

His Excellency thinks it right also to state, that his reply was prepared by himself alone, and that his Council are in error in supposing that its terms were the subject of advice from any Member of the opposition.

His Excellency does not admit the entire accuracy of Mr. Smith's report of his conversations with him, appended to the Minute of Council, but at the same time readily acknowledges that the difference between his own impression of those conversations and that of Mr. Smith, is only such as might naturally arise under the circumstances. Mr. Smith has, however, omitted to state that at his first interview His Excellency pointed out, as he had frequently done before the embarrassing results of the non-avowal of his Union policy, and observed that the Legislative Council had now passed an Address, at the adoption of which he should probably feel obliged to express satisfaction.

The Lieutenant Governor of course feels that previous communication between himself and his Advisers as to any step he is about to take, is, when practicable, both desirable and essential, and it was His Excellency's full intention to have afforded the Council ample opportunity for the consideration of his Reply, an intention which he much regrets that accident should have frustrated.

The Committee of the Legislative Council did not wait on His Excellency till after 12 o'clock, and until that Address was before him he could not officially communicate with the Council on the subject of his Reply to it.

Immediately on its reception he sent for Mr. Smith, intending to put the draft Reply into his hands, and request him to communicate it to his colleagues.

Mr. Smith, however, appears not to have received His Excellency's Note until half past two o'clock, and His Excellency's intentions in this respect were consequently foiled.

So strong was His Excellency's wish that the contents of his Reply should be known to the Council before its delivery, that when, during their last interview, His Excellency left the room as stated by Mr. Smith, it was not, as that Gentleman supposes, to consult a member of the opposition respecting the omission or retention of a paragraph in his Reply, —a point on which His Excellency received no advice from any other person than Mr. Smith,—but for the purpose of ascertaining whether it might not even then be possible to postpone the reception of the Address for a few hours. He found, however, that it would have been impossible to do so without gross discourtesy to the Legislative Council.

(Signed)

ARTHUR GORDON.

Fredericton, 12th April, 1866.

#### *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.