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G. M. Matheson

CORRESPONDENCE

RESPECTING

THE CASE OF M. LETELLIER.

Presented to both Houses of Parliament by Command of Her Majesty.
August 14, 1879.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
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CORRESPONDENCE, &c.

No. 1.

The MARQUIS OF LORNE, K.T., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received March 20, 1879.)

SIR,

Government House, Ottawa, March 5, 1879.

I HAVE the honour of forwarding to you, for your information, copies of a Return to an Address of the Dominion House of Commons for papers relating to his Honour the Lieutenant-Governor of the Province of Quebec.

I have, &c.

(Signed) LORNE.

The Right Hon. Sir M. E. Hicks Beach, Bart.,
&c. &c. &c.

Enclosure in No. 1.

RETURN TO ADDRESS.—COPIES of the PETITION addressed to the GOVERNOR IN COUNCIL by the HON. MESSRS. CHAPLEAU, CHURCH, and ANGERS, praying for the dismissal of his Honour LUC LETELLIER, Lieutenant-Governor of the Province of Quebec; and of the Answer made to the said Petition by the said Lieutenant-Governor; and of the Reply made by the said Hon. Messrs. Chapleau, Church, and Angers to the said Answer; and all Correspondence and Papers relating to the said subject.

RETURN (19) to an ADDRESS of the HOUSE OF COMMONS, dated 20th February 1879, for copies of the Petition addressed to the Governor in Council by the Hon. Messrs. Chapleau, Church, and Angers, praying for the dismissal of his Honour Luc Letellier, Lieutenant-Governor of the Province of Quebec; of the Answer made to the said Petition by the said Lieutenant-Governor; and of the Reply made by the said Hon. Messrs. Chapleau, Church, and Angers to the said Answer, and all Correspondence and Papers relating to the subject.

By command.

Department of the Secretary of State,
27th February 1879.

J. C. AIKINS,
Secretary of State.

PETITION.

Canada, Province of Quebec.

To His Excellency General Sir Patrick Leonard McDougall, Knight Commander of the most distinguished Order of Saint Michael and Saint George, Administrator of the Government of Canada, &c. &c. &c., in Council.

JOSEPH ADOLPHE CHAPLEAU, of the city of Montreal, member of the Legislative Assembly of the Province of Quebec, for the county of Terrebonne; LEVI RUGGLES CHURCH, of the said city of Montreal, member of the Legislative Assembly of the Province of Quebec, for the county of Pontiac; and AUGUSTE REAL ANGERS, of the city of Quebec, Queen's Counsel, by this their petition respectfully represent—

That on the 8th March 1878 the Legislative Assembly of the Province of Quebec adopted the following Address to be presented to his Excellency the Governor-General of Canada, to the Senate, to the House of Commons, and to his Honour the Lieutenant-Governor of the Province of Quebec, to wit:—

Exhibit No. 1.—“The humble address of the Legislative Assembly of the Province of Quebec respectfully sheweth:—

“That it appears from the explanations given by the Honourable Mr. Angers, and from the official correspondence communicated to this House, that his Excellency the Lieutenant-

Governor acknowledges that the members of the De Boucherville Cabinet have acted in good faith in the discharge of their duties.

“That his Excellency has allowed the measures submitted by his Government to this House and to the Legislative Council to be discussed and voted upon without order on his part to suspend them.

“That, whilst asserting their devotion to our gracious Sovereign and their respect towards his Excellency the Lieutenant-Governor of this Province, this House is of opinion: That the dismissal from office of the De Boucherville Cabinet having taken place without reason constitutes an imminent danger to the existence of responsible government in this Province, is an abuse of power in contempt of the majority of this House, whose confidence they possessed and still possess, and is a violation of the liberties and will of the people.

“And your petitioners will ever humbly pray.”

That on the same day the Honourable Legislative Council of the Province of Quebec adopted the following address to be presented to his Excellency the Governor-General, to the House of Commons, to the Senate, and to his Honour the Lieutenant-Governor, to wit:—

Exhibit No. 2.—“The humble address of the Honourable the Legislative Council of the Province of Quebec respectfully sheweth:—

“That it appears from the explanations given by Hon. M. de Boucherville, and from official correspondence communicated to this House, that his Excellency the Lieutenant-Governor acknowledges that the members of the De Boucherville Cabinet acted in good faith in the discharge of their duties.

“That his Excellency permitted the Bills submitted to this House and to the Legislative Assembly to be discussed and voted upon without any order on his part to suspend them.

“That whilst expressing its loyalty and devotion to our gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion that the dismissal from office of the De Boucherville Cabinet having taken place without sufficient cause constitutes an imminent danger to the maintenance of responsible government in this Province, is an abuse of power exercised in contempt of the majority of both Houses, (whose confidence they possessed and still possess), and a violation of the rights and will of the people.”

That the circumstances under which the Legislative Assembly and the Legislative Council of the Province of Quebec adopted the above resolutions are contained in the ministerial explanations given to the Legislature on the 8th March 1878, of which the following is a copy extracted from the Votes and Proceedings of the 9th of the same month:—

Exhibit No. 3.—“M. De Boucherville had received permission from the Lieutenant-Governor to give explanations respecting his dismissal from office at the sitting on Monday, the 4th March instant. Between half-past 1 and 2 o'clock of the same day he received from his Excellency a notice not to give any explanations until the new Cabinet had been formed.

“This event having been announced, the late De Boucherville Government has the right, in virtue of the permission so obtained, to give its explanations to the House and to the country.

“It is my duty to announce to the House that the De Boucherville Government did not resign. A Government possessing the confidence of the great majority of the representative Assembly, and of almost the whole of the Legislative Council, has no right to resign if it has really at heart the interests of the country and a respect for its duty. This Government was dismissed from office by the Lieutenant-Governor. The facts which preceded and followed this event are entered in a journal kept from day to day and from hour to hour, under the dictation of the ex-Premier, and the following is an exact and faithful recital thereof:

“On the 26th February 1878, at about half-past 4 o'clock p.m., the Premier received from the Lieutenant-Governor, through his aide-de-camp, the following letter:—

“To the Hon. C. B. De Boucherville, Premier of the Province of Quebec.

Government House, Quebec,
February 25, 1878.

“The Lieutenant-Governor desires the Executive Council to prepare for his consideration a factum, including a copy of the following documents:—

“1. A copy of the Acts of the Dominion Parliament authorising the construction of

the railway now known under the name of the 'Quebec, Montreal, Ottawa, and Occidental Railway,' as well as a copy of the Acts of the Legislature of Quebec respecting the same railway.

"2. A copy of the Acts of the Legislature of the Province of Quebec respecting the construction of the railway between Quebec and Montreal, commonly known as the North Shore Railway.

"3. A copy of the byelaws of each of the municipal corporations by which they agreed to assist in the construction of the said road.

"4. A statement of the amount of the grant paid by each of those corporations, and a copy of the correspondence exchanged between the Government, the Railway Commissioners, or the contractors of the said road, and the said municipal corporations with respect to their said grant or subsidy.

"5. A copy of the several contracts entered into for the construction of the said roads.

"6. A copy of the official or confidential reports of the engineers to whom was entrusted the location of these lines of railway, in whole or in part.

"7. A copy of the report of the Railway Commissioners laid before both Houses during the present session respecting the said roads.

"8. Copy of the representations made to the Government by the municipal corporations interested, or by the ratepayers of these municipalities, respecting the condition of their grant or subsidy.

"9. Copy of the resolutions proposed to the Provincial Legislature during the present session respecting the said subsidies, and to facilitate the payment and survey of the same.

"10. Copy of the Bill, based upon the said resolutions, which was introduced into the House during the present session.

"11. A plan showing the locations of each of the said railways, or of any portion thereof.

"12. A detailed statement of the reasons which induced the Provincial Government not to content themselves with the provisions of the statute and common law, and with those of the civil code of this Province, for the recovery of the sums of money which might become due by the said corporations, but without having in any manner previously consulted with the Lieutenant-Governor, to propose an *ex post facto* legislation to compel them thereto.

"Another very important measure to provide for the imposition of new taxes was also similarly proposed to the Legislature without having been previously submitted to the Lieutenant-Governor.

"The Lieutenant-Governor is perfectly aware that measures of secondary importance which have previously been sufficiently explained to him may be, as a matter of routine, proposed to both Houses without an express order from himself, but he cannot allow the Executive to communicate to the Legislature on his behalf any important or new measures without his special order, and without his having been previously fully informed and advised thereof.

(Signed) LUC LETELLIER,
Lieutenant-Governor.

"The Premier prepared his answer during the nights of the 26th and 27th February. This answer was delivered by him in person to the Lieutenant-Governor at Spencer Wood about 10 o'clock a.m. on the 27th. It reads as follows:—

"To His Excellency the Hon. L. Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

"MAY IT PLEASE YOUR EXCELLENCY, Quebec, February 27, 1878.

"I HAVE the honour to acknowledge the receipt of the memorandum sent me yesterday afternoon by your Excellency, through your aide-de-camp, who at the same time informed me that you were ill in bed. I submitted this memorandum to the Executive Council, and I shall see, as your Excellency desires, that all due diligence be used in order that all the documents required may be transmitted to you as soon as possible.

"In anticipation of the factum desired by your Excellency, which will contain a more detailed statement of the motives which induced the Provincial Government to bring in the measures to which you draw my attention, I consider it my duty to represent that the reasons which, amongst others, caused the Government to submit to the Legislature

a law obliging the municipalities to pay their subscriptions for the construction of the Provincial Railway, on the decision of the Lieutenant-Governor in Council, after a sworn report made by a competent engineer, and after a notice of 15 days, to give such municipalities an opportunity of being heard, are the ill-will of certain municipalities, shown by some in their neglect to comply with the requests of the treasurer, by others in their formal refusal to pay, and in certain cases by resolutions adopted asking new conditions respecting the agreements which they had made with the Government.

"The Government was of opinion that, without such legislation, the object of which is to avoid the delays of ordinary legal proceedings, the result of the ill-will of these municipalities would have been either to necessitate a new loan by the Province, and, consequently, to cause a burden to be unjustly imposed upon municipalities which had entered into no engagements, and which would derive no immediate benefit from the construction of the road, or the complete stoppage of the works already begun, together with the inevitable loss of interest on the enormous capital already laid out upon this enterprise, and the other damages resulting therefrom.

"The Government, while undertaking, in the first place, by the said law, to fulfil the conditions which it had agreed upon with the said municipalities, considered that, in substituting for the ordinary courts the Lieutenant-Governor, with an Executive Council responsible to the Legislature and to the people, it offered to the parties interested a tribunal which afforded as many guarantees as the ordinary courts.

"I would also take the liberty of calling your Excellency's attention to the fact that similar provisions are already in our statutes.

"I would cite to your Excellency chapter 83 of the Consolidated Statutes of Canada, and also chapter 47 of 36 Victoria of the statutes of Ontario.

"I humbly submit to your Excellency that a law devised for the better securing of the execution of a contract cannot have a retro-active effect. It enacts for the future and its objects are the respective interests of the parties.

"Now, I beg your Excellency to note, that while you were at Rivière Ouelle, I had the honour of requesting your authorisation to lay the question of finances before the House, and that you were kind enough to reply that you sent me a blank form by mail, and I considered this, at the time, as a great mark of confidence on your part. I did, in effect, receive a blank form with your signature, which I handed to the treasurer, who had it filled up by your aide-de-camp.

"Later on I had the honour of requesting your Excellency's authorisation generally to lay money questions before the House, and this your Excellency granted with your usual condescension. This permission, moreover, had invariably been accorded me by your predecessor, the late lamented Mr. Caron.

"I must admit that with this authorisation and the conviction in my mind that your Excellency had read the Treasurer's Budget speech, in which he announced the taxes which were afterwards proposed, I considered I had a right to inform my colleagues that I had your permission for all questions respecting money.

"I beg your Excellency to believe that I never had any intention of arrogating to myself the right of having measures passed without your approval, and that under existing circumstances, having had occasion to speak to your Excellency in reference to the law respecting the Provincial railway, and not having received any order to suspend it, I did not think your Excellency would discover in this measure any intention on my part to slight your prerogatives, which no one is more disposed than I am to respect and uphold.

"Your, &c. &c.

(Signed) "C. B. DE BOUCHERVILLE."

"After some conversation, the Lieutenant Governor having heard M. De Boucherville's explanations, admitted that, if there had been any misunderstanding, it was in good faith on the part of the latter in authorising his colleagues to say that they were authorised to submit the legislation in reference to money matters.

"He afterwards told him, in reply to his question on the subject, that the only difficulty remaining was the question of the Quebec, Montreal, Ottawa and Occidental Railway, and that he would give an answer on the following day, the 28th February.

"On the 28th February, at about half-past 7 in the evening, Mr. De Boucherville went to Spencerwood to convey to the Lieutenant-Governor the documents asked for in the letter of the 25th (which documents were prepared by the Honourable the Secretary and were accompanied by a synopsis). He asked him if he would soon give his answer, The Lieutenant-Governor told him he would examine the documents and probably give it to him on the following day, the 1st March.

"On leaving, Mr. De Boucherville said: 'If I understand you rightly, you are hesi-

tating between giving your sanction to the Railway Bill and reserving it.' He replied :
' That is it.'

" On the 2nd of March, at 5 minutes to 1 in the afternoon, the aide-de-camp of the Lieutenant-Governor handed to Mr. De Boucherville the letter given hereafter.

" Before the aide-de-camp left he was asked how his Excellency was. The aide-de-camp replied that he was not so well, and then asked when we intended closing the Session. Mr. De Boucherville replied that he could not say, as many matters were in arrear.

" The following is the letter in question :—

" To the Honourable C. B. De Boucherville, Premier, Quebec :—

" Government House, Quebec, March 1, 1878.

" THE Lieutenant-Governor, taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into consideration the letter which the Premier then gave to him, is prepared to admit that there had been no intention on the part of the Premier to slight the prerogatives of the Crown, and that there was only on his part an error committed in good faith in the interpretation that he gave to words used by the Lieutenant-Governor in the interview which they had on the 19th February instant; words which did not imply the authorisation attributed to them by the Premier.

" With this interpretation and the instructions given in consequence by the Premier to the Honourable Messrs. Angers and Church, these gentlemen did not willingly do anything against the duties of their office.

" As to the blank which the Lieutenant-Governor addressed to him from Rivière Ouelle the Lieutenant-Governor knew that such blank was to be used for the purpose of submitting the estimates to the House.

" This act was a token of confidence on his part, as stated by the Premier in his letter of the 27th, but it was confidential.

" The Lieutenant-Governor deems it his duty to observe that in his memorandum of the 25th February last he in no way expressed the opinion that he thought that the Premier ever had the intention of arrogating to himself the right of having measures passed without his approval, or of slighting the prerogatives of the representative of the Crown.

" But the Premier must not lose sight of the fact that although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.

" The fact of having submitted several new and important measures to the Legislature without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which places the representative of the Crown in a difficult and critical situation with references to both Houses of the Legislature.

" The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

" So far as concerns a bill entitled ' An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway,' the Premier cannot apply to the measure the pretended general authorisation mentioned by him in his letter, for their interview took place on the 19th February, and the bill had then been before the House for several days, without the Lieutenant-Governor having been in any manner informed of it by his advisers.

" The Lieutenant-Governor then told the Premier how much he regretted such legislation; he represented to him that he considered it to be contrary to the principles of law and justice. Notwithstanding this, the measure was pushed on until it was adopted by both Houses.

" It is true that the Premier gives in his letter as one of his reasons for so acting ' that this permission of making use of the name of the representative of the Crown had been, moreover, always allowed him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron.'

" This reason cannot avail with the Lieutenant-Governor, for by so doing he would abdicate his position as representative of the Crown, a proceeding which neither the Lieutenant-Governor nor the Premier could reconcile with the duties of the Lieutenant-Governor towards the Crown.

" The Lieutenant-Governor regrets being compelled to state, as he told the Premier, that he has generally not been explicitly informed of the measures adopted by the Cabinet, although the Lieutenant-Governor often gave occasion therefore to the Premier, especially during the course of last year.

"The Lieutenant-Governor, from time to time, since the last meeting of the Legislature, drew the attention of the premier to several matters respecting the interests of the province of Quebec, amongst others :—

"1. To the enormous expenditure occasioned by very large subsidies to several railways when the province was burdened with the construction of the branch line of railway from Quebec to Ottawa, which should prevail over all others; and that at a time when our finances compelled us to raise loans disproportionate to our revenues.

"2. On the necessity of reducing the expenses of the Civil Government and those of Legislation, in place of having recourse to new taxes, with a view of avoiding financial embarrassment.

"The Lieutenant-Governor, although with regret, expressed to the Premier the opinion that the Orders in Council, for the increase of the salaries of civil service employées, seemed to him inopportune at a time when the Government had effected with the Bank of Montreal a loan at the rate of seven per cent. for half a million, on condition of increasing this loan to one million, and, in fact, to-day even (1st March) the Lieutenant-Governor was obliged to allow an Order in Council to be passed to secure the last half million for the Government, without which the Government would be unable to meet its obligations, as stated to him by the Honourable the Treasurer, by order of the Premier.

"The Premier did not either then or since inform the Lieutenant-Governor that the Government were in so impecunious a condition as to require special legislation to increase the public burdens.

"The Lieutenant-Governor therefore stated and repeated these facts to the Premier, and now deems it his duty to record them here, in order that they may serve as a memorandum for himself and the Premier. It results therefore :—

"1. That although the Lieutenant-Governor had made several representations, in his quality of representative of the Crown, to the Premier on those various subjects of public interest, his advisers have taken administrative and legislative steps contrary to such representations, and without having previously advised him.

"2. That the Lieutenant-Governor has, without evil motives, but in fact, been placed in a false position, by being exposed to a conflict with the desires of the Legislature, desires which he acknowledges to be paramount, when expressed in a constitutional manner.

"The Lieutenant-Governor has attentively read and examined the memorandum and documents which the Premier was kind enough to bring him yesterday.

"In the record are petitions from several municipal corporations, and from citizens of different localities, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill respecting the Quebec, Montreal, Ottawa and Occidental Railway.

"The Lieutenant-Governor was only yesterday in a position to take communication of some of those petitions, inasmuch as they had not been transmitted to him before the record.

"The Lieutenant-Governor, after mature deliberation, cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill entitled 'An Act relating to the Quebec, Montreal, Ottawa and Occidental Railway.'

"For all these reasons, therefore, the Lieutenant-Governor cannot consider this memorandum without expressing to the Premier the regret which he feels in being no longer able to retain him in his position, contrary to the rights and prerogatives of the Crown.

(Signed) L. LETELLIER,
Lieut.-Governor.

"On the 2nd March, about 2 o'clock, p.m., Mr. De Boucherville went to Spencer Wood; when he arrived he was admitted to the presence of the Lieutenant-Governor and told him that according to the memorandum received from him that day, he understood that he was dismissed from the office of Premier.

"The Lieutenant-Governor told him he was to take his own interpretation from the letter. Upon this Mr. De Boucherville handed him the letter, which will be found further on, as being his answer.

"The Lieutenant-Governor, without opening it before him, made some remarks on the difficulty in which the legislation had placed him.

"Mr. De Boucherville replied that in 'his present position, he thought he had no opinion to express on the subject.' He then bowed himself out. When he had proceeded a short distance from the house, he caused the vehicle to return, having forgotten

to ask permission from the Lieutenant-Governor to give explanations to the House. After having been a second time admitted to the presence of the Lieutenant-Governor, he asked permission to give explanations and to make known the memorandum of the Lieutenant-Governor and his replies thereto.

"The Lieutenant-Governor told him he had no objection, and asked him as to the person he should send for. Mr. De Boucherville replied that he looked upon himself, having been dismissed, as being in a different position from a minister who, although defeated in the House, still retained the confidence of the Sovereign; that he had had a majority of 25 in one of the late votes, that under these circumstances he did not think he could advise him in the matter. He then left him, and while in the ante-room, the Lieutenant-Governor recalled him, and said: 'Please delay the explanations until Monday.'

"The following is a copy of a letter which Mr. De Boucherville handed to the Lieutenant-Governor, when the latter told him that he was to take his own interpretation of his memorandum:

"To His Excellency the Lieutenant-Governor of the Province of Quebec.

"MAY IT PLEASE YOUR EXCELLENCY,

Quebec, March 2, 1878.

"I HAVE the honour to acknowledge the receipt of your memorandum in which you come to the conclusion that you cannot retain me in my position as Premier.

"I have therefore no other duty to perform beyond submitting to my dismissal from office communicated by your Excellency, reiterating at the same time my profound respect for the rights and prerogatives of the Crown, and my devotion to the interests of our Province.

"I have, &c.

"(Signed) C. B. DE BOUCHERVILLE."

"On the 28th January 1878, Mr. De Boucherville had sent to his Excellency the Lieutenant-Governor, who was then at Rivière Ouelle, the following telegraphic despatch:—

"'Can you send me authorisation resolution respecting finances?'

The Lieutenant-Governor, on the following day, the 29th, telegraphed to Mr. De Boucherville: 'Blank mailed to-day. If presence necessary, telegraph. Return Friday.'

"The resolutions respecting the North Shore Railway were submitted to the House only on the 29th January, after the telegram had been received from the Lieutenant-Governor that a form signed in blank had been mailed to Mr. De Boucherville in reply to his despatch of the previous day, saying: "Can you send me authorisation resolutions respecting finances?" On the 30th January, the first resolution was reported from Committee of the whole. On the 31st it was adopted by the House.

"On the 1st February the House again went into committee of the whole, and reported the other resolutions on the same subject. But it was only on the 5th that the adoption of the report of the committee was carried, the House throwing out the motion of non-confidence on this point by 38 to 21.

"On the 5th February a Bill based on these resolutions was introduced; the second reading was delayed until the 18th of February; the third reading took place on the 19th during all this time the Lieutenant-Governor, to whom the votes and proceedings were sent daily, remained silent.

"On the 19th February Mr. De Boucherville met the Lieutenant-Governor, and in the conversation which took place on the subject of the measure, thought he had satisfied him as to its legality and the urgency of its being passed. The Lieutenant-Governor was so far from being explicit as to his intention that Mr. De Boucherville left him with the impression that he was authorised.

"The Lieutenant-Governor does not contend in his memorandum of the 1st March 1878 that he had given orders to suspend the legislation.

"Sent up to the Legislative Council, this Bill had gone through its third reading before the first letter was received from the Lieutenant-Governor, date the 25th February last, but only delivered at 4.30 p.m., on the 26th. In fact, the Lieutenant-Governor, in his letter of the 1st March, admits that he did not in any way in his memorandum of the 25th February, express the opinion that he considered the Premier had intended to arrogate to himself the right of getting measures passed without his approval, or of slighting the prerogatives of the representative of the Crown.

“ Having ascertained that a misunderstanding existed as to the interpretation of the authorisation asked by telegraphic despatch on the 23rd January, and answered on the 29th, by a message stating that a form signed in blank was sent, and in view of the impressions left by the conversation of the 19th February in Mr. De Boucherville's mind, should the Lieutenant-Governor have waited to make known for the first time the existence of this misunderstanding until the 26th February, at which date the whole of the legislation of which he complains had been discussed and voted in the affirmative by both Houses.

“ The confidence shown by the Lieutenant-Governor on the 29th January in Mr. De Boucherville by forwarding the form signed in blank, was calculated to justify him in interpreting the silence of the Lieutenant-Governor at least as not meaning dissent.

“ After these interviews of the 19th February the silence observed until the 26th February was also of a nature to lead him to believe that he had a general authorisation to submit to the House all measures which the public service required.

“ On the 31st of January, 26 days previous to the first memorandum of the Lieutenant-Governor, the Honourable Treasurer made his budget speech, in which he announced the new taxes which it would be necessary to levy to meet the obligations of the province, obligations contracted during several previous years, and resulting from the policy then inaugurated on railways, and which had received the concurrence of several members belonging to the party opposing the Government.

“ Can this speech, published *in extenso* by the press of the whole country, have escaped the notice of the Lieutenant-Governor ?

“ On the 19th February the resolutions demanding those taxes, but at a lower rate than the one mentioned by the Treasurer in his speech were presented, and on the 20th were adopted by a vote of 39 against 22.

“ The Lieutenant-Governor in his memorandum of the 1st March complains that Mr. De Boucherville did not let him know that the Government was in an impecunious condition requiring special legislation to increase the public taxes.

“ The Premier would have formed an erroneous idea of the situation if he had so qualified the temporary embarrassment, caused by the ill-will of the municipalities which had subscribed for the construction of the provincial railway in neglecting to faithfully fulfil their obligations. He would have formed an erroneous idea of the situation in presence of the results obtained so far without any burden having been imposed in order to obtain them.

“ On the 22nd February notice was given of resolutions respecting railways in the eastern townships and on the south shore of the St. Lawrence.

“ On the 23rd of the same month the resolutions were introduced and subsequently adopted by a vote of 41 to 16. These resolutions do not in any way increase the actual debt of the Province. The Lieutenant-Governor said in the same memorandum : ‘ That the construction of the railway from Quebec to Ottawa should prevail over that of other railways.’ The legislation of many years past on this subject establishes no priority in favour of the provincial railway to the detriment of railways in the eastern townships and on the south shore. The De Boucherville government would have contravened the law if they had adopted any other view of the matter.

“ In the same memorandum the Lieutenant-Governor declares, ‘ That he cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intitled, ‘ An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway.’ This declaration is premature, the Premier never having been called upon to give his opinion as to the sanction to be given ; and if, had he been called upon to do so, he would, under the circumstances, have recommended that it be reserved for the decision of the Governor-General, being in doubt as to the Lieutenant-Governor having the right, of his own accord, *ex proprio motu*, to exercise the prerogative of veto, and thus to decide finally on the fate of a measure passed by both Houses, when the British North America Act of 1867 seems to leave such power to the Governor General.

“ The memorandum of his Excellency refers to petitions of several corporations and citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the measures of the Government concerning the Quebec, Montreal, Ottawa, and Occidental Railway.

“ It is sufficient to consider that these petitions came from debtors from whom the law intends to force payment, to arrive at the correct conclusion that the opinion of both Houses should prevail over that expressed in such petitions.

“ The Lieutenant-Governor in the same memorandum refers to Acts of administration which date from before the session, and to which he has given his assent. As he alludes

to matters for which the Government is responsible to both Houses, as advisers of the Crown, and as they are foreign to the question of prerogative raised by the Lieutenant-Governor, they cannot be adduced in this memorandum as reasons for the conclusion arrived at by his Excellency that he cannot continue to retain Mr. De Boucherville in his position against the rights and prerogatives of the Crown; therefore, to avoid being carried away by this side issue or *hors d'œuvre*, there is no reason to question them now.

“The Lieutenant-Governor further expresses the opinion that the state of our finances forced us to make loans disproportionate to our resources.

“The necessity of here repeating this phrase is to be regretted, but the credit of the Province requires that it should be contradicted. The mere reading of the budget speech will suffice to reassure alarmists.

“From all the above facts from admissions contained in the last memorandum of the Lieutenant-Governor, from the transmission of the form signed in blank and sent by him in reply to a request by Mr. De Boucherville, asking his authorisation to introduce resolutions respecting finances, and from the silence of the Lieutenant-Governor, up to the 26th February last, it results that no measures have been introduced into the House in opposition to the prerogatives of the representative of the Sovereign.

“Nothing more remains now for me to do but to reiterate the declaration I made in commencing these explanations. The De Boucherville Cabinet has not resigned. It has been dismissed from office by the Lieutenant-Governor.

“The Conservative party is no longer in power. But it is in this House a power, a qualified power, a majority in the Opposition. The majority here, the majority in the Council, the majority in the country. The Conservative party has been dismissed from office; but it stands uncompromised, without compromise, without division, devoted to the constitution and to the welfare of the country.

“(Signed) A. R. ANGERS,

“Ex-Attorney General,

“Member for the Electoral District of Montmorency.”

That on the 7th March, the Legislative Assembly, having heard of the dismissal from office of the De Boucherville Government, adopted before the formation of his honour the Lieutenant-Governor Luc Letellier's new Cabinet, the following address:—

Exhibit No. 4.—“We, Her Majesty's dutiful and loyal subjects, the legislative expression of Quebec, in Provincial Legislature assembled, desire to reiterate the assembly of our loyalty and attachment to Her Majesty Queen Victoria, and our perfect submission to the Constitution.

“We renew the declaration of our confidence in the De Boucherville Administration, so often and decidedly expressed during the present session.

“We desire firmly and emphatically to declare that we have not, and cannot have, confidence in any administration which may be substituted for the one dismissed, inasmuch as such dismissal occurred whilst the De Boucherville administration enjoyed the entire confidence of the large majority of the representatives of the people in Provincial Legislature assembled, unless such administration to be appointed be a strong and efficient one, chosen from the party represented by the majority in this House.”

That on the 9th March Mr. Loranger, member for Laval, seconded by Mr. Lynch, member for Brome, moved that the following address be by the Speaker of the Legislative Assembly presented at the Bar of the Honourable Legislative Council to his Honour the Lieutenant-Governor at the prorogation of the Legislature:—

Exhibit No. 3, p. 226.—“The Legislative Assembly of the Province of Quebec deem it their duty to humbly represent that the Cabinet of which the Honourable Henri Gustave Joly is the chief, was defeated three different times, at the sitting of the 8th 8th instant, by majorities varying from 20 to 22 votes.

“And they regret to state that the Constitution has been disregarded by the advisers of his Excellency to the extent that they persist in retaining power against the will of the majority of this House, and of the country.

“The Legislative Assembly believes it, moreover, their duty to express their regret that they have been put to the necessity of suspending the passage of the Supply Bill until justice has been extended to the majority of this House.

“The Legislative Assembly desires respectfully to represent to your Excellency that there exists in the House a political party possessing the confidence of the country, and country, and having a large majority in the House, that this party is competent to

administer the public business, and that the prorogation of the Legislature presently, would be prejudicial to the legislation and to the interests of the country.

“The Legislative Assembly desires to represent to your Excellency that the fact of the minority having a control over public affairs in the cause of the embarrassment under which the Province labours through the suspension of the Supply Bill; and that a prompt solution of the difficulty may be arrived at by acting in conformity with the Constitution.

“The Legislative Assembly desires also to represent to your Excellency that inasmuch as there exists in the House a political party strong enough to command a large majority, there is no necessity for a dissolution of the Legislature, a step which will cause considerable and useless expense to the province, and seriously threaten the peace and tranquility of the people of this province.”

The House, after voting by 33 against 12 that the resolutions above mentioned were in order, was unexpectedly interrupted before their adoption by a message of his Honour the Lieutenant-Governor, requesting the attendance of the House in the Legislative Council, and then and there was by him prorogued.

That the Lieutenant-Governor addressed to his Excellency the Governor-General an “explanatory case,” bearing date the 19th March 1878. This document, most materially different from the one sent to Mr. de Boucherville informing him of the reasons for which the Lieutenant-Governor was no longer able to retain him in his position, is as follows :—

“Exhibit No. 5. (*Translation.*)

“To the Right Honourable the EARL OF DUFFERIN, K.P., K.C.B., G.C.M.G., Governor-General of Canada, Ottawa.

“MY LORD, Government House, Quebec, March 18th, 1878.

“I HAVE the honour now to submit for your Lordship’s consideration documents and details which I could not lay before the public, but from which it would have been more clearly understood that the dismissal of M. de Boucherville’s Cabinet, was forced upon me by circumstances.

“These details are not contained in the correspondence which I authorised M. de Boucherville to place before the House, and which are hereunto annexed.

“From the day that I was by your Excellency raised to the position I occupy at present, all my private relations with the members of my Cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature; but in those of an official character with the premier, I almost invariably felt that I did not enjoy that entire confidence on his part, which is the chief element of a cordial understanding between the representative of the Crown and his advisers.

“After having studied the general state of the affairs of our Province, after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position in order to obtain the realization of that which I deemed to be of the greatest advantage to the Province.

“I regret to state to your Excellency that, although M. de Boucherville did, on most occasions, take my advice in good part, and generally approved of it, he nevertheless, almost always acted as though he had never received it. Nevertheless, far from using my authority to obstruct his action in any way, I invariably treated him with great indulgence, as will appear to your Excellency by the following facts :

“1st. During the session of 1876, a bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

“This bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

In consequence of being left in ignorance of these facts by my advisers, I sanctioned the bill.

“Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier; I made the observation that such an act would entail too serious consequences to allow of its being passed over.

“As a favour to him, however, I passed over this instance of irregular legislation, which was then irreparable.

“2nd. During the same session another bill was submitted to me for my sanction.

On examining it, I perceived a blank which had not been filled up, which I pointed out to the Premier, in the following letter:—

“ ‘ Private.

“ ‘ MY DEAR PREMIER,

Quebec, December 27th, 1878.

“ ‘ A BILL (E.) which originated in the Council was passed by the Legislative Assembly, without amendment; upon reading it before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

“ ‘ You followed the usual practice in not fixing the amount of the penalty in the Legislative Council; but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof sheets.

“ ‘ While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word amender is in the infinitive mood. I notice this latter inaccuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you—an omission which I consider fatal.

“ ‘ Yours, &c.

“ ‘ (Signed) L. LETELLIER.’

“ The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him.

“ 3rd.—In March, 1877, (*vide* Appendix A,) my advisers caused me to make an appointment of a municipal councillor for the south ward of the village of Montmagny, under the pretext that there had been no election, or that if such election had taken place, it was illegal.

“ The whole of the circumstances connected with this case, I deem it my duty to explain to your Excellency, on account of the important principle involved therein.

“ After due personal examination of the petitions and other accompanying documents relating to that election, I called on the Premier, at his own office, to beg of him not to hurry the appointment, which he was asked to make, of a municipal councillor for that locality, before receiving more ample information.

“ I pointed out to him that it appeared that a municipal election had taken place, and that in such case, as a principle, the Executive Council should not interfere.

“ I added that from the moment that a legal, or even an illegal election had taken place, the duty of deciding it rested with the courts, in accordance with the ordinary course of law, of which they are the interpreters.

“ I then intimated to M. De Boucherville that I maintained on principle, that all matters cognisable by the judiciary should be invariably left to the courts, which from their organisation are better fitted than the executive to inquire into matter of fact and of evidence, and that I would never allow the substitution of the powers of the executive for those of the courts, when the latter had jurisdiction.

“ The Premier admitted that that opinion, and the principle on which I based it, were in conformity with his ideas, and necessary for the proper administration of justice. He asked me if I would consent to see Mr. Angers, the Attorney-General, on the subject.

“ I at once consented, and the Attorney-General was immediately sent for; the facts connected with that election difficulty and my views regarding them, were then communicated to him. He promised that before any appointment should be made by the Lieutenant-Governor he would make inquiry.

“ Shortly afterwards he reported to me that he had made an inquiry into the facts of the case, and, at his suggestion, I appointed Jules Bélanger to be councillor.

“ In the beginning of March 1877, difficulties and quarrels arose at Montmagny, in consequence of that election.

“ After that appointment those quarrels broke forth afresh in the municipal council itself, from which the Councillor whom I had thus been caused to appoint, was expelled with violence. That appointment I was recommended to make, notwithstanding the fact that an election had taken place; that it had been held and presided over by the Mayor, that Eugène Fournier had been returned by acclamation, that he had been sworn in according to law, and that at the very time when the appointment of Jules Bélanger was recommended to me, the person thus elected had in fact taken his seat, had been sworn, and had sat at the said Council, as appears by the minutes of the Council.

“ When I afterwards learned these facts, I communicated them to the Premier, whom I

requested to prepare a revocation of the appointment which I had thus been caused to make, contrary to the principles above set forth, and the justice of which he had himself admitted.

“ The Premier answered that the matter was of a very delicate nature, and such a proceeding would be contrary to the recommendation of Mr. Angers, his Attorney-General; he concluded by saying that he would get him to prepare a report on the subject.

“ I received that report some days later. After having read it I again intimated to Mr. De Boucherville, that in the interests of peace, and in conformity with the principle that executive should not be substituted for judicial power in matters within the province of the latter, I insisted upon the revocation being made.

“ After waiting several days for an answer, and not having received any from the Premier, I addressed a letter to him, of which the following is a copy :—

“ ‘ Private and confidential.

“ ‘ MY DEAR DE BOUCHERVILLE,

Quebec, March 14, 1877.

“ ‘ I HAVE not received any answer on the subject of the appointment of a councillor at Montmagny.

“ ‘ Those who deceived the Government in order to induce me to perform an executive act in connexion with a question which they then knew to be within the judicial power, do not, in my opinion, deserve consideration, which cannot but be injurious to the Government and myself.

“ ‘ The remedy is very simple, rescind the appointment; allow the parties interested to fight it out before the Courts.

“ ‘ Yours, &c.

“ ‘ (Signed) L. LETELLIER.’

“ If, my Lord, I insist upon this latter point, it is to show your Excellency that the Prime Minister was then perfectly aware of my views on that point, and should not, in consequence, have introduced during the last Session of our Legislature, any legislative measure, or perform any administrative act tending, to substitute executive for judicial power without notifying me, and especially without advising me on the subject.

“ It was easy for the Premier to understand from my remarks and the frequent conversations which I had with him, that I could not consent to see Her Majesty’s subjects despoiled of the right guaranteed to them by Magna Charta; that their property should never be interfered with, except in virtue of a judgment rendered by the tribunals of the of the country.

“ 4th.—On the 19th March 1877, being on the eve of absenting myself for a few days, I wrote to the Hon. Mr. Chapleau; and in a postscript I said: ‘ Please oblige me by telling the Premier that if he needs my concurrence, Mr. Gauthier may bring down to me the documents requiring my signature.’

“ M. De Boucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them.

“ I leave you, my Lord, to judge in what manner my views were interpreted.

“ 5th. Under date of the 6th of November last I addressed to the Honourable M. De Boucherville the letter of which the following is a copy :—

“ ‘ (Private.)

“ ‘ MY DEAR DE BOUCHERVILLE,

Quebec, November 6th, 1877.

“ ‘ IN the last “ Official Gazette ” were published, under my signature, two proclamations which I had not signed.

“ ‘ One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of thanksgiving.

“ ‘ These proceedings, the nature of which I shall not characterise, entail, apart from their impropriety, invalidities which you will easily understand.

“ ‘ Yours very truly,

“ ‘ The Hon. C. B. De Boucherville,

(Signed) L. LETELLIER.

“ ‘ Premier.’

“ The following are the notes which I took of the conversation which I had with M. De Boucherville on the subject :—

“ ‘ M. De Boucherville came on the same day he received the letter to tell me that he

regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used when necessary for any duty of my office unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me, which M. De Boucherville assured me would be the course followed in future.

“(Signed) L. L.’

“6th. But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

“From the conversations which I have held with M. De Boucherville there results a fact which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this province.

“On two different occasions, some time after the session of 1876, I pointed out to him that millions had been voted to aid railways in general at a time when our finances did not appear to me to be in a condition to warrant, all at once, a lavish expenditure in subsidising these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa, and Occidental Railway.

“He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that those members formed combinations, ‘rings,’ to control the House.

“M. De Boucherville is not unaware that I thereupon told him that it was better to save the Province than a Government, and that if his administration was not strong enough to resist those influences it would be better for him to form a combination of honest and well-meaning men from both sides of the House, rather than submit to the dictations of those ‘rings,’ and to the control of those combinations.

“When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those ‘rings,’ when, by his legislation, he sought to favour them anew during the last session without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that M. de Boucherville did not possess a constitutional majority in the Legislative Assembly?

“7th.—In communicating to both Houses, my memoranda of the 25th February and 1st March last, the premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorisation which I had given by my letter of the 4th of March last, for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest and the impropriety of which I maintain.

“I shall point out, my Lord, one fact alone to prove that incorrectness and that impropriety; the Hon. Messrs. De Boucherville and Angers, in their explanations of the two Houses, lay great stress on the telegram which Mr. De Boucherville despatched to me at Rivière Ouelle, to ask my permission to introduce resolutions concerning the finances, and on the blank signature that I sent up in answer to it.

“But these gentlemen themselves had that blank signature filled up by my private secretary, so as to give to the telegram the meaning which I attributed to it, namely, a request for permission to introduce the supplies. The following is a copy of the message produced with that blank signature.

“Mr. Treasurer Church presented a message from His Excellency the Lieutenant-Governor, as follows:—

“ ‘ L. LETELLIER,

“ ‘ The Lieutenant-Governor of the Province of Quebec transmits to the Legislative Assembly the supplementary estimates for the current year, and for the fiscal year ending 30th June 1879, which, in conformity with the provisions of the 54th section of the British North America Act, 1867, he recommends to the Legislative Assembly.

“ ‘ Government House,

“ ‘ Quebec, 30th January 1878.’

“My ministers never had, by their own admission, any other authorisation from me for the introduction of their railway and taxation resolutions than the blank signature above mentioned, in which not a word is said of them. Besides which, it will be noticed that the railway resolutions were introduced on the 29th January, whereas the message is dated the 30th.

“ It is for this reason, my Lord, that I bring to your knowledge all the facts and details which are connected with the relations which I have had with M. De Boucherville and his colleagues.

“ Were the controversy with me and alone as a private individual, I would abstain from any remonstrance against the injustice of their reflections upon the conduct of the representative of the Crown, which they have made in violation of their duty ; but in this matter the maintenance of the Constitution is at stake.

“ If, without any authority from me, proclamations, have been published which I never signed, is it surprising that messages were communicated in my name to the Houses, respecting which I had never been consulted ?

“ It is because as the representative of my Sovereign, I have been unjustly and shamefully dragged before the public, that I make known to you, my Lord, that in the performance of my duty as Her representative, my object has not only been to protect the dignity of my office, but to afford to the people of this province an opportunity of knowing that, under existing circumstances, the exercise of Royal Prerogative has not been hostile to their constitutional liberties ; but that, on the contrary, it has afforded them the means of freely exercising their judgment.

“ There results, my Lord, from what I have now stated :—

“ 1st. That in general, the recommendations which I have made to my Cabinet did not receive the consideration which is due to the representative of the Crown.

“ 2nd. That my name has been used by the members of the Government in the signature of the document which I had never seen.

“ 3rd. That a proclamation, summoning the Legislature, was published in the ‘ Official Gazette ’ without my being consulted or informed of it, and before my signature had been attached thereto.

“ 4th. That a like proclamation, fixing a day of thanksgiving, was also published under similar circumstances.

“ 5th. That, although I had intimated to the Premier, by my advice and by my letter of the 14th March 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the Courts of Justice, he thought proper, without my participation and without advising me, to propose to both Houses, in legislating for the Quebec, Montreal, Ottawa and Occidental Railway, to substitute the power of the Executive for that of the Judiciary.

“ 6th. That, without having advised me, and without having received authorisation of any sort whatever from me, the Government of M. de Boucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no message from me had been asked for this object, nor signed by me to authorise its proposition to the Houses.

“ 7th. That, after its dismissal, the Government of M. de Boucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day, different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the representative of the Crown.

“ 8th. That, at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communications to both Houses of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March instant.

“ 9th. That, therefore, the additions and comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier.

“ 10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of your Excellency all the reasons for that dismissal.

“ I have, &c.

“(Signed) L. LETELLIER,
“ Lieutenant-Governor.”

APPENDIX A.

(Translation.)

“ Summary of official record.—In January 1877, an election had taken place for the south ward of the village of Montmagny; that election having been declared null and void by the Court, it ordered a fresh election and appointed Eugène Hamond to preside thereat.

“ On the day fixed, Eugène Hamond, refusing to preside, Naz. Bernatchez, Esq., Mayor of the Municipality, the senior magistrate present presided.

“ The meeting elected Eugène Fournier.

“ Eugène Hamond wrote to the Lieutenant-Governor that he had not presided at the meeting—without adding, however, that there had been no election. He recommended, at the same time, that Jules Bélanger be appointed.

“ Eugène Fournier, elected at the meeting of the 19th February, took the oath of office and took his seat on the 23rd February.

“ On the 3rd March the Attorney-General (Mr. Angers) recommended the appointment of Jules Belanger, who was accordingly appointed on the 7th of the same month.

“ On the 10th of March Mr. Bernatchez, Mayor of Montmagny, addressed to the Lieut.-Governor a memorial setting forth the facts, and praying that the appointment be cancelled.”

“ On the 15th March the Attorney-General made a report recommending that the appointment of Jules Belanger be maintained.

“ On the 27th March the Lieut.-Governor revoked that appointment on a report of the Government.”

APPENDIX B.

(Translation.)

“ Quebec, March 4th, 1878.

“ The Lieut.-Governor desires that his two memoranda of the 25th February, and 1st March, addressed to the Hon. M. De Boucherville, and the answers made to those memoranda by the Hon. M. De Boucherville (of the 27th February and 3rd of March) be not now communicated to both Houses.

“ That communication authorised by the Lieut.-Governor at the request of the Hon. M. DeBoucherville, should be made as soon as the arrangements for the formation of a new Executive Council are completed.

“ The Hon. M. De Boucherville may communicate to the Houses that the adjournment from day to day is rendered necessary by the last-mentioned cause.

“ To the Hon. C. B. De Boucherville, (Signed) L. LETELLIER.

“ ‘ Quebec.’ ”

(Translation.)

“ ‘ YOUR EXCELLENCY,

“ ‘ Quebec, 4th March, 1878.

“ ‘ IN conformity with your wish, expressed in a letter of to-day’s date, I shall withhold until the formation of a new Executive Council, the explanations I was authorised by your Excellency to communicate to the Houses.

“ ‘ I have, &c.

“ ‘ (Signed) C. B. DE BOUCHERVILLE.’ ”

“ ‘ That on the 3rd April 1878, the Honourable M. De Boucherville addressed to his Excellency the Governor-General the following despatch, with an extract of the votes and proceedings of the Legislative Assembly, No. 42, to wit :—

“ ‘ To his Excellency the Right Honorable the EARL OF DUFFERIN, K.P., K.C.B., G.O.M.G., Governor-General of Canada, Ottawa.

“ ‘ MY LORD,

“ ‘ Ottawa, April 2nd, 1878.

“ ‘ THE explanatory case addressed to your Excellency by his Honour M. Letellier and accompanying the documents and details which related to my recent dismissal from office, and by you transmitted to the Senate and House of Commons, containing as it does statements of facts, the accuracy of which I respectfully deny, imposes upon me the duty of submitting for your information and consideration the following :—

“ ‘ As your Excellency is doubtless aware, M. Angers laid upon the table of the Legislative Assembly on the 8th March last, copies of the correspondence and explana-

tions by him made at my request relating to the dismissal from office of the De Boucherville Government.

“ ‘ This correspondence and explanations with some comments of his own, are contained in the copy of the votes and proceedings of that House of the 9th March, and I respectfully beg to be permitted to annex them as forming part hereof, I beg, however, to add to these explanations of M. Angers a few words upon two subjects, viz. :—

“ ‘ 1. In the memorandum which I had the honour to address to his Honour M. Letellier, under date 27th February, I said: ‘ Later I had the honour to ask your Excellency for a general permission to submit to the House measures concerning money matters which your Excellency gave me with your ordinary courtesy. This permission, I may say, had always been granted me by your predecessor, the lamented M. Caron.’ I do not think that the meaning of these phrases is correctly rendered in the paragraph in his Honour’s letter to me, under date the 1st of March, wherein he says :—

“ ‘ It is true that the Premier gives in his letter as one of the reasons for acting as he did, that this permission of using the name of the representative of the Crown had always been granted him by the predecessor of the present Lieutenant-Governor the lamented M. Caron.’

“ ‘ This reason cannot be one for the Lieutenant-Governor, for in so acting, he would have abdicated his position as representative of the Crown which act neither the Lieutenant-Governor or the Premier could reconcile with the obligation of the Lieutenant-Governor of the Crown.

“ ‘ It is manifest that I desire to say, and that, in fact, I did say, that the late M. Caron had given me that authority for money matters only.

“ ‘ My Lord, I respect too highly the memory of that virtuous and distinguished statesman to allow any such misinterpretation of my meaning to pass unchallenged, by which I am made to intimate that the deceased M. Caron had abdicated to me his position as the representative of the Crown. Every person who knew the late M. Caron and his high legal and constitutional attainments, will share with me my regretful surprise that any such imputation should be cast upon his memory.

“ ‘ 2nd. That, not having kept any memorandum of such conversations as I had with the Lieutenant-Governor, except those which took place since the 25th February last, I have no remarks to make upon the paragraph, wherein it is stated :—

“ ‘ The Premier did not let the Governor know, then or since, that the Government was in such a state of penury as to necessitate special legislation to increase public taxation; unless it be that this statement does not seem to me to accord with a preceding paragraph, wherein it is stated that the Lieutenant-Governor drew my attention to the necessity of reducing the expenses of Government and of the Legislature, instead of having recourse to new taxes in view of avoiding financial embarrassment.

“ ‘ I acknowledge that I never did inform the Governor that the Province was in a state of penury, simply because I was convinced of the contrary.

“ ‘ The Lieutenant-Governor expressed also, but with regret to the Premier, that the orders passed in Council to increase the salaries of Civil Service servants seemed to him inopportune.

“ ‘ Upon this matter I merely desire to remark that these Orders in Council were authorised by a law passed during the session of 1876.

“ ‘ I propose now my Lord, to deal with the specific allegations made against me by his Honour Mr. Letellier, in his explanatory case, and for convenience sake, I take the liberty to quote from His Honour’s memorandum: “ 1st. During the session of 1876, a Bill had been read three times in one of the two branches of the legislature, and only twice in the other.”

“ ‘ This Bill bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted was submitted to me by the Premier for my sanction.

“ ‘ In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

“ ‘ Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier; I made the observation that such an act would entail too serious consequences to allow of its being passed over.

“ ‘ As a favour to him, however, I passed over this instance of irregular legislation, which was then irreparable.’

“ ‘ In relation to this, the facts will furnish a sufficient answer. The Act in question was a Bill entitled: “ An Act to authorise the formation of Societies for the improve-

ment of country roads and for the destruction of noxious weeds in the Province of Quebec." It was introduced in the Legislative Council duly passed that House and was sent down to the Legislative Assembly for its concurrence.

"Apparently in the hurry of the last hours of the Session, after it had been read twice, the Clerk by mistake, certified it as passed without an amendment and it was thus sent back to the Legislative Council. His Honour came down on the following day to prorogue the Legislature, and his assent was given to this Bill along with others. The error was immediately discovered by the Attorney-General who made a report for transmission to Ottawa, stating the error and suggesting that the Act should be disallowed.

"The Hon. Mr. Blake, then Minister of Justice, reported in reply that this was unnecessary, that the Act not having received all its stages, was but blank paper, and as a consequence it was not printed in the statutes.

"In view of this fact it is difficult to understand the statement of His Honour the Lieutenant-Governor that "as a favour" to me, he "passed over this instance of irregular legislation which was then irreparable."

"2. During the same session another Bill was submitted to me for my sanction. On examining it I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

(Private.)

"MY DEAR PREMIER,

"Quebec, December 20th, 1876.

A BILL (E) which originated in the Council was passed by the Legislative Assembly without amendment; upon reading it, before adding my certificate of sanction I noticed that a blank had not been filled up in the seventh line of the sixth section.

"You followed the usual practice in not fixing the amount of the penalty in the Legislative Council, but the matter passed unperceived, or the officers through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof sheets.

"While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word amender is in the infinitive mood. I notice this latter inaccuracy to which I do not attach much importance, only because I discover another in an Act, in which I had to point out to you an omission which I consider fatal.

"Yours, &c.

(Signed) L. LETELLIER.

"The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was.

"The conciliatory spirit which I showed in granting my consent seemed to please him. In relation to this I have to say that the Act in question was "An Act to provide for the safety and protection of the public in theatres, edifices, and public halls." As stated it was passed first in the Legislative Council, where the blank, being the amount of the penalty could not be inserted. By inadvertance it passed the Legislative Assembly in the same form. After its passage the omission was discovered, and a short Bill was introduced to remedy it. The Act in which the omission occurred is numbered 19, and the Act supplying the omission is numbered 20, of the statutes of 1876, and both were sanctioned by His Honour the Lieutenant-Governor at the same time.

"3. In March 1877, (*vide* Appendix A,) my advisers caused me to make an appointment of a Municipal Councillor, for the South Ward of the village of Montmagny, under the pretext that there had been no election, or that if such election had taken place it was illegal, &c.'

"As to the third complaint of his Honour it is difficult to understand, seeing that it had no relation to the dismissal of myself and my colleagues why it is introduced.

"Whether wisely or not the municipal code of the province of Quebec provides that in a certain contingency the Lieutenant-Governor of the province shall appoint a councillor. In the opinion of the law adviser of his Honour, upon a petition sent in from the village of Montmagny, that contingency had arisen, and he made a report recommending an appointment. That report was approved, and the appointment made by his Honour. Subsequently other information was received, which induced his Honour to urge the revocation of the appointment, and out of deference to him, while seeing no reason to change its opinion, the Government yielded, and the appointment was cancelled.

"4th. On the 19th of March 1877 being on the eve of absenting myself for a few days I wrote to the Honourable M. Chapleau, and in a postscript I said:—Please oblige

me by telling the Premier that if he needs any concurrence M. Gauthier may bring down to me the documents requiring my signature.

“ M. De Boucherville should have understood from that, that if I was ready to give him my concurrence it was on condition of having all documents submitted to me before signing them.

“ I leave you my Lord to judge in what manner my views were interpreted.’

“ It would seem somewhat remarkable that a statement to which his Honour appears to attach so much importance should have appeared as a postscript to what I have reason to believe was a private letter, in no sense relating to public business. I may say, however, that a reference to dates will show that the documents referred to had relation to the Montmagny councillorship, which was at the time a subject of discussion and was not intended to have, and had not any such significance as that attempted now to be attached to it.

“ 5th. Under date of the 6th of November last I addressed to the Honourable M. De Boucherville the letter of which the following is a copy :—

“ (Private.)

“ The Honourable C. B. De Boucherville, Premier.

“ MY DEAR DE BOUCHERVILLE,

Quebec, November 6th, 1877.

IN the last *Official Gazette* were published over my signature two proclamations which I had not signed.

“ One was for the summoning of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of thanksgiving.

“ These proceedings, the nature of which I shall not characterise, are productive, apart from their impropriety, of nullities, which you will easily understand.

“ Yours truly,

“ (Signed) L. LETELLIER.

“ The following are the notes which I took of the conversation which I had with M. De Boucherville on the subject :—M. De Boucherville came on the same day he received the letter, to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used when necessary for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me, which M. De Boucherville assured me would be the course followed in future.

“ (Signed) L. L.”

“ It is a sufficient answer to this complaint to say that the proclamation for the summoning of the Legislature for the despatch of business was not published until the 24th November, and it could not, therefore, be that proclamation to which his Honour referred in the letter of the 6th November. The proclamation to which he refers was the mere formal one by which the meeting of the Legislature is further postponed from time to time, and I am informed that the Order in Council for the particular proclamation to which his Honour referred was signed by him, and is of record, so signed, with the proper officer.

“ As to the proclamation fixing a day of thanksgiving, I have to remark that this was the result of a communication from the Premier of Canada, the Honourable Alexander Mackenzie, to the Lieutenant-Governor, and handed to me by his Honour with the request that I would carry out the suggestion. It will appear sufficiently strange under these circumstances that I should be accused of acting without his knowledge, even if the clerical duty of obtaining his signature had been omitted. I am informed, however, that in this case also the Order in Council, as well as the proclamation, were signed by his Honour, and are of record, bearing his signature, in the office of the proper officer.

“ 6th. But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning. From the conversations which I have held with M. De Boucherville there results a fact which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this province.

“ On two occasions, some time after the session of 1876, I pointed out to him that millions had been voted to him to aid railways in general at a time when our finances did not appear to me in a condition to warrant all at once a lavish expenditure

in subsidising these numerous undertakings, particularly as apart from that, our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa, and Occidental Railway.

“He very frankly avowed that these grants, though they were for the development of the province, had been necessitated by political considerations; that without them the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that the members formed combinations—rings—to control the House.

“M. De Boucherville is not unaware that I thereupon told him that it was better to save the province than a government, and that if his administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well-meaning men from both sides of the House, rather than submit to the dictation of those ‘rings’ and to the control of those combinations.

“When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those ‘rings;’ when by his legislation he sought to favour them anew during the last session, without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that M. De Boucherville did not possess a constitutional majority in the Legislative Assembly?”

“I have no desire to enter into a discussion as to the precise conversations that may have taken place between his Honour and myself in the frequent intercourse which we had together; but I submit as my answer to this most serious imputation, ‘that I confessed to being controlled by ‘rings’ in relation to the railway legislation while I was the leader of the Provincial Government, the following facts:—

“I took office in 1874. In the session following a measure was introduced to increase the subsidies granted by previous legislation to a number of railways; several amendments were moved to the resolutions, all of them looking to an increase in the grants, and for these the opposition, under the leadership of Mr. Joly, voted. The general elections took place subsequent to that session, and, whether the legislation was good or bad, it was sustained by a very large majority of the people, and is therefore no longer a proper subject of discussion in the connexion in which his Honour introduced it. At the first session after the elections the Government, at the request of the municipalities of Montreal and Quebec, assumed the task of constructing the North Shore and Northern Colonisation railways, now known as the Quebec, Montreal, Ottawa, and Occidental Railway. Great pressure was brought to bear upon the Government to increase the subsidies to the other roads at that time, but this pressure was resisted. As a matter of fact it is not true that ‘millions have been voted to aid railways in general’ at a time when ‘our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa, and Occidental Railway.’ On the contrary, since our credit became so pledged not one dollar has been added to the debt or liabilities of the Province on account of those ‘railways in general.’

“In the session of 1876 a measure was introduced authorising a portion of the subsidy on some of these railways from the unbuilt portion, to be used on that which was under construction, to enable them to be carried to particular points which it was considered important in the public interests should be reached, and a lapsed subsidy of 200,000 dollars was divided among other roads of a similar class, the Bill passing the Legislature without division.

“In relation to this Act, his Honour M. Letellier in proroguing the Legislature used these words: ‘I trust that the result of your labours will be to give a new impetus to the ‘great improvements which have been undertaken in this Province.’ During the last session this progress of ‘doubling up’ of the subsidy was again adopted, but without adding to the public liability. This Act was carried through its final stages in the Legislative Council after the change of Government, and was assented to by his Honour the Lieutenant-Governor.

“7th. In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorisation which I had given by my letter of the 4th March last for that purpose. They added to that communication a report of pretended conversations the correctness of which I contest, and the impropriety of which I maintain, &c.’

“As this relates to what occurred after the dismissal of the late Government, it can hardly be held to justify that dismissal. It is sufficient to refer to the correspondence, which shows that there was no stipulation on my part as to the precise form of explanations to be made to the House; and in view of the fact that we were a dismissed ministry I must claim that we had a duty, not only to ourselves, but to the majority of the repre-

representatives of the people whose confidence we enjoyed, to make the explanations as full as possible. As to the introduction without authorisation of the railway and finance Bills, I conceived myself to have been fully authorised, and the explanations which I offered to his Honour on this point, and which were accepted by him, do not require to be repeated.

“To sum up after the manner of his Honour:—

“1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the representative of the Crown.’

“As responsible ministers we considered it to be our duty to advise his Honour not to be bound to act upon advice from him. At the same time, as is seen in the case of the Montmagny councillorship, we were disposed, as far as possible, to pay proper deference to his views and wishes.

“‘2nd. That my name has been used by the members of the Government in the signature of documents which I had never seen.’

“I have simply to say that I know of no such case, unless it refers to the proclamations mentioned in the ‘explanatory case,’ and the answer on that point is sufficiently distinct.

“‘3rd. That a proclamation summoning the Legislature was published in the “Official Gazette” without my being consulted or informed of it, and before my signature had been attached thereto.’

“No proclamation summoning the Legislature was so published without the knowledge and signature of his Honour, and the Legislature was, in fact, not summoned for the despatch of business for nearly three weeks after his Honour’s letter of complaint on the subject.

“4th. That a like proclamation fixing a day of thanksgiving was also published under similar circumstances.

“The thanksgiving day was fixed at the request of his Honour himself, and the Order in Council fixing it was signed by him.

“5th and 6th. That although I had intimated to the Premier, by my advice and by my letter of the 14th March 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the executive in matters within the jurisdiction of the courts of justice, he thought proper without my participation, and without advising me, to propose to both Houses, in legislating for the Quebec, Montreal, Ottawa, and Occidental Railway, to substitute the power of the executive for that of the judiciary.

“That without having advised me, and without having received authorisation of any sort whatever from me, the Government of M. De Boucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no message from me had been asked for this subject, nor signed by me to authorise its proposition to the Houses.

“In relation to these measures I considered myself authorised by the reply of his Honour to my request for an authorisation for resolutions respecting finances, and my explanations, as is seen by his letter to me, were accepted, and the Government relieved from all imputation of intentional discourtesy.

“7th. That, after its dismissal, the Government of the late M. De Boucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the representative of the Crown.”

“No reasons were assigned by me for the adjournment of the Legislative Council, neither the Speaker nor myself being present at any sitting of that House during the crisis, and the reasons assigned by M. Angers for the adjournment of the Legislative Assembly were in these words:—

“The Lieutenant-Governor signified his desire that the explanations respecting the dismissal from office of the members of the Executive Council be not given this day, but only after a new Cabinet shall have been formed,” that reason being substantially that given in the letter of his Honour of the 4th March.

“8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses, of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and the 2nd and 4th March instant.”

" My letter of the 4th March makes or accepts no such limitation, and, for the reason I have already stated, I considered myself fully justified in making the explanations that were made.

" 9th. That therefore the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier."

" As I have stated, there were no such conditions agreed upon between the Lieutenant-Governor and myself.

" 10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown, and to what they had pledged themselves to observe with regard to it, have placed, the Lieutenant-Governor under the necessity of bringing under the notice of your Excellency all the reasons for their dismissal."

" The conversations reported by me were not 'pretended' but real, of which notes were taken immediately after they occurred, and which were necessary to explain fully the circumstances preceding my dismissal. If they have compelled his Honour to state 'all the reasons for that dismissal,' I venture the opinion that it would have been more respectful to the Legislature, whose confidence I enjoyed had 'all the reasons' been communicated to it.

" The observations I have made upon these additional reasons, will, I hope, serve to convince your Excellency that they were not such as to strengthen the position of the Lieutenant-Governor.

" I have, &c.

" (Signed) C. B. DE BOUCHERVILLE,
" M. L."

That the Senate on the 16th April 1878, adopted the following resolution by a vote of 37 against 20 :—

Debates of the Senate, pp. 595 and 676.—" To resolve, that the messages of his Excellency the Governor General of the 26th March and 8th April, be now read, and that it be resolved that the course adopted by the Lieutenant-Governor of the Province of Quebec towards his late Ministry, was at variance with the constitutional principles upon which 'responsible government should be conducted.'

That on the 11th April 1878, the Right Honourable Sir John A. Macdonald, moved the following resolution before the House of Commons :—

Debates of the Commons, p. 1878.—" That Mr. Speaker do not now leave the Chair, but that it be resolved that the recent dismissal by the Lieutenant-Governor of Quebec of his Ministers was, under the circumstances, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of responsible Government to the British North American Colonies."

The then Government opposed the same as inopportune, seeing that the electors of the Province of Quebec within a few days would pronounce its verdict upon the events which made the subject of the above resolution.

Here is the verdict pronounced by the Province of Quebec after the general elections which followed the *coup d'état*.

The Legislative Assembly on the 11th of June 1878, amended the last paragraph of the resolutions proposed in answer to the speech at the opening of the Session, by adding at the end thereof the following words :—

Exhibit No. 7.—" That this House, while expressing its firm determination to insist on the strictest economy in every branch of the public service, and on the closest supervision over the expenses of the administration, regrets that the present advisers of his Excellency the Lieutenant-Governor should have persisted in remaining in power without having been supported by the majority of the Legislative Assembly upon their taking office, and without yet being supported by such majority."

That, on the 14th June 1878, the Honourable Legislative Council adopted the following resolution, by amending the ninth paragraph of the resolutions proposed in answer to the speech at the opening of the Session :—

Exhibit No. 8.—" But that this House desires to express anew its regret that his Excellency the Lieutenant-Governor was advised to dismiss his Ministers in March last, at the time they enjoyed the confidence of both branches of the Legislature and of this Province."

