

ever, had occasion to call for any arguments from either side on the merits of Mr. Letellier's case. The law does not empower Her Majesty's Government to decide it, and they do not therefore propose to express any opinion with regard to it. You are aware that the powers given by the British North America Act, 1867, with respect to the removal of a Lieutenant-Governor from office, are vested, not in Her Majesty's Government, but in the Governor-General; and I understand that it is merely in view of the important precedent which you consider may be established by your action in this instance, and the doubts which you entertain as to the meaning of the statute, that you have asked for an authoritative expression of the opinion of Her Majesty's Government on the abstract question of the responsibilities and functions of the Governor-General, in relation to the Lieutenant-Governor of a Province under the British North America Act, 1867. The main principles determining the position of the Lieutenant-Governor of a Province, in the matter now under consideration are plain. There can be no doubt that he has an unquestionable constitutional right to dismiss his Provincial Ministers, if from any cause he feels it incumbent upon him to do so. In the exercise of this right, as of any other of his functions, he should, of course, maintain the impartiality towards rival political parties which is essential to the proper performance of the duties of his office; and for any action he may take, he is, under the 59th section of the Act, directly responsible to the Governor-General. This brings me at once to the point with which alone I have now to deal—namely, whether in deciding, whether the conduct of a Lieutenant-Governor merits removal from office, it would be right and sufficient for the Governor-General, as in any ordinary matter of administration, simply to follow the advice of his Ministers, or whether he is placed by the special provisions of the statute under an obligation to act upon his own individual judgment. With reference to this question it has been noticed that while under section 58 of the Act, the appointment of the Lieutenant-Governor is to be made 'by the Governor-General in Council, by instrument under the Great Seal of Canada,' section 59 provides that 'a Lieutenant-Governor shall hold office during

the pleasure of the Governor-General; and much stress has been laid upon the supposed intention of the Legislature, in thus varying the language of these sections. But it must be remembered that other powers vested in a similar way by the statute in the Governor-General were clearly intended to be, and in practice are, exercised by and with the advice of his Ministers; and though the position of a Governor-General would entitle his views on such a subject as that now under consideration to peculiar weight, yet Her Majesty's Government do not find anything in the circumstances which would justify him in departing in this instance from the general rule, and declining to follow the decided and sustained opinion of his Ministers, who are responsible for the peace and good government of the whole Dominion to the Parliament to which, according to the 59th section of the statute, the cause assigned for the removal of a Lieutenant-Governor must be communicated. Her Majesty's Government therefore can only desire you to request your Ministers again to consider the action to be taken in the case of Mr. Letellier. It will be proper that you should, in the first instance, invite them to inform you whether the views, as expressed in Sir J. A. Macdonald's memorandum, are in any way modified after perusal of this despatch, and after examination of the circumstances now existing, which since the date of that memorandum may have so materially changed as to make it in their opinion no longer necessary for the advantage, good government, or contentment of the Province that so serious a step should be taken as the removal of a Lieutenant-Governor from office. It will, I am confident, be clearly borne in mind that it was the spirit and intention of the British North America Act, 1867, that the tenure of the high office of Lieutenant-Governor should, as a rule, endure for the term of years specially mentioned, and that not only should the power of removal never be exercised, except for grave cause, but that the fact that the political opinion of a Lieutenant-Governor had not been, during his former career, in accordance with those held by any Dominion Ministry, who might happen to succeed to power during his term of office, would afford no reason for its exercise. The political antecedents and present position of nearly all the