

Important Documents.

COPIES OF CORRESPONDENCE

Between His Excellency the Lieutenant Governor and His Executive Council, on the subject of the dissolution of the General Assembly.

(Copy) No. 1.—(A)

Memorandum for the Executive Council.

His Excellency the Lieutenant Governor desires to recall the attention of his Council to the Act which was passed last year to prevent the importation and manufacture of, and traffic in intoxicating Liquors.

This Act has now been, legally speaking, in operation for some months; but practically it is wholly inoperative for the purpose for which it was passed for although Liquors can no longer be imported through the Custom House, yet the Liquor is sold with impunity, although in violation of the Law, in every part of the Province.

The Lieutenant Governor is aware that in some instances legal proceedings have been taken against parties charged with the sale of Liquors contrary to Law.

But these are exceptional cases, and the punishment of a few individuals for acts, which multitudes may and do commit without punishment and without question, only aggravates the evil; for when justice ceases to be even-handed it ceases to be justice.

If the Prohibitory Law be capable of enforcement, the Executive Government is bound to enforce it, for it is their especial duty to uphold the authority of the Law.

If, on the other hand, the Prohibitory Law is incapable of enforcement, it should not continue on the Statute Book; for the existence of a Statute, which is not and cannot be enforced, especially when that Statute is an important Statute and of recent enactment, is calculated to engender habits of lawlessness among the People, and to bring into contempt the Legislature as well as the Law in general.

The Lieutenant Governor does not seek to argue in favour of either one of the above propositions as against the other, but he does not hesitate to express his conviction, that a continuance of the existing condition of affairs is fraught with peril to the best interests of the community, and that it calls imperatively for a remedy.

In the opinion of the Lieutenant Governor this remedy is only to be found in an immediate appeal to the People; and in inviting his Council to express their views on this subject, he calls their attention to the fact that the supporters and the opponents of the "Prohibitory Principle" alike lay claim to a preponderance of public opinion in favor of the views which they respectively advocate.

(Signed) J. H. T. MANNERS-SUTTON.

May 6th 1856.

(Copy) No. 1.—(B)

MR. ATTORNEY GENERAL,

The question to which the enclosed Memorandum relates is, in my opinion, of pressing and primary importance, and I doubt whether the decision on it can properly be postponed even until the 20th inst. the day suggested to me for holding the next Council. At all events I think it necessary at once formally to call the attention of my Council to the subject, and to save time I have directed eight copies of my Memorandum to be made, one of which will be transmitted by me to each member of the Executive Council.

I desire to receive from my Council, as speedily as possible, a reply to my Memorandum. You will be good enough to communicate with your colleagues, and unless I hear some reason to the contrary, I purpose calling a Council for the 15th instant.

(Signed) J. H. T. MANNERS-SUTTON.

May 6th 1856.

(Copy)—No. 2.

Memorandum of Executive Council in Committee.

To His Excellency the Honorable J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

The Council in Committee having had under their consideration Your Excellency's Memorandum relative to the Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors have to observe—

Your Excellency's conclusions are based upon the supposition that the Law, for the purpose which it was enacted, is wholly inoperative; an opinion in which the Council do not concur.

But even assuming that your Excellency is correct in the opinions expressed in the Memorandum, the Council would not feel themselves justified in advising Your Excellency to dissolve the House of Assembly with a view of testing public opinion upon the Prohibitory Law. An election at the

present time would not, for many reasons, indicate the true state of the public mind on that subject.

A dissolution would protract agitation; and should a new House repeal the Law, it would not settle the question in the country. If the law fails to accomplish the results anticipated by its supporters, the Council are of opinion that it will be repealed by the present House.

The excitement and expense consequent upon a general election, and special Session of the Legislature, together with the delay which would necessarily arise in the arranging and prosecution of the contemplated public works, are additional reasons in the opinion of the Council, to influence them in advising Your Excellency against a dissolution.

(Signed) CHARLES FISHER, J. M. JOHNSON,
S. L. TILLEY, A. J. SMITH,
JAMES BROWN, CHARLES WATTERS,
W. H. STEEVES, DAVID WARK.

May 17th, 1856.

(Copy)—3.

Memorandum for the Executive Council.

His Excellency the Lieutenant Governor has given his full and anxious attention to the Memorandum of the Executive Council in Committee, in which the Council recommend His Excellency not to dissolve.

A difference of opinion between the Lieutenant Governor and his Council, must be at all times a subject of regret to him; and his Excellency feels the greater regret in announcing to his Council that the opinions expressed in his Memorandum of the 6th instant remain unchanged; because he is aware from what passed in conversation when he met his Council on Saturday last, that the announcement will be followed by their resignation.

