

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 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 might shortly be accomplished. 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.

On the 8th of 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 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 accomplishment of which His Excellency was directed by every means in his power to promote.

The Lieutenant Governor also endeavoured, to the best of his ability, to point out to Mr. Smith the advantages of a real and effective Union of the British American Provinces, and the urgent necessity under existing circumstances for effecting such a measure.

His Excellency stated his confident belief, that if after being accepted as a basis, it were found that the details of the Scheme agreed to at Quebec were open to just and serious objections on the part of the Maritime Provinces, the representation of their Legislatures to that effect would be certain to receive a respectful attention from Her Majesty's Government, and from that of Canada. His Excellency concluded by handing to Mr. Smith the following Memorandum:—

"CONFIDENTIAL MEMORANDUM.

"The Lieutenant Governor has been instructed by a Despatch from the Secretary of State for the Colonies, bearing date June 24th, 1865, to express to the Legislature of New Brunswick, on its next re-assembling, "the strong and deliberate opinion of Her Majesty's Government, that it is an object much to be desired that all the British North American Colonies should agree to unite in one Government."

The Lieutenant Governor has now fixed the 8th proximo as the day upon which the General Assembly is to meet for despatch of business, and before that period it is highly desirable that he should be informed whether his Advisers are prepared to recommend the Legislature to give effect to the opinion thus expressed by Her Majesty's Government.

(Signed) A. GORDON."

Fredericton, February, 1866.

This Memorandum, in compliance with Mr. Smith's urgent request, was not formally transmitted to the Council, but it was carefully read by him, and its substance communicated to his Colleagues.

Mr. Smith must have perceived, although His Excellency abstained from any expression calculated to wound the susceptibility of his Council, that had the question proposed by that Memorandum received a negative response His Excellency was prepared to decline to accede to the recommendation that Mr. Wilmot's resignation should be accepted, and to entrust to that Gentleman the