

PROVINCE OF NEW BRUNSWICK.
Copies of Correspondence between His Excellency the Lieutenant Governor and His Executive Council, on the subject of the dissolution of the General Assembly, May 1856.

(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, and the Revenue suffers in consequence, it is a notorious fact that 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, 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 favor 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 respectfully advocate.

Signed J. H. T. MANNERS SUTTON.
May 6th, 1856.

(Copy) No. 1.—(B)

MR ATTORNEY GENERAL,

The question of 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 Hon. 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 conclusion are based upon the supposition that the Law, for the purpose for 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 the 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 WATERS,
W. H. STEEVES, DAVID WARK.
May 17th, 1856.

(Copy)—No. 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 the strong conviction that a continuance of the existing condition 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 forever this question, yet the Lieutenant Governor sees no reason to believe that the Constituents are generally indifferent on the subject; or that they will, when the opportunity is afforded them, fail to pronounce their opinions, either in favor 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 inst.

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 recognize 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 WATERS.
May 19, 1856.

Copy—No 5.

Memorandum for the Executive Council.

His Excellency the Lieutenant Governor adheres to the opinion 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 a 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.

(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 five 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 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, CHAS. WATERS.

(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. The 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 feeling of the Lieutenant Governor, and more consonant with the practice in England, where the responsibility of the Ministers of 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 the 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 upon 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, CHAS. WATERS.
May 21st, 1856, half-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, half 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)

Memorandum of the Executive Council in Committee.

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

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

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

(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 Lieutenant Governor has received the Memorandum in which the Mem-

bers 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 Lieutenant Governor will without delay seek other advisers. In the meantime the Members of the Executive Council will regard themselves as holding office until their successors are appointed.

(Signed) J. H. T. MANNERS SUTTON.
May 21st, 1856, 8 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.

[From the Royal Gazette Extra, May 30.]

His Excellency the Lieutenant Governor has been pleased to accept the resignation of the Hon. Charles Fisher, James Brown, Samuel L. Tilley, William H. Steeves, John M. Johnson, Albert J. Smith, Charles Waters, and David Wark, as Executive Councillors; and the resignation of the Hon. Charles Fisher, as the Attorney General; of the Honorable Samuel S. Tilley, as Provincial Secretary; of the Honorable James Brown, as Surveyor General; of the Honorable John M. Johnson, as Solicitor General; and of the Honorable W. H. Steeves, as Chief Commissioner of Works.

By His Excellency's Command.
R. D. WILMOT.
Secretary's Office, May 30, 1856.

PROVINCIAL APPOINTMENTS.—His Excellency the Lieutenant Governor has been pleased to appoint, provisionally, the Honorables Edward B. Chandler, Robert Leonard Hazen, Robert Duncan Wilmot, John Hamilton Gray, Francis McPhelim, Esquire, and John Campbell Allen, Esquire, to be Members of Her Majesty's Executive Council in this Province, who having been duly sworn, took their seats this day at the Council Board.

By His Excellency's command.
R. D. WILMOT.
Secretary's Office, May 30, 1856.

PROVINCIAL APPOINTMENTS.—His Excellency the Lieutenant Governor has been pleased to appoint, provisionally, the Honorable Robert D. Wilmot to be Provincial Secretary and Registrar, and Clerk of the Crown in Chancery; the Honorable John Hamilton Gray to be Attorney General; the Honorable Francis McPhelim to be Postmaster General, and the Honorable John Campbell Allen, to be Solicitor General of this Province.

By His Excellency's command.
R. D. WILMOT.
Secretary's Office, May 30, 1856.

By His Excellency the Honorable JOHN HENRY THOMAS MANNERS-SUTTON; Lieutenant Governor and Commander in Chief of the Province of New Brunswick, &c., &c., &c. J. H. T. MANNERS SUTTON.

A PROCLAMATION.
Whereas the General Assembly of this Province stands prorogued until the second Tuesday in 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 new General Assembly be forthwith issued in due form, returnable on Thursday the 10th day of July next.

Given under my hand and seal, at Fredericton, the thirtieth 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.
R. D. WILMOT.

CASH
Received in exchange for COATS, PANTS, AND VESTS, made in any approved mode, adapted not only to
SELL BUT TO WEAR.
A GOOD FIT WARRANTED, and prices as low as GOOD WORK will admit of.
DANIEL ENGLISH.
Chatham, 24th May, 1856.

NOTICE.
The Subscriber thankful for the liberal patronage extended to him in his Professional capacity, by his numerous friends, and the community generally, begs to state, that he is about leaving the place on business, for a short time. He will be ready to attend to their PROFESSIONAL WANTS on his return, of which due notice will be given.
SAMUEL THOMSON, Attorney at Law.
Chatham, May 23, 1856.

NOTICE.
The Subscriber has this day taken into Partnership his Son, JAMES JOSEPH PIERCE, and the Business in future will be conducted under the style of JAMES A. PIERCE & SON.
JAMES A. PIERCE.
Chatham, May 17, 1856.