“ That this House is of opinion that in acting on this advice, dismissing his ministers and appointing a new Cabinet from the ranks of the minority, his Excellency was advised contrary to the recognised principles of responsible government.

“ That to complete and corroborate the answer made by the Honourable M. De Boucherville to the ‘ explanatory case ’ addressed by the Lieutenant-Governor to his Excellency the Governor General, in which he states: ‘ That a proclamation summoning the Legislature was published in the Official Gazette without my being consulted or informed of it, and before my signature had been attached thereto; that a like proclamation, fixing a day of thanksgiving, was also published under similar circumstances.’ ”

Reference may be made to—

Exhibit No. 9, pp. 3 and 4. 1st. An Order in Council, dated the 19th of November 1877, and approved by the Lieutenant-Governor on the 20th, recommending that a proclamation be prepared and published calling the Legislature for the despatch of business for the 19th December 1877. 2nd. A proclamation, dated 23rd November 1877, registered the same day and published in the Quebec Official Gazette, on the 24th November 1877.

It bears the signature of his honour the Lieutenant-Governor, “ L. Letellier.”

“ Copy of a report of a Committee of the honourable the EXECUTIVE COUNCIL, dated 19th November 1877, approved by the LIEUTENANT-GOVERNOR on the 20th November 1877. No. 372.

“ On the calling together of the Parliament of the Province,—

“ The Honourable the Commissioner of Agriculture and Public Works, in a memorandum dated 19th November instant, 1877, recommends that a proclamation be prepared and published, calling together the Legislature of this Province for the despatch of business, for the nineteenth of December eighteen hundred and seventy-seven.

“ The Committee concurs in this recommendation, and submits it to the approval of the Lieutenant-Governor.

“ Certified.

“ (Signed) FELIX FORTIER,
Clerk, Executive Council, Canada.

“ To the Honorable the Provincial
Secretary, &c. &c.”

“ Canada, Province of Quebec.
“ (L.S.)

L. LETELLIER.

“ VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c. &c.

“ To our Beloved and Faithful the Legislative Councillors of the Province of Quebec, and the Members elected to serve in the Legislative Assembly of Our said Province, and summoned and called to a Meeting of the Legislature of Our said Province, at Our City of Quebec, on the third day of the month of December next, to have been commenced and held—Greeting.

PROCLAMATION :

“ WHEREAS the Meeting of the Legislature of the Province of Quebec stands prorogued to the third day of the month of December next; nevertheless, for certain causes and considerations, We have thought fit further to prorogue the same to Wednesday, the nineteenth day of the month of December next, so that neither you, nor any of you, on the said third day of December next, at our said City of Quebec to appear, are to be held and constrained for We do will that you and each of you and all others in this behalf interested, that on Wednesday, the Nineteenth day of the month of December next, at our said City of Quebec, personally you be and appear for the despatch of business, to treat, do, act, and conclude upon those things which in our Legislature of the Province of Quebec, by the Common Council of Our said Province, may by the favour of God be ordained.

“ In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Quebec to be hereunto affixed. Witness, Our Trusty and Well Beloved, the Honourable Luc Letellier de Saint Just, Lieutenant-Governor of Our said Province of Quebec.

“ At Our Government House in Our City of Quebec, in our said Province, this

twenty-third day of November, in the year of Our Lord one thousand eight hundred and seventy-seven, and in the forty-first year of Our Reign.'

" By command,
 "(Signed) L. H. HUOR,
 " Clerk of the Crown in Chancery."

Exhibit No. 9, pp. 4 and 5.—Reference may also be made for the same purpose to 1st. An Order in Council dated the 30th October 1877, and the same day approved by the Lieutenant-Governor, recommending that a day of Thanksgiving be fixed for the 22nd of November then next; 2nd. A Proclamation dated the 30th October 1877, and published in the Quebec *Official Gazette* on the 3rd of November 1877. It also bears the signature of his Honour the Lieutenant-Governor "L. Letellier."

" Copy of the Report of a Committee of the Honourable the Executive Council, dated 30th October 1877, approved by the Lieutenant-Governor on the 30th October 1877.

" (No. 348.)

" The Honourable the Commissioner of Agriculture and Public Works, in a Report dated 30th October instant, 1877, sets forth that Divine Providence having protected this Province from the calamities which affect other nations, and favoured this country with an abundant harvest;

" That it is the duty of the inhabitants of this Province to recognise by public Thanksgiving that all good comes from God, and the earth would be sterile without the assistance of His Divine Will;

" The Honourable Commissioner therefore recommends that a Proclamation be issued by his Excellency the Lieutenant-Governor making the twenty-second of November next a day of Thanksgiving to the Almighty, to thank Him for having protected our hearts from calamity, and for having blessed the labours of the people of this Province by granting to it an abundant harvest.

" The Committee concurs in the above Report, and submits it to the approval of the Lieutenant-Governor.

" Certified.

" (Signed) FELIX FORTIER,
 " Clerk, Executive Council.

" To the Honourable the Provincial Secretary,
 &c. &c. &c."

" Canada, Province of Quebec.
 " (L.S.)

L. LETELLIER.

" VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

" To all to whom these presents shall come, or to whom the same may concern—
 Greeting:

" A PROCLAMATION.

" A. R. ANGERS, } WHEREAS the Almighty has been pleased in His divine goodness
 Attorney-General. } to avert from Our Province the calamities which afflict other
 nations, and to bless this country with an abundant harvest; and whereas it is the duty
 of the inhabitants of Our said Province to return public thanks to Divine Providence
 for such a signal favour;

" Now know Ye, that by and with the advice and consent of the Executive Council of Our Province of Quebec, We have fixed and appointed, and do hereby fix and appoint Thursday, the Twenty-second day of November next, as a day of Public Thanksgiving, to return thanks to the Almighty for the favours which he has been pleased to grant to the inhabitants of Our said Province;

" Of all which our loving subjects, and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

" In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province of Quebec to be hereunto affixed; witness, Our trusty and well-beloved the Honourable Luc Letellier de Saint Just, Lieutenant-Governor of the Province of Quebec;

" At Our Government House, in Our City of Quebec, in Our said Province of Quebec, this Thirtieth day of October, in the year of Our Lord One thousand eight hundred and seventy-seven, in the Forty-first year of Our reign.

" By command,

" (Signed) PH. J. JOLICŒUR,
" Assistant Secretary."

These four documents were copied from the originals, and laid before the House by the present Government of Quebec.

Exhibit No. 5, p. 9.—Seeing the facts established by them, it is impossible to explain how his Honour the Lieutenant-Governor can have stated with accuracy, in an official despatch to his Excellency the Governor-General, " that a Proclamation summoning the Legislature, and published in the *Official Gazette*, without my being consulted or informed of it, and before my signature had been attached thereto, that a like Proclamation fixing a day of Thanksgiving was also published, under similar circumstances."

The Order in Council approved on the 20th November 1877, shows that the Lieutenant-Governor was consulted and informed concerning the calling of the Legislature, and the original Proclamation dated 23rd November 1877 bears his signature, "L. Letellier," as shown by the copy laid before the House by the present Government.

The Order in Council approved on the 30th October 1877, shows also that the Lieutenant-Governor was consulted and informed concerning the day of Thanksgiving, and the original Proclamation, dated 30th October 1877, bears his signature "L. Letellier," as shown by the copy laid before the House by the present Government.

All the documents above referred to are authentic, and are contained partly in votes and proceedings of the Senate and of the House of Commons of Canada, and in the sessional papers, and partly in the votes and proceedings of the Legislative Council and Legislative Assembly of Quebec, official copies thereof are hereunto annexed.

From the foregoing, it results that the dismissal from office, by his honour the Lieutenant-Governor of Quebec, of the De Boucherville Government was, under the circumstances, unjustifiable, unwise, and subversive of the position accorded to the advisers of the Crown since the concession of the principle of responsible government to the British North American Colonies; and that in his communications with his Excellency the Governor-General, respecting the aforesaid dismissal, and the reasons which he alleges as having moved him to make such dismissal, he has made statements unsupported by, and contradictory of, the official documents to which they relate.

And that in the opinion of the undersigned, such erroneous statements as appear from the foregoing details, could not have been made by mistake or failure of memory.

Wherefore, the violation of the principles of responsible government committed by the Lieutenant-Governor, and his actions as above represented, are of a nature to imperil the peace and prosperity of the Dominion of Canada, and to bring into disrespect the dignity of the Crown, and should be dealt with under the authority granted the Honourable the Privy Council of Canada by the 59th section of the British North America Act, 1867.

And your Petitioners, as in duty bound, will ever pray.

(Signed)

J. H. CHAPLEAU,
L. RUGGLES CHURCH.
A. R. ANGERS.

Montreal, 7th November 1878.

LIST OF EXHIBITS.

- No. 1.—Votes and Proceedings of the Legislative Assembly of the Province of Quebec, 8th March 1878.
- No. 2.—Journals of the Legislative Council, 8th March 1878.
- No. 3.—Votes and Proceedings of the Legislative Assembly, Province of Quebec, 9th March 1878.
- No. 4.—Votes and Proceedings of the Legislative Assembly, Province of Quebec, 7th March 1878.
- No. 5.—Message from his Excellency the Governor-General to the Senate and House of Commons, 22nd and 26th March 1878.

- No. 6.—Message from his Excellency the Governor-General to the House of Commons, 8th April 1878.
- No. 7.—Votes and Proceedings of the Legislative Assembly of the Province of Quebec, 11th June 1878.
- No. 8.—Journals of the Legislative Council, 14th June 1878.
- No. 9.—Return to an Address of the Legislative Assembly.

LIEUTENANT-GOVERNOR'S ANSWER TO PETITION.

SIR,

Government House, Quebec, December 9, 1878.

I HAVE had under consideration Mr. Under Secretary's letter of the 22nd ultimo, transmitting the copy of a memorial from Messrs. Chapleau, Church, and Angers, representing that I had made statements to his Excellency the Governor-General "unsupported by and contradictory of the official documents to which they relate; that such erroneous statements could not have been made by mistake or failure of memory, and further representing that the violation of the principles of responsible government committed by the Lieutenant-Governor, and his actions as above represented, should be dealt with under the authority granted the honourable the Privy Council of Canada by the 59th section of the British North America Act, 1867."

Before replying to the very serious charges preferred against me by three members of the late Executive Council of the Province of Quebec, I must call your attention to a very extraordinary error committed by the memorialists, all of whom are members of the legal profession, and one of them an ex-attorney-general. In the 59th section of the British North America Act there is no reference to the Privy Council, which is not even named in that section. It declares that the Lieutenant-Governor shall hold Office "during the pleasure of the Governor-General," whose office and position are wholly ignored by the memorialists—a circumstance which I notice, chiefly because it is in strict accordance with the practice which they followed as executive councillors towards the Lieutenant-Governor of Quebec.

The charges preferred against me are, 1st, a violation of the principles of responsible government; 2nd, erroneous statements willfully made.

With regard to the first charge, I have to state that I have always understood that responsible or parliamentary government, in the same sense in which it is understood in England and in the administration of the affairs of the Dominion, was also the rule in the province of Quebec.

Notwithstanding the wide difference between the powers of the Imperial Parliament, of the Dominion Parliament, and of the Provincial Legislatures, the principles on which the government of each is conducted are considered the same.

As the representative of the Crown in the Province of Quebec I claim the right to be consulted on all matters on which it is necessary that the influence of the Crown should be used.

The right of consultation has been repeatedly acknowledged by English statesmen of all parties, as well as by the best writers on constitutional law.

Although I deem it unnecessary to refer to precedents in support of my views on the question, yet I may state that I have been assured on unquestionable authority that during the government of the Earl of Elgin, who initiated the system of responsible government in Canada, his ministers were most scrupulous in consulting him on every question that arose, whether of administration or legislation.

I shall venture to assume that in claiming for the Lieutenant-Governor of the Province of Quebec the right to be consulted by his executive council, which by the 63rd clause of the British North America Act is to be composed of such persons as "the Lieutenant-Governor from time to time thinks fit." I am strictly claiming what the Governor-General would claim in regard to Dominion affairs, and what our Most Gracious Sovereign would claim with regard to questions of Imperial character.

I shall proceed to consider the application of the principle to the circumstances which led to the dismissal of the Hon. M. De Boucherville.

It will not, I presume, be disputed that no measures of greater importance were introduced during the first session of 1878 than the Bill imposing new taxes and the Bill relating to the Quebec, Montreal, Ottawa, and Occidental Railway.

It appears in the documents accompanying the memorial that I never was consulted on either of these important measures.

Has my positive assertion been denied?

The contention of the Hon. M. De Boucherville is "that I ought to have read the treasurer's budget speech, in which he announced the proposed taxes," and my reply is that "I should have been consulted" before the delivery of that speech!

In regard to the Railway Bill, the Hon. M. De Boucherville contends that a telegram addressed to me during a brief absence at Rivière Ouelle, in which he asked my authority "to put the question of finance before the House," and in accordance with which I sent my signature to my private secretary for the message to accompany the estimates, was an adequate consultation on a railway bill which contained provisions substituting to the judiciary the Lieutenant-Governor in Council, as a tribunal to decide as to the liability of municipalities for the payment of money which they disputed.

I re-affirm in the most unequivocal terms that I never was consulted either as to the proposed new taxes or as to the railway bill: and with regard to the latter measure the Hon. M. De Boucherville was fully aware, from what I said to him when the Montmagny case was under deliberation, that I had insuperable objections to the substitution of the executive authority for the legal tribunals of the province.

I may here notice a remarkable discrepancy between the statements of the Hon. M. De Boucherville and those of Mr. Angers, which could hardly have been unintentional on the part of the latter, who desired to convey the idea that I had given the Hon. M. De Boucherville full authority to introduce in the name of the Government all such bills as he and his colleagues might think proper. In the conversation which took place on the 19th February, about three weeks after the introduction of the railway measure, the Hon. M. De Boucherville alleges that I gave him "authorisation generally to lay money questions before the House," and adds "I considered I had a right to inform my colleagues that I had your permission for all questions respecting money." Such a permission would have been wholly inconsistent with my repeated requests that everything should be submitted to me. But Mr. Angers, in order to cover the railway bill, changes the Hon. M. De Boucherville's language from "questions respecting money" to "all measures which the public service required."

It is contended by those who are responsible for the omission to consult me at the proper time, that I ought to have notified them that I objected to their Bill at an earlier period.

I was placed in a position of great embarrassment, owing to the Hon. M. De Boucherville's reticence on the subject of the Government measures, and to the concealment from me of the petitions against the Bill, which I only had cognizance of after my request for information on the 25th of February.

When, in addition to the various reasons already given, I found that there was a strong objection to the Government measure on the part of the municipalities interested, I came to the conclusion that it would be most unwise to sanction such legislation, and that the removal of the Hon. M. De Boucherville as Premier was rendered necessary.

It has been made a subject of complaint by the Legislative Assembly, that I did not send for a member of the party in the majority of the existing House to form a new administration; but on reference to the documents accompanying the memorial, it will appear that I requested the Hon. M. De Boucherville to name the person for whom I should send, and that he declined to advise me.

Under the circumstances, I contend that in sending for the leader of the Opposition, I followed the constitutional practice.

The Hon. M. De Boucherville was the acknowledged leader of the party commanding the majority in the Legislature; but he had, in my judgment, failed in his duty to me as Lieutenant-Governor, and had in consequence forfeited my confidence.

To him chiefly I objected, and if proof were wanted that my judgment was in accordance with public opinion, it is only necessary for me to state that I have been assured, on authority on which I can rely, that at a meeting of the members of the party which supported the Hon. M. De Boucherville, M. Chapleau, whose signature stands first to the memorial, was chosen leader of the party, so that the correctness of my judgment has been acknowledged by the members of his own party.

Before closing this branch of the complaint of the memorialists, I may refer to their allegation that the appeal to the country, made on the advice of my present Council, was unsuccessful.

In support of that allegation they furnish a copy of a resolution adopted by a majority of one, when the House was not full, concealing the fact that the following resolution

was immediately adopted in a full House as an amendment and an addition to the one alluded to by the memorialists: "That nevertheless under the present circumstances, this House believes it to be its duty to give a general and independent support to the Government, in such a manner that the measures which it proposes may be submitted to the judgment of this House."

They do not mention that out of the five elective members of the Hon. M. De Boucherville's Cabinet, three failed to secure their return to the House of Assembly, and that a considerable number of their supporters shared the same fate, while the Hon. M. Joly and his five colleagues in the Assembly were returned.

I may also add that all the measures introduced by the Government were adopted by the Legislative Assembly.

Although I have thought it right to notice this branch of the complaint, yet it is obviously not one affecting me personally. The dissolution was resorted to in strict accordance with constitutional practice, and the present Cabinet can only hold office while enabled by the Legislature to carry on the public business.

With regard to the second head of the complaint of the memorialists, I may observe that my letter to the Governor-General of the 18th March 1878, has been by numbers misunderstood.

It has been assumed that my object, in that letter, was to prefer new charges against the Hon. M. De Boucherville and his colleagues, on which to justify his dismissal. Such was far from being my intention. I conceived that in accordance with the practice followed by the Governor-General, who communicates freely and fully with the Imperial authorities on all subjects of interest, it was my duty, especially after the unauthorised statement made by M. Angers, in the House of Assembly, to apprise the Governor-General of all important circumstances preceding the dismissal of the Hon. M. De Boucherville.

The statement of M. Angers is defended by M. De Boucherville, although in my letter of the 4th March I defined, in the most precise manner, the documents which were to be communicated to the House.

As I had never seen M. Angers' memorandum I could not have permitted it to be communicated, and it is not denied that permission was necessary in order to justify the explanations.

I may observe that neither the Hon. M. De Boucherville, nor the memorialists, seem to have appreciated my objections to their first communication to the House of Assembly, which, in my letter to the Governor-General, I referred to as different from what was agreed on between the Hon. M. De Boucherville and myself.

It will be found, on reference to the papers, that when the Hon. M. De Boucherville, on the 2nd March, asked permission to give explanations, he expressly referred to "the memorandum of the Lieutenant-Governor, and his replies thereto," the same documents to which I referred in my letter of the 4th March.

On the 2nd, I requested the Hon. M. De Boucherville, verbally, to delay the explanations, but, on the 4th, I addressed a letter to him, requesting him to communicate to the Houses that the adjournment from day to day was rendered necessary owing to the arrangements for the formation of a new Executive not having been completed.

I consider that I had just ground of complaint that M. Angers in making that communication announced that the Ministry had been dismissed; the consequence of which was that a prejudice was created against me, several days before the various documents could be laid before the House.

With regard to the two Bills in which irregularities had occurred, the Hon. M. De Boucherville confirms the accuracy of my statements regarding them.

If the Montmagny case was referred to by me in my letter to the Earl of Dufferin, it was in order to establish the fact that the Hon. M. De Boucherville was fully cognisant of my strong objection to any acts tending to substitute executive for judicial power, and that he therefore ought not to have introduced the provisions in the Railway Bill, substituting the Lieutenant-Governor in Council for the legal tribunals, without consulting me specially on the point.

The proclamations which were published in the "Official Gazette" without my signature were referred to in order to establish the fact that I had specially called the Hon. M. De Boucherville's attention to the irregularity of such proceedings, and that he had therefore no excuse for using my name without my special sanction.

The Hon. M. De Boucherville in alleging that the two proclamations mentioned in my memorandum were signed, omitting at the same time to state when, has endeavoured to create an impression that my statement is incorrect; I must re-affirm my previous statement, that both the proclamations referred to "were published with my signature in "the 'Official Gazette' before my signature thereto was given."

In both cases I signed the proclamations after their publication, so as to prevent any irregularity, but I remonstrated at once with the Hon. M. De Boucherville verbally, and in a letter, dated 6th November. He expressed to me his regret at the occurrence, &c., &c.

I referred to these irregularities merely to prove that I had taken all possible means to convey to the Hon. M. De Boucherville my desire that my name should not be used without my express permission.

While referring to these proclamations I may observe, that by introducing words never used by me, viz., "for the despatch of business," the Hon. M. De Boucherville has endeavoured to convey the idea that I referred to the proclamation summoning Parliament "for the despatch of business," whereas it was what he terms "the mere formal one" on which I desired to confer with him, before the proclamation was published.

My attention having been drawn by my private secretary to the fact that these proclamations had been published before the original proclamations were signed, I sent my letter of the 6th November to the Hon. M. De Boucherville, who came at once to my office, where my private secretary brought a copy of the "Official Gazette" (the one of the 3rd November, 1877) to compare with the original proclamations, and it was only then, after the explanations alluded to, that I signed the originals in the presence of these gentlemen, for the reasons already alluded to.

I am not aware that there is any charge brought forward by the memorialists that I have not fully met, but if it should appear that there is, I undertake, on its being pointed out, to refute it in a satisfactory manner.

I venture to assert that various documents submitted by the memorialists do not establish the case on which they rely. It is, however, possible, that charges made in their petition may not strike me as of importance, or may be viewed in a different light by others, and I therefore deem it necessary to request that I may have the opportunity of refuting any specific allegations that may seem to be warranted by the allegations of the memorialists.

I have endeavoured to meet the various charges preferred against me in the memorial of Messieurs Chapleau, Church, and Angers, as explicitly as the nature of the case would admit.

I confess that I am not altogether clear as to the specific charges of the memorialists, some of which are of such character that I decline to qualify them, and I therefore may have omitted to notice some that may appear to others more formidable than they do to me. I will therefore simply affirm the correctness of every statement in my letter to his Excellency the Earl of Dufferin, of the 18th March last, and I will request that, if there is the least doubt as to any of them, or of any others that I may have made during the discussions consequent on the change of Ministry in March last, I may be afforded an opportunity of further explanations.

The Hon. the Secretary of State for Canada,
Ottawa.

I have, &c.
(Signed) L. LETELLIER.

Department of the Secretary of State, Canada,
December 12, 1878.

SIR,

I AM directed to acknowledge the receipt of your despatch of the 9th ultimo, in reply to the memorial of the Honourable Messrs. Chapleau, Church, and Angers, a copy of which was transmitted to you in my letter of the 22nd ultimo.

I have, &c.
(Signed) EDOUARD J. LANGEVIN,
Under Secretary of State.

To his Honour the Lieutenant-Governor
of Quebec.

Department of the Secretary of State, Canada,
December 17, 1878.

SIR,

I HAVE been instructed to transmit to you herewith for your information, a copy of a letter from his Honour the Lieutenant-Governor of the Province of Quebec, in

answer to the memorial of yourself and the Honourable Messrs. Church and Angers, a copy of which was transmitted to his Honour on the 22nd ultimo.

I have, &c.

(Signed)

EDOUARD J. LANGEVIN,
Under Secretary of State.

The Hon. J. A. Chapleau, Montreal.

(Translation.)

Department of the Secretary of State,
November 22, 1878,

SIR,

I AM instructed to transmit to you the enclosed copy of a petition of the Hon. Messrs. J. A. Chapleau, L. R. Church, and A. R. Angers, dated 17th November instant, and to request you to be good enough to transmit your remarks thereupon to the Department.

I have, &c.

(Signed)

EDOUARD J. LANGEVIN,
Under Secretary of State.

His Honour

The Lieutenant-Governor of the Province
of Quebec, Quebec.

REPLY OF PETITIONERS.

Canada, Province of Quebec.

To his Excellency the Right Hon. Sir John Douglas Sutherland Campbell, Marquis of Lorne, one of her Majesty's most honourable Privy Council, Knight of the most ancient and most noble Order of the Thistle, and Knight Grand Cross of the most distinguished Order of St. Michael and St. George, &c., &c., &c., in Council.

JOSEPH ADOLPHE CHAPLEAU, LEVI RUGGLES CHURCH, and AUGUSTE REAL ANGERS, by this their reply to the answer of the Lieutenant-Governor of Quebec, by them received this 18th day of December instant, to their petition, communicated to him by his Excellency the Administrator in Council, on the 22nd day of November last, respectfully say—

That the Lieutenant-Governor's plea to the jurisdiction of the Governor-General in Council on that subject-matter of the petition of the undersigned, is not well founded. It does not appear to the undersigned that there is any necessity to demonstrate that the petitioners had the right to petition the Governor-General in Council in this matter, and to conclude praying the Honourable the Privy Council to apply the provisions of the 59th section of the British North America Act of 1867 to the Lieutenant-Governor of Quebec:—"When it is necessary that the authority of the Crown should be exercised in public acts of government a Privy Council is convened, from whence Orders in Council and proclamations are promulgated." Todd, Vol. 1, page 233, of 1867.

This interpretation of the British North American Act of 1867 has been universally accepted, viz., that whenever the statute enacts that the Governor-General shall do anything, it has always been understood to mean the Governor-General in Council; the language of section 59 is in that respect identical with that of sections 24, 26, 32, 34, and 96, concerning the appointment of judges and senators; and the undersigned have yet to learn that any one has seriously contended that such powers were exercised by his Excellency individually and without the advice of his Council; and, moreover, the provision of section 59, which imposes the necessity of communicating the cause assigned for the removal of a Lieutenant-Governor to the Senate and House of Commons (to which the Governor-General is not personally responsible), shows that the act is not a personal one and done without the advice of his Council.

Moreover, the Lieutenant-Governor, in objecting to the jurisdiction of the Governor in Council, has, at the same time, undeservedly imputed motives to the undersigned by stating that the "memorialists had wholly ignored the office and position of the Governor-General, a circumstance which he said he chiefly noticed, because it was in accordance with the practice which they followed as Executive councillors towards the Lieutenant-Governor." It will appear strange that the Lieutenant-Governor should have indulged in these comments, when in his own letter of the 1st March 1878, to the Honourable M. De Boucherville, referring to Messrs. Angers and Church,

he admits that "those gentlemen had done nothing willingly not in conformity with the "duties of their office." The undersigned can only protest against such insinuations against their loyalty and devotion to the Crown and the Representative of the Sovereign, whilst they resent the unfair and untrue suggestions of the motives which it is claimed actuated them. The ability of his Honour, Mr. Letellier, to interpret the Constitutional Act may be judged of by the manner in which he has dealt with the question of jurisdiction.

The whole question raised by the Lieutenant-Governor to justify the dismissal of his ministers is really reduced to this:—"I have never been consulted upon two important "questions of the session, and my positive assertion upon this point has never been "denied."

Not only is this pretension contested, but the explanations given by Mr. De Boucherville to the Lieutenant-Governor, in his letter of the 27th of March, were accepted and considered by him as sufficient to establish the perfect good faith of the Prime Minister and his colleagues.

What are the facts?

On the 28th of January a general authorisation respecting finances is asked from the Lieutenant-Governor; on the 29th that authorisation is transmitted in blank to the Prime Minister; the resolutions concerning the collection of the municipal subscriptions to the Government railway are introduced on the 30th; on the 31st the estimates are laid before the House, with a complete financial *exposé* by the Treasurer, explaining his ways and means for the next year, and announcing in the most distinct manner the new tax required for the public service and for which a bill was announced. A lively debate is immediately engaged, both in the House and the public press on the subject of those two financial questions. On the following days the Railway Bill, affecting municipal subscriptions, is introduced and goes through its various stages. On the 19th of February a conversation takes place with respect to the Railway Bill between the Prime Minister and the Lieutenant-Governor. The latter, as he himself admits in his letter of the 1st of March, then expressed, it is true, his regret at seeing that measure before the House, but in no way does he demand that it should be withdrawn, or even suspended. Notwithstanding the official knowledge that the Lieutenant-Governor had of the progress of these two measures in the House, a fact that he has never yet denied, the Lieutenant-Governor does not think it his duty to interfere and ask his ministers to withdraw that legislation. Confident that he possessed the authorisation of the Lieutenant-Governor, and relying upon the acquiescence implied by the conversation which took place between them, that these measures might be submitted and discussed in the House, the Prime Minister had them passed through both Houses. And in the face of all this can the Lieutenant-Governor pretend that this legislation was never made known to him, and that he was never consulted about it?

Such a pretension was so untenable that the Lieutenant-Governor, wishing to prevent the effect of the ministerial explanations and of the solemn protest of both Houses, transmitted to the Governor-General and to the Federal Parliament, thought it necessary to address to his Excellency Lord Dufferin, his explanatory case, dated the 18th of March 1878.

Dealing with that part of the Lieutenant-Governor's answer which bears upon one of the charges contained in the petition, and in which he states, in contradiction to official and authentic documents, that he signed the proclamations referred to "after their publication," the undersigned represent that this explanation is of no value, it cannot be received to contradict authentic documents and is of no value in presence of the facts established by the proclamations bearing his signature and the dates at which they were signed; it is difficult to understand how the Lieutenant-Governor can bear evidence against his own signature and expect that his statement upon the point can be credited, and it is to be noted that such statement was omitted in the Lieutenant-Governor's despatch to the late Governor General, the Earl of Dufferin.

To disprove his expressions of confidence in Mr. De Boucherville in sending him a blank signed in answer to a demand of authorization to introduce "resolutions respecting finances," the Lieutenant-Governor now states that this blank was sent to his private secretary. This statement is inaccurate; it was sent to the honourable Mr. De Boucherville, as admitted by the Lieutenant-Governor in his letter of the 1st day of March last.

In proof of the fact that the day of thanksgiving was appointed after consulting with the Lieutenant-Governor, as shown by the Order in Council previously approved by him, and moreover, at his special request, the undersigned refer to the letter of the Hon.

Mr. Mackenzie to the Lieutenant-Governor on the subject, which may be found at Ottawa.

The charge of concealment from the Lieutenant-Governor of petitions against the Railway Bill is a new one; it is gratuitous and unsupported by any evidence; they had not been laid 24 hours before the Executive Council when they were communicated to the Lieutenant-Governor.

The Lieutenant-Governor states again that the explanations given by Mr. Angers to the House were unauthorised. In refutation, and to make this point clear, it is only necessary to refer to Mr. De Boucherville's statement in which he affirms he was verbally authorised to communicate to the House the correspondence exchanged between him and the Lieutenant-Governor, and to give explanations, and also to the written answer made by Mr. De Boucherville to the Lieutenant-Governor's letter on the 4th day of March last.

Referring to what the Lieutenant-Governor calls discrepancies between the statements of the Hon. Mr. De Boucherville and those of Mr. Angers by simply reading the latter's explanations to the Legislative Assembly they show that he did not quote the Hon. Mr. De Boucherville, but gave what was understood to be the extent of the authorisation which Mr. De Boucherville had from the Lieutenant-Governor.

In relation to the fact whether Mr. De Boucherville's statement corroborates the allegation of the Lieutenant-Governor on the two Bills in which inaccuracies had occurred, reference may be had to Mr. De Boucherville's letter of the 2nd April last, to the Governor-General. It completely disproves the allegation that Mr. De Boucherville requested the Lieutenant-Governor to give his sanction to the Bill to provide for the safety of the public in theatres, &c., in the state in which it was; "the conciliatory spirit which I showed," said the Lieutenant-Governor, "in granting my consent seemed to please him." This statement is shown to be erroneous by the Statute Book of 1876, cap. 20, amending cap. 19, and there was no occasion for the pretended consent to pass the Bill in the state in which it was "nor for the satisfaction of Mr. De Boucherville at the pretended" conciliatory spirit of the Lieutenant-Governor.

The allegation that the Lieutenant-Governor passed over the instance of irregular legislation in the case of a Bill to authorise the formation of Societies for the improvement of country roads, &c., is also completely explained in the same letter of Mr. De Boucherville of the 2nd April last. Reference might be made to the reports of the Attorney-General of Quebec and of the Honourable the Minister of Justice on this subject, and then it will appear most strange that the Lieutenant-Governor should say; "as a favour to him (Mr. De Boucherville) I passed over this instance of irregular legislation which was then irreparable."

The constant reference made by the Lieutenant-Governor to the Montmagny case may require once for all the remark that there never was in this case, or in any other, the intentions to substitute the action of the executive to that of the judiciary, and that the Government in this matter acted in strict accordance with the law, as shown by the report of Mr. Angers, dated 15th March 1877 (*vide* return to Legislative Assembly, p. 12). But in this instance the application of the law did not suit the views of the party opposing the Government, and they corresponded with the Lieutenant-Governor not as is required by constitutional practice through his ministers, but with him personally (*vide* same return, p. 16), thereby delivering himself over to external and irresponsible advisers, and they prevailed upon him to cancel the appointment of Jules Belanger, made by himself upon the advice of his minister, to which cancellation the Government seeing the persistency of the Lieutenant-Governor on the subject, in opposition to the Attorney-General's report, acquiesced out of deference to the Lieutenant-Governor, and so stated to him at the time such acquiescence was made.

