

in any country where Responsible Government exists.

The Council would further state that the Government were supported by a majority of the members of the House of Assembly, of whom fact your Excellency was fully aware.

Under these circumstances, the undersigned would beg respectfully to tender to your Excellency the resignation of their offices as Executive Councillors.

Respectfully submitted,

A. J. SMITH,
GEORGE L. HATHEWAY,
B. BOTSFORD,
W. H. ODELL,
JOHN W. CUDLIP,
J. V. TROOP.

"Memorandum of Conversation between His Excellency and Mr. Smith."

On Saturday the 7th instant, about 11 o'clock A. M. I called at Government House and had an interview with His Excellency, and in the course of conversation, the proceedings of the Legislative Council were referred to, when I spoke in terms of disapproval of the course which they had adopted in reference to the subject of Union. Something was said about the presentation of the Address, and His Excellency's Reply thereto, when he asked me what answer I would advise, I replied that in my opinion the answer to be given should simply be that he would transmit it to Her Majesty. His Excellency said that he would think of it and see me again. He did not state that he intended to receive them 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 his 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 untidy and ungentlemanly, 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 propriety 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 in vain to protract the interview. I then left him.

(Signed) A. J. SMITH."

He wanted this matter tried before the House and the country fairly and impartially, as between a Judge and a criminal, for it had been whispered about that he stood before the country as little better than a criminal. He maintained that it was not himself alone who was aggrieved. The Governor might treat him with contempt and contumely, but while he held a position from the people, he would stand and claim for them their constitutional rights. The grounds of the resignation were now before the House and people and it was for them to decide if they had done right.

It was not necessary to touch on the point of the unconstitutionality of the Governor's consulting with, and taking the advice of, members of the Opposition. Was there ever a time when the Opposition were more vigilant, cunning, and politically unscrupulous as they had been on this question? If it was true that the Governor had done this, and he believed it was true, for he had many times remonstrated with His Excellency on the subject, to allow the Government to pass into the hands of the Opposition under such circumstances and by such means, would have been pre-judicial to the best interests of the people. The most extraordinary measures had been employed to bribe the members of the House from the path of duty; but to their honor he would say it, the efforts put forth had miserably failed. These facts becoming known, and the Opposition, fully conscious that on constitutional grounds the Government could not be defeated, other means had to be, and were, devised, and executed to accomplish their object, and to-day the members of the Government stood relieved from the cares of office by the accomplishment of their schemes. The paper he had read was signed by all the members of the Government except Messrs Gillon and Hutchinson. The latter was away in England, and the former had notified them that he agreed in their decision. That gentleman was called away from his official duties to soothe the dying moments of a father, and whilst engaged in that sacred duty the mine was sprung under their feet.

He would now call the attention of the House to the answer returned to their communication by His Excellency.

HIS EXCELLENCY'S REPLY.

"The Lieutenant Governor has received from the members of His Executive 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."

A wonderful amount of respect and sympathy he had for Mr. Odell. He (Mr. S.) did not think the feeling was reciprocated by that hon. gentleman, nor that he regretted that his name was appended to that paper.

"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."

Was that statement in accordance with the fact? Where were the papers and who laid them before the House? He was sure he did not, neither did any of his colleagues. So if they were brought down, it must have been by some member of the Opposition, it certainly was not by the Government.

"It had at that time long been known to Her Majesty's Government, that the General Election in New Brunswick in 1865, had terminated unfavorably to the cause of Union, and the communication of those 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