

wishing to unnecessarily protract the correspondence, we again ask that Your Excellency may accede to the wish of the Council by appointing a new Board of Commissioners in place of the present incumbents.

Ex. Council Room, August 20, 1866.

EDWARD WILLISTON,
A. R. M'CLELAN,
JOHN M'MILLAN,
JOHN M'ADAM,
CHARLES CONNELL.

(September 22nd.)

6.

The Lieutenant Governor has received a further Memorandum from his Council on the subject of the reasons which in their opinion render expedient the removal of Messrs. Lawrence & Collins from the Office of Commissioners of the European and North American Railway.

If, in the opinion expressed by his Council, that the Commissioners should be in perfect accord with the Executive, it is intended to imply that their political sentiments ought necessarily to be identical with those of the Government of the day. His Excellency cannot say that he shares the view held by those who signed the Memorandum; and had the recommendation for the dismissal of the Commissioners been founded solely on the fact that a difference of political opinion existed between those gentlemen and His Excellency's advisers, His Excellency would have felt almost insuperable difficulty in acceding to the wishes of the Council.

The practice of changing the occupants of offices, the duties of which are not of a political nature, and which are held by persons not possessing seats in the Legislature, on every change of Administration, is one fraught with such serious mischief that His Excellency would view its adoption with the greatest alarm; and as such a course, if gradually entered upon, might before long silently obtain the force of custom, His Excellency would have desired to submit the question whether such a practice should prevail, to the early decision of the good sense and good feeling of the people of the Province.

His Excellency's Advisers have, however, in the Memorandum now before him, explicitly stated that they consider the administration of the Railway to be faulty and inefficient, and have verbally expressed this impression in strong terms to His Excellency.

The Lieutenant Governor feels that on such a subject the Members of his Council should be well informed, and that it is desirable he should in such cases act upon the information tendered to him by them; no question of public principle of sufficient importance to justify a serious difference being involved in the decision on a matter of fact of such a nature. He accordingly acquiesces in the proposal of his Council, and will cause the changes recommended to be carried into effect.

ARTHUR GORDON.

24th September, 1866.

7.

*To His Excellency The Honorable A. H. Gordon,
C. M. G., Lieutenant Governor of New Brunswick, &c. &c. &c.*

The Executive Council have received Your Excellency's Memorandum of this day's date, and are pleased to learn that Your Excellency has at length placed upon record an assurance that the changes in the Railway Department recommended by your responsible Advisers should be carried into effect.

Your Excellency, however, prefaces this acquiescence with such remarks as seem to demand from the Council an immediate reply.

Your Excellency, in a former Memorandum, expressed a desire purposely to refrain from raising any question of Constitutional right, not seeing, at that time, any necessity for the introduction of such questions; in this instance, however, Your Excellency appears to invite discussion on this point.

Had the Council advised the changes alluded to on political grounds alone, they are decidedly of opinion that Your Excellency would have been equally bound to order the same carried into effect; and had Your Excellency, upon re-

ceiving such advice, determined upon an appeal to the people, the Council are well assured that the people of New Brunswick would unhesitatingly have shewn Your Excellency that they would be ruled by a Government responsible to themselves, and not by a Lieutenant Governor having no such responsibility.

The Council are still of opinion that they were fully justified in advising the change alluded to upon the principle laid down by them in their Memorandum of the 18th August, and only more clearly expressed in that of the 20th August, without preferring any distinct charge against the officials alluded to. The Council would remark that they have not in any of the Minutes referred to "explicitly stated that they consider the administration of the Railway to be faulty and inefficient," and they cannot admit that they have even verbally stated such impression in the manner referred to by Your Excellency.

The Council need not allude to the expressions of individual Members, neither do they think it proper to refer to the reasons verbally communicated by Your Excellency for hesitating to make the proposed change.

The Council beg to remind Your Excellency that in their Memorandum of the 18th August, they stated that, as the sworn Advisers of Your Excellency, they had made the recommendation alluded to after careful consideration, with the confident belief that the best interests of the public would be thereby subserved, and only regret that Your Excellency has so long delayed acting upon the advice thus constitutionally tendered by them.

A. R. M'CLELAN,
JOHN M'MILLAN,
CHARLES CONNELL,
JOHN M'ADAM,
ED. WILLISTON.

*Executive Council Chamber,
24th September, 1866.*

8.

The Lieutenant Governor, on the evening before he quitted Fredericton, received a Memorandum, signed by certain Members of his Executive Council, with respect to which he feels compelled to make some remarks.

A few hours before several of the principal Members of his Executive Council left the Province as Delegates to England, a Memorandum was signed by the whole of that body except two, (one of whom on a subsequent occasion added his signature) recommending His Excellency to make certain changes at the Railway Board.

As a Council, presided over by His Excellency, at which such questions might have been fully debated, had been held at Fredericton only two days before, His Excellency felt some surprise at the course thus pursued in transmitting such a document to him at a moment when many (and they not the least influential) of those who signed it removed themselves beyond the possibility of discussion, of offering explanations, or meeting objections which they must have presumed would be asked and raised, and indeed these questions might have been raised and considered at any time during the previous three months.

This Memorandum, dated 17th July, reached His Excellency on the 25th of that month.

At the next meeting of the Executive Council His Excellency requested to be informed of the reasons which rendered expedient the adoption of the course recommended.

His Excellency's Advisers, in reply, observed that the Commissioners ought, in their opinion, to be in complete accord with the Government of the day, and to possess the confidence of the Government in their fitness and efficiency; referring for further explanations to those verbal declarations made on the subject by Members of the Council, to which, however, they now state they do not think it proper to refer. His Excellency, in a second Memorandum, observed this reply was somewhat ambiguous in its character; and in a further Memorandum the Council distinctly stated that the Commissioners were, in their judgement, wanting in the qualifications of "fitness and efficiency." This Memorandum was signed by only four of His Excellency's Advisers. It was consequently