The Lieutenant-Governor, attempting to offer a justification for neglecting to accept the protest of the majority of the House, declaring that it had not and could not have any confidence in any Government which might be formed out of the party composing the majority, says that M. De Boucherville after his dismissal had declined to advise him on the person for whom he should send. It is plain that M. De Boucherville being dismissed could not offer any advice. It is easy to foresee of what little importance M. De Boucherville's advice would have been when the advice and protest of the House on the subject, expressed in its address, did not prevent the Lieutenant-Governor from seeking his advisers in the ranks of the minority, which fact entailed the necessity and expense to the province of a dissolution.

The Lieutenant-Governor says: "I have been assured on authority on which I can rely that at a meeting of the members of the party which supported M. De Boucherville, Mr. Chapleau, whose signature stands first to the memorial, was chosen leader of the party, so that the correctness of my judgment has been acknowledged by the members of his own party."

After the general elections it was necessary that the Conservative party should choose a leader in the Legislative Assembly, M. De Boucherville being leader and member of the Legislative Council. This was done at a private caucus of the party, but the undersigned entirely fail to see what this had to do with, or in what way it sustains, the correctness of the Lieutenant-Governor's judgment.

The Lieutenant-Governor lays great stress on the fact that at the general elections of the 1st of May last his Ministry was sustained by a majority, and that the said majority supported him in the House. That reason might perhaps be invoked by the Cabinet of Mr. Joly, and even then the English precedents ought to have convinced him that a ministry sustained by the vote of the Speaker alone, chosen and elected by ministerial influence, is not considered as having a constitutional majority in the parliamentary acceptance of the term. Only lately her Majesty refused to give her sanction to Acts passed in a British colony, where they had been carried by the preponderating vote of the Speaker, and in the present case the well known facts in connexion with the election of the Speaker of the House are hardly of a nature to increase the importance of his vote.

The resolution passed at the last Session censuring the formation of the new Government taken from the ranks of the minority, had a peculiar signification under the circumstances.

In decreeing a dissolution of the Legislature, the Lieutenant-Governor had himself declared that he desired to know in a more constitutional manner the sentiments of the people of this province on the actual state of public affairs, and on the ministerial changes which had just taken place. The First Minister had also opened the electoral campaign by an appeal to the electors of the province, in which he solicited their approbation of the course adopted on the 2nd of March.

The majority of the members of the Legislative Assembly condemned that action, but as public works of great magnitude were then in progress, they did not consider themselves justified in refusing to concur in a general and independent manner with the measures of the Government.

It is well known that the session had been called together chiefly to obtain a vote of supply, and no legislation of importance, with the exception of a measure of the late Government for handing over to the Minister of Public Works the construction of the Provincial railway, was passed.

It was with this view that the supplies were voted, but not without the solemn protest contained in the direct motion of want of confidence which preceded the granting of the supplies.

At all events this majority cannot be invoked by the Lieutenant-Governor to justify his conduct, "*Le succes ne fait jamais le droit.*" Success is not justification, and the electors would learn with consternation that a functionary of the Federal Government (when neither the people of the Province nor their representatives can constitutionally punish nor even censure) is to be protected from all censure and all punishment from those to whom alone he is directly responsible, provided that by his violation of the constitution he can procure a majority, all the more easily obtained that one is less scrupulous as to the means of obtaining it by his certitude of absolute impunity. In his memorandum of the 18th March the Lieutenant-Governor tells his Excellency that he is reluctantly compelled to make revelations concerning the conduct of his Ministers, to maintain the dignity of his office, to prove that his object has always been to protect the constitutional liberties of the people, and, finally, "because the existence of the constitution is at stake." We, on the contrary, most respectfully hold that never has the constitution received a more severe blow. The responsibility of the Ministers for all the acts of the head of the State, and the absolute immunity of the latter, imply, necessarily, an entire reciprocal confidence, and the inviolability of the secrecy of their advice and counsel. No one can dispense with this rule without making responsible government an impossibility. If the head of the State were allowed, after the struggle of parties has terminated in the House by the adoption of a measure,

to come and accuse his Ministers of having acted through sordid motives or in any other reprehensible way, ministerial responsibility would be no more. Such an act from a constitutional monarch would be a violation of the fundamental principles of responsible government, and would expose him to dangerous conflicts with his Parliament. How much more so does such an act by a public officer who is responsible to a higher authority deserve reproof and punishment?

The Lieutenant-Governor, after assuming his office, as he admits himself, gets persuaded that ministerial and administrative changes have become necessary, and determines to use the influence attached to his position to realise what he deems to be to the best advantage of the Province. The Prime Minister, acting in accordance with the wishes of a large majority of the national representation, follows a policy which does not commend itself to the personal opinions of the Lieutenant-Governor. Immediately the Lieutenant-Governor takes for mistrust or insubordination what was simply the respect for the people's will. The most insignificant details are carefully criticised, confidential conversations are secretly noted, involuntary mistakes of the employés are charged as grave errors of administration. Lastly, taking advantage of the confidence which his Prime Minister had placed in him, and the good faith with which he interpreted his words and acts, he knowingly allows the vote to be taken in both Houses on measures introduced by his Cabinet, and then suddenly thwarts and arrests that legislation. He respects neither the decisions of both Houses regarding these measures nor the confidence of the Houses in his Ministry, nor the energetic protestations of both branches of the Legislature claiming the free exercise of representative government. He dismisses his Ministers and brusquely dissolves Parliament.

Then, to explain his conduct, the Lieutenant-Governor forwards to his Excellency Lord Dufferin his memorandum dated the 18th of March, which alone, we humbly submit, would be enough to justify the dismissal of the Lieutenant-Governor. In that factum, under the pretence of defending the prerogative of the Crown, the Lieutenant-Governor divulges, in misconstruing them, certain acts and confidential conversations the secret of which is considered as sacred by the Sovereign himself.

The Honourable Mr. De Boucherville, in his letter to his Excellency, has replied to the said factum, and the undersigned think they have completed that answer by their present rejoinder.

Among the allegations of that factum, one stands above all the others, and constitutes, in effect, an accusation of malversation.

The Lieutenant-Governor accuses the Prime Minister and his colleagues of nothing less than having yielded to dishonest combinations or "rings" in the House, of having granted considerable sums of money, as subsidies to railway companies, while acting under their pernicious influence, and then he adds:—"When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those rings; when by his legislation he sought to favour them anew during the last session, without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that M. De Boucherville did not possess a constitutional majority in the Legislative Assembly."

In other words, the Lieutenant-Governor accuses his Ministers of having deliberately introduced legislation with the venal object of enriching private parties; of having resisted the benevolent and charitable advice that he, the Lieutenant-Governor, was giving them, and of having allowed even, "during the last session," the continuation of the said dishonest legislation without consulting him beforehand and against his former advice.

We emphatically deny the truth of these allegations.

Since the De Boucherville Government undertook the construction of the great Provincial railway, they have added nothing to the aggregate of the obligations they entered into at the outset with the railway companies. On the contrary, when the opposition (which the Lieutenant-Governor called on the 2nd March last to advise him), was asking, while in opposition, that new grants be made for the Southern railway as a compensation for the amount the public treasury was pledged to spend on the construction of the Provincial line on the North Shore of the St. Lawrence, the Government of M. De Boucherville resisted the demands. It is a fact of public notoriety that frequent and numerous delegations besieged the Prime Minister, in view of getting some

advantages by way of increased subsidies for the railway enterprises in which those delegations were interested, and that they created quite an opposition to him on account of his refusing to yield to their demands.

But a still more remarkable fact is, that the measure introduced the Session before last by the De Boucherville Administration, concerning railway enterprises, a measure granting no new subsidies, but applying in a special way the subsidies to which the companies were entitled, and which is the measure to which the Lieutenant-Governor alludes in the passage of his memorandum just quoted, that measure was adopted and carried through without any notification by the new ministry, and afterwards sanctioned by the Lieutenant-Governor.

The undersigned respectfully contends that this accusation of the Lieutenant-Governor against his Ministers, in such a violation of the confidence he owes to his advisers, and such a misrepresentation of their conduct and of his own, that it renders impossible the service of the State under a chief who thus tries to destroy instead of defending the honour of his Ministers.

The charges now submitted to the consideration of your Excellency, are but the echo of the grievances expressed in the addresses passed by the Legislature of Quebec, and forwarded to the Governor-General, the Senate and the House of Commons, in March last. They are also to be found in the correspondence between the Lieutenant-Governor and M. De Boucherville, in the answer of M. De Boucherville to the "explanatory case" of the Lieutenant-Governor to his Excellency Lord Dufferin, and finally in the additional documents referred to in the memorial of the undersigned.

These grievances may be summed up in the following manner :

1st. The Lieutenant Governor, in dismissing his ministers when they enjoyed the confidence of both Houses of the Legislature, and when they had not been guilty, as the Lieutenant-Governor admits, of any wilful want of respect for the prerogative of the Crown, has violated the principle of responsible government.

2nd. The Lieutenant-Governor in giving as his reasons for the dismissal of his ministers, the introduction without his consent of two bills having reference to the financial interests of the Province, after he had really given his authorisation to these measures and after these measures had been fully discussed and voted upon in the Legislative Assembly, has been guilty of a breach of good faith towards his advisers and of want of respect to the Legislature.

3rd. The Lieutenant-Governor in his explanations laid before his Excellency Lord Dufferin has divulged the secrets of his advisers, giving an inaccurate version and a false interpretation to the words and actions, he has attacked the authenticity of public records, questioned measures and acts of administration which he had long before sanctioned, and has rendered illusory and impossible all guarantees for that mutual confidence which should ever exist between the chief of the executive and his advisers.

The undersigned have not attempted to follow and discuss all the matters referred to in the original memorial, nor in some instances to re-adduce proofs and reflections therein contained, which answers explain or contravert allegations made from time to time and in different documents by the Lieutenant-Governor. The record must be considered as a whole, add from it, and in it will be found ample grounds for all they have advanced and asserted against the Lieutenant-Governor, whilst it demonstrates the necessity which exists that the constitutional rights of the people should be vindicated.

Wherefore, your petitioners persist in the conclusions of their petition and pray as in and by the same they have already prayed.

(Signed)

J. A. CHAPLEAU,
L. RUGGLES CHURCH,
A. R. ANGERS.

Montreal, December 19, 1878.

Exhibit No. 1.

No. 41.—VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY of the PROVINCE OF QUEBEC.—Quebec, Friday, 8th March 1878.

The following petition was received and read, namely :—

Of Benjamin Gagné, Esquire, of St. Nicholas, County of Lévis; praying amendments to the notarial tariff.

Mr. Speaker reported to the House, that he, yesterday, presented to his Excellency the Lieutenant-Governor, the address of the Legislative Assembly, expressing their loyalty to Her Majesty Queen Victoria, and entire submission to the constitution; that his Excellency received him graciously and gave the following reply :

L. LETELLIER,

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY;

I thank you for the expression of loyalty and attachment to Her Majesty Queen Victoria contained in your address, and I receive with pleasure the assurance of your entire submission to the constitution.

In the exercise of the rights and prerogatives of the Crown, I, last Saturday, entrusted Mr. Joly with the duty of forming a new administration, and the result of his labours will be communicated to you to-morrow.

Government House,

Quebec, 7th March 1878.

The Honourable Mr. Laframboise, seconded by Mr. Watts, moved,—

That Bill (No. 90) for granting to Her Majesty certain sums of money required for defraying certain expenses of the civil government for the fiscal years ending on the thirtieth day of June one thousand eight hundred and seventy-eight, and on the thirtieth day of June one thousand eight hundred and seventy-nine, and for other purposes connected with the public service, be now read a second time.

Mr. Loranger, seconded by Mr. Lynch, moved,—

That the following address be presented to his Excellency the Governor-General of the Dominion of Canada, to the Senate and House of Commons of Canada, and to his Excellency the Lieutenant-Governor of the Province of Quebec.

To his Excellency the Honourable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

“The humble Address of the Legislative Assembly of the Province of Quebec, respectfully sheweth :

That it appears from the explanations given by the Honourable Mr. Angers, and from the official correspondence communicated to this House, that his Excellency the Lieutenant-Governor acknowledges that the Members of the De Boucherville Cabinet have acted in good faith in the discharge of their duties ;

That his Excellency has allowed the measures submitted by his Government to this House and to the Legislative Council, to be discussed and voted upon without order on his part to suspend them ;

That, whilst asserting their devotion to Our Gracious Sovereign and their respect towards his Excellency the Lieutenant-Governor of this Province, this House is of opinion :

That the dismissal from office of the De Boucherville Cabinet, having taken place without reason, constitutes an eminent danger to the existence of responsible Government in this Province ; is an abuse of power in contempt of the majority of this House, whose confidence they possess and still possess, and is a violation of the liberties and will of the people ;

And your petitioners will ever humbly pray.”

And, objection having been taken that the said proceeding was not in order, inasmuch as the proceedings of this House and debates on questions cannot be suspended to discuss questions of privilege,

Mr. Speaker ruled :

“That the question now before the House is a question of privilege, and must consequently be now taken into consideration.”

And another objection having been taken, that this motion tends to censure the conduct of the Lieutenant-Governor, and is in consequence out of order,

Mr. Speaker ruled :

It is a principle of a constitutional Government that the Crown can commit no wrong. The Lieutenant-Governor represents the Crown in our Legislature. It is, therefore, necessary that there should always be around the Sovereign and the Lieutenant-Governor, advisers, Ministers who are always to bear the responsibility which cannot be laid upon the Crown, and of this responsibility there cannot be a solution of continuity. And, although in Addresses the words "Lieutenant-Governor" are used as in measures brought before the House, by the very nature of our constitution these words are addressed only to the Ministers, who are responsible to the House. The Sovereign, in the person of Her representative, is never in question. In the present case the reproaches contained in the motion are addressed to the advisers of his Excellency the Lieutenant-Governor. I, therefore, rule it to be in order.

Mr. Speaker, under the provision of chapter 4 of the Statutes of the Province of Quebec, 31st Victoria, called upon Mr. Taillon to take the Chair during his temporary absence.

After a short time, Mr. Speaker resumed the Chair.

The House having continued to sit until twelve o'clock midnight.

Saturday, 9th March 1878.

The question on Mr. Loranger's motion, having been put, was agreed to on the following division :

YEAS.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschenes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Turcotte, and Wurtele.—34.

NAYS.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Lafromboise, Molleur, Pâquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—12.

Mr. Loranger, seconded by Mr. Lynch, moved that the said address be engrossed and signed by Mr. Speaker, and that it be transmitted to his Excellency the Lieutenant-Governor of the Province of Quebec, with prayer that he transmit the same to his Excellency the Governor-General of Canada, and that the said address be also transmitted to the Senate and House of Commons of Canada.

Which motion was adopted on the same division.

And the question having been again put that Bill (No. 90) for granting to Her Majesty certain sums of money required for defraying certain expenses of the civil Government for the fiscal year ending on the thirtieth day of June one thousand eight hundred and seventy-eight, and on the thirtieth day of June one thousand eight hundred and seventy-nine, and for other purposes connected with the Public Service, be now read a second time.

The Honourable Mr. Angers moved, seconded by the Honourable Mr. Church, that all the words after "Public Service" be struck out and replaced by the following : "be not now read, but that the reading thereof be suspended until such time as justice shall have been rendered to the majority of this House, inasmuch as when the resolutions upon which the said Bill is based were adopted, the Cabinet charged with the public business enjoyed the confidence of this House and of the country; whilst the present Administration does not possess that confidence."

Which amendment was agreed to on the following division :—

YEAS.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschênes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Loranger, Lynch, Martin, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Turcotte, and Wurtele.—32.

NAYS.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Mathieu, Molleur, Pâquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—13.

The main motion as amended was then carried on the same division.

Mr. Mathieu, seconded by Mr. Champagne, moved,

That the Speaker do immediately issue his warrant, addressed to the Clerk of the Crown in Chancery for the new writs for the election of Members to serve in the present Parliament for the Electoral Division of Lotbinière, for the Electoral Division of St. Hyacinthe, for the Electoral Division of St. John's, for the Electoral Division of Rimouski, in the place of Henri Gustave Joly, Esquire, Pierre Bachand, Esquire, Felix G. Marchand, Esquire, and Alexandre Chauveau, Esquire, who, since their respective elections as representatives of the above mentioned Electoral Divisions, have accepted an office of Emolument under the Crown, by which acceptance the seats of the said Henri Gustave Joly, Pierre Bachand, Felix G. Marchand, and Alexandre Chauveau have become vacant.

The Honourable Mr. Angers, seconded by the Honourable Mr. Church, moved in amendment to the said motion,

That the words "and this House, whilst ordering the issue of the said writs, deem it to be their duty to declare that the Administration whose formation created these vacancies does not possess the confidence of this House, nor that of the country," be added to the end thereof.

Which amendment was agreed to on the following division:—

YEAS.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschenes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Loranger, Lynch, Martin, Mathieu, McGauvran, Picard, St. Cyr, Taillon, Tarte, Turcotte, and Wurtele.

—32.

NAYS.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Molleur, Paquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—12.

The main motion as amended was then carried on the same division.

On motion of the Honourable Mr. Laframboise, seconded by Mr. Watts, it was

Resolved,—That when this House adjourns it do stand adjourned until three o'clock p.m. this day.

A message was received from the Legislative Council agreeing to—

Bill (No. 20), intituled "An Act to amend Chapter 77 of the Consolidated Statutes for Lower Canada, respecting the Court of Queen's Bench, with an amendment to which they desire the concurrence of this House."

Also the following bills without amendments:—

Bill (No. 11), intituled "An Act respecting the notification for and the attendance at the removal of Seals and Inventories."

Bill (No. 55), intituled "An Act to amend certain articles of the Municipal Code of the Province of Quebec."

Bill (No. 84), intituled "An Act to provide for the giving notice of Sheriff's sale to hypothecary creditors."

Bill (No. 96), intituled "An Act to further amend the laws respecting Public Instruction in this Province;" and

Bill (No. 100), intituled "An Act to amend Chapter 69 of the Consolidated Statutes for Lower Canada, respecting Building Societies in the Province of Quebec."

And the House then adjourned.

(Signed) LOUIS BEAUBIEN, Speaker.

Exhibit No. 2.

FRIDAY, 8TH MARCH 1878.

The Honourable Legislative Councillors convened were:

The Honourable Henry Starnes, Speaker:

The Honourable Messieurs

Archambeault,
Boucherville, de
Bryson,
Dionne,
Dostaler,

Gaudet,
Gingras,
Hearn,
La Bruère, de
Laviolette,

Le Maire,
Léry, de
Panet,
Proulx,
Prudhomme,

Ross,
Roy,
Webb,
Wood.

The following petitions were severally brought up and laid on the table :—

By the Honourable Mr. Ross, of the Sisters of Providence of the Cote-St. Louis.

By the Honourable Mr. Hearn, of the Board of Trade of Quebec.

The following petitions were read and received :—

Of the inhabitants of the township of Woodbridge, county of Kamouraska, praying for the refund of the amount due by them to the Government on their lots.

Of the Board of Trade of Quebec, opposing the Quebec, Montreal, Ottawa, and Occidental Railway Act.

Hon. Mr. de La Bruère, seconded by Hon. Mr. Webb, moved,—

That the following address be presented to his Excellency the Governor-General of the Dominion of Canada, to the Senate and to the House of Commons of Canada, and to his Excellency the Lieutenant-Governor of the Province of Quebec.

To his Excellency the Honourable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

“The humble address of the Honourable Legislative Council of the Province of Quebec, respectfully sheweth,—

That it appears from the explanations given by the Hon. M. De Boucherville, and from official correspondence communicated to this House, that his Excellency the Lieutenant-Governor acknowledges that the members of the De Boucherville Cabinet acted in good faith in the discharge of their duties.

That his Excellency permitted the bills submitted to this House and to the Legislative Assembly to be discussed and voted upon, without any order on his part to suspend them.

That whilst expressing its loyalty and devotion to our Gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion :

That the dismissal from office of the De Boucherville Cabinet, having taken place without sufficient cause, constitutes an imminent danger to the maintenance of responsible government in this Province, is an abuse of power exercised in contempt of the majority of both Houses, whose confidence they possessed and still possess, and a violation of the rights and will of the people.”

And, objection being taken by the Hon. Mr. Archambeault that this motion is not in order, because the notice required by the 28th Rule of this House had not been given,

The Speaker decided that the said motion is not in order.

And the decision of the Speaker being appealed from by the Hon. Mr. de La Bruère, for the reason that this motion being a motion of privilege and of urgency, does not require the usual notice demanded by the 28th Rule of this House.

The question was put, and the House reversed the decision of the Speaker.

And the question of concurrence being put on the said motion, it was unanimously resolved in the affirmative.

Then, on motion of the Hon. Mr. de La Bruère, seconded by the Hon. Mr. Webb, it was

Ordered, That the Address be engrossed and signed by the Speaker of this House, and be by him transmitted to his Excellency the Lieutenant-Governor of the Province of Quebec, praying his Excellency to transmit it to his Excellency the Governor-General of the Dominion of Canada, to the Senate and to the House of Commons of Canada.

The Order of the Day was read for the third reading of the Bill (No. 20) intituled : “An Act to amend chapter 77 of the Consolidated Statutes of Lower Canada, respecting the Court of Queen’s Bench.”

The Hon. Mr. Archambeault moved :—

That the said Bill, as amended, be now read a third time.

! The question was put whether this Bill, as amended, should pass ? It was

Resolved in the affirmative.

Ordered, that the Clerk go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill with several amendments, to which they desire the concurrence of the Legislative Assembly.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 11) intituled : “An Act respecting the notification for and the attendance at the removal of seals on inventories.”

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honourable Mr. Wood, from the said Committee, reported that they had gone through the said Bill, and had directed him to report the same without amendment.

On motion of the Honourable Mr. de La Bruère, it was

Ordered, that the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was Resolved in the affirmative.

Ordered, that the clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 55) intituled, "An Act to amend certain articles of the "Municipal Code of the Province of Quebec."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honourable Mr. Bryson, from the said Committee, reported that they had gone through the said Bill, and directed him to report the same without amendment.

On motion of the Honourable Mr. Laviolette, it was

Ordered, that the said Bill be read a third time presently.

The Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was Resolved in the affirmative.

Ordered, that the clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 84) intituled, "An Act to provide for the giving "notice of Sheriff's sales to hypothecary creditors."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honourable Mr. Hearn, from the said Committee, reported that they had gone through the said Bill, and had directed him to report the same without amendment.

On motion of the Honourable Mr. de La Bruère, it was

Ordered, that the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was Resolved in the affirmative.

Ordered, that the clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole, for the consideration of Bill (No. 96) intituled, "An Act to further amend the laws "respecting Public Instruction in this Province."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honourable Mr. Dionne, from the said Committee, reported they had gone through the said Bill, and directed him to report the same without amendment.

On motion of the Honourable Mr. Archambeault, it was

Ordered, that the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was Resolved in the affirmative.

Ordered, that the clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without any amendment.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 100), intituled, "An Act to amend chapter 69 of the "consolidated statutes for Lower Canada, respecting building societies in the Province "of Quebec."

The House adjourned during pleasure, and was put into Committee of the Whole.

After some time the House was resumed.

The Honourable Mr. Archambeault, from the said Committee, reported that they had gone through the said Bill, and directed him to report the same without amendment.

On motion of the Honourable Mr. Hearn, it was

Ordered, that the said Bill be read a third time presently.

The said Bill was then accordingly read a third time.

The question was put whether this Bill shall pass? It was Resolved in the affirmative.

Ordered, that the clerk do go down to the Legislative Assembly and acquaint that House that the Legislative Council have passed this Bill without amendments.

The Order of the Day was read for putting the House into Committee of the Whole for the consideration of Bill (No. 109), intituled, "An Act to further amend the law respecting subsidies in money made to certain railway companies."

On motion of the Honourable Mr. De Boucherville, it was

Ordered, that the said Order be postponed until to-morrow.

A message was brought from the Legislative Assembly by their clerk, with a Bill (No. 12), intituled, "An Act respecting the proof of heirship or of legateship," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honourable Mr. de La Bruère, it was

Ordered that the said Bill be read a second time to-morrow.

A message was brought from the Legislative Assembly by their clerk, with a Bill (No. 83), intituled, "An Act to amend and consolidate the Quebec License Act and its amendments," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honourable Mr. Archambeault, it was

Ordered that the said Bill be read a second time to-morrow.

A message was brought from the Legislative Assembly by their clerk, with a Bill (No. 108), intituled, "An Act respecting the indemnity to petty jurors, in criminal cases," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honourable Mr. Archambeault, it was

Ordered that the said Bill be read a second time to-morrow.

A message was brought from the Legislative Assembly by their clerk, with a Bill (No. 112), intituled, "An Act to amend the Act 20 Vic. ch. 25, respecting the Quebec North Shore Turnpike Roads," to which they request the concurrence of this House.

The said Bill was read for the first time.

On motion of the Honourable Mr. Hearn it was

Ordered that the said Bill be read a second time to-morrow.

A message was brought from the Legislative Assembly by their clerk, with a Bill (No. 104), intituled, "An Act to impose a stamp duty on contract notes, and on certain deeds and instruments," to which they request the concurrence of this House.

The said Bill was read for the first time.

The Honourable Mr. Archambault moved,—

That when this House do adjourn, it do stand adjourned until to morrow at 11 o'clock A.M.

And the question of concurrence being put on the said motion, it was

Resolved in the affirmative.

Then, on motion of the Honourable Mr. De Boucherville, the House adjourned until to-morrow at 11 o'clock A.M.

Exhibit No. 3.

No. 42.—VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY of the PROVINCE of QUEBEC.—Quebec, Saturday, 9th March 1878.

Mr. Speaker informed the House that, in conformity with the orders given to him at yesterday's sitting, he issued his warrant for the election of Members in the counties of those Members who have accepted office as Ministers; and that he was informed by the Clerk of the Crown in Chancery that the answer of the Government was that the matter was under consideration.

The following letter and "copies of the correspondence and explanations relating to the dismissal from office of the De Boucherville Government" were laid upon the table.

To the Honourable the Speaker of the Legislative Assembly.

SIR,

Quebec, 8th March 1878.

I HAVE the honour to forward you, to be laid before the House, copy of the correspondence and explanations relating to the dismissal from office of the De Boucherville Government, which I read and communicated to the House.

I have, &c.,

A. R. ANGERS,

Ex-Attorney-General,

Member for the County of Montmorency.

MR. SPEAKER,

"MR. DE BOUCHERVILLE had received permission from the Lieutenant-Governor to give explanations respecting his dismissal from office at the sitting on Monday, the 4th March instant. Between half-past one and two o'clock of the same day, he received from his Excellency a notice not to give any explanations until the new Cabinet had been formed.

This event having been announced, the late De Boucherville Government has the right, in virtue of the permission so obtained, to give its explanation to the House and to the country.

It is my duty to announce to the House that the De Boucherville Government did not resign. A Government, possessing the confidence of the great majority of the Representative Assembly and of almost the whole of the Legislative Council, has no right to resign, if it has really at heart the interests of the country, and a respect for its duty. This Government was dismissed from office by the Lieutenant-Governor. The facts which preceded and followed this event are entered in a journal, kept from day to day and from hour to hour, under the dictation of the Ex-Premier, and the following is an extract and faithful recital thereof.

On the 26th February 1878, at half-past four o'clock, p.m., the Premier received from the Lieutenant-Governor, through his aide-de-camp, the following letter :

To the Honourable C. B. De Boucherville, Premier of the Province of Quebec.

Government House, Quebec, February 25, 1878.

The Lieutenant-Governor desires the Executive Council to prepare for his consideration a factum, including a copy of the following documents :—

1. A copy of the Acts of the Dominion Parliament authorising the construction of the railway known under the name of the "Quebec, Montreal, Ottawa, and Occidental railway," as well as a copy of the Acts of the Legislature of Quebec, respecting the same railway.
2. A copy of the Acts of the Legislature of the Province of Quebec, respecting the construction of the railway between Quebec and Montreal, commonly known as the "North Shore Railway."
3. A copy of the byelaws of each of the Municipal Corporations by which they agreed to assist in the construction of the said road.
4. A statement of the amount of the grant, paid by each of those corporations, and a copy of the correspondence exchanged between the Government, the railway commissioners or the contractors of the said road, and the said Municipal Corporations, with respect to their said grant or subsidy.
5. A copy of the several contracts entered into for the construction of the said road.
6. A copy of the official or confidential reports of the engineers to whom was entrusted the location of these lines of railway, in whole or in part.
7. A copy of the report of the railway commissioners, laid before both Houses during the present session, respecting the said roads.
8. A copy of the representations made to the Government by the municipal corporations interested or by the ratepayers of these municipalities, respecting the conditions of their grant or subsidy.
9. A copy of the resolutions proposed to the Provincial Legislature, during the present session, respecting the said subsidies, and to facilitate the payment and recovery of the same.
10. A copy of the Bill, based upon the said resolutions, which was introduced into the House during the present session.
11. A plan showing the locations of each of the said railways, or of any portion thereof.
12. A detailed statement of the reasons which induced the Provincial Government not to content themselves with the provisions of the statute and common law, and with those of the civil code of this province, for the recovery of the sums of money which might become due by the said corporations, but, without having in any manner previously consulted with the Lieutenant-Governor, to propose an ex post facto legislation to compel them thereto.

Another very important measure, to provide for the imposition of new taxes, was also similarly proposed to the Legislature, without having been previously submitted to the Lieutenant-Governor.

The Lieutenant-Governor is perfectly aware that measures of secondary importance, which have previously been sufficiently explained to him, may be, as a matter of routine, proposed to both Houses, without an express order from himself, but he cannot allow the Executive to communicate to the Legislature, on his behalf, any important or new measures, without his special order, and without his having been previously fully informed and advised thereof.

LUC LETELLIER,
Lieut.-Governor.

The Premier prepared his answer during the night of the 26th and 27th February. This answer was delivered by him, in person, to the Lieutenant-Governor at Spencer Wood, about ten o'clock a.m., on the 27th. It read as follows:—

To his Excellency the Hon. L. Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,

Quebec, February 27, 1877.

I HAVE the honour to acknowledge the receipt of the memorandum sent me yesterday afternoon by your Excellency, through your aide-de-camp, who, at the same time, informed me that you were ill in bed. I submitted this memorandum to the Executive Council, and I shall see, as your Excellency desires, that all due diligence be used in order that all the documents required may be transmitted to you as soon as possible.

In anticipation of the factum desired by your Excellency, which will contain a more detailed statement of the motives which induced the Provincial Government to bring in the measures to which you draw my attention, I consider it my duty to represent that the reasons, which, amongst others, caused the Government to submit to the Legislature a law obliging the municipalities to pay their subscriptions, for the construction of the Provincial railway, on the decision of the Lieutenant-Governor in Council, after a sworn report, made by a competent engineer, and after a notice of fifteen days, to give such municipalities an opportunity of being heard,—are the ill-will of certain municipalities; shown by some in their neglect to comply with the request of the Treasurer, by others in their formal refusal to pay, and in certain cases, by resolutions adopted asking new conditions respecting the agreements which they had made with the Government.

The Government was of opinion that without such legislation, the object of which is to avoid the delays of ordinary legal proceedings, the result of the ill-will of these municipalities would have been either to necessitate a new loan by the Province, and consequently to cause a burden to be unjustly imposed upon municipalities which had entered into no engagements and which would derive no immediate benefit from the construction of the road, or the complete stoppage of the works already begun, together with the inevitable loss of interest on the enormous capital already laid out upon this enterprise and the other damages relating therefrom.

The Government, while undertaking, in the first place, by the said law, to fulfil the conditions which it had agreed upon with the said municipalities, considered that, in substituting for the ordinary courts the Lieutenant-Governor with an Executive Council responsible to the Legislature and to the people, it offered to the parties interested a tribunal which afforded as many guarantees as the ordinary courts. I would also take the liberty of calling your Excellency's attention to the fact that similar provisions are already in our Statutes. I would cite to your Excellency chapter 83 of the Consolidated Statutes of Canada, and also chapter 47 of 36 Vict. of the Statutes of Ontario.

