

adhesion of that body to the policy recommended by Her Majesty's Government, and already adopted by Canada and Nova Scotia. This is no petty local question; it is one affecting great Imperial interests, and the future destiny of millions of Her Majesty's subjects; and His Excellency could never have consented to treat it as though its principal importance were derived from the effect it might produce on the contests of local factions whose struggles are unheeded, and whose existence is unknown beyond the limits of the Province.

The questions which the act of the Lieutenant Governor and the resignation of his Council raise, are these:—

Could the Lieutenant Governor, consistently with his duty,—with his convictions,—with his position as an Imperial Agent,—have returned any other answer to the Address of the Legislative Council than one similar in substance to that which he did actually give?

Every man whose judgment is not warped and vision blinded by exclusive reference to local politics, will admit that he could not.

The other and yet more important issue is, whether that reply was in accordance with the wishes of a majority of the people of New Brunswick, and expressed their sentiments, or was repugnant to their wishes and hostile to their interests.

This,—and not the greater or less degree of Union which Mr. Smith was at one time ready to accept,—or the comparative strength and accuracy of his memory and that of His Excellency,—is the question upon which the country must pronounce, and to it His Excellency confidently anticipates an assenting answer, given with no hesitating voice.

ARTHUR H. GORDON.

May 1st, 1866.

To His Excellency The Honorable ARTHUR HAMILTON GORDON, C. M. G., Lieutenant Governor and Commander in Chief of the Province of New Brunswick.

The undersigned beg to acknowledge Your Excellency's Memorandum, dated the 11th April, 1866, received on the evening of the 12th instant, in answer to the Memorandum of Council dated 10th April, tendering their resignations.

From the manner in which Your Excellency's Memorandum is drawn up, it is difficult to separate the portion which more particularly refers to the Members of Your Excellency's late Council as a body, from those which refer to interviews and conversations with Mr. Smith; as regards the latter, they refer Your Excellency to Mr. Smith's Memorandum, hereto appended, which they have carefully perused, and beg to corroborate so far as regards the reports and communications made to the Council by him at different times, and Mr. Smith at all times appeared to communicate to his colleagues, fully and with ut reserve, the different conversations which he had with Your Excellency, and has told them that he stated to Your Excellency that he would do so.

Your Excellency has not answered, in the opinion of the undersigned, the grounds urged by them in their first Memorandum, with regard to the impropriety of the course adopted by the Legislative Council. That they have the right to express their opinion on any public question as a co-ordinate Branch of the Legislature, was not denied, but, on the contrary, was admitted; but when they passed an address to the Queen, a favorable response to the prayer of which would enforce a Scheme of Union upon the people of this Province which they have rejected, the undersigned felt that the Legislative Council had exceeded the legitimate bounds of their powers.

One strong ground upon which the resignations of the undersigned were tendered, was the fact that Your Excellency had assumed to yourself the right to act, and did act in a matter deeply affecting the interests of the people of this Province, without consulting your Constitutional advisers, and in direct opposition to their views, thereby violating the Constitution and ignoring the principles of Responsible Government.

The undersigned would observe that Your Excellency does not admit the Constitutional right of your Council to be consulted. Your Excellency says—"It is, when practicable, both desirable and convenient." The undersigned would emphatically reiterate what they have before affirmed,

that it was their right, and one to be jealously maintained and preserved inviolate in all matters for which they are constitutionally held responsible, and in which the interests of the people of this Province are involved.

Your Excellency states that you intended to consult the Council, but that you were prevented from doing so by an accident. The undersigned entirely fail to appreciate the force of the reason assigned, more particularly as Your Excellency told Mr. Smith, when urging that the Council should be consulted, that if they did not approve of it they could relieve themselves of responsibility, and such a reason would afford, in their opinion, no justification for so gross a violation of the Constitution. It is Your Excellency's privilege to fix the time for receiving Addresses, and they are at a loss to perceive why such extraordinary and unbecoming haste was used in the reception of the Address in question. The delay of a day or two, or even a week, could not possibly have done any harm.

Your Excellency says, that the language employed in the answer complained of, was not, in your judgment, inconsistent with that used a few days previously in your reply to an Address from the same Body. In the judgment of the undersigned, there is a very material distinction; in the latter you speak solely on behalf of Her Majesty's Government; in the former you speak on your own behalf; and therefore your Advisers are held constitutionally responsible for what you say, and they most distinctly state that they never said any thing to Your Excellency which would authorize you in assuming that their policy was "not inconsistent" with the language employed in the Answer to the Legislative Council, requesting Your Excellency to transmit their Address to Her Majesty.

Your Excellency says that your answer by no means conveys an approval of any particular scheme.

The undersigned respectfully differ with Your Excellency on this point. It clearly, in effect, approves of the prayer in the Address to the Queen, asking Imperial Legislation to carry out an Union based on the Quebec Scheme, which both the people and their representatives have rejected.

The undersigned state that the only understanding in regard to the course to be taken by the Government on the subject of Union was, that after the Despatches were submitted, a Select Committee was to be appointed to consider the subject, and make a Report. This might be a Joint Committee of both Houses, or separate Committees of each House, and this the undersigned were prepared to carry out in good faith.

The undersigned would reiterate the grounds taken in their former Memorandum, that Your Excellency throughout the Session consulted members of the opposition, notwithstanding their repeated efforts to prevent it, and would add that they never directly or indirectly sanctioned such a proceeding.

Your Excellency states that on Saturday last you did not consult the gentleman referred to, for the purpose of getting his advice as to the omission or retention of a paragraph in your reply.

In this view of the case, as thus put by Your Excellency, it is remarkable that he, a junior member of the Legislative Council, should be *alone* consulted by Your Excellency, to ascertain whether it would be an act of discourtesy to that body to postpone the reception of their Address for a few hours. And the question naturally presents itself to the undersigned, why was the President of the Legislative Council, (who was present with that body at Government House), not consulted in preference to one of the most bitter opponents of the then Government; and the undersigned are led to believe, that it was arranged between Your Excellency and one or more gentlemen of the opposition, as to what your answer was to be, some time before it was delivered.

Your Excellency states that in order to avoid giving cause of embarrassment to the Government, you delayed receiving the Address (in answer to the Speech) of the Legislative Council for nineteen days. Your late Council only asked you to adopt the course which had been invariably followed in this Province, namely, not to receive the Address of the Legislative Council until after the Address of the House of Assembly in answer to the Speech had been agreed to.

The undersigned have just seen the official printed copy of their former Memorandum and Your Excellency's reply