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Official Notifications appearing in this Paper, duly authenticated, are to be received as such by the persons whom they may concern.



BY AUTHORITY.

PROVINCIAL APPOINTMENT.

ROBERT NUGENT, Esquire, to be a Commissioner for widening "Cross Street," Saint John, under the Act 18 Vic. cap. 10, in the room of John Wilson, Esquire, resigned.

By His Excellency's Command.

S. L. TILLEY.

Secretary's Office, 28th April, 1866.

His Excellency the Lieutenant Governor has been pleased to direct the publication of the following Documents for general information.

Minute of the Lieutenant Governor for the Executive Council.

The Lieutenant Governor has received a Paper signed by six of his late Executive Council, which he now transmits, together with the document appended to it, for the consideration of his present Ministers.

The Memorandum of his late advisers does not need any lengthened notice from His Excellency.

That they should not agree with His Excellency as to the action of the Legislative Council, was to be expected; but as little argument is attempted by them beyond bare assertion that such action, (although identical with that of the Legislative Council of Canada,) was of an unconstitutional character, His Excellency is not required to enter on a discussion of that point, whilst he hardly can be expected to consider the vague reports and gratuitous assumptions to which they have not thought it unfit to give a place in their paper.

There are, however, one or two points in which his late advisers seemed to have failed to comprehend the meaning of his Memorandum of the 12th instant, and on which it may be as well to correct the misapprehension under which they labour; there is, moreover, one complaint made by them to which he is anxious to reply.

They assert that His Excellency does not admit "the constitutional right of his Council to be consulted." This is very far from being the case; His Excellency has never denied a right which is incontestable, and it would be absurd to do so. On the contrary, His Excellency asserted that it was desirable, although it is not in all cases constitutionally necessary, that when practicable such consultation should always take place before any action on the Governor's part.

Every one who has had the slightest acquaintance with public affairs knows that certain acts of the Governor are performed "in Council." These cannot (except in certain cases specially provided for in the Royal Instructions) be done without the previous concurrence of the Members of that body; but although his Ministers are equally responsible for his other acts, so long as they continue to hold office, the responsibility for them is not unfrequently assumed at a later period.

For this distinction a very obvious cause exists. The Members of the Council are only occasionally at Fredericton, and it is therefore often impossible hastily to summon them together; practically, therefore, communication with the leader of the Government is held to be equivalent to communication with the Council; and in every administration cases occur in which the Governor and one Member of the Government act alone, trusting to the subsequent concurrence of the Council. In the present instance, however, His Excellency has already stated that it was his full intention to have afforded the Council an opportunity of collectively expressing their sentiments with respect to his Reply previously to its delivery, and no one could more regret than himself the accident which frustrated that intention; for whilst no conceivable object could possibly be served by the omission of such a communication, it might be deemed to wear an appearance of slight towards gentlemen who, under the circumstances, His Excellency was desirous of treating with even more than ordinary consideration.

The Constitutional right of the Governor to decline to comply with the advice of his Council has never been denied, and is carefully reserved by the third article of the Royal Instructions. He does so, of course, at the risk of not finding Ministers willing, by accepting office, to assume the responsibility of that refusal, or able, if willing, to justify their doing so before the Legislature.

In the present instance both His Excellency and his late advisers have acted in a strictly constitutional manner.

His Excellency refused to comply with advice tendered to him by the President of the Council, knowing that he might regard that advice as substantially the advice of the whole of that body; and his Council being disinclined to assume the responsibility of that refusal, have resigned their offices.

Of the wisdom or expediency of the course adopted by His Excellency, a difference of opinion may of course fairly be entertained; but His Excellency is of opinion that, before making charges against the Queen's Representative of "grossly violating the Constitution," and "ignoring the principles of responsible Government," it would be well to examine the Instrument by which the Colony was founded, the Acts of the Legislature, and the Royal Instructions, (which together form the Constitution of the Province,) and point out what provisions of those instruments have been set at naught, or what usage commonly observed in Constitutional Monarchies has been neglected by him. His Excellency's late advisers would in the present case find the task one of considerable difficulty.

The late Government profess much astonishment at the fact, that certain differences are to be found between the Lieutenant Governor's Memorandum of the 11th April, as printed in the Royal Gazette of the 14th ultimo, and the copy in their hands. His Excellency, however, is not at all surprised that some discrepancies should exist between them.

After His Excellency's first draft had been copied, His Excellency added to it several sentences in his own handwriting, and observed that some of the paragraphs were wrongly placed, owing to the copy having been made by several hands from a great number of separate slips of paper; but His Excellency was anxious that the Council should as soon as possible be made acquainted with the nature and general scope of his observations; and, instead of detaining