I humbly submit to your Excellency that a law devised for the better securing of the execution of a contract cannot have a retroactive effect. It enacts for the future, and its objects are the respective interests of the parties.

Now, I beg your Excellency to note that, while you were at Rivière Ouelle, I had the honour of requesting your authorisation to lay the question of finances before the House, and that you were kind enough to reply that you sent me a blank form by mail, and I considered this at the time, as a great mark of confidence on your part. I did, in effect, receive a blank form with your signature, which I handed to the Treasurer, who had it filled up by your aide-de-camp.

Later on, I had the honour of requesting your Excellency's authorisation generally to lay money questions before the House, and this your Excellency granted with your usual condescension. This permission, moreover, had invariably been accorded me by your predecessor, the late lamented Mr. Caron.

I must admit that, with this authorisation, and the conviction in my mind that your Excellency had read the Treasurer's Budget Speech, in which he announced the taxes which were afterwards proposed, I considered I had a right to inform my colleagues that I had your permission for all questions respecting money.

I beg your Excellency to believe that I never had any intention of arrogating to myself the right of having measures passed without your approval, and that under existing circumstances, having had occasion to speak to your Excellency in reference to the law respecting the Provincial railway, and not having received any order to suspend it, I did not think your Excellency would discover in this measure any intention on my part to slight your prerogatives, which no one is more disposed than I am to respect and uphold.

Yours, &c.,
(Signed) C. B. DE BOUCHERVILLE.

After some conversation the Lieutenant-Governor, having heard Mr. De Boucherville's explanations, admitted that, if there had been any misunderstanding, it was in good faith on the part of the latter, in authorising his colleagues to say that they were authorised to submit the legislation in reference to money matters. He afterwards told him, in reply to his question on the subject, that the only difficulty remaining was the question of the Quebec, Montreal, and Ottawa and Occidental Railway, and that he would give an answer on the following day, the 28th February.

On the 28th February, at about half-past seven in the evening, Mr. De Boucherville went to Spencer Wood to convey to the Lieutenant-Governor the documents asked for in the letter of the 25th (which documents were prepared by the Honourable the Secretary, and were accompanied by a synopsis). He asked him if he would soon give his answer. The Lieutenant-Governor told him that he would examine the documents and probably give it to him on the following day, the 1st March.

On leaving, Mr. De Boucherville said: "If I understand you rightly, you are hesitating between giving your sanction to the Railway Bill and reserving it." He replied, "That is it."

On the 2nd March, at five minutes to one in the afternoon, the aide-de-camp of the Lieutenant-Governor handed to Mr. De Boucherville the letter given hereafter. Before the aide-de-camp left, he was asked how his Excellency was. The aide-de-camp replied that he was not so well, and then asked when we intended closing the session. Mr. De Boucherville replied that he could not say, as many matters were in arrear.

The following is the letter in question :-

To the Hon. C. B. De Boucherville, Premier, Quebec.

Government House, Quebec, March 1, 1878.

The Lieutenant-Governor, taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into consideration the letter which the Premier then gave to him, is prepared to admit that there had been no intention on the part of the Premier to slight the prerogatives of the Crown, and that there was only on his part an error, committed in good faith, in the interpretation that he gave to words used by the Lieutenant-Governor in the interview which they had on the 19th February instant—words which did not imply the authorisation attributed to them by the Premier.

With this interpretation and the instructions given in consequence by the Premier to the Honourable Messrs. Angers and Church, these gentlemen did not wittingly do anything against the duties of their office.

As to the blank, which the Lieutenant-Governor addressed to him from Rivière Ouelle, the Lieutenant-Governor knew that such blank was to be used for the purpose of submitting the estimates to the House.

This Act was a token of confidence on his part, as stated by the Premier in his letter of the 27th, but it was confidential.

The Lieutenant-Governor deems it his duty to observe that, in his memorandum of the 25th of February last, he in no way expressed the opinion that he thought that the Premier ever had the intention of arrogating to himself the "right" of "having measures passed without his approval, or of slighting the prerogatives of the representative of the Crown."

But the Premier must not lose sight of the fact that, although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.

The fact of having submitted several new and important measures to the Legislature,

without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which places the representative of the Crown in a difficult and critical situation, with reference to both Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

So far as concerns the Bill intituled "An Act respecting the Quebec, Montreal, Ottawa and Occidental Railway," the Premier cannot apply to the measure the pretended general authorisation mentioned by him in his letter, for their interview took place on the 19th February, and the Bill had then been before the House for several days, without the Lieutenant-Governor having been in any manner informed of it by his advisers.

The Lieutenant-Governor then told the Premier how much he regretted such legislation; he represented to him that he considered it to be contrary to the principles of law and justice; notwithstanding this, the measure was pushed on until it was adopted by both Houses.

It is true that the Premier gives in his letter, as one of his reasons for so acting, "that this permission of making use of the name of the representative of the Crown had been, moreover, always allowed to him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron."

This reason cannot avail with the Lieutenant-Governor, for, by so doing, he would abdicate his position as representative of the Crown, a proceeding which neither the Lieutenant-Governor nor the Premier could reconcile with the duties of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets being compelled to state, as he told the Premier, that he has generally not been explicitly informed of the measures adopted by the Cabinet; although the Lieutenant-Governor often gave occasion therefor to the Premier, especially during the course of last year.

The Lieutenant-Governor, from time to time, since the last meeting of the Legislature, drew the attention of the Premier to several matters respecting the interests of the Province of Quebec, amongst others:

1. To the enormous expenditure occasioned by very large subsidies to several railways when the Province was burdened with the construction of the trunk line of railway from Quebec to Ottawa, which should prevail over all others, and that at a time when our finances compelled us to raise loans disproportioned to our revenues.

2. On the necessity of reducing the expenses of the Civil Government, and those of legislation, in place of having recourse to new taxes, with a view of avoiding financial embarrassment.

The Lieutenant-Governor, although with regret, expressed to the Premier the opinion that the Orders in Council for the increase of the salaries of civil service employees, seemed to him to be inopportune at a time when the Government had effected with the Bank of Montreal a loan at the rate of 7 per cent. for half a million, on condition of increasing this loan to one million; and, in fact, to-day even (1st March) the Lieutenant-Governor was obliged to allow an Order in Council to be passed to secure the last half million for the Government, without which the Government would be unable to meet its obligations, as stated to him by the honourable the treasurer, by order of the Premier.

The Premier did not, either then or since, inform the Lieutenant-Governor that the Government were in so impecunious a position as to require special legislation to increase the public burdens.

The Lieutenant-Governor therefore stated and repeated these facts to the Premier, and now deems it his duty to record them here, in order that they may serve as a memorandum for himself and the Premier.

It results therefore—

1. That, although the Lieutenant Governor had made several representations in his quality of representative of the Crown to the Premier on those various subjects of public interest, his advisers have taken administrative and legislative steps contrary to such representations, and without having previously advised him.

2. That the Lieutenant-Governor has, without evil motives, but in fact, been placed in a false position, by being exposed to a conflict with the desires of the Legislature, desires which he acknowledges to be paramount, when expressed in a constitutional manner.

The Lieutenant-Governor has attentively read and examined the memorandum and documents which the Premier was kind enough to bring him yesterday.

In the record are petitions from several municipal corporations and from citizens of different localities, addressed to the Lieutenant-Governor against the resolutions, and the Government Bill respecting the Quebec, Montreal, Ottawa, and Occidental Railway.

The Lieutenant-Governor was only yesterday in a position to take communication of some of these petitions, inasmuch as they had not been transmitted to him before the record.

The Lieutenant-Governor, after mature deliberation, cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intituled "An Act relating to the Quebec, Montreal, Ottawa, and Occidental Railway."

For all these reasons, therefore, the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret which he feels in being no longer able to retain him in his position, contrary to the rights and prerogatives of the Crown.

(Signed) L. LETELLIER,
Lieutenant-Governor.

On the 2nd March about 2 o'clock p.m., Mr. De Boucherville went to Spencer Wood. When he arrived he was admitted to the presence of the Lieutenant-Governor, and told him "that according to the memorandum received from him that day, he understood " that he was dismissed from the office of Premier."

The Lieutenant-Governor told him he was to take his own interpretation from the letter. Upon this Mr. De Boucherville handed him the letter, which will be found further on, as being his answer.

The Lieutenant-Governor, without opening it before him, made some remarks on the difficulty in which the legislation had placed him.

Mr. De Boucherville replied that in his present position he thought he had no opinion to express on the subject. He then bowed himself out. When he had proceeded a short distance from the house he caused the vehicle to return, having forgotten to ask permission from the Lieutenant-Governor to give explanations to the House. After having been a second time admitted to the presence of the Lieutenant-Governor, he asked permission to give explanations and to make known the memorandum of the Lieutenant-Governor and his replies thereto.

The Lieutenant-Governor told him he had no objection, and asked him as to the person he should send for. Mr. De Boucherville replied that he looked upon himself—having been dismissed—as being in a different position from a minister who, although defeated in the House still retained the confidence of the Sovereign; that he had had a majority of twenty-five in one of the late votes; that under these circumstances he did not think he could advise him in the matter. He then left him, and while in the ante-room the Lieutenant-Governor recalled him and said, "Please delay the explanations " until Monday."

The following is a copy of the letter which Mr. De Boucherville handed to the Lieutenant-Governor, when the latter told him he was to take his own into interpretation of his memorandum.

MAY IT PLEASE YOUR EXCELLENCY,

Quebec, March 2, 1878.

I HAVE the honour to acknowledge the receipt of your memorandum, in which you come to the conclusion that you cannot retain me in my position as Premier.

I have therefore no other duty to perform beyond submitting to my dismissal from office, communicated by your Excellency, reiterating at the same time my profound respect for the rights and prerogatives of the Crown, and my devotion to the interests of our Province.

I have, &c.

To his Excellency
the Lieutenant-Governor of the
Province of Quebec.

(Signed) C. B. DE BOUCHERVILLE.

On the 28th January 1878, M. De Boucherville had sent to his Excellency the Lieutenant-Governor, who was then at Rivière Ouelle, the following telegraphic despatch—

"Can you send me authorisation resolutions respecting finances."

The Lieutenant-Governor on the following day, the 29th, telegraphed M. De Boucherville:

"Blank mailed to day. If presence necessary telegraph. Return Friday."

The resolutions respecting the North Shore Railway were submitted to the House only on the 29th January, after the telegram had been received from the Lieutenant-Governor, that a form signed in blank had been mailed to M. De Boucherville in reply to his despatch of the previous day, saying, "Can you send me authorisation resolutions respecting finances?"

On the 30th January the first resolution was reported from Committee of the Whole. On the 31st it was adopted by the House. On the 1st February the House again went into Committee of the Whole and reported the other resolutions on the same subject. But it was only on the 5th that the adoption of the report of the committee was carried, the House throwing out the motion of non-confidence on this point by 38 to 21.

On the 5th February a bill, based on these resolutions, was introduced; the second reading was delayed until the 18th February; the third reading took place on the 19th. During all this time the Lieutenant-Governor to whom the votes and proceedings were sent daily remained silent.

On the 19th February, Mr. De Boucherville met the Lieutenant-Governor and, in the conversation which took place on the subject of the measure, thought he had satisfied him as to its legality and the urgency of its being passed. The Lieutenant-Governor was so far from being explicit as to his intentions, that Mr. De Boucherville left him with the impression that he was authorised.

The Lieutenant-Governor does not contend, in his memorandum of the 1st March, 1878, that he had given orders to suspend the legislation.

Sent up to the Legislative Council, this bill had gone through its third reading before the first letter was received from the Lieutenant-Governor, dated the 25th February last, but only delivered at 4.30 p.m. on the 26th. In fact, the Lieutenant-Governor, in his letter of the 1st March, admits that he did not, in any way, in his memorandum of the 25th February, express the opinion that he considered the Premier had intended to arrogate to himself the right of getting measures passed without his approval or of slighting the prerogatives of the representative of the Crown.

Having ascertained that a misunderstanding existed as to the interpretation of the authorisation asked by telegraphic despatch on the 28th January and answered on the 29th by a message stating that a form signed in blank was sent, and in view of the impressions left by the conversation of the 19th February in Mr. De Boucherville's mind, should the Lieutenant-Governor have waited to make known, for the first time, the existence of this misunderstanding until the 26th February, at which date the whole of the legislation, of which he complains, has been discussed and voted in the affirmative by both Houses?

The confidence shown by the Lieutenant-Governor on the 29th January in Mr. De Boucherville by forwarding the form signed in blank, was calculated to justify him in interpreting the silence of the Lieutenant-Governor at least as not meaning dissent.

After these interviews of the 19th February, the silence observed until the 26th February was also of a nature to lead him to believe that he had a general authorisation to submit to the House all measures which the public service required.

On the 31st of January, twenty-six days previous to the first memorandum of the Lieutenant-Governor, the Honourable Treasurer made his budget speech, in which he announced the new taxes which it would be necessary to levy to meet the obligations of the Province, obligations contracted during several previous years and resulting from the policy then inaugurated on railways, and which had received the concurrence of several members belonging to the party opposing the Government.

Can this speech, published *in extenso* by the press of the whole country have escaped the notice of the Lieutenant-Governor?

On the 19th of February, the resolutions demanding those taxes, but a lower rate than the one mentioned by the Treasurer in his speech, were presented; and on the 20th were adopted by a vote of 39 against 22.

The Lieutenant-Governor in his memorandum of the 1st March, complains that Mr. De Boucherville did not let him know that the Government was in an impecunious condition, requiring special legislation to increase the public taxes.

The Premier would have formed an erroneous idea of the situation, if he had so qualified the temporary embarrassment caused by the ill will of the municipalities which had subscribed for the construction of the provincial railway in neglecting to faithfully fulfil their obligations. He would have formed an erroneous idea of the situation, in presence of the results obtained, so far without any burden having been imposed in order to obtain them.

On the 22nd February, notice was given of resolutions respecting railways in the Eastern Townships and on the South Shore of the St. Lawrence.

On the 23rd of the same month the resolutions were introduced and subsequently adopted by a vote of 41 to 16. These resolutions do not in any way increase the actual debt of the Province.

The Lieutenant-Governor said in the same memorandum, "That the constitution of the railway from Quebec to Ottawa should prevail over that of other railways" The legislation of many years past on this subject establishes no priority in favour of the provincial railway to the detriment of railways in the Eastern Townships and on the South Shore. The De Boucherville Government would have contravened the law if they had adopted any other view of the matter.

In the same memorandum the Lieutenant-Governor declares, "That he cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intitled 'An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway.'" This declaration is premature, the Premier never having been called upon to give his opinion as to the sanction to be given; and, if he had been called upon to do so, he would, under the circumstances, have recommended that it be reserved for the decision of the Governor General, being in doubt as to the Lieutenant-Governor having the right, of his own accord, *ex proprio motu*, to exercise the prerogative of veto, and thus to decide finally on the fate of a measure passed by both Houses, when the British North America Act of 1867 seems to leave such power to the Governor-General.

The memorandum of his Excellency refers to petitions of several corporations and citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the measures of the Government concerning the Quebec, Montreal, Ottawa, and Occidental Railway.

It is sufficient to consider that these petitions came from debtors, from whom the law intends to force payment, to arrive at the correct conclusion that the opinion of both Houses should prevail over that expressed in such petitions.

The Lieutenant-Governor, in the same memorandum, refers to acts of Administration which date from before the session, and to which he has given his assent. As he alludes to matters for which the Government is responsible to both houses, as advisers of the Crown, and as they are foreign to the question of prerogative raised by the Lieutenant-Governor, they cannot be adduced in this memorandum as reasons for the conclusion, arrived at by his Excellency, that he cannot continue to retain M. De Boucherville in his position against the rights and prerogatives of the Crown; therefore, to avoid being carried away by this side issue or *hors d'œuvre*, there is no reason to question them now.

The Lieutenant-Governor further expresses the opinion "that the state of our finances forced us to make loans disproportionate to our resources."

The necessity of here repeating this phrase is to be regretted; but the credit of the Province requires that it should be contradicted. The mere reading of the budget speech will suffice to reassure alarmists.

From all the above facts, from admissions contained in the last memorandum of the Lieutenant-Governor, from the transmission of the form signed in blank and sent by him in reply to a request from M. De Boucherville, asking his authorisation to introduce "resolutions respecting finances," and from the silence of the Lieutenant-Governor up to the 26th February last, it results that no measures have been introduced into the House in opposition to the prerogatives of the representative of the Sovereign.

Nothing more remains now for me to do but to reiterate the declaration made in commencing these explanations; the De Boucherville Cabinet has not resigned; it has been dismissed from office by the Lieutenant-Governor.

The conservative party is no longer in power. But it is, in this House, the power, a qualified power, a majority in the opposition. The majority here, the majority in the Council, the majority in the country. The conservative party has been dismissed from office; but it stands uncompromised, without compromise, without division, devoted to the Constitution and to the welfare of the country.

(Signed) A. R. ANGERS,
Ex-Attorney-General,
Member for the Electoral District of Montmorency.

A message was received from the Legislative Council agreeing to the following Bills without amendment:—

Bill (No. 83) intitled: "An Act to amend and consolidate the Quebec License Act and its amendments."

Bill (No. 109) intituled: "An Act to further amend the law respecting subsidies in money made to certain Railway Companies."

Bill (No. 48) intituled: "An Act to define and regulate the limits of certain municipalities and parishes in the counties of Nicolet, Arthabaska, and Drummond, and to include, in the county of Nicolet, the portion of these municipalities and parishes not now included therein."

Bill (No. 112) intituled: "An Act to amend the Act 20 Vict. cap. 125, respecting the Quebec North Shore Turnpike Roads."

Bill (No. 108) intituled: "An Act respecting the indemnity to petty jurors in criminal cases."

Bill (No. 12) intituled: "An Act respecting the proof of Heirships or Legateeships."

Mr. Dupont, seconded by Mr. Lavallée, moved—

That the sum of one hundred dollars, deposited for the Bill (No. 45), intituled: "An Act to incorporate the Beet Sugar Company of the Province of Quebec," be refunded to the promoters of the said Bill.

Which motion was withdrawn, the mover not having obtained the consent of the House.

Mr. Loranger, seconded by Mr. Lynch, moved that the following Address, affirming the privileges and immunities of the House, be presented by Mr. Speaker to his Excellency the Lieutenant-Governor of the Province of Quebec, at the Bar of the Legislative Council, at the prorogation of this Legislature.

To his Excellency the Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,

THE Legislative Assembly of the Province of Quebec deem it their duty to humbly represent that the Cabinet of which the Honourable Henri Gustave Joly is the chief, was defeated three different times, at the sitting of the 8th of March instant, by majorities varying from 20 to 22 votes.

And they regret to state that the Constitution has been disregarded by the advisers of his Excellency to the extent that they persist in retaining power against the will of the majority of this House and of the country.

The Legislative Assembly believes it, moreover, their duty to express their regret that they have been put to the necessity of suspending the passage of the Supply Bill, until justice has been extended to the majority of this House.

The Legislative Assembly desires respectfully to represent to your Excellency that there exists in the House a political party, possessing the confidence of the country, and having a large majority in the House; that this party is competent to administer the public business, and that the prorogation of the Legislature presently would be prejudicial to the legislation and to the interests of the country.

The Legislative Assembly desires to represent to your Excellency that the fact of the minority having a control over public affairs is the cause of the embarrassment under which the province labours, through the suspension of the Supply Bill; and that a prompt solution of the difficulty may be arrived at by acting in conformity with the Constitution.

The Legislative Assembly desires also to represent to your Excellency, that inasmuch as there exists in the House a political party strong enough to command a large majority there is no necessity for a dissolution of the Legislature, a step which will cause considerable and useless expense to the province, and seriously threaten the peace and tranquility of the people of this province.

And your petitioners will ever pray.

And objection having been taken that the said motion is contrary to the Constitution and should be considered out of order.

Mr. Speaker ruled:

"That the point of order was raised and decided yesterday."

And appeal having been made from Mr. Speaker's decision.

The question was put and carried in the affirmative on the following division:—

In favour of Mr. Speaker's decision.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Deschenes, Dulace Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houd, (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Le Cavalier, Loranger,

Lynch, Martin, Mathieu, McGauvran, Piçard, Sawyer, St. Cyr, Taillon, Tarte, Thornton, and Wurtele.—33.

Against Mr. Speaker's decision.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Molleur, Pâquet, Prefontaine, Rinfret dit Moulin, Shehyn, Sylvestre, and Watts.—12.

A message was received from his Excellency the Lieutenant-Governor, by Samuel Staunton Hatt, Esquire, Gentleman Usher of the Black Rod, desiring the attendance of the House in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the Members present, went to the Legislative Council Chamber, when his Excellency the Lieutenant-Governor was pleased, in Her Majesty's name, to give the Royal assent to the following Bills, namely:—

An Act to enable the Minister and Trustees of St. Andrew's Church, Montreal, to borrow money and hypothecate the property of said Church.

An Act to declare valid certain sales of moveables belonging to successions.

An Act to further amend the Act respecting Agriculture and Public Works (32 Vict., cap. 15), and the Acts amending the same.

An Act to amend the Act 40 Vict. ch. 23, amending the law respecting Public Instruction as respects the City of Sherbrooke.

An Act to amend the "Act respecting the incorporation of Joint Stock Companies," (31 Vict. cap. 25).

An Act respecting the notification for and the attendance at the removal of seals and inventories.

An Act respecting the proof of Heirship.

An Act to provide for the issue of the writ of injunction in certain cases, and to regulate the procedure in relation thereto.

An Act to amend article 997 of the Code of Civil Procedure, relating to suits against certain corporations.

An Act to authorise the Board of Notaries to admit Louis Thomas Laroche, to the practice of the Notarial Profession.

An Act to annex to the municipality of the Village of Ste. Rose, certain lands situated in the municipality of the Parish of Ste. Rose, in the County of Laval, for all municipal and school purposes.

An Act to authorise the Bar of the Province of Quebec to admit Michael J. F. Quinn to the practice of the profession of advocate.

An Act to amend the Act 32 Vict. cap. 89, intituled "An Act to incorporate the Protestant Institution for Deaf Mutes and for the Blind."

An Act to incorporate the St. Lawrence, Lower Laurentien and Saguenay Railway Company.

An Act to incorporate the Society of "Union St. Joseph, de Notre Dame de Beauport."

An Act to amend chap. 51 of 37 Victoria, Province of Quebec, intituled "An Act to revise and consolidate the charter of the City of Montreal, and the various Acts which amend the same, in so far as concerns certain property adjoining the Mount Royal Park."

An Act to incorporate the society called "L'Union St. Joseph de Lachine."

An Act to incorporate the Montreal Island Railway Company.

An Act to incorporate "L'Œuvre de Saint Joseph de la Délivrance."

An Act to authorise the sale of immovable property substituted by the late Jean Baptiste Quesnel.

An Act to incorporate the "Cercle Saint Louis" of Three Rivers.

An Act to incorporate "The Quebec Young Men's Christian Association."

An Act to amend the Act respecting the Methodist Church of Canada (38 Vict. c. 60).

An Act to incorporate "Le Cercle Catholique de Quebec."

An Act to amend the Act incorporating the City Passenger Railway Company of Montreal, and to cancel the unpaid stock thereof.

An Act to change the name of the Montreal Infants' School Association to that of "The Boys' Home of Montreal," and for other purposes.

An Act to authorise the ministers of the church calling themselves "The Reformed Episcopal Church of Canada," in the Province of Quebec, to keep registers of baptisms, marriages, and burials.

An Act to authorise the Adams Tobacco Company to borrow money.

An Act to incorporate "The Beet Sugar Company of the Province of Quebec."

An Act to incorporate "L'Union St. Jean Baptiste du Village de Buckingham," in the Parish of St. Grégoire de Nazianze.

An Act to amend the Act of incorporation of the City of Three Rivers, 38 Vict. c. 76.

An Act to define and regulate the limits of certain municipalities and parishes in the Counties of Nicolet, Arthabaska, and Drummond, and to include in the County of Nicolet, the portions of these municipalities and parishes not now included therein.

An Act to incorporate the Orford Nickle and Copper Company.

An Act to legalise certain preliminaries in the incorporation of the "Mutual Fire Insurance Company of the Counties of Shefford and Brome," and to change the name of the said Company.

An Act to amend article 873 of the code of civil procedure.

An Act to amend certain articles of the municipal code of the Province of Quebec.

An Act to authorise the executor of the wills of the late William Petry, the elder, and William Petry, the younger, and the curator to the substitution created thereunder, to change certain investments now made.

An Act to amend the Act 31 Vict. chap. 41, incorporating the "Montreal Building Association," by changing the name and extending the powers thereof.

An Act to incorporate "The Chapter of the Cathedral of St. Hyacinthe."

An Act to incorporate "The Sherbrooke Nickle and Phosphate Mining Company."

An Act to amend "The Act incorporating the Trustees of the American Presbyterian Society of Montreal."

An Act to incorporate the municipality of the Village de St. Louis de Mile End.

An Act to amend the Acts relating to the Mutual Assurance Associations of the Fabriques of the Dioceses of Quebec and Three Rivers, and of the Dioceses of Montreal and St. Hyacinthe.

An Act to incorporate the municipality of the Parish of Côte St. Paul.

An Act to amend the Act respecting Commissioner's Courts for the summary trial of small causes.

An Act to amend chapter 70 of the Consolidated Statutes for Lower Canada, intituled "An Act respecting Joint Stock Companies for the construction of roads and certain other works."

An Act respecting the sale of lands for the working of mines of phosphate of lime amending the Act 32 Vict. chap. 11.

An Act to amend the Act of the late Province of Canada, 12 Vict. chap. 137, incorporating "La Communauté des Sœurs de Ste. Croix," in the Parish of St. Laurent, in the District of Montreal, for Educational purposes.

An Act to amend the Act 40 Vict. chap. 26, relating to the Profession of Medicine and Surgery, in the Province of Quebec.

An Act to amend and consolidate the Quebec Licence Act and its amendments.

An Act to provide for the giving notice of sheriff's sales to hypothecary creditors.

An Act to authorise the V. Hudon Cotton Mills Company, Hochelaga, to appoint Trustees to insure its property, for the protection of the holders of the debentures of the said Company, and for other purposes.

An Act respecting the Registers of Civil Status.

An Act to further amend the laws respecting Public instruction in this Province.

An Act to amend the Act of this Province, 32 Vict. chap. 51, respecting railways.

An Act to amend chapter 69 of the Consolidated Statutes of Lower Canada, respecting building societies in the Province of Quebec.

An Act respecting the Consolidated Railway fund of this Province (40 Vict. chap. 2).

An Act to amend Sub-section 31 of Section one, of chapter 75 of the Consolidated Statutes for Lower Canada.

An Act respecting the indemnity to petty jurors in criminal cases.

An Act to further amend the law respecting subsidies in money made to certain railway companies.

An Act to amend the Act 20 Vict. chap. 125, respecting the Quebec North Shore Turnpike Roads.

After which his Excellency the Lieutenant-Governor was pleased to reserve the following Bill for the signification of his Excellency the Governor General's pleasure thereon;

An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway.

After which his Excellency the Lieutenant-Governor was pleased to close the Third Session, the Third Parliament of the Province of Quebec, with the following speech :

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

BEING desirous of ascertaining, in a constitutional manner, the feelings of the people of this Province, regarding the present state of public affairs, and the ministerial changes which have just taken place, I have determined upon proroguing the Legislature of this Province, with a view to its dissolution at an early date.

I sincerely entertain the hope that the electors of this Province will, in the choice of their representatives, exhibit as much judgment as patriotism in order to assure peace, prosperity, and happiness to the people of this Province.

The Provincial Legislature was then prorogued to Thursday the eleventh day of April next.

LOUIS BEAUBIEN,
Speaker.

Exhibit No. 4.

No. 40.—VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF QUEBEC.—QUEBEC, Thursday, 7th March 1878.

The Honourable Mr. Angers, seconded by Honourable Mr. Church, moved that the House do now adjourn, and that it do stand adjourned until 3 o'clock to-morrow afternoon.

Mr. Lynch, seconded by Mr. Loranger, moved in amendment, that this House do not now adjourn, but that it be

Resolved,—That this House desires to reiterate its expression of loyalty and attachment to Her Majesty Queen Victoria, and its perfect submission to the Constitution.

That this House renews the declaration of its confidence in the De Boucherville Administration, so often and decidedly expressed during the present session:

That this House desires firmly and emphatically to declare that it has not and cannot have confidence in any administration which may be substituted for the one dismissed,—inasmuch as such dismissal occurred whilst the De Boucherville Administration enjoyed the entire confidence of the large majority of the representatives of the people, in Provincial Legislature assembled; unless such Administration to be appointed be a strong and efficient one chosen from the party represented by the majority of this House.

That the foregoing resolutions be referred to a Select Committee composed of Messrs. Wurtele, Taillon, Tarte, the mover and the seconder, to prepare and report the draft of an address to his Excellency the Lieutenant-Governor in conformity with the said resolutions.

And objection having been taken that this motion was not in order, inasmuch as allusion is made to the dismissal of the Members of the Government, and that there are no documents relating to that subject before the House;

And another objection having also been taken that the main motion was not in order, as two days' notice was not given;

Mr. Speaker ruled :

On the first objection : " That the matter is before the House ; that it was brought up in the House on the 4th March instant, by the honourable member for Montmorency ; "

And, on the second objection, " That a motion to adjourn is always in order. "

And a further objection having been taken that the motion in amendment was out of order, inasmuch as no motion in amendment can be made to a motion to adjourn the House.

Mr. Speaker ruled :

" That the motion can be made, as we may find similar precedents in the journals of the House of Commons. "

And further objection having been taken that the motion in amendment has no reference to the main motion ;

Mr. Speaker ruled :

“ That he had already given his decision on that objection.”

And the motion in amendment having been put, it was agreed to on the following division :—

YEAS.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschenes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Peltier, Picard, Sawyer, St. Cyr, Taillon, Tarte, Turcotte, and Wurtele.—35.

NAYS.

MM. Bachand, Cameron, Chauveau, De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Marchand, Molleur, Pâquet, Prefontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—16.

The question on the main motion, as amended, was then put and carried on the same division.

And objection being taken that this Committee has been named during the sitting of the House, and not having adjourned to allow the Committee to meet, the Committee cannot report ;

Mr. Speaker ruled :

“ That inasmuch as Committees appointed to draft addresses in answer to Speeches from the Throne are accustomed to report at once, without suspending the proceedings of the House by adjourning, therefore, the same proceeding can be allowed in this instance.”

And appeal having been made from Mr. Speaker's decision.

The question was put and the decision maintained on the following division :—

In favour of Mr. Speaker's decision.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Church, Deschenes, Dulac, Dupont, Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Lacerte, Lalonde, Larochelle, Lavalée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Peltier, Picard, Sawyer, St. Cyr, Taillon, Tarte, and Wurtele.—32.

Against Mr. Speaker's decision.

MM. Bachand, Cameron, Chauveau, De Beaujeu, Fortin (Montmagny), Kennedy, Laberge, Lafontaine, Laframboise, Marchand, Molleur, Pâquet, Prefontaine, Rinfret dit Malouin, Shehyn, Sylvestre, Turcotte, and Watts.—18.

Mr. Lynch then reported the draft of an Address to his Excellency the Lieutenant-Governor, and the same being read a second time, on a division, was agreed to, and is as followeth :—

“ To his Excellency the Honourable Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

“ MAY IT PLEASE YOUR EXCELLENCY :

“ We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of Quebec, in Provincial Legislature assembled, desire to reiterate the expression of our

'loyalty and attachment to Her Majesty Queen Victoria,' and our perfect submission to the Constitution.

" We renew the declaration of our confidence in the De Boucherville administration, so often and decidedly expressed during the present session.

" We desire firmly and emphatically to declare that we have not and cannot have confidence in any administration which may be substituted for the one dismissed, inasmuch as such dismissal occurred whilst the De Boucherville administration enjoyed the entire confidence of the large majority of the representatives of the people, in Provincial Legislature assembled, unless such administration to be appointed be a strong and efficient one, chosen from the party represented by the majority in this House."