But the Lieutenant Governor retains a strong conviction that a continuance of affairs in connexion with the "Liquor Law" question is fraught with peril, and although it is very possible that a dissolution may not settle wholly and for ever this question, yet the Lieutenant Governor sees no reason to believe that the Constituencies are generally indifferent on the subject; or that they will, when the opportunity is afforded to them, fail to pronounce their opinions in favor of or against the Prohibitory Law, in the election of their Representatives.

The Lieutenant Governor therefore continues to regard a dissolution as the proper and constitutional remedy for the great and growing evils, to which he has called the attention of his Council in his Memorandum of the 6th instant.

(Signed) J. H. T. MANNERS-SUTTON.

May 19th 1856, 10 o'clock, A. M.

(Copy)—No. 4.

Memorandum of the Executive Council in Committee

To His Excellency the Honorable J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

The Council regret that any difference of opinion should exist with Your Excellency in regard to a dissolution of the House of Assembly at the present time. The Council adhere to their advice already tendered, and trust upon further consideration Your Excellency will recognise the propriety, in view of all the circumstances, of acting upon that advice. Should your Excellency continue to adhere to and act upon the opinion expressed in your Minute, the Council will then adopt such a course as they conceive to be due to their position and the interests of the country.

(Signed) CHARLES FISHER, J. M. JOHNSON,
S. L. TILLEY, DAVID WARK,
JAMES BROWN, A. J. SMITH,
W. H. STEEVES, CHARLES WATTERS.

May 19th, 1856.

(Copy)—No. 5.

Memorandum for the Executive Council.

His Excellency the Lieutenant Governor adheres to the opinions expressed in his Memorandum of this morning's date. The Executive Council are aware that while on the one hand they are responsible during their retention of office for every act of the Lieutenant Governor, on the other hand they may at any moment relieve themselves from all responsibility by the resignation of office.

If therefore the Executive Council are prepared to be responsible for the issue of a Proclamation dissolving the Assembly, the Lieutenant Governor directs this Proclamation to be issued, and the Secretary will prepare it in the usual form; but if on the other hand the Executive Council are not prepared to be responsible for this Act, then as the Lieutenant Governor has never contemplated a dissolution of the assembly without the concurrence of Responsible advisers, he is entitled to expect that the Members of the present Council will at once place him in the position to seek for other advisers and that they will thus allow the public business to be conducted in a constitutional manner.

(Signed) J. H. T. MANNERS-SUTTON.

May 19, 1856, 3 past 5 P. M.

(Copy)—No. 6.

Memorandum of the Executive Council in Committee.

To His Excellency the Honorable J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

The Council have considered Your Excellency's Memorandum of the 19th instant, half past 5 o'clock P. M.

The Council continue to regard a dissolution of the Assembly in the present state of public affairs as an act highly injurious to the interests of the Province.

While the Council would feel themselves relieved by an immediate resignation, they are of opinion that there has as yet been no act on the part of Your Excellency, upon which they can constitutionally justify such a course to the people of the Province.

The Council would observe, that Your Excellency has not even expressed a determination to dissolve the present Assembly.

If Your Excellency has determined to dissolve, Your Excellency is aware that you can dissolve on your own responsibility, when the resignation of your present advisers will, as a matter of course, immediately follow.

(Signed) CHARLES FISHER, J. M. JOHNSON,
S. L. TILLEY, A. J. SMITH,
JAMES BROWN, DAVID WARK,
W. H. STEEVES, CHARLES WATTERS.

May 20th, 1856.

(Copy)—No. 7.

Memorandum for the Executive Council.

His Excellency the Lieutenant Governor has received the Memorandum of the Executive Council in Committee of yesterday's date.

The Executive Council have reminded the Lieutenant Governor that he possesses the power to dissolve the Assembly. This power is undoubtedly vested in the Lieutenant Governor by Her Majesty's Commission, and for the exercise of it the Lieutenant Governor is responsible to the Crown and the Executive Council, for the time being, are responsible to the people.

It would have been more in accordance with the feelings of the Lieutenant Governor, and more consonant with the practice in England, where the responsibility of the Ministers to the people is complete, and yet does not impede the constitutional exercise of the prerogative, if the Executive Council had relieved the Lieutenant Governor from the necessity of directing them to take a step of which they have avowed their disapproval; but the course which the Executive Council have pursued leaves the Lieutenant Governor no option.

His Excellency therefore directs that a Proclamation be immediately prepared, dissolving the Assembly, to be countersigned in the usual manner by the Provincial Secretary, and transmitted to His Excellency.

(Signed) J. H. T. MANNERS-SUTTON.

May 21, 1856, 11 o'clock A. M.

(Copy)—No. 8.

Memorandum of the Executive Council in Committee

To His Excellency the Honorable J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

The Council having received Your Excellency's Memorandum of the 21st instant, observe that Your Excellency calls upon the Council to prepare a proclamation dissolving the General Assembly.

The Council submit that it is no part of their duty to prepare a Proclamation, and having advised Your Excellency against a dissolution, can assume no responsibility in the matter.

