

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 a 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 him 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 their 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 specifically mentioned, and that not only should the power of removal never be exercised except for grave cause, but that the fact that the political opinions 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 Lieutenant-Governors now holding office prove that the correctness of this view has been hitherto recognized in practice; and I cannot doubt that your advisers, from the opinions they have expressed, would be equally ready with the late Government to appreciate the objections to any action which might tend to weaken its influence in the future.

I have directed your attention particularly to this point, because it appears to me to be important that, in considering a case which may be referred to hereafter as a precedent, the true constitutional position of a Lieutenant-Governor should be defined. The whole subject may, I am satisfied, now be once more reviewed with advantage, and I cannot but think that the interval which has elapsed (and which has from various causes been unavoidable) may have been useful in affording means for a thorough comprehension of a very complicated question, and in allowing time for the strong feelings, on both sides, which I regret to observe have been often too bitterly expressed, to subside.

I have, &c.

The Right Hon. the Marquis of Lorne.

(Signed) M. E. HICKS BEACH.