

the paper some hours longer to be again fairly copied. He desired Captain Hallows to take it to Mr. Smith with instructions to point out the condition of the paper, and request that, when read, it should be returned for the purpose of having a fair copy made. Captain Hallows, on whose accuracy His Excellency can safely rely, reported that Mr. Smith had readily consented. Had he not done so, it would have been Captain Hallows' duty to have brought back the imperfect document to be then completed, and His Excellency would have felt that the additional delay thus caused, was due not to himself but to the action of the Council.

The Memorandum was not returned that night. On enquiry the next morning Mr. Smith positively engaged to send it to Government House, between three and four o'clock in the afternoon. It was not, however, then sent, and ten o'clock at night, on enquiry being again made as to the cause of its non-appearance, Mr. Smith for the first time intimated that it was not his intention to give it up.

To adopt the language of his late advisers, His Excellency "cannot too strongly express his disapprobation of such a course," and His Excellency is sure that among the gentlemen whose names are signed to the paper, there are some who, had they been aware of the circumstances now stated, would have hesitated to sanction such a proceeding.

Captain Hallows, by His Excellency's desire, then went to the Barker House, and copied for His Excellency's use the corrections which had been made in his own hand upon the paper. This, His Excellency has no doubt, he faithfully did, although he may in one or two instances have failed to note a trifling change, but he had no means of correcting omissions in the copy so retained, nor, indeed, was it his duty under the circumstances to do so. Both the two paragraphs supposed to be "added" were contained in the original draft, or written on its margin; and in the case of the second, it must at once be evident that the words said to be inserted, or words equivalent in substance, are necessary to give sense to a sentence which would otherwise be fragmentary, ungrammatical, and almost destitute of meaning.

As his late advisers have thought proper to remove from the records of the Executive Council a paper which, if considered as an official copy, ought to have been entered in its books and preserved along with his other Minutes, His Excellency is unable to appreciate the nature of the numerous alterations complained of; but if he may judge of the trivial character of the two which, in addition to those above alluded to, have been selected as specimens, they cannot be of much substantial importance.

To the Memorandum of his late advisers, however, a paper is appended, with respect to which his present Council may desire to receive some further observations from His Excellency.

Before entering into an examination of its general scope, His Excellency will notice some points of detail which are therein treated at considerable length. They are—

1. The allegation that in permitting Mr. Wilmot to withdraw a portion of a letter connected with his resignation, His Excellency acted in an unfriendly manner towards his Government.
2. The nature of the steps to be taken in the Legislature with a view to securing the passage of a measure of Union.
3. The circumstances connected with the transmission to Mr. Smith of His Excellency's letter of the 7th March.
4. The character of the note referred to in the last paragraph of Mr. Smith's Memorandum.

1. His Excellency has for many years taken a not inactive part in public life, and among those with whom it has been his fortune to associate, the dubious advantage which may be obtained from a dexterous use of technical subtleties—from holding men to phrases which they desire to qualify or withdraw, or from retaining possession of papers which there is an honorable understanding to return—are not permitted to outweigh the obligations of courtesy towards gentlemen whose opinions or public conduct it may be necessary to oppose or censure. A request for permission to withdraw or qualify expressions hastily made use of, is one almost invariably complied with; and His Excellency regrets that Mr. Smith should so wholly fail to comprehend the impartiality which His Excellency's position requires him to evince, as to imagine for a moment that a favour

which, at the request of Mr. Smith and Mr. Anglin, he had readily accorded to the latter gentlemen, would not under similar circumstances be as willingly granted to Mr. Wilmot.

2. Mr. Smith's memory is at fault with respect to the use of the expression that an Address to Her Majesty might grow out of the Committee. Up to the middle of March His Excellency was under the impression that an Address to the Queen formed part of the arrangement which had been effected; at that time, however, in the course of a long conversation with Mr. Smith, held in the Executive Council Chamber, His Excellency resumed the points which he considered were agreed upon—the appointment of a Committee—the adoption of a Report favourable to Union—the passage of Resolutions through the Houses founded on that Report—and the introduction by the Government of an Address to the Queen. At that point Mr. Smith stopped His Excellency, and said that he had not agreed to propose such an Address, but admitted that it might "grow out of" the Committee.

3. Mr. Smith, (who throughout his paper maintains a tone of expression which His Excellency cannot observe without regret,) asserts that His Excellency has "made a misstatement" with respect to his letter to Mr. Smith of the 7th March. His Excellency will not employ the same terms with regard to Mr. Smith's account of that letter, but he has it in his power to show that Mr. Smith's memory has in this instance also served him but treacherously.

The facts which in His Excellency's former Memorandum he considered it important to notice in reference to this transaction, were the communication of such a paper, and the acknowledgment by Mr. Smith of the terms in which he was therein spoken of, without any contradiction of the assumptions on which they were founded; nor did His Excellency then think it necessary to relate every petty circumstance connected with the composition and delivery of that letter.

His Excellency will, however, now do so.

Mr. Smith says the letter was first shown to him on the 7th March, and given to him some time afterwards, "a fortnight or three weeks ago." The dates are of some importance as evidence of the cause why the letter was not delivered to Mr. Smith when written, and with respect to these dates Mr. Smith's memory has altogether deceived him. The letter was written on the eve of His Excellency's departure for Canada, and read on the 16th or 17th of February by His Excellency to Mr. Smith, who expressed with evident sincerity his grateful sense of the terms in which it was couched, and did not in any way object to the assumptions it contained; but said that, as until his return, it was quite uncertain whether an arrangement could be effected, and as they had agreed that, in the event of failure he was not to be in any way bound by what had passed, nor further reference made to the negotiation, he had rather not then receive such a letter.

His Excellency at once perceived the reasonableness of this hesitation and put aside the paper.

After His Excellency's return from Canada, and that of Mr. Smith from Dorchester and Saint John on the 5th of March, this reason no longer existed, and His Excellency told Mr. Smith that he should now give him the letter.

On the 7th of March, (and not two or three weeks ago,) Mr. Odell and Mr. Smith were at Government House together, (as is shown by the Register of Official Visitors to His Excellency,) and, on that day, (as the entry in His Excellency's private letter book proves) the letter in question was transmitted to Mr. Smith. His Excellency, after Mr. Smith had left his room, dated the letter, placed it in an envelope, and addressed it. Before Mr. Smith left the house, he put it into his hands, saying, "here is your letter;" or "the letter." His Excellency did not for a moment suppose that Mr. Smith could possibly be unaware what the contents of that letter were. Mr. Smith is literally correct in saying that he did not acknowledge the letter *subsequently to its final receipt*, for he made no further allusion to it; but that literal correctness is not unlikely to convey a most erroneous impression, and His Excellency must observe that, as the belief on his own mind as to Mr. Smith's proposed policy was, from the terms of that note, perfectly clear and unmistakable, it was Mr. Smith's duty to have removed that impression if it was indeed an erroneous one.

Mr. Smith says he felt His Excellency "wanted to get