If Your Excellency has determined to dissolve the House up on your own responsibility, Your Excellency can direct the proper Officer to prepare the Proclamation.

(Signed) CHARLES FISHER, J. M. JOHNSON,
S. L. TILLEY, A. J. SMITH,
JAMES BROWN, DAVID WARK,
W. H. STEEVES, CHARLES WATTERS.

May 21st, 1856, 3 past 2 P. M.

(Copy) No. 9.—(A)

Memorandum for the Executive Council

His Excellency the Lieutenant Governor has directed the Provincial Secretary to prepare immediately a Proclamation dissolving the Assembly, and to countersign this Proclamation in the usual manner, and to transmit it to the Lieutenant Governor.

If the Executive Council retain office, they are well aware that they are responsible for the act of the Lieutenant Governor.

(Signed) J. H. T. MANNERS-SUTTON.

May 21st 1856, 3 past 3 P. M.

(Copy) No. 9.—(B)

Enclosure in preceding Memorandum

His Excellency the Lieutenant Governor directs the Provincial Secretary to prepare immediately a Proclamation dissolving the Assembly, and to

countersign this Proclamation in the usual manner, and to transmit it to the Lieutenant Governor.
(Signed) J. H. T. MANNERS-SUTTON.
May 21st, 1856.

(Copy) No. 10.—(A)

Memo. of the Executive Council in Committee.

To His Excellency the Hon. J. H. T. Manners-Sutton, Lieutenant Governor, &c. &c. &c.

Your Excellency having dissolved the General Assembly contrary to our advice, and we being unwilling to take the responsibility of this act, do hereby respectfully tender to Your Excellency the resignation of our offices as Executive Councillors.

(Signed) CHARLES FISHER, A. J. SMITH,
J. M. JOHNSON, CHARLES WATTERS,
S. L. TILLEY, DAVID WARK,
W. H. STEEVES, JAMES BROWN.
May 21st 1856.

(Copy) No. 10.—(B)

Enclosure in preceding Memorandum

[L. S.] By His Excellency the Honorable J. H. T. Manners Sutton, Lieutenant Governor and Commander in Chief of the Province of New Brunswick.

A PROCLAMATION.

Whereas the General Assembly of this Province stands prorogued to Tuesday the tenth day of June next, I have thought fit to dissolve the said General Assembly, and the same is hereby accordingly dissolved; whereof all persons whom it may concern will take due notice.

And I have further thought fit to order and direct that Writs for calling a General Assembly be forthwith issued in due form, returnable on—day of—next.

Given under my Hand and Seal, at Fredericton, the twenty first day of May, in the year of our Lord one thousand eight hundred and fifty six, and in the nineteenth year of Her Majesty's Reign.

By His Excellency's Command

(Signed) S. L. TILLEY.

(Copy)—No. 11.

His Excellency the Lieut. Governor has received the Memorandum in which the Members of the Executive Council tender to His Excellency the resignation of their seats at the Council Board.

His Excellency repeats the expression of his regret that he has been unable to concur in the views entertained by his Council respecting a dissolution.

The Lieut. Governor will without delay seek other advisers. In the mean time the Members of the Executive Council will regard themselves as holding office until their successors are appointed.

(Signed) J. H. T. MANNERS-SUTTON.

May 21, 1856, 6 o'clock P. M.

Memorandum for the Executive Council

His Excellency the Lieutenant Governor, in accordance with the intentions expressed in his Memoranda of the 19th instant, 1/2 past 5 P. M., and of the 21st instant, 6 P. M., immediately proceeded to seek for new Advisers. The arrangements for the formation of an Executive Council, who, concurring in the necessity of an immediate dissolution, are prepared to be responsible for it, are completed, and the Lieutenant Governor now accepts the resignation of his present Council.

The appointment of their successors will appear in the Gazette this day—

(Signed) J. H. T. MANNERS-SUTTON.

May 30, 1856.

THE FISHERIES.—Several Yankee traders have been visiting Ketch harbour, &c., for the purpose of buying up fish, and are giving long prices to the fishermen.—Herald.

GENERAL WILLIAMS.—A correspondent of the Colonist draws attention to the following compliment paid to the British North Americans, by Lord Palmerston, when moving the granting of a pension to the above distinguished officer. "I will only make one further remark, and that is that General Williams is a native of Nova Scotia, and it therefore must be a matter of satisfaction to the house to feel that our fellow-countrymen in America have partaken, through the person of General Williams, in the distinguished services which marked the war in the East. (Hear, hear.)"

THE PEACE.—The Lieutenant Governor of Nova Scotia has issued a proclamation setting apart Monday, 9th June next, as a public Holiday, to afford an opportunity for rejoicings appropriate to this occasion.

Both the English and French consuls at Panama have sent for men-of-war on both sides of the Isthmus of Panama, to protect passengers and property from any recurrence of outrage on the part of the inhabitants.