majesty's subjects in this Province, and the ac-