On motion of Mr. Lynch, seconded by Mr. Loranger, it was, on a division

Ordered,—That the said address be engrossed and that it be presented to his Excellency the Lieutenant-Governor by the Honourable the speaker of this House.

And the House then adjourned.

LOUIS BEAUBIEN,
Speaker.

Exhibit No. 5.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

DUFFERIN,

Government House, Ottawa, March 22, 1878.

THE GOVERNOR General transmits to the Senate and House of Commons an address from the Legislative Council of the Province of Quebec to the Senate and House of Commons; also, an address from the Legislative Assembly of the Province of Quebec to the Senate and House of Commons—on the subject of recent ministerial changes in that Province.

Legislative Assembly, Friday, March 8, 1878.

Resolved, that the following address be presented to his Excellency the Governor General of the Dominion of Canada, to the Senate and Commons of Canada, and to his Excellency the Lieutenant-Governor of the Province of Quebec.

Attest,

E. SIMARD,
D.C.L.A.

Legislative Assembly, Friday, March 8, 1878.

Resolved, that the said address be engrossed and signed by Mr. Speaker, and that it be transmitted to his Excellency the Lieutenant-Governor of the Province of Quebec, with prayer that he transmit the same to his Excellency the Governor General of Canada, and that the said address be also transmitted to the Senate and House of Commons of Canada.

Attest,

E. SIMARD,
D.C.L.A.

To the Honourable the Members of the Senate and of the House of Commons of the Dominion of Canada, in Parliament assembled.

The humble address of the Legislative Assembly of the Province of Quebec, respectfully showeth—

That it appears from the explanations given by the Honourable M. Angers, and from the official correspondence communicated to this House, that his Excellency the Lieutenant-Governor acknowledges that the members of the De Boucherville Cabinet have acted in good faith in the discharge of their duties :

That his Excellency has allowed the measures submitted by his Government to this House, and to the Legislative Council, to be discussed and voted upon without order on his part to suspend them :

That whilst asserting their devotion to our Gracious Sovereign, and their respect towards his Excellency the Lieutenant-Governor of this Province, this House is of opinion:

That the dismissal from office of the De Boucherville Cabinet has taken place without reason, constitutes an eminent danger to the existence of responsible government of this Province, and is an abuse of power in contempt of the majority of this House, whose confidence they possessed, and still possess, and is a violation of the liberties and will of the people.

And your petitioners will ever pray.

Legislative Assembly, Quebec,
March 8, 1878.

I have, &c.
LOUIS BEAUBIEN,
Speaker of the Legislative Assembly of the
Province of Quebec.

Government House, Quebec,
March 18, 1878.

SIR,

I HAVE the honour to forward you an address to the Honourable the Senate and House of Commons of Canada, voted by the Legislative Council of the Province of Quebec, on the 8th instant.

The Hon. R. W. Scott,
Secretary of State, Ottawa.

I have, &c.
L. LETELLIER.

Legislative Council,
Friday, March 8, 1878.

Resolved, That this Address be engrossed and signed by the Speaker of this House, and transmitted by him to his Excellency the Lieutenant-Governor of the Province of Quebec, with a request that he will transmit it to his Excellency the Governor-General of the Dominion of Canada, and to the Senate and House of Commons of Canada.

Attest,
BOUCHER DE BOUCHERVILLE,
Clerk, Legislative Council.

To the Honourable the Senate and House of Commons of the Dominion of Canada.

The humble Address of the Honourable the Legislative Council of the Province of Quebec respectfully sheweth:—

That it appears from explanation given by the Honourable M. De Boucherville, and from official correspondence communicated to this House, that his Excellency the Lieutenant-Governor acknowledges that the Members of the De Boucherville Cabinet acted in good faith in the discharge of their duties;

That his Excellency permitted the Bills submitted to this House, and to the Legislative Assembly, to be discussed and voted upon without any order on his part to suspend them;

That, whilst expressing its loyalty and devotion to our Gracious Sovereign, and its respect for the Lieutenant-Governor of this Province, this House is of opinion:

That the dismissal from office of the De Boucherville Cabinet having taken place without sufficient cause, constitutes an imminent danger to the maintenance of responsible government in this Province, is an abuse of power exercised in contempt of the majority of both Houses whose confidence they possessed, and still possess, and a violation of the rights and will of the people.

Legislative Council,
Friday, March 8, 1878.

HENRY STARNES,
Speaker, Legislative Council.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR-GENERAL.

DUFFERIN,

The Governor-General transmits to the Senate and House of Commons a Memorandum from his Honour the Lieutenant-Governor of the Province of Quebec, with accompanying documents, containing explanations in reference to the recent ministerial changes in that Province.

Government House, Ottawa,
March 26, 1878.

(Translation.)

To His Excellency the Right Hon. the Earl of Dufferin, K.P., K.C.B., G.C.M.G.,
Governor-General of Canada, Ottawa.

Government House, Quebec,
March 19, 1878.

MY LORD,

THE annexed explanatory case which I now address to your Excellency will, I am persuaded, have the effect of showing that I have always acted towards M. DeBoucherville and his colleagues with good will, and with every desire of affording to them co-operation during their tenure of office.

What might have tended to produce unfortunate conflicts between myself and my Cabinet was almost invariably smoothed over by my friendly desire to overlook the irregularities which I have noted in the present statement of facts.

I hope, my Lord, that the difficult position which I have been compelled to occupy will be justified, not only because it is constitutional, but also because the conduct of my Cabinet endangered not only the prerogatives of the Crown, but also the most important interests of the people of this Province.

I have, &c.
(Signed) L. LETELLIER,
Lieutenant-Governor.

(Translation.)

To the Right Hon. the Earl of Dufferin, K.P., K.C.B., K.C.M.G., Governor-General
of Canada, Ottawa.

Government House, Quebec,
March 18, 1878.

MY LORD,

I HAVE the honour now to submit, for your Lordship's consideration, documents and details which I could not lay before the public, but from which it would have been more clearly understood that the dismissal of M. DeBoucherville's Cabinet was forced upon me by circumstances.

These details are not contained in the correspondence which I authorised M. De Boucherville to place before the Houses, and which are hereunto annexed.

From the day that I was, by your Excellency, raised to the position I occupy at present, all my private relations with the members of my Cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature; but in those of an official character with the Premier I almost invariably felt that I did not enjoy that entire confidence on his part which is the chief element of a cordial understanding between the Representative of the Crown and his advisers.

After having studied the general state of the affairs of our Province, after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position, in order to obtain the realisation of that which I deemed to be of the greatest advantage to the Province.

I regret to state to your Excellency that, although M. DeBoucherville did, on most occasions, take my advice in good part, and generally approved of it, he nevertheless almost always acted as though he had never received it. Nevertheless, far from using

my authority to obstruct his action in any way, I invariably treated him with great indulgence, as will appear to your Excellency by the following facts :—

1st. During the Session of 1876 a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

This Bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

In consequence of being left in ignorance of these facts by my advisers I sanctioned the Bill.

Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier. I made the observation that such an act would entail too serious consequences to allow of its being passed over.

As a favour to him, however, I passed over this instance of irregular legislation, which was then irreparable.

2nd. During the same session another Bill was submitted to me for my sanction. On examining it, I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter :—

“(Private.)

“ MY DEAR PREMIER,

Quebec, December 27, 1876.

“ A BILL (E) which originated in the Council, was passed by the Legislative Assembly without amendment; upon reading it, before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

“ You followed the usual practice in not fixing the amount of the penalty in the Legislative Council; but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof sheets.

“ While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word ‘*amender*’ is in the infinitive mood. I notice this latter inaccuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you an omission which I consider fatal.

“ Yours very truly,

“ (Signed) L. LETELLIER.”

The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him.

3rd. In March 1877 (*vide* Appendix A), my advisers caused me to make an appointment of a municipal councillor for the south ward of the village of Montmagny, under the pretext that there had been no election, or that if such election had taken place it was illegal.

The whole of the circumstances connected with this case I deem it my duty to explain to your Excellency, on account of the important principle involved therein.

After due personal examination of the petitions and other accompanying documents relating to that election, I called on the Premier, at his own office, to beg of him not to hurry the appointment which he was asked to make of a municipal councillor for that locality, before receiving more ample information.

I pointed out to him that it appeared that a municipal election had taken place, and that in such case, as a principle, the Executive Council should not interfere.

I added that from the moment that a legal, or even an illegal election had taken place, the duty of deciding it rested with the Courts in accordance with the ordinary course of law, of which they are the interpreters.

I then intimated to M. De Boucherville that I maintained on *principle* that all matters cognisable by the Judiciary should be invariably left to the Courts, which, from their organization, are better fitted than the Executive to inquire into matters of fact and of evidence, and that I would never allow the substitution of the powers of the Executive for those of the Courts, when the latter had jurisdiction.

The Premier admitted that that opinion and the principles on which I based it were in conformity with his ideas, and necessary for the proper Administration of

justice. He asked me if I would consent to see M. Angers, the Attorney-General, on the subject.

I at once consented, and the Attorney-General was immediately sent for; the acts connected with that election difficult, and my views regarding them were then communicated to him. He promised that before any appointment should be made by the Lieutenant-Governor, he would make inquiry.

Shortly afterwards he reported to me that he had made an inquiry into the facts of the case, and at his suggestion, I appointed Jules Bélanger to be councillor.

In the beginning of March 1877 difficulties and quarrels arose at Montmagny in consequence of that election.

After that appointment those quarrels broke forth afresh in the municipal council itself, from which the councillor whom I had thus been caused to appoint was expelled with violence. That appointment I was recommended to make, notwithstanding the fact that an election had taken place; that it had been held and presided over by the Mayor, that Eugene Fournier had been returned by acclamation, that he had been sworn in according to law, and that, at the very time when the appointment of Jules Bélanger was recommended to me, the person thus elected had in fact taken his seat, had been sworn, and had sat at the said Council, as appears by the minutes of the council.

When I afterwards learned these facts, I communicated them to the Premier, whom I requested to prepare a revocation of the appointment which I had thus been caused to make, contrary to the principles above set forth, and the justice of which he had himself admitted.

The Premier answered that the matter was of a very delicate nature, as such a proceeding would be contrary to the recommendation of M. Angers, his Attorney-General; he concluded by saying that he would get him to prepare a report on the subject.

I received that report some days later. After having read it, I again intimated to M. De Boucherville, that in the interests of peace, and in conformity with the principle that executive should not be substituted for judicial power in matters within the province of the latter, I insisted upon the revocation being made.

After waiting several days for an answer, and not having received any from the Premier, I addressed a letter to him, of which the following is a copy:—

“ (Private and Confidential.

“ MY DEAR DE BOUCHERVILLE,

Quebec, March 14, 1877.

I HAVE NOT received any answer on the subject of the appointment of a Councillor at Montmagny.

Those who deceived the Government in order to induce me to perform an executive act in connexion with a question which they then knew to be within the judicial power, do not, in my opinion, deserve consideration which cannot but be injurious to the Government and myself.

The remedy is very simple—rescind the appointment—allow the parties interested to fight it out before the Courts.

Yours, &c.

(Signed) L. LETELLIER.”

If, my Lord, I insist upon this latter point, it is to show your Excellency that the Prime Minister was then perfectly aware of my views on that point, and should not, in consequence, have introduced, during the last Session of our Legislature, any legislative measure or performed any administrative act tending to substitute executive for judicial power, without notifying me, and especially without advising me on the subject.

It was easy for the Premier to understand, from my remarks and the frequent conversation which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the right guaranteed to them by Magna Charta, that their property should never be interfered with, except in virtue of a judgment rendered by the tribunals of the country.

4th. On the 19th March 1877, being on the eve of absenting myself for a few days I wrote to the Hon. M. Chapleau, and in a postscript I said: “ Please oblige me by telling the Premier that if he needs my concurrence, Mr. Gauthier may bring down to me the documents requiring my signature.”

M. De Boucherville should have understood from that, that if I was ready to give my concurrence, it was on condition of having all documents submitted to me before signing them.

I leave you, my Lord, to judge in what manner my views were interpreted.

5th. Under date of the 6th of November last, I addressed to the Honourable M. De Boucherville the letter of which the following is a copy:—

“ Private.

“ MY DEAR DE BOUCHERVILLE,

Quebec, November 6, 1877.

IN the last “ Official Gazette ” were published under my signature, two proclamations which I had not signed.

One was for the summoning of Parliament, which I had reserved in order to confer with you, the other, which I did not even see, appoints a day of Thanksgiving.

These proceedings, the nature of which I shall not characterise, entail, apart from their impropriety, invalidities which you will easily understand.

Yours, &c.

The Hon. C. B. De Boucherville, Premier.

(Signed) L. LETELLIER.”

The following are the notes which I took of the conversation which I had with M. De Boucherville on the subject.

“ M. De Boucherville came on the same day he received the letter to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used, when necessary for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me; which M. De Boucherville assured me would be the course followed in future.

(Signed) L. L.”

6th. But my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

From the conversation which I have held with M. De Boucherville, there results a fact, which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

On two different occasions, some time after the session of 1877, I pointed out to him that millions had been voted to aid railways in general at a time when our finances did not appear to me to be in a condition to warrant, all at once, a lavish expenditure in subsidizing these numerous undertakings, particularly as, apart from that, our credit was “ so heavily pledged towards the building of the “ Quebec, Montreal, Ottawa, and “ Occidental Railway.”

He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that those members formed combinations—“ rings ”—to control the House.

M. De Boucherville is not unaware that I thereupon told him that it was better to save the Province than a Government, and that if his Administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well meaning men, from both sides of the House, rather than submit to the dictation of those “ rings,” and to the control of those combinations.

When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those “ rings,” when by his legislation he sought to favour them anew during the last session, without having previously advised with me, had I not the right, as the Representative of my Sovereign, to believe and to be convinced that M. DeBoucherville did not possess a constitutional majority in the Legislative Assembly.

7th. In communicating to both Houses my Memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorisation which I had given by my letter of the 4th of March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain.

I shall point out, my Lord, one fact alone to prove that incorrectness and that impropriety. The Hon. Messrs. De Boucherville and Angers, in their explanations to the two Houses, lay great stress on the telegram which M. De Boucherville despatched to me at Rivière Ouelle, to ask my permission to introduce resolutions concerning the finances, and on the blank signature that I sent up in answer to it.

But these gentlemen themselves had that blank signature filled up by my private secretary, so as to give to the telegram the meaning which I attributed to it, namely, a request for permission to introduce the supplies. The following is a copy of the message produced with that blank signature :—

“ Mr. Treasurer Church presented a message from his Excellency the Lieutenant-Governor as follows :—

“ L. LETELLIER,

“ THE Lieutenant-Governor of the Province of Quebec transmits to the Legislative Assembly the supplementary estimates for the current year and for the fiscal year ending 30th June 1879, which, in conformity with the provisions of the 54th section of the British North America Act, 1867, he recommends to the Legislative Assembly.

“ Government House,

“ Quebec, 30th January, 1878.”

My ministers never had, by their own admission, any other authorisation from me for the introduction of their railway and taxation resolutions than the blank signature above mentioned, in which not a word is said of them. Besides which, it will be noticed that the railway resolutions were introduced on the 29th January, whereas the message is dated the 30th.

It is for this reason, my Lord, that I bring to your knowledge all the facts and details which are connected with the relations which I have had with M. De Boucherville and his colleagues.

Were the controversy with me alone, as a private individual, I would abstain from any remonstrance against the injustice of their reflections upon the conduct of the Representative of the Crown, which they have made in violation of their duty; but in this matter the maintenance of the Constitution is at stake.

If, without any authority from me, proclamations have been published which I never signed, is it surprising that messages were communicated in my name to the houses respecting which I had never been consulted?

It is because, as the Representative of my Sovereign, I have been unjustly and shamefully dragged before the public that I make known to you, my Lord, that, in the performance of my duty as her Representative, my object has not only been to protect the dignity of my office but to afford to the people of this Province an opportunity of knowing that, under existing circumstances, the exercise of the Royal prerogative has not been hostile to their constitutional liberties; but that, on the contrary it has afforded them the means of freely exercising their judgment.

There results, my Lord, from what I have now stated :—

1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the Representative of the Crown.

2nd. That my name has been used by the members of the Government in the signature of documents which I had never seen.

3rd. That a proclamation summoning the Legislature was published in “ Official Gazette ” without my being consulted or informed of it, and before my signature had been attached thereto.

4th. That a like proclamation fixing a Day of Thanksgiving was also published under similar circumstances.

5th. That, although I had intimated to the Premier by my advice, and by my letter of the 14th of March 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the courts of justice, he thought proper, without my participation and without advising me, to propose to both Houses, in legislating for the “ Quebec, Montreal, Ottawa, and Occidental Railway,” to substitute the power of the Executive for that of the Judiciary.

6th. That, without having advised me, and without having received authorisation of any sort whatever from me, the Government of M. De Boucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no message from me had been asked for this object, nor signed by me to authorise its proposition to the Houses.

7th. That, after its dismissal, the Government of M. De Boucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day, different

from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the Representative of the Crown.

8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses of my Memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March, instant.

9th. That, therefore the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier.

10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of your Excellency all the reasons for that dismissal.

I have, &c.

(Signed) L. LETELLIER,
Lieutenant-Governor.

APPENDIX A.

(Translation.)

SUMMARY OF OFFICIAL RECORD.

IN January 1877 an election had taken place for the south ward of the village of Montmagny. That election having been declared null and void by the Court, it ordered a fresh election, and appointed Eugène Hamond to preside thereat.

On the day fixed, Eugène Hamond refusing to preside, Naz. Bernatchez, Esq., Mayor of the municipality, the senior magistrate present, presided.

The meeting elected Eugène Fournier.

Eugène Hamond wrote to the Lieutenant-Governor that he had not presided at the meeting, without adding, however, that there had been no election. He recommended at the same time, that Jules Bélanger be appointed.

Eugène Fournier, elected at the meeting of the 19th February, took the oath of office and took his seat on the 23rd February.

On the 3rd of March the Attorney-General (M. Angers) recommended the appointment of Jules Bélanger, who was accordingly appointed on the 7th of the same month.

On the 10th of March Mr. Bernatchez, Mayor of Montmagny, addressed to the Lieutenant-Governor a memorial setting forth the facts, and praying that the appointment be cancelled.

On the 15th of March the Attorney-General made a report, recommending that the appointment of Jules Bélanger be maintained.

On the 27th of March the Lieutenant-Governor revoked that appointment, on a report of the Government.

APPENDIX B.

(Translation).

Quebec, March 4, 1878.

THE Lieutenant-Governor desires that his two memoranda (of the 25th February and 1st March), addressed to the Hon. M. DeBoucherville, and the answers made to those memoranda by the Hon. M. De Boucherville (of the 27th February and 3rd March), be not now communicated to both Houses.

That communication, authorised by the Lieutenant-Governor at the request of the Hon. M. De Boucherville, should be made as soon as the arrangements for the formation of a new Executive Council are completed.

The Hon. M. De Boucherville may communicate to the Houses that the adjournment from day to day is rendered necessary by the last-mentioned cause.

(Signed) L. LETELLIER.

To the Hon. C. B. De Boucherville, Quebec.

(Translation.)

YOUR EXCELLENCY,

Quebec, March 4, 1878.

IN conformity with your wish expressed in a letter of to-day's date, I shall withhold, until the formation of a new Executive Council, the explanations I was authorised by your Excellency to communicate to the Houses.

I have, &c.

(Signed) C. B. DE BOUCHERVILLE.

(Translation.)

Government House, Quebec,

February 25, 1878.

THE Lieutenant-Governor desires the Executive Council to prepare, for his consideration, a "factum" containing a copy of the following documents, viz. :—

1. A copy of the Acts of the Federal Parliament authorising the construction of the railway now known under the name of "Quebec, Montreal, Ottawa, and Occidental," as well as a copy of the Acts of the Legislature of the Province of Quebec respecting the said railway.

2. A copy of the Acts of the Legislature of the Province of Quebec, respecting the building of the railway between Quebec and Montreal, which line is commonly designated by the name of "North Shore Railway."

3. A copy of the byelaws of each of the municipal corporations by which they undertook to help in constructing the said railways.

4. A statement of the amount of the bonus paid by each of those corporations, and a copy of the correspondence between the Government, its commissioners, or the contractors for the said railways, and the aforesaid municipalities, with regard to their bonus or subsidy.

5. A copy of the various contracts entered into for the building of those several roads.

6. A copy of the official or confidential reports of the engineers who have been ordered to locate those lines of railway in whole or in part.

7. A copy of the report of the Railway Commissioners submitted to the Houses, during the present session, with regard to the said railways.

8. A copy of the representations made to the Government by the municipal bodies so interested, or the ratepayers of those municipalities, with regard to the conditions of their bonus or subsidy.

9. A copy of the resolutions which have been proposed to the Provincial Legislature during the present session, with regard to the aforesaid subsidies, and to facilitate the payment and collection thereof.

10. A copy of the Bill based on those resolutions which has been introduced in the Legislature of Quebec during the present session.

11. A plan showing the several locatings of each of the said railways or of any part of them.

12. A statement of the reasons which led the Provincial Government not to be satisfied with the provisions of the statutory and public law, and of the Civil Code of this province for the recovery of any sums of money which may be due by those corporations, but, without previously advising in any way with the Lieutenant-Governor, to propose *ex post facto* legislation, to compel them to pay.

Another very important Bill, to make provision for levying new taxes, has also been proposed to the Legislature, without having been previously submitted for the consideration of the Lieutenant-Governor.

The Lieutenant-Governor quite understands that propositions of secondary importance, and on which he has been previously officially informed, may be, as matter of routine, proposed to the Houses, without a special order from himself; but he cannot in any way permit that the Executive should make communications in his name to the

Legislature, with regard to measures which are of a new and important character, without his special authorisation, and without his having been previously fully informed and advised in respect thereof.

(Signed) L. LETELLIER,
Lieutenant-Governor.

(Translation).

To His Excellency the Lieutenant-Governor of the Province of Quebec.

YOUR EXCELLENCY,

Quebec, February 27, 1878.

I HAVE the honour to acknowledge receipt of the Memorandum which your Excellency caused to be handed me yesterday afternoon by your aide-de-camp, who informed me at the same time that you were ill in bed.

I have submitted that Memorandum to the Executive Council, and will see, as your Excellency desires, that diligence is used to cause all the documents asked for to be transmitted to you as soon as possible.

Anticipating the factum which your Excellency wishes to have, and which will contain a more detailed statement of the motives which have induced the Provincial Government to propose the measures to which you draw my attention, I deem it my duty to represent to you :

That, amongst others, the reasons which led the Government to submit to the Legislature a law compelling the municipalities to pay their subscriptions towards building the provincial railway, on the decision of the Lieutenant-Governor in Council, under a sworn report of a competent engineer, and after a 15 days' notice, to give those municipalities an opportunity of being heard, are the manifestations of bad faith of certain municipalities, shown in certain cases by their neglect to respond to the calls of the Treasurer, in others by their formal refusal to pay, and in certain cases by resolutions adopted demanding new conditions in respect to the agreements they had entered into with the Government.

The Government believed that, without such legislation, the object of which is to avoid the slowness of ordinary judicial proceedings, the result of the bad faith of the municipalities would have been either to necessitate a new loan by the Province, and therefore an unjust charge upon municipalities who had entered into no agreement, and who are to derive no immediate advantage from the construction of the road, or to put a complete stop to the works begun, with the inevitable loss of the interest on the enormous capital already invested in the enterprise, and the other damages which would result. The Government, firstly obliging itself by that law to fulfil the conditions agreed upon with those municipalities, believe that in substituting for the ordinary courts, the Lieutenant-Governor with an Executive Council, responsible to the Legislature and to the people, they were offering to parties interested, a tribunal which insured them as many guarantees as the ordinary courts.

I would further bring under your Excellency's notice that provisions of a similar nature to this legislation exist already in our Statutes. I may cite to your Excellency cap. 83 of the Consolidated Statutes of Canada, and also cap. 47 of 36 Vict. of the Statutes of Ontario.

I respectfully submit to your Excellency that a law framed to better assure the execution of a contract cannot produce a retroactive effect; it enacts for the future, and has for its end the respective interests of both parties.

I would now beg your Excellency to observe that while you were at Rivière Ouelle, I had the honour to ask your authority to put the question of finance before the House, and that you kindly answered, stating you were forwarding through the mail a blank, which act I took at that time as a great mark of confidence on your part. I received, in fact, a blank, with your signature, and I gave it to the Treasurer, who had it filled up by your aide-de-camp. Later I had the honour to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesy.

That permission, I may say, had always been granted me by your predecessor, the lamented Mr. Caron. I must admit that with that permission, and being convinced your Excellency had read the Treasurer's speech, in which he announced the taxation subsequently proposed, I considered myself authorised to tell my colleagues that I had your permission for all money measures.

I beg your Excellency to believe that I never had the intention of assuming the right of having measures passed without your approbation, and that in this case, having had

occasion to confer with you with regard to the law respecting the Provincial Railway and not having orders to suspend it, I did not think your Excellency would see in that measure any intention on my part of disregarding your prerogatives, which nobody is more disposed to respect and uphold than myself.

I have, &c.
(Signed) C. B. DE BOUCHERVILLE.

(Translation.)

To the Hon. C. B. DE BOUCHERVILLE, Prime Minister, Quebec.

Government House, Quebec,
March 1, 1878.

THE Lieutenant-Governor, taking into consideration what the Prime Minister communicated to him verbally (February 27), and taking into consideration the letter which the Premier then handed to him, is ready to admit that there was no intention on the part of the Premier to disregard the prerogatives of the Crown, and that there has been on his part only an error committed in good faith, in interpreting as he did the words of the Lieutenant-Governor in their interview of the 19th February instant, words which did not convey the sense of authorisation which the Premier attached to them.

With such an interpretation, and the instructions which were in consequence given by the Premier to the Hon. Messrs. Angers and Church, those gentlemen have done nothing, knowingly, not in conformity with the duties of their office.

As to the blank which the Lieutenant-Governor sent him from Rivière Ouelle, the Lieutenant-Governor knew that that blank would be used to lay the estimates before the House.

That act was a mark of confidence on his part, as the Premier characterises it in his letter of the 27th; but that act was confidential.

The Lieutenant-Governor deems it right to observe that, in his Memorandum of the 25th February instant, he in no way expressed the opinion that he believed that the Premier ever had the intention of taking upon himself the right "of having measures passed without his approbation, or of disregarding the prerogatives of the Representative of the Crown."

But the Prime Minister cannot lose sight of the fact that, although there was no intention on his part, in fact the thing exists, as the Lieutenant-Governor told him.

The fact of having proposed to the Houses several new and important measures without having previously in any way advised the Lieutenant-Governor thereof, although the intention of disregarding his prerogatives did not exist, does not the less constitute one of those false positions which places the Representative of the Crown in a critical and difficult position with regard to the two Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of affairs should rest with him.

With regard to the Bill, intituled "An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway," the Premier cannot claim for that measure the asserted general authorisation which he mentions in his letter, for their interview was on the 19th February, and that Bill was before the Legislature several days before that date, without the Lieutenant-Governor having been in any way informed of it by his advisers.

The Lieutenant-Governor expressed at the time to the Premier how much he regretted that legislation; he represented to him that he considered it contrary to the principles of law and justice; notwithstanding that, the measure was carried through both Houses until adopted.

It is true that the Premier gives in his letter, as one of the reasons for acting as he did, "that this permission of using the name of the Representative of the Crown had, besides, always been granted him by the predecessor of the present Lieutenant-Governor, the lamented Mr. Caron."

This reason cannot be one for the Lieutenant-Governor; for in so acting he would have abdicated his position as Representative of the Crown, which act neither the Lieutenant-Governor or the Premier could reconcile with the obligations of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets having to state, as he told the Premier, that he has not been informed in general, in an explicit manner, of the measures adopted by the Cabinet, although the Lieutenant-Governor had often given the Premier an opportunity to do so, especially during last year.

From time to time, since the last session of the Legislature, the Lieutenant-Governor has drawn the attention of the Premier to several subjects regarding the interests of the Province of Quebec, among others: 1st. The enormous expenditure occasioned by very large subsidies to several railways, while the Province was burdened with the construction of the great railway from Quebec to Ottawa, which should take precedence of the others; and this, when the state of our finances obliged us to undertake loans disproportioned to our revenue.

2nd. The necessity of reducing the expenses of the civil government, and of the Legislature, instead of having recourse to new taxes, in view of avoiding financial embarrassment.

The Lieutenant-Governor expressed also, but with regret, to the Premier, that the Orders passed in Council to increase the salaries of Civil Service servants, seemed to him inopportune, at a time when the Government were negotiating with the Bank of Montreal a loan of half a million, with power to increase that loan to \$1,000,000, at a rate of interest of 7 per cent.; and, indeed, even to-day (1st of March) the Lieutenant-Governor is obliged to allow that an Order in Council be passed to obtain the last half million for the Government, without which the Government would be unable to meet its obligations, as I was informed by the Hon. the Provincial Treasurer to-day, by order of the Prime Minister.

The Premier did not let the Lieutenant-Governor know, then, or since, that the Government were in such a state of penury as to necessitate special legislation to increase public taxation.

Therefore the Lieutenant-Governor said and repeated these things to the Premier, and he deems it advisable to record them here, that they may serve as memoranda for himself and for the Premier.

It therefore results:—1st. That although the Lieutenant-Governor has made many recommendations, in his position as Representative of the Crown, to the Premier on these different subjects of public interest, his advisers have undertaken a course of administrative and legislative acts, contrary to these recommendations, and without having previously advised with him.

2nd. That the Lieutenant-Governor has been placed, without evil intention, but, in fact, in a false position, by being exposed to a conflict with the will of the Legislature, which he recognises as being in all cases supreme so long as that will is expressed in all constitutional ways.

The Lieutenant-Governor has read and examined carefully the Memorandum and documents which the Premier was kind enough to bring him yesterday.

There are in the record petitions from several municipal corporations and from citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill, with regard to the "Quebec, Montreal, Ottawa, and Occidental Railway."

The Lieutenant-Governor was only yesterday able to take cognizance of some of these petitions, as they had not been communicated to him before he received them in the record.

The Lieutenant-Governor, after having maturely deliberated, cannot accept the advice of the Premier with regard to the sanctioning of the Railway Bill, intituled "An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway."

For all these causes the Lieutenant-Governor cannot conclude this Memorandum without expressing to the Premier the regret he feels at being no longer able to continue to retain him in his position, contrary to the rights and privileges of the Crown.

(Signed) L. LETELLIER.

(Translation.)

YOUR EXCELLENCY,

Quebec, March 2, 1878.

I HAVE the honour to acknowledge the receipt of your Memorandum, in which you come to the conclusion that you can no longer continue to retain me in my position as Prime Minister. There is no other duty for me to fulfill but to submit to the dismissal from office, which your Excellency has notified me of, declaring at the same time my

profound respect for the rights and privileges of the Crown, and my devotion to the interests of our Province.

I have, &c.
(Signed) C. B. DE BOUCHERVILLE.

To His Excellency the Lieutenant-Governor
of the Province of Quebec.

MESSAGE from HIS EXCELLENCY THE GOVERNOR-GENERAL.

DUFFERIN,

THE Governor-General transmits to the House of Commons a letter from the Hon. C. B. De Boucherville, having reference to recent ministerial changes in the Province of Quebec.

Government House, Ottawa,
8th April 1878

SIR,

Ottawa, April 3, 1878.

I HAVE the honour to inform, through you, his Excellency the Governor-General that I have this day transmitted to the Hon. the Secretary of State of Canada a letter or memorandum with annexed document, addressed to his Excellency with request that it may be put in his Excellency's hands, and that his Excellency the Governor-General may be pleased to lay that letter and annexed document before both Houses of Parliament.

My letter or memorandum being an explanation of the charges brought against me and my colleagues by the Lieutenant-Governor of Quebec, I believe that it is due to me and my colleagues that our explanations may be communicated to both Houses of Parliament, in the same way that the Lieutenant-Governor's memorandum was communicated to them.

I have, therefore, to respectfully reiterate my request,

Hon. Col. Littleton, &c.,
Ottawa.

And remain, Sir, &c.,

(Signed) C. B. DE BOUCHERVILLE,
M. L. C.

