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C O P Y.

Halifax, 3rd March, 1926.

The Honourable E. N. Rhodes, P. C.,
Prime Minister of Nova Scotia.

Dear Sir:

As requested by your at our recent interview I am furnishing you with my views as to the tenure of office of Legislative Councillors, and whether there is any restriction regarding the number of Members that the Lieutenant Governor has authority to appoint.

I am of the opinion that with the possible exception of Members appointed for ten years, pursuant to Chapter 16 of the Acts of 1925, the tenure of office is during pleasure, but it is a debatable question whether it is during the pleasure of the Lieutenant Governor or of some other authority; as you are aware of my reasons in that connection I do not think it is necessary for me to repeat them here.

The other question requires, I think, a fuller discussion.

By virtue of the British North America Act the Constitution of the Province was to remain as it was at the time of Confederation, but it can from time to time be altered by the Legislature of Nova Scotia except as regards the office of Lieutenant Governor.

In these circumstances it is necessary to determine what was the Constitution of the Legislative Council at that time.

Prior to Confederation our Constitution was that which was given us in the Commission and Instructions issued by the Sovereign to the Captain-General and Governor-in-Chief of the Province for

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