

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 judgment 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 took 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 afforded his Council an ample opportunity for consideration."

This was the reason given. Not the first concession that it was the right of the people that their Government should be consulted. Not at all. The great battle for constitutional rights and liberties had been fought and won. It had been conceded that the people should govern themselves. This was part of the great Magna Charta; yet now the Governor commits his Government to an Address expressing opinions contrary to those entertained by them, when that Government is responsible to the people. Was it right in ethics that a Government should be made responsible for the acts of a Governor, in reference to which they had not been consulted? It would be for the country to decide on this question. Here was the House and Government in Session, the Governor living within a short distance of the House, all the members of the Government here with the exception of Messrs. Gilmour and Hutchison, and yet the reason assigned by the Governor for not consulting his Council on a matter involving the dearest interests of the people of this Province was simply "accident." When the Legislative Council passes an address to Her Majesty, calling for an Imperial enactment uniting the whole of these Colonies, the people having expressed their opposition to such union in the most decided and emphatic manner, was it fair, or right, or just, that their rights and liberties should be trampled under foot by an irresponsible officer of the Crown, and then to have assigned as the reason for such conduct that it "was the result, not of design, but of accident."

It had been charged that the Government had committed themselves to Confederation in the Address of His Excellency at the opening of the Session. But he could show that there was not a word in Union in that Speech that committed the Government at all. The Governor had received despatches from Downing Street to lay the terms of a negotiation of the British Parliament. Then the Legislature of this Province, for their consideration, and in laying this before the House, he said, "The House of Assembly, and the Legislative Council, are to be responsible for this, not when in his Reply to the Address of the Legis-

lative Council he says, "I rejoice," that moment he makes his advisers responsible. He (Mr. S.) and his colleagues were now without office by this act, but they were not without regard for their country, and while life and heart should last, he would labor to save it from the ruinous effects of the Quebec Scheme.

"The language employed by His Excellency to the Legislative Council was not, however, inconsistent with the policy of his Advisers; or, in his judgment, with the reply which, with their knowledge and consent, he had returned a few days previously to an Address from the same body. His words were: "I rejoice to believe that the avowal of your desire 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 to the provisions of which his Council so strongly object, although it does express a hope that an Union of the British North American Provinces may shortly be accomplished."

Now then the successors of the late Government must endorse the action of those who have gone out of office. This was constitutional. Let no man attempt to justify on the floors of the House the action of the Legislative Council. That body had no delegated power as the Lower House had. If the prayer of the Legislative Council should be responded to, then the Legislature, the rights and liberties of the people would be demolished and taken away. Had the people been consulted on the question of union? They had. What was their reply? The reply was emphatic and decisive. "No, that scheme would only deprive us of our rights, and we will have nothing to do with it."

He would now make a slight digression. When he first saw the scheme and read the terms of the proposed union, he saw that it was prepared with the special intention to give it life and activity. He said at once, it will go through the Legislative Council. He heard it stated in the Upper House the other day that in consequence of the provisions of that scheme the members of that Council should not vote on the question before them, as without doubt they were provided for in the arrangement. He heard the whole of that debate, and his friend the Hon. Mr. Hazen and his coadjutors saw and said that it was useless to oppose it. The House would doubtless be surprised when he informed them they had passed an address to the Queen, calling for an Imperial enactment to consummate a scheme of union which had never been read before the House, either by the President or either of the Speakers, in their advocacy of union under its provisions. The question now to be decided by the people was, shall the Legislative Council govern this country? It might be said that the scheme was read by the members individually; but he would ask what of that? It was passed by them in a few minutes, and yet the scheme was never even read from the chair. Ten men from this body were introduced for that purpose, and supposed to be elected to go to Ottawa, and suppose they gave to the people a copy to read, there was no more. The world still regards their seats in the Legislative Council as the property of the people, and as was the case with the Hon. Mr. Steves, who was supposed to represent

the County of Albert, yet he moved to St. John and still held his seat as for Albert. If this should occur, they would be left without a representative in the Upper Branch. Was not this a case for careful consideration by this House and people? He thought the Council had shown most extraordinary haste; they had passed their Address on one day, it was received by His Excellency the next, and sent on to England the day after. But he had too much confidence in the integrity, uprightness and sense of justice of the British Government to suppose that they would accede to the request.

"But from previous communications with the leader of the Government, His Excellency was fully entitled to assume that this hope was shared by his Council."

Was this any reason, he would ask, because he had said that he would not go for the Quebec Scheme, believing, as he did, that it was fraught with ruin to this country—was that any reason why the Governor should thus treat his Council with contempt, and trample on their constitutional rights?

"On the 8th January His Excellency received from the Honorable R. D. Wilmot, a letter tendering the resignation of his seat in the Executive Council, and assigning as his chief reason for so doing, the indisposition of his colleagues to entertain proposition 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 12th 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.

It would be His Excellency's 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 adoption of the measure.

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 be my duty to accept the proffered resignation; but if, on the contrary, the statements made by Mr. Wilmot were correct, it would be a matter of grave consideration whether His Excellency could accept the resignation so tendered, and whether His Excellency would not be bound to enquire whether Mr. Wilmot had 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 ruin on the Ministry and on the Province, and the accomplishment of which His Excellency