(Copy.)

SIR,

Ottawa, April 3, 1878.

I HAVE the honour to transmit herewith a letter, with annexed document, addressed to his Excellency the Governor-General. I have the honour to request, through you, his Excellency to be kind enough to lay the above-mentioned letter and documents before both Houses of Parliament.

The Hon. R. W. Scott,
Secretary of State, Ottawa.

I have, &c.
(Signed) C. B. DE BOUCHERVILLE,
M. L. C.

To His Excellency the Right Honourable the Earl of DUFFERIN, K.P., K.C.B., G.C.M.G.,
Governor-General of Canada, Ottawa.

MY LORD,

Ottawa, April 2, 1878.

THE "explanatory case" addressed to your Excellency by his Honour M. Letellier, and accompanying the documents and details which related to my recent dismissal from office, and by you transmitted to the Senate and House of Commons, containing as it does statements of facts, the accuracy of which I respectfully deny, imposes upon me the duty of submitting for your information and consideration the following:—

As your Excellency is doubtless aware, M. Angers laid upon the table of the Legislative Assembly on the 8th of March last, copies of the correspondence and explanations by him made at my request relating to the dismissal from office of the De Boucherville Government. This correspondence and explanations, with some com-

ments of his own, are contained in the copy of the votes and proceedings of that House of the 9th March, and I respectfully beg to be permitted to annex them as forming part hereof. I beg, however, to add to these explanations of M. Angers a few words upon two subjects, viz. :—

1. In the Memorandum which I had the honour to address to his Honour M. Letellier, under date 27th February, I said :—“ Later I had the honour to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesy. This permission, I may say, had always been granted me by your predecessor, the lamented M. Caron.”

I do not think that the meaning of these phrases is correctly rendered in the paragraph in his Honour's letter to me, under date the 1st March, wherein he says :—

“ It is true that the Premier gives in his letter as one of the reasons for acting as he did, that this permission of using the name of the Representative of the Crown had always been granted him by the predecessor of the present Lieutenant-Governor, the lamented M. Caron.

“ This reason cannot be one for the Lieutenant-Governor ; for in so acting he would have abdicated his position as Representative of the Crown, which act neither the Lieutenant-Governor nor the Premier could reconcile with the obligation of the Lieutenant-Governor to the Crown.”

It is manifest that I desired to say, and that, in fact, I did say, that the late M. Caron had given me that authority for money matters only.

My Lord, I respect too highly the memory of that virtuous and distinguished statesman, to allow any such misinterpretation of my meaning to pass unchallenged, by which I am made to intimate that the deceased M. Caron had abdicated to me his position as the Representative of the Crown. Every person who knew the late M. Caron and his high legal and constitutional attainments, will share with me my regretful surprise that any such imputation should be cast upon his memory.

2nd. That, not having kept any memorandum of such conversations as I had with the Lieutenant-Governor, except those which took place since the 25th February last, I have no remarks to make upon the paragraph, wherein it is stated :—

“ The Premier did not let the Governor know, then or since, that the Government was in such a state of penury as to necessitate special legislation to increase public taxation,” unless it be that this statement does not seem to me to accord with a preceding paragraph, wherein it is stated that the Lieutenant-Governor drew my attention “ to the necessity of reducing the expenses of Government and of the Legislature, instead of having recourse to new taxes in view of avoiding financial embarrassment.”

I acknowledge that I never did inform the Governor that the Province was in a state of penury, simply because I was convinced of the contrary.

“ The Lieutenant-Governor expressed also, but with regret, to the Premier, that the Orders passed in Council to increase the salaries of Civil Service servants seemed to him inopportune.”

Upon this matter I merely desire to remark that these Orders in Council were authorized by a law passed during the Session of 1876.

I propose now, my Lord, to deal with the specific allegations made against me by his Honour M. Letellier, in his explanatory case, and, for convenience sake, I take the liberty to quote from his Honour's memorandum :—

1st. “ During the Session of 1876, a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

“ This Bill bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

“ In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

“ Not long afterwards I was informed of the irregularity, and I immediately spoke of it to the Premier. I made the observation that such an Act would entail too serious consequences to allow of its being passed over.

“ As a favour to him, however, I passed over this instance of irregular legislation, which was then irreparable.”

In relation to this the facts will furnish a sufficient answer. The Act in question was a Bill, entitled, “ An Act to authorise the formation of societies for the improvement of country roads, and for the destruction of noxious weeds in the Province of Quebec.” It was introduced in the Legislative Council, duly passed that House, and was sent down to the Legislative Assembly for its concurrence.

Apparently in the hurry of the last hours of the session, after it had been read twice, the Clerk, by mistake, certified it as passed without amendment, and it was thus sent back to the Legislative Council. His Honour came down on the following day to prorogue the Legislature, and his assent was given to this Bill along with others. The error was immediately discovered by the Attorney-General, who made a report for transmission to Ottawa stating the error, and suggesting that the Act should be disallowed. The Hon. Mr. Blake, then Minister of Justice, reported in reply that this was unnecessary, that the Act, not having received all its stages, was but blank paper, and as a consequence it was not printed in the Statutes. In view of this fact, it is difficult to understand the statement of his Honour the Lieutenant-Governor that, "as a favour" to me, he "passed over this instance of irregular Legislation, which was then irreparable."

2nd. "During the same session another Bill was submitted to me for my sanction. On examining it I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

" (Private.)

" MY DEAR PREMIER,

Quebec, December 27, 1876.

" A BILL (E) which originated in the Council, was passed by the Legislative Assembly without amendment; upon reading it before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

" You followed the usual practice in not fixing the amount of the penalty in the Legislative Council, but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof sheets.

" While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word 'amender' is in the infinite mood. I notice this latter inaccuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you an omission which I consider fatal.

" Yours, &c.

" (Signed) L. LETELLIER."

" The Premier came to me and said that he regretted the omission; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him."

In relation to this, I have to say that the Act in question was "An Act to provide for the safety and protection of the public in theatres, edifices and public halls." As stated, it was passed first in the Legislative Council, where the blank, being the amount of the penalty, could not be inserted. By inadvertence it passed the Legislative Assembly in the same form. After its passage, the omission was discovered, and a short Bill was introduced to remedy it. The Act in which the omission occurred is numbered 19, and the Act supplying the omission is numbered 20, of the statutes of 1876, and both were sanctioned by his Honour the Lieutenant-Governor at the same time.

3rd. "In March, 1877 (*vide* Appendix A.), my advisers caused me to make an appointment of a municipal councillor for the south ward of the village of Montmagny, under the pretext that there had been no election, or that if such election had taken place, it was illegal," &c.

As to the third complaint of his Honour, it is difficult to understand, seeing that it had no relation to the dismissal of myself and my colleagues, why it is introduced. Whether wisely or not, the municipal code of the Province of Quebec provides that, in a certain contingency, the Lieutenant-Governor of the Province shall appoint a councillor. In the opinion of the law adviser of his Honour, upon a petition sent in from the village of Montmagny, that contingency had arisen, and he made a report recommending an appointment. That report was approved, and the appointment made by his Honour. Subsequently other information was received, which induced his Honour to urge the revocation of the appointment, and out of deference to him, while seeing no reason to change its opinion, the Government yielded, and the appointment was cancelled.

4th. "On the 19th March 1877, being on the eve of absenting myself for a few days, I wrote to the Hon. M. Chapleau, and in a postscript I said, 'Please oblige me by telling the Premier that if he needs my concurrence, M. Gauthier may bring down to me the documents requiring my signature.'

“ M. De Boucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them.”

“ I leave you, my Lord, to judge in what manner my views were interpreted.”

It would seem somewhat remarkable that a statement to which his Honour appears to attach so much importance should have appeared as a postscript to what I have reason to believe was a private letter, in no sense relating to public business. I may say, however, that a reference to dates will show that the documents referred to had relation to the Montmagny Councillorship, which was at the time a subject of discussion, and was not intended to have and had not any such significance as that attempted now to be attached to it.

5th. “ Under date of the 6th of November last, I addressed to the Honourable M. De Boucherville, the letter of which the following is a copy :—

“ (Private.)

“ MY DEAR DE BOUCHERVILLE, Quebec, November 6, 1877.
 ‘ IN the last ‘ Official Gazette ’ were published over my signature two proclamations which I had not signed.

“ One was for the summoning of Parliament, which I had reserved in order to confer with you ; the other, which I did not even see, appoints a Day of Thanksgiving.

“ These proceedings, the nature of which I shall not characterise, are productive, apart from their impropriety, of nullities of which you will easily understand.

“ Yours, &c.
 (Signed) L. LETELLIER.”

“ The Honourable C. B. De Boucherville,
 Premier.

The following are the notes which I took of the conversation which I had with M. De Boucherville on the subject :—

“ M. De Boucherville came on the same day he received the letter, to tell me that he regretted that the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used, when necessary, for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me, which M. De Boucherville assured me would be the course followed in future.

“ (Signed) L. L.”

It is a sufficient answer to this complaint, to say that the proclamation for the summoning of the Legislature for the despatch of business, was not published until the 24th November, and it could not, therefore, be that proclamation to which his Honour referred in his letter of the 6th November. The proclamation to which he refers was the mere formal one by which the meeting of the Legislature is further postponed from time to time ; and I am informed that the Order in Council for the particular proclamation to which his Honour referred was signed by him, and is of record, so signed, with the proper officer.

As to the proclamation fixing a Day of Thanksgiving, I have to remark that this was the result of a communication from the Premier of Canada, the Honourable Alexander Mackenzie, to the Lieutenant-Governor, and handed to me by his Honour with the request that I would carry out the suggestion. It will appear sufficiently strange under these circumstances, that I should be accused of acting without his knowledge, even if the clerical duty of obtaining his signature had been omitted. I am informed, however, that in this case also, the Order in Council, as well as the Proclamation, were signed by his Honour, and are of record, bearing his signature, in the office of the proper officer.

6th. “ But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

“ From the conversations which I have held with M. De Boucherville, there results a fact, which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

“ On two occasions, sometime after the session of 1876, I pointed out to him that millions had been voted to aid railways in general, at a time when our finances did not appear to me in a condition to warrant all at once a lavish expenditure in subsidising

these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa, and Occidental Railway.

“He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations; that without them, the support of the members whose counties were traversed by those railways would cease to be secured to Government; that there would be no means of having a majority; that the members formed combinations—‘rings’—to control the House.

“M. De Boucherville is not unaware that I thereupon told him that it was better to save the Province than a government, and that if his administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well-meaning men, from both sides of the house, rather than submit to the dictation of those ‘rings,’ and to the control of those combinations.

“When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those ‘rings’; when by his legislation he sought to favour them anew during the last session, without having previously advised with me, had I not the right, as the Representative of my Sovereign, to believe and to be convinced that M. De Boucherville did not possess a constitutional majority in the Legislative Assembly?”

I have no desire to enter into a discussion as to the precise conversations that may have taken place between his Honour and myself, in the frequent intercourse which we had together, but, I submit as my answer to this most serious imputation, “that I confessed to being controlled by ‘rings,’” in relation to the railway legislation while I was the leader of the Provincial Government, the following facts:—

I took office in 1874. In the session following a measure was introduced to increase the subsidies granted by previous legislation to a number of railways. Several amendments were moved to the resolutions, all of them looking to an increase in the grants, and for these, the opposition, under the leadership of Mr. Joly, voted. The general elections took place subsequent to that session, and, whether the legislation was good or bad, it was sustained by a very large majority of the people, and is, therefore, no longer a proper subject of discussion in the connexion in which his Honour introduced it. At the first session after the elections, the Government, at the request of the municipalities of Montreal and Quebec, assumed the task of constructing the North Shore and Northern Colonization Railways, now known as the “Quebec, Montreal, Ottawa and Occidental Railway.” Great pressure was brought to bear upon the Government to increase the subsidies to the other roads at that time, but this pressure was resisted. As a matter of fact, it is not true that “millions have been voted to aid railways in general,” at a time when “our credit was so heavily pledged towards the building of the Quebec, Montreal, Ottawa, and Occidental Railway.” On the contrary, since our credit became so pledged, not one dollar has been added to the debt or liabilities of this Province on account of those “railways in general.”

In the session of 1876 a measure was introduced authorising a portion of the subsidy on some of these railways, from the unbuilt portion, to be used on that which was under construction to enable them to be carried to particular points, which was considered important to the public interests should be reached, and a lapsed subsidy of \$200,000 was divided among other roads of a similar class, the Bill passing the Legislature without division.

In relation to this Act, his Honour M. Letellier, in proroguing the Legislature, used these words:—“I trust that the result of your labours will be to give a new impetus to the great improvements which have been undertaken in this Province.” During the last session this process of “doubling up” of the subsidy was again adopted, but without adding to the public liability. This Act was carried through its final stages in the Legislative Council, after the change of Government, and was assented to by his Honour the Lieutenant-Governor.

7th. “In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorisation which I had given by my letter of the 4th of March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain, &c.”

As this relates to what occurred after the dismissal of the late Government, it can hardly be held to justify that dismissal. It is sufficient to refer to the correspondence,

which shows that there was no stipulation on my part as to the precise form of explanations to be made to the House; and in view of the fact that we were a dismissed ministry, I must claim that we had a duty, not only to ourselves, but to the majority of the representatives of the people whose confidence we enjoyed, to make the explanations as full as possible. As to the introduction, without authorisation, of the Railway and Finance Bills, I conceived myself to have been fully authorised, and the explanations which I offered to his Honour on this point, and which were accepted by him, do not require to be repeated.

To sum up after the manner of his Honour:—

“1st. That in general the recommendations which I made to my Cabinet did not receive the consideration which is due to the Representative of the Crown.”

As responsible ministers, we considered it to be our duty to advise his Honour not to be bound to act upon advice from him. At the same time, as is seen in the case of the Montmagny Councillorship, we were disposed, as far as possible, to pay proper deference to his views and wishes.

“2nd. That my name has been used by members of the Government in the signature of documents which I had never seen.”

I have simply to say that I know of no such case, unless it refers to the proclamations mentioned in the “Explanatory case,” and the answer on that point is sufficiently distinct.

“3rd. That a proclamation summoning the Legislature was published in the “Official Gazette” without my being consulted or informed of it, and before my signature had been attached thereto.”

No proclamation summoning the Legislature was so published without the knowledge and signature of his Honour, and the Legislature was in fact not summoned for the despatch of business for nearly three weeks after his Honour’s letter of complaint on the subject.

“4th. That a like proclamation fixing a Day of Thanksgiving was also published under similar circumstances.”

The Thanksgiving Day was fixed at the request of his Honour himself, and the Order in Council fixing it was signed by him.

“5th and 6th. That, although I had intimated to the Premier by my advice, and by my letter of the 14th March 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the courts of justice, he thought proper without my participation and without advising me, to propose to both Houses, in legislating for the ‘Quebec, Montreal, Ottawa, and Occidental Railway,’ to substitute the power of the Executive for that of the Judiciary.”

“That, without having advised me, and without having received authorization of any sort whatever from me, the Government of M. De Boucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no message from me had been asked for this subject, nor signed by me to authorise its proposition to the Houses.”

In relation to these measures I considered myself authorised by the reply of his Honour to my request for an authorization for resolutions respecting finances, and my explanations, as is seen by his letter to me, were accepted, and the Government relieved from all imputation of intentional discourtesy.

“7th. That, after its dismissal, the Government of the late M. de Boucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the Representative of the Crown.”

No reasons were assigned by me for the adjournment of the Legislative Council, neither the Speaker nor myself being present at any sitting of that House during the crisis, and the reasons assigned by M. Angers for the adjournment of the Legislative Assembly were in these words:—

“The Lieutenant-Governor signified his desire that the explanations respecting the dismissal from office of the members of the Executive Council be not given this day, but only after a new Cabinet shall have been formed;” that reason being substantially that given in the letter of his Honour of the 4th March.

“8th. That at the time of the communication of the causes which rendered necessary the dismissal of the Cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly,

both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March instant."

My letter of the 4th March makes or accepts no such limitation, and, for the reason I have already stated, I considered myself fully justified in making the explanations that were made.

"9th. That therefore the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier."

As I have stated, there were no such conditions agreed upon between the Lieutenant-Governor and myself.

"10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of your Excellency all the reasons for their dismissal."

The conversations reported by me were not "pretended" but real, of which notes were taken immediately after they occurred, and which were necessary to explain fully the circumstances preceding my dismissal. If they have compelled his Honour to state "all the reasons for that dismissal," I venture the opinion that it would have been more respectful to the Legislature, whose confidence I enjoyed, had "all the reasons" been communicated to it.

The observations I have made upon these additional reasons will, I hope, serve to convince your Excellency that they were not such as to strengthen the position of the Lieutenant-Governor.

I have, &c.

(Signed) C. B. DE BOUCHERVILLE,
M. L. C.

No. 42.—EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY
of the PROVINCE of QUEBEC.

The following letter and "copies of the correspondence and explanations relating to the dismissal from office of the De Boucherville Government" were laid upon the table:

To the Honourable the Speaker of the Legislative Assembly.

SIR,

Quebec, March 8, 1878.

I HAVE the honour to forward you, to be laid before the House, copy of the correspondence and explanations relating to the dismissal from office of the De Boucherville Government, which I read and communicated to the House.

I have, &c.

(Signed) A. R. ANGERS,
Ex-Attorney-General,
Member for the County of Montmorency.

MR. SPEAKER,

MR. DE BOUCHERVILLE had received permission from the Lieutenant-Governor to give explanations respecting his dismissal from office at the sitting on Monday, the 4th March instant; between half-past one and two o'clock of the same day, he received from His Excellency a notice not to give any explanations until the new Cabinet had been formed.

This event having been announced, the late De Boucherville Government has the right, in virtue of the permission so obtained, to give its explanations to the House and to the country.

It is my duty to announce to the House that the De Boucherville Government did not resign. A Government, possessing the confidence of the great majority of the Represent-

tative Assembly, and of almost the whole of the Legislative Council, has no right to resign, if it has really at heart the interest of the country, and a respect for its duty. The Government was dismissed from office by the Lieutenant-Governor. The facts which preceded and followed this event are entered in a journal kept from day to day and from hour to hour, under the dictation of the ex-Premier, and the following is an exact and faithful recital thereof.

On the 26th February 1878, at about half-past four o'clock p.m., the Premier received from the Lieutenant-Governor, through his Aide-de-Camp, the following letter:—

To the Hon. C. B. De Boucherville, Premier of the Province of Quebec.

Government House, Quebec, February 25, 1878.

THE Lieutenant-Governor desires the Executive Council to prepare for his consideration a factum including a copy of the following documents:—

1. A copy of the Acts of the Dominion Parliament authorising the construction of the railway now known under the name of the "Quebec, Montreal, Ottawa, and Occidental Railway" as well as a copy of the Acts of the Legislature of Quebec, respecting the same railway :
2. A copy of the Acts of the Legislature of the Province of Quebec respecting the construction of the railway between Quebec and Montreal commonly known as the North Shore Railway :
3. A copy of the byelaws of each of the Municipal Corporations by which they agreed to assist in the construction of the said road :
4. A statement of the amount of the grant paid by each of those corporations, and a copy of the correspondence exchanged between the Government, the Railway Commissioners, or the contractors of the said road and the said municipal corporations, with respect to their said grant or subsidy :
5. A copy of the several contracts entered into for the construction of the said roads :
6. A copy of the official and confidential reports of the engineers to whom was entrusted the location of these lines of railway, in whole or in part :
7. A copy of the report of the Railway Commissioners, laid before both Houses during the present session, respecting the said roads :
8. Copy of the representations made to the Government by the municipal corporations interested or by the ratepayers of these municipalities, respecting the conditions of their grant or subsidy :
9. Copy of the resolutions proposed to the Provincial Legislature, during the present session, respecting the said subsidies and to facilitate the payment and recovery of the same :
10. Copy of the Bill, based upon the said resolutions, which was introduced into the House, during the present Session :
11. A plan showing the locations of each of the said railways or of any portion thereof :
12. A detailed statement of the reasons which induced the Provincial Government not to content themselves with the provisions of the Statute and Common Law and with those of the Civil Code of this Province, for the recovery of the sums of money which might become due by the said corporations, but, without having in any manner previously consulted with the Lieutenant-Governor, to propose an *ex post facto* legislation to compel them thereto.

Another very important measure, to provide for the imposition of new taxes, was also similarly proposed to the Legislature, without having been previously submitted to the Lieutenant-Governor.

The Lieutenant-Governor is perfectly aware that measures of secondary importance, which have previously been sufficiently explained to him, may be, as a matter of routine, proposed to both Houses, without an express order from himself, but he cannot allow the Executive to communicate to the Legislature, on his behalf, any important or new measures, without his special order and without his having been previously fully informed and advised thereof.

LUC LETELLIER,
Lieutenant-Governor.

The Premier prepared his answer during the night of the 26th-27th February. This answer was delivered by him in person to the Lieutenant-Governor, at Spencer Wood, about 10 o'clock a.m. on the 27th. It reads as follows:—

To His Excellency the Hon. L. Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,

Quebec, February 27, 1878.

I HAVE the honour to acknowledge the receipt of the memorandum sent me yesterday afternoon by your Excellency through your aide-de-camp, who, at the same time, informed me that you were ill in bed. I submitted this memorandum to the Executive Council, and I shall see, as your Excellency desires, that all due diligence be used, in order that all the documents required may be transmitted to you as soon as possible.

In anticipation of the factum desired by your Excellency, which will contain a more detailed statement of the motives which induced the Provincial Government to bring in the measures to which you draw my attention, I consider it my duty to represent that the reasons which, amongst others, caused the Government to submit to the Legislature a law obliging the municipalities to pay their subscriptions for the construction of the Provincial Railway, on the decision of the Lieutenant-Governor in Council, after a sworn report, made by a competent engineer, and after a notice of fifteen days, to give such municipalities an opportunity of being heard,—are the ill will of certain municipalities, shown by some in their neglect to comply with the requests of the Treasurer, by others in their formal refusal to pay, and, in certain cases, by resolutions adopted, asking new conditions respecting the agreements which they had made with the Government.

The Government was of opinion that, without such legislation, the object of which is to avoid the delays of ordinary legal proceedings, the result of the ill-will of these municipalities would have been, either to necessitate a new loan by the Province and consequently to cause a burden to be unjustly imposed upon municipalities which had entered into no engagements and which would derive no immediate benefit from the construction of the road, or the complete stoppage of the works already begun, together with the inevitable loss of interest on the enormous capital already laid out upon this enterprise, and the other damages resulting therefrom.

The Government, while undertaking in the first place, by the said law, to fulfil the conditions which it had agreed upon with the said municipalities, considered that, in substituting for the ordinary courts, the Lieutenant-Governor with an Executive Council responsible to the Legislature and to the people, it offered to the parties interested a tribunal which afforded as many guarantees as the ordinary courts. I would also take the liberty of calling your Excellency's attention to the fact that similar provisions are already in our Statutes. I would cite to your Excellency chapter 83 of the consolidated Statutes of Canada, and also chapter 47 of 36 Victoria of the Statutes of Ontario.

I humbly submit to your Excellency that a law devised for the better securing of the execution of a contract cannot have a retroactive effect. It enacts for the future, and its objects are the respective interests of the parties.

Now I beg your Excellency to note that while you were at Rivière Ouelle I had the honour of requesting your authorisation to lay the question of finances before the House, and that you were kind enough to reply that you sent me a blank form by mail, and I considered this, at the time, as a great mark of confidence on your part. I did, in effect, receive a blank form with your signature, which I handed to the treasurer, who had it filled up by your aide-de-camp.

Later on, I had the honour of requesting your Excellency's authorisation generally to lay money questions before the House, and this your Excellency granted, with your usual condescension. This permission, moreover, had invariably been accorded me by your predecessor, the late lamented Mr. Caron.

I must admit, that with this authorisation, and the conviction in my mind that your Excellency had read the Treasurer's budget speech, in which he announced the taxes which were afterwards proposed, I considered I had a right to inform my colleagues that I had your permission for all questions respecting money.

I beg your Excellency to believe that I never had any intention of arrogating to myself the right of having measures passed without your approval, and that, under

existing circumstances, having had occasion to speak to your Excellency in reference to the law respecting the provincial railway, and not having received any order to suspend it, I did not think your Excellency would discover in this measure any intention on my part to slight your prerogatives, which no one is more disposed than I am to respect and uphold.

Yours, &c.

C. B. DE BOUCHERVILLE.

After some conversation, the Lieutenant-Governor, having heard Mr. De Boucherville's explanations, admitted that, if there had been any misunderstanding, it was in good faith on the part of the latter, in authorising his colleagues to say that they were authorised to submit the legislation in reference to money matters. He afterwards told him, in reply to his question on the subject, that the only difficulty remaining was the question of the Quebec, Montreal, Ottawa, and Occidental Railway and that he would give an answer on the following day, the 28th February.

On the 28th February, at about half-past seven in the evening, Mr. De Boucherville went to Spencer Wood to convey to the Lieutenant-Governor the documents asked for in the letter of the 25th (which documents were prepared by the Honourable the Secretary, and were accompanied by a synopsis). He asked him if he would soon give his answer. The Lieutenant-Governor told him that he would examine the documents and probably give it to him on the following day, the 1st March.

On leaving, Mr. De Boucherville said: "If I understand you rightly, you are hesitating between giving your sanction to the Railway Bill and reserving it." He replied: "That is it."

On the 2nd of March, at five minutes to one in the afternoon, the Aide-de-Camp of the Lieutenant-Governor handed to Mr. De Boucherville the letter given hereafter.

Before the Aide-de-Camp left, he was asked how his Excellency was. The Aide-de-Camp replied that he was not so well, and then asked, "When we intended closing the session." Mr. De Boucherville replied that he could not say, as many matters were in arrear. The following is the letter in question:—

To the Honourable C. B. De Boucherville, Premier, Quebec.

Government House, Quebec, March 1, 1878.

THE Lieutenant-Governor taking into consideration the communication made to him verbally (on the 27th February) by the Premier, and also taking into consideration the letter which the Premier then gave to him, is prepared to admit that there had been no intention on the part of the Premier to slight the prerogatives of the Crown, and that there was only on his part an error, committed in good faith, in the interpretation that he gave to words used by the Lieutenant-Governor in the interview which they had on the 19th February instant, words which did not imply the authorisation attributed to them by the Premier.

With this interpretation and the instructions given in consequence by the Premier to the Honourable Messrs. Angers and Church, these gentlemen did not wittingly do anything against the duties of their office.

As to the blank which the Lieutenant-Governor addressed to him from Rivière Ouelle, the Lieutenant-Governor knew that such blank was to be used for the purpose of submitting the Estimates to the House.

This act was a token of confidence on his part, as stated by the Premier in his letter of the 27th, but it was confidential.

The Lieutenant-Governor deems it his duty to observe that, in his memorandum of the 25th of February last, he in no way expressed the opinion that he thought that the Premier ever had the intention of arrogating to himself the "right" of "having measures" passed without his approval, or of slighting the prerogatives of the Representative of the "Crown."

But the Premier must not lose sight of the fact that, although he had not so intended, the fact remains as he was told by the Lieutenant-Governor.

The fact of having submitted several new and important measures to the Legislature, without having previously, in any manner, consulted the Lieutenant-Governor, although without any intention of slighting his prerogatives, gives rise to one of those false positions which places the Representative of the Crown in a difficult and critical situation, with reference to both Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of things rests upon him.

So far as concerns the Bill intituled: "An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway," the Premier cannot apply to the measure the pretended general authorization mentioned by him in his letter, for their interview took place on the 19th February, and the Bill had then been before the House for several days without the Lieutenant-Governor having been in any manner informed of it by his advisers.

The Lieutenant-Governor then told the Premier how much he regretted such legislation; he represented to him that he considered the principles of law and justice; notwithstanding this, the measure was pushed on until it was adopted by both Houses.

It is true that the Premier gives, in his letter, as one of his reasons for so acting, "that this permission of making use of the name of the representative of the Crown had been, moreover, always allowed to him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron."

This reason cannot avail with the Lieutenant-Governor, for, by so doing, he would abdicate his position as Representative of the Crown; a proceeding which neither the Lieutenant-Governor nor the Premier could reconcile with the duties of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets being compelled to state, as he told the Premier, that he has generally not been explicitly informed of the measures adopted by the Cabinet; although the Lieutenant-Governor often gave occasion therefor to the Premier, especially during the course of last year.

The Lieutenant-Governor, from time to time since the last meeting of the Legislature, drew the attention of the Premier to several matters respecting the interests of the Province of Quebec, amongst others:—

1. To the enormous expenditure, occasioned by very large subsidies to several railways when the Province was burdened with the construction of the trunk line of railway from Quebec to Ottawa, which should prevail over all others; and that at a time when our finances compelled us to raise loans disproportioned to our revenues.

2. On the necessity of reducing the expenses of the Civil Government, and those of legislation, in place of having recourse to new taxes, with a view of avoiding financial embarrassment.

The Lieutenant-Governor, although with regret, expressed to the Premier the opinion that the Orders in Council for the increase of the salaries of Civil Service employees, seemed to him to be inopportune at a time when the Government had effected with the Bank of Montreal a loan at the rate of 7 per cent. for half a million, on condition of increasing this loan to one million; and in fact, to-day even (1st March), the Lieutenant-Governor was obliged to allow an Order in Council to be passed to secure the last half million for the Government, without which the Government would be unable to meet its obligations, as stated to him by the Honourable the Treasurer, by order of the Premier.

The Premier did not, either then or since, inform the Lieutenant-Governor that the Government were in so impecunious a position as to require special legislation to increase the public burdens.

The Lieutenant-Governor therefore stated and repeated these facts to the Premier, and now deems it his duty to record them here, in order that they may serve as a memorandum for himself and the Premier.

It results therefore,—

1. That although the Lieutenant-Governor had made several representations, in his quality of Representative of the Crown, to the Premier on those various subjects of public interest, his advisers have taken administrative and legislative steps contrary to such representations, and without having previously advised him.

2. That the Lieutenant-Governor has, without evil motives, but in fact been placed in a false position, by being exposed to a conflict with the desires of the Legislature; desires which he acknowledges to be paramount, when expressed in a constitutional manner.

The Lieutenant-Governor has attentively read and examined the memorandum and documents which the Premier was kind enough to bring him yesterday.

In the record are petitions from several Municipal Corporations and from citizens of different localities, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill respecting the Quebec, Montreal, Ottawa, and Occidental Railway.

The Lieutenant-Governor was only yesterday in a position to take communication of some of these positions, inasmuch as they had not been transmitted to him before the Record.

The Lieutenant-Governor, after mature deliberation, cannot accept the advice of the Premier in reference to the sanction to be given to the Railway Bill, intituled "An Act relating to the Quebec, Montreal, Ottawa, and Occidental Railway."

For all these reasons, therefore, the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret which he feels in being no longer able to retain him in his position, contrary to the rights and prerogatives of the Crown.

(Signed) L. LETELLIER,
Lieutenant-Governor.

On the 2nd March, about 2 o'clock p.m., Mr. De Boucherville went to Spencer Wood. When he arrived he was admitted to the presence of the Lieutenant-Governor, and told him "that according to the memorandum received from him that day, he understood that he was dismissed from the office of Premier."

The Lieutenant-Governor told him he was to take his own interpretation from the letter. Upon this Mr. De Boucherville handed him the letter, which will be found further on, as being his answer.

The Lieutenant-Governor, without opening before him, made some remarks on the difficulty on which the legislation had placed him.

Mr. De Boucherville replied that in his present position he thought he had no opinion to express on the subject. He then bowed himself out. When he had proceeded a short distance from the House he caused the vehicle to return having forgotten to ask permission from the Lieutenant-Governor to give explanations to the House. After having been a second time admitted to the presence of the Lieutenant-Governor, he asked permission to give explanations and to make known the memorandum of the Lieutenant-Governor and his replies thereto.

The Lieutenant-Governor told him he had no objection, and asked him as to the person he should send for. Mr. De Boucherville replied that he looked upon himself—having been dismissed—as being in a different position from a Minister who, although defeated in the House, still retained the confidence of the Sovereign; that he had had a majority of twenty-five in one of the late votes; that, under these circumstances, he did not think he could advise him in the matter. He then left him, and while in the ante-room the Lieutenant-Governor recalled him, and said: "Please delay the explanations until Monday."

The following is a copy of the letter which Mr. De Boucherville handed to the Lieutenant-Governor, when the latter told him he was to take his own interpretation of his memorandum.

To His Excellency the Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,

Quebec, March 2, 1878.

I HAVE the honour to acknowledge the receipt of your memorandum, in which you come to the conclusion that you cannot retain me in my position as Premier.

I have therefore no other duty to perform beyond submitting to my dismissal from office, communicated by your Excellency, reiterating at the same time my profound respect for the rights and prerogatives of the Crown, and my devotion to the interests of our Province.

I have, &c.

(Signed) C. B. DE BOUCHERVILLE.

On the 28th January 1878, Mr. De Boucherville had sent to his Excellency the Lieutenant-Governor, who was then at Rivière Ouelle, the following telegraphic Despatch:—

"Can you send me authorisation—resolutions respecting finances."

The Lieutenant-Governor on the following day, the 20th, telegraphed Mr. De Boucherville:—

"Blank mailed to-day. If presence necessary, telegraph. Return Friday."

The resolutions respecting the North Shore Railway were submitted to the House only on the 29th January, after the telegram had been received from the Lieutenant-

Governor that a form signed in blank had been mailed to Mr. De Boucherville, in reply to his despatch of the previous day, saying: "Can you send me authorisation—resolutions respecting finances?"

On the 30th January, the first resolution was reported from Committee of the Whole. On the 31st it was adopted by the House. On the 1st February the House again went into Committee of the Whole and reported the other resolutions on the same subject. But it was only on the 5th that the adoption of the report of the Committee was carried, the House throwing out the motion of non-confidence on this point by 38 to 21.

On the 5th February a Bill based on these resolutions was introduced; the second reading was delayed until the 18th February; the third reading took place on the 19th. During all this time the Lieutenant-Governor, to whom the Votes and Proceedings were sent daily, remained silent.

On the 19th February, Mr. De Boucherville met the Lieutenant-Governor, and in the conversation which took place on the subject of the measure, thought he had satisfied him as to its legality and the urgency of its being passed. The Lieutenant-Governor was so far from being explicit as to his intentions, that Mr. De Boucherville left him with the impression that he was authorised.

The Lieutenant-Governor does not contend, in his memorandum of the 1st March 1878, that he had given orders to suspend the legislation.

Sent up to the Legislative Council, this Bill had gone through its third reading before the first letter was received from the Lieutenant-Governor, dated the 25th February last, but only delivered at 4.30 p.m., on the 26th. In fact, the Lieutenant-Governor, in his letter of the 1st March, admits that he did not, in any way, in his memorandum of the 25th February, express the opinion that he considered the Premier had intended to arrogate to himself the right of getting measures passed without his approval or of slighting the prerogatives of the Representative of the Crown.

Having ascertained that a misunderstanding existed as to the interpretation of the authorisation asked by telegraphic Despatch on the 28th January and answered on the 29th by a message stating that a form signed in blank was sent, and in view of the impressions left by the conversation of the 19th February in Mr. De Boucherville's mind, should the Lieutenant-Governor have waited to make known, for the first time, the existence of this misunderstanding until the 26th February at which date the whole of the legislation, of which he complains, had been discussed and voted in the affirmative by both Houses.

The confidence shown by the Lieutenant-Governor on the 29th January in Mr. De Boucherville, by forwarding the form signed in blank, was calculated to justify him in interpreting the silence of the Lieutenant-Governor at least as not meaning dissent.

After these interviews of the 19th February, the silence observed until the 26th February was also of a nature to lead him to believe that he had a general authorization to submit to the House all measures which the public service required.

On the 31st of January, 26 days previous to the first memorandum of the Lieutenant-Governor, the Honourable Treasurer made his budget speech, in which he announced the new taxes which it would be necessary to levy to meet the obligations of the Province—obligations contracted during several previous years, and resulting from the policy then inaugurated on railways and which have received the concurrence of several members belonging to the party opposing the Government.

Can this speech, published *in extenso* by the press of the whole country, have escaped the notice of the Lieutenant-Governor?

On the 19th of February the resolutions demanding those taxes, but at a lower rate than the one mentioned by the Treasurer in his speech, were presented; and on the 20th were adopted by a vote of 39 against 22.

The Lieutenant-Governor, in his memorandum of the 1st March, complains that Mr. De Boucherville did not let him know that the Government was in an impecunious condition requiring special legislation to increase the public taxes.

The Premier would have formed an erroneous idea of the situation, if he had so qualified the temporary embarrassment caused by the ill-will of the municipalities which had subscribed for the construction of the Provincial Railway in neglecting to faithfully fulfil their obligations. He would have formed an erroneous idea of the situation, in presence of the results obtained, so far without any burden having been imposed in order to obtain them.

On the 22nd February notice was given of resolutions respecting railways in the eastern townships and on the south shore of the St. Lawrence.

On the 23rd of the same month the resolutions were introduced and subsequently adopted by a vote of 41 to 16. These resolutions do not in any way increase the actual debt of the Province.

The Lieutenant-Governor said in the same memorandum, "That the construction of the railway from Quebec to Ottawa should prevail over that of other railways." The legislation of many years past on this subject establishes no priority in favour of the Provincial Railway to the detriment of railways in the eastern townships and on the south shore. The DeBoucherville Government would have contravened the law if they had adopted any other view of the matter.

In the same memorandum the Lieutenant-Governor declares: "That he cannot accept the advice of the Premier in reference to the sanction to be given to the railway Bill, intituled 'An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway.'" This declaration is premature, the Premier never having been called upon to give his opinion as to the sanction to be given; and if he had been called upon to do so, he would, under the circumstances, have recommended that it be reserved for the decision of the Governor-General, being in doubt as to the Lieutenant-Governor having the right, of his own accord *ex proprio motu*, to exercise the prerogative of veto, and thus to decide finally on the fate of a measure passed by both Houses, when the British North America Act of 1867 seems to leave such power to the Governor-General.

The memorandum of his Excellency refers to petitions of several corporations and citizens of different places, addressed to the Lieutenant-Governor against the resolutions and the measures of the Government concerning the Quebec, Montreal, Ottawa, and Occidental Railway.

It is sufficient to consider that these petitions came from debtors, from whom the law intends to force payment, to arrive at the correct conclusion that the opinion of both Houses should prevail over that expressed in such petitions.

The Lieutenant-Governor, in the same memorandum, refers to acts of administration which date from before the session, and to which he has given his assent. As he alludes to matters for which the Government is responsible to both Houses, as advisers of the Crown, and as they are foreign to the question of prerogative raised by the Lieutenant-Governor, they cannot be adduced in this memorandum as reasons for the conclusion arrived at by his Excellency, that he cannot continue to retain Mr. De Boucherville in his position against the rights and prerogatives of the Crown; therefore, to avoid being carried away by this side issue or *hors d'œuvre*, there is no reason to question them now.

The Lieutenant-Governor further expresses the opinion "that the state of our finances forced us to make loans disproportionate to our resources."

The necessity of here repeating this phrase is to be regretted; but the credit of the Province requires that it should be contradicted. The mere reading of the Budget speech will suffice to reassure alarmists.

From all the above facts, from admissions contained in the last memorandum of the Lieutenant-Governor, from the transmission of the form signed in blank and sent by him in reply to a request of Mr. De Boucherville, asking his authorisation to introduce "resolutions respecting finances," and from the silence of the Lieutenant-Governor up to the 26th February last, it results that no measures have been introduced into the House in opposition to the prerogatives of the representative of the Sovereign.

Nothing more remains now for me to do but to reiterate the declaration I made in commencing these explanations; the De Boucherville cabinet has not resigned. It has been dismissed from office by the Lieutenant-Governor.

The Conservative party is no longer in power. But it is in the House the power—a qualified power—a majority in the opposition. The majority here, the majority in the Council, the majority in the country. The Conservative party has been dismissed from office; but it stands uncompromised, without compromise, without division—devoted to the constitution and to the welfare of the country.

(Signed) A. R. ANGERS,

Ex-Attorney-General,
Member for the Electoral District of Montmorency.

Mr. Loranger, seconded by Mr. Lynch, moved that the following address, affirming the privileges and immunities of the House, be presented by Mr. Speaker to his Excellency the Lieutenant-Governor of the Province of Quebec, at the bar of the Legislative Council, at the prorogation of the Legislature.

To his Excellency the Lieutenant-Governor of the Province of Quebec.

MAY IT PLEASE YOUR EXCELLENCY,

THE Legislative Assembly of the Province of Quebec deem it their duty to humbly represent that the cabinet of which the Honourable Henri Gustave Joly is the chief, was defeated three different times, at the sitting of the 8th of March instant, by majorities varying from 20 to 22 votes.

And they regret to state that the constitution has been disregarded by the advisers of his Excellency to the extent that they persist in retaining power against the will of the majority of the House and of the country.

The Legislative Assembly believes it, moreover, their duty to express their regret that they have been put to the necessity of suspending the passage of the Supply Bill until justice has been extended to the majority of this House.

The Legislative Assembly desires respectfully to represent to your Excellency that there exists in the House a political party, possessing the confidence of the country, and having a large majority in the House; that this party is competent to administer the public business, and that the prorogation of the Legislature presently would be prejudicial to the legislation and to the interests of the country.

The Legislative Assembly desires to represent to your Excellency, that the fact of the minority having a control over public affairs is the cause of the embarrassment under which the Province labours, through the suspension of the Supply Bill; and that a prompt solution of the difficulty may be arrived at by acting in conformity with the constitution.

The Legislative Assembly desires also to represent to your Excellency that inasmuch as there exists in the House a political party strong enough to command a large majority there is no necessity for a dissolution of the Legislature, a step which will cause considerable and useless expense to the Province, and seriously threaten the peace and tranquillity of the people of this Province.

And your petitioners will ever pray.

And objection having been taken that the said motion is contrary to the constitution, and should be considered out of order,

Mr. Speaker ruled "that the point of order was raised and decided yesterday."

And appeal having been made from Mr. Speaker's decision,

The question was put and carried in the affirmative on the following division:—

In favour of Mr. Speaker's decision.

MM. Alleyn, Angers, Baker, Champagne, Chapleau, Charlebois, Deschenes, Dulac, Dupont, Fortin (Gaspé), Fradette, Garneau, Gauthier, Houde (Maskinongé), Houde (Nicolet), Kennedy, Lacerte, Lalonde, Larochelle, Lavallée, Le Cavalier, Loranger, Lynch, Martin, Mathieu, McGauvran, Picard, Sawyer, St. Cyr, Taillon, Tarte, Thornton, and Wurtele.—33.

Against Mr. Speaker's decision.

MM. De Beaujeu, Fortin (Montmagny), Laberge, Lafontaine, Laframboise, Mollieur, Pâquet, Préfontaine, Rinfret dit Malouin, Shehyn, Sylvestre, and Watts.—12.

Exhibit No. 7.

No. 7.—VOTES and PROCEEDINGS of the LEGISLATIVE ASSEMBLY of the PROVINCE of QUEBEC.—Quebec, Tuesday, 11th June 1878.

Mr. Bertrand, seconded by Mr. Robillard, introduced a Bill (No. 4) to amend certain articles of the Civil Code of the Province of Quebec.

Second reading to-morrow.

Mr. Desaulniers, seconded by Mr. Caron, introduced a Bill (No. 3) to amend article 775 of the Municipal Code.

Second reading to-morrow.

The order of the day for resuming the adjourned debate on the amendment moved on Thursday the 6th instant to the amendment to the motion made by Mr. Gagnon, respecting an address to his Excellency the Lieutenant-Governor, in reply to his speech in opening the present session, and which amendment was conceived in these terms :

“That, after the last words in the closing paragraph of the resolutions contained in the proposed motion, the following words be added :—

“That this House, while expressing its firm determination to insist on the strictest economy in every branch of the public service, and on the closest supervision over the expenses of administration, regrets that the present advisers of his Excellency the Lieutenant-Governor should have persisted in remaining in power without having been supported by the majority of the Legislative Assembly upon their taking office, and without yet being supported by such majority.”

Which said amendment was :

That all the words after “that” in the motion in amendment be struck out and replaced by the following words : “this House entirely approves of the policy of “economy and retrenchment inaugurated by the Government, and hopes that it will “continue to put it energetically into practice.”

And the question on the amendment to the said amendment having been put it was negatived on the following division.

YEAS.

MM. Bachand, Blais, Boutin, Brousseau, Cameron, Chauveau, Dupuis, Flynn, Fortin, Gagnon, Irvine, Joly, Laberge, Lafontaine (Shefford), Lafontaine (Napierville), Langelier (Portneuf), Langelier (Montmorency), Lovell, Marchand, McShane, Meikle, Molleur, Murphy, Nelson, Paquet, Poirier, Racicot, Rinfret dit Malouin, Ross, Shehyn, Watts.—31.

NAYS.

MM. Audet, Beaubien, Bergevin, Bertrand, Caron, Champagne, Chapleau, Charlebois, Church, Desaulniers, Deschênes, Duckett, Duhamel, Gauthier, Houde, Lalonde, Lavallée, LeCavalier, Loranger, Lynch, Magnan, Martel, Mathieu, Peltier, Picard, Robertson, Robillard, Sawyer, St. Cyr, Taillon, Tarte, Wurtele.—32.

And the question on the amendment to the main motion having been put it was carried on the following division :—

YEAS.

MM. Audet, Beaubien, Bergevin, Bertrand, Caron, Champagne, Chapleau, Charlebois, Church, Desaulniers, Deschênes, Duckett, Duhamel, Gauthier, Houde, Lalonde, Lavallée, LeCavalier, Loranger, Lynch, Magnan, Martel, Matnieu, Peltier, Picard, Robertson, Robillard, Sawyer, St. Cyr, Taillon, Tarte, Wurtele.—32.

NAYS.

MM. Bachand, Blais, Boutin, Brousseau, Cameron, Chauveau, Dupuis, Flynn, Fortin, Gagnon, Irvine, Joly, Laberge, Lafontaine (Shefford), Lafontaine (Napierville), Langelier, (Portneuf), Langelier (Montmorency), Lovell, Marchand, McShane, Meikle, Molleur, Murphy, Nelson, Paquet, Poirier, Racicot, Rinfret dit Malouin, Ross, Shehyn, Watts.—31.

And then the main motion as amended having been put,

Mr. Watts moves in amendment, seconded by Mr. Racicot,

That after the last word of the said resolutions as amended, the following words be added :—

“That, nevertheless, under present circumstances this House believes it to be its duty to give a general independent support to the Government, in such a manner that the measures which it proposes may be submitted to the judgment of this House.

Mr. Loranger, seconded by Hon. Mr. Chapleau, moved in amendment to the said amendment :

That all the words after " that " in the amendment be struck out, and that the following be substituted: " Moreover this House is of opinion that the principles of the constitution of responsible government require that the cabinet entrusted with the administration of public affairs be supported by the majority of the House."

And a debate arising,

Mr. Speaker, under the provisions of the Act 31 Vict. cap. 4, of the Statutes of the Province of Quebec, called upon Mr. Rinfret dit Malouin, member for the electoral division of Quebec Centre, to replace him in the chair during his temporary absence.

And the House having sat until after 12 o'clock, midnight.

Wednesday, June 12, 1878.

After some time the Speaker resumed the chair.

And the debate continued.

On motion of Hon. Mr. Chapleau, seconded by Hon. Mr. Church, it was ordered that the debate be adjourned.

And then the House adjourned.

ARTHUR TURCOTTE,
Speaker.

Exhibit No. 8.

Friday, 14th June 1878.

The Honourable Legislative Councillors convened were :

The Honourable HENRY STARNES, Speaker.

The Honourable Messieurs

Archambeault,	Ferrière,	LeMaire,	Ross,
Beaudry,	Gaudet,	Léry, de	Roy,
Boucherville, de	Gingras,	Panet,	Savage,
Bryson,	Hearn,	Proulx,	Webb,
Dionne,	LaBruère, de	Prudhomme,	Wood.
Dostaler,	Laviolette,	Rémillard,	

On motion of the Honourable Mr. DeBoucherville it was

Ordered, that the minutes of proceedings of the thirteenth instant, containing an error be corrected by adding to the seventh line of page 2, after the word " amendment " the following words :—

" That the seventh paragraph be struck out and replaced by the following :

" That although convinced of the serious danger to the rights and liberty of the Province of Quebec by any modification to the British North America Act, we will, however, give all our attention to the Bill which will be submitted to us to that effect."

The order of the day being read for the continuation of the debate on the amendment moved by the Hon. Mr. DeBoucherville, to the seventh paragraph of the resolution relative to the address in answer to the speech of his Excellency the Lieutenant-Governor from the Throne, at the opening of the Session, the said debate was continued, and the question of concurrence being put on the said amendment, the House divided, and the names being called for were taken down as follows :

CONTENTS :

The Honourable Messieurs

Archambeault,	Ferrier,	LeMaire,	Savage,
Beaudry,	Gaudet,	Léry, de	Webb.
Boucherville, de	Gingras,	Panet,	Wood.—21.
Bryson,	Hearn,	Prudhomme,	
Dionne,	LaBruère, de	Ross,	
Dostaler,	Laviolette,	Roy,	

NON-CONTENTS :

The Honourable Messieurs

Starnes,	Proulx,	Rémillard.—3.
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So it was resolved in the affirmative.

The eighth paragraph of the said resolution being again read, and the question of concurrence being put thereon, it was

Resolved in the affirmative.

The ninth paragraph of the said resolution being again read, and the question of concurrence being put thereon,

The Hon. Mr. Beaudry, seconded by the Hon. Mr. Webb, moved

That at the end of the said ninth paragraph the following words be added :

“ But that this House desires to express anew its regret that his Excellency the Lieutenant-Governor was advised to dismiss his ministers in March last, at the time they enjoyed the confidence of both branches of the Legislature and of the Province.

“ That this House is of opinion that in acting on this advice, dismissing his ministers, and appointing a new cabinet from the ranks of the minority, his Excellency was advised to follow a course contrary to the recognised principles of responsible government.”

After debate, the question of concurrence being put on the said amendment, the House divided, and the names being called for were taken down as follows :—

CONTENTS :

The Honourable Messieurs

Beaudry,	Gingras,	LeMaire,	Ross,
Boucherville, de	Hearn,	Léry, de	Savage,
Dostaler,	La Bruère, de	Prudhomme,	Webb,
Gaudet,	Laviolette,	Roy,	Wood.—16.

NON-CONTENTS :

The Honourable Messieurs

Archambeault,	Rémillard,
Bryson,	Starnes.—5.
Proulx,	

So it was resolved in the affirmative.

The said paragraph was adopted as amended.

The tenth paragraph being again read and the question of concurrence being put thereon, it was

Resolved in the affirmative.

On motion of the Hon. Mr. Starnes, seconded by the Hon. Mr. Rémillard, it was

Ordered that the Hon. Messrs. Proulx, Rémillard, and the mover be appointed a committee to prepare an address based on the said resolution.

The House adjourned during pleasure.

After some time the House was resumed, and the Hon. Mr. Rémillard reported an address prepared by the said committee as follows :—

To his Excellency the Hon. Luc Letellier de St. Just, Lieutenant-Governor of the Province of Quebec.

May it please your Excellency, we, Her Majesty's dutiful and loyal subjects the Legislative Council of Quebec, in Provincial Legislature assembled, humbly thank your Excellency for your Gracious Speech from the Throne at the opening of this Session, and further to assure your Excellency :

“ Who sees us, with pleasure met together, for the despatch of the business of this Province, to rest assured that we will give the greatest attention to such business.

“ With your Excellency, we believe our financial condition to be the most important of the subjects which we have to consider.

“ With your Excellency, we are of opinion that it behoves us to complete railways already commenced, so as to reap, with the least possible delay, the benefit of the sacrifices we have made to build them.

“ To carry out these undertakings with success and to meet all our engagements, it is indispensable that expenditure should be reduced as low as is consistent with the efficient administration of the public service.

“ We will carefully consider the Bill which will be submitted to us, to transfer to the Commissioner of Public Works all the powers now vested in the Railway Commissioners and to abolish the office.

"We will attentively consider the measure which will be submitted to provide for the abolition of District Magistrates Courts.

"We, although convinced of the serious danger to the rights and liberty of the Province of Quebec by any modification to the British North America Act, we will, however, give all our attention to the British North America Act which will be submitted to us to that effect.

"We look forward with interest to the communication of the judgment rendered, since last session, by Her Majesty in Her Privy Council, on the question of the arbitration between the Provinces of Quebec and Ontario.

"Your Excellency may rest assured that we will manifest, in the fulfilment of our important duties, that serious attention, that devotion to the interests confided to us, and that loyalty to our Sovereign Lady the Queen, which is to be expected from the Legislature of Quebec."

But that this House desires to express anew its regret that your Excellency was advised to dismiss your ministers in march last, at the time they enjoyed the confidence of both branches of the Legislature and of the Province.

That this House is of opinion that in acting on this advice dismissing your ministers, and appointing a new cabinet from the ranks of the minority, your Excellency was advised to follow a course contrary to the recognised principles of responsible government.

"10. With your Excellency, we ardently pray that Heaven may bless our labours and that they may tend to the union, peace, and prosperity of the inhabitants of our Province."

Which address being read by the clerk was unanimously adopted.

On motion of the Hon. Mr. Starnes, seconded by the Hon. Mr. Proulx, it was

Ordered, that the said address be engrossed and signed by the Hon. the Speaker of this House.

On motion of the Hon. Mr. Starnes, seconded by the Hon. Mr. Rémillard, it was

Ordered, that the said address be presented to his Excellency the Lieutenant-Governor by the Speaker of this House.

On motion of the Hon. Mr. Dionne, it was

Ordered, that when this House adjourns, it do stand adjourned to Tuesday next, at 3 o'clock in the afternoon.

Then on motion of the Hon. M. Dostaler,

The House adjourned until Tuesday next, at 3 o'clock in the afternoon.

Exhibit No. 9.

RETURN to an ADDRESS from the Legislative Assembly, dated the 22nd June last, praying his Excellency the Lieutenant-Governor that he will cause to be laid before this House :

Copies of the correspondence exchanged between himself and his Excellency the Governor-General of the Dominion, respecting the dismissal of the De Boucherville Government from office.

Copies of the correspondence exchanged between his Excellency the Lieutenant-Governor and the Honourable Secretary of State, or any of the members of the Privy Council of the Dominion, relating directly or indirectly to the said dismissal from office of the De Boucherville Ministry.

A complete copy of the record in the Bernatchez, Bélanger, and Fournier affair, respecting the appointment and election of a municipal councillor for the village of Montmagny ; also copy of the letter of his Excellency the Lieutenant-Governor, dated from Rivière Ouelle, ordering the cancelling of the said appointment ; copies of the report of the Attorney-General on this subject, and of the cancelling of the said appointment by his Excellency ; copy of the correspondence of the Honourable Provincial Secretary on the subject, and also a copy of the letter of his Excellency, dated 19th March 1877, addressed to the Honourable Provincial Secretary, mention whereof is made in the Despatch of the Lieutenant-Governor to his Excellency the Governor-General, respecting the dismissal of the De Boucherville Ministry ; copy of the proclamation convening this Legislature for the despatch of business, on the 19th December last ; copy of the proclamation inviting the people of this province to observe the 22nd November last as a Thanksgiving Day ; copy of all correspon-

dence exchanged between his Excellency and the Secretary of State, the Prime Minister, or any other member of the Privy Council of the Dominion concerning such Thanksgiving Day.

By order,
(Signed) F. G. MARCHAND,
Secretary.

Secretary's Office, Quebec,
July 5, 1878.

PROVINCE OF QUEBEC.

(No. 1416/77.)

SIR,

Quebec, November 21, 1877.

I HAVE the honour to inform you that by Order in Council approved on the 20th November instant (1877), his Excellency the Lieutenant-Governor has been pleased to order that a proclamation do issue convening the Legislature of the Province of Quebec for the 19th December next, for despatch of business.

I have, &c.

(Signed) PH. J. JOLICŒUR,
Assistant Secretary.

L. H. Huot, Esq.,
Clerk of the Crown in Chancery, Quebec.

COPY of the REPORT of a COMMITTEE of the HONOURABLE the EXECUTIVE COUNCIL, dated 19th November 1877, approved by the Lieutenant-Governor on the 20th November 1877.

(No. 372.)

On the calling together of the Parliament of the Province,
The Honourable the Commissioner of Agriculture and Public Works, in a memorandum dated 19th November instant, 1877, recommends that a proclamation be prepared and published, calling together the Legislature of this Province for the despatch of business, for the 19th of December 1877.

The Committee concurs in this recommendation and submits to the approval of the Lieutenant-Governor.

Certified,
To the Hon. the Provincial Secretary, (Signed) FELIX PORTER,
&c. &c. &c. Clerk Ex. Council.

Canada, Province of Quebec.
[L.S.] L. LETELLIER.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To Our Beloved and Faithful the Legislative Councillors of the Province of Quebec, and the Members elected to serve in the Legislative Assembly of Our said Province, and summoned and called to a meeting of the Legislature of Our said Province, at Our City of Quebec, on the 3rd day of the month of December next, to have been commenced and held—Greeting :

A PROCLAMATION.

Whereas the meeting of the Legislature of the Province of Quebec stands prorogued to the 3rd day of the month of December next; nevertheless for certain causes and considerations, We have thought fit to further prorogue the same to Wednesday the 19th day of the month of December next, so that neither you nor any of you, on the said 3rd day of December next, at Our said city of Quebec, to appear and to be held and constrained, for We do will that you and each of you and all others in this behalf interested, that on Wednesday, the 19th day of the month of December next, at Our said city of Quebec, personally you be and appear for the despatch of business, to treat, do, act, and conclude upon those things which in Our Legislature of the Province of Quebec, by the common council of Our said province, may by the favour of God, be ordained.

In testimony whereof, we have caused these Our Letters to be made Patent, and the Great Seal of our said Province of Quebec to be hereunto affixed: Witness, Our trusty and well-beloved the Honourable Luc Letellier de Saint Just, Lieutenant-Governor of our said Province of Quebec.

At Our Government House, in Our city of Quebec, in Our said Province, this 23rd day of November, in the year of Our Lord 1877, and in the 41st year of Our Reign.

By command,

L. H. HUOT,

Clerk of the Crown in Chancery.

COPY of the REPORT of a COMMITTEE of the HONOURABLE THE EXECUTIVE COUNCIL, dated 30th October 1877, approved by the Lieutenant-Governor on the 30th October 1877.

(No. 348.)

THE Honourable the Commissioner of Agriculture and Public Works, in a report dated 30th October instant, 1877, sets forth that Divine Providence having protected this Province from the calamities which affect other nations, and favoured this country with an abundant harvest,

That it is the duty of the inhabitants of this Province to recognise by public thanksgiving that all good comes from God, and that the earth would be sterile without the assistance of His divine will.

The Honourable Commissioner therefore recommends that a proclamation be issued by his Excellency the Lieutenant-Governor making the 22nd of November next a day of thanksgiving to the Almighty to thank Him for having protected our hearths from calamity, and for having blessed the labours of the people of this Province by granting to it an abundant harvest.

The Committee concurs in the above report, and submits it to the approval of the Lieutenant-Governor.

Certified,

(Signed)

FELIX FORTIER,
Clerk Ex. Council.

To the Hon. the Provincial Secretary,
&c. &c. &c.

Canada, Province of Quebec.

[L.S.]

L. LETELLIER.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,
QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come or whom the same may concern; Greeting:

A PROCLAMATION.

A. R. ANGERS, } Whereas the Almighty has been pleased, in His divine goodness, to
Atty.-Gen. } avert from our Province the calamities which afflict other nations, and
to bless this country with an abundant harvest; and whereas it is the duty of the
inhabitants of our said Province to return public thanks to Divine Providence for such a
signal favour.

Now know ye, that by and with the advice and consent of the Executive Council of our Province of Quebec, we have fixed and appointed, and do hereby fix and appoint, Thursday, the twenty-second day of November next, as a day of public thanksgiving to return thanks to the Almighty for the favours which He has been pleased to grant to the inhabitants of our said Province.

Of all which our loving subjects and all others whom these presents may concern are hereby required to take notice and to govern themselves accordingly.

In testimony whereof, we have caused these our letters to be made patent, and the Great Seal of our said Province of Quebec to be hereunto affixed: Witness, our trusty and well beloved the Honourable Luc Letellier de Saint-Just, Lieutenant-Governor of the Province of Quebec.

At our Government House, in our city of Quebec, in our said Province of Quebec, this thirtieth day of October, in the year of our Lord one thousand eight hundred and seventy-seven, in the forty-first year of our reign.

By command,

(Signed)

PH. J. JOLICŒUR,
Assistant Secretary.

Canada, Province of Quebec,
District of Montmagny.

DISTRICT MAGISTRATE'S COURT FOR THE COUNTY OF MONTMAGNY.

Ex Parte :—Jules Belanger, guardian and proprietor of a bridge, in the
village of Montmagny, in the County and District of Montmagny - Petitioner.
Eugène Fournier, diver, of the village of Montmagny - Respondent.
January 31, 1877.

Present : JAMES OLIVA, Esquire.

The Court after having heard the parties in this cause by their respective counsel and the declaration made in this cause by the respondent, and filed in the record and his admissions before the Court,

Considering that on the 8th of January instant, at a meeting of the electors of the South Ward of the village of Montmagny, held at the said place for the election of a Councillor for the said Ward, two candidates were nominated, namely, Eugène Fournier and Jules Belanger.

Considering that more candidates were thus nominated than there were councillors to be elected.

Considering that the presiding officer of such meeting granted a poll on the requisition of a number of electors required by law, and commenced then and there to register the votes of the electors present in favour of two candidates.

Considering that such presiding officer, after beginning to register the votes on the said 8th day of January, without waiting that an hour should have elapsed without registering a vote, closed the said election and proclaimed the said Eugène Fournier as the councillor elected.

Considering that the closing of such election and such proclamation were illegal, premature, and contrary to the express wording of the law.

The Court declares the election and proclamation of the said Eugène Fournier illegal, annuls and cancels them, and orders that on Monday, the 19th day of February next, at 10 of the clock in the forenoon, at the village of Montmagny, in the South Ward of the said village of Montmagny, after notice given as required by law, there shall be held a meeting of the municipal electors of the South Ward of the said municipality of Montmagny, for the purpose of then and there holding a new election to replace the said Eugène Fournier, whose election is thus annulled by the present. And the Court appoints for such purpose Eugène Hamond, Esquire, of the village of Montmagny, to preside over such election.

The Court considering that the said Eugène Fournier has not maintained his said election, but on the contrary has admitted and consented that it be annulled, and therefore that he is not responsible for the irregularities in connexion with such election, rejects that portion of the conclusions of the petition of the said petitioner in which he prays for costs against the said respondent, but without costs.

(Signed) A. BENDER,
C.C.C.M. & C.D.M.C.M.

In the year 1877, on the 19th day of the month of February, at 9 of the clock in the forenoon.

On the requisition of Messieurs Jules Bélanger and Magloire Langlois, both electors and ratepayers of the South Ward of the Corporation of the village of Montmagny, and residing therein,

I, the undersigned, notary public for the Province of Quebec, residing in the parish of St. Thomas, in the county of Montmagny,

Went for that purpose to the residence of Captain Eugène Hamond, situate in the said village of Montmagny, and being there and speaking to him, I did on behalf of the petitioners, say and declare as follows, to wit :—

That in virtue of a judgment rendered by James Oliva, Esquire, stipendiary magistrate, in January last, and duly served on him, he had been appointed to preside over the election of a councillor in the South Ward of the said Corporation of the village of Montmagny, which is to take place this day, the 19th of February, for the purpose of electing a councillor in the place of Eugène Fournier, whose election was set aside by the said judgment.

That the said election would be useless and of no effect or avail other than to give rise to lawsuits and cause considerable expense to the ratepayers of the Corporation of

the village of Montmagny, for the following reasons, to wit, because no public notice was given within the delay required and provided by the Municipal Code, namely, seven clear days between the publication of the notice and the day of the election.

Wherefore we have protested and notified, as, by these presents, we do protest and notify, the said Eugène Hamond not to preside over the said election, and that in default of his complying herewith, the said petitioners intend to hold him personally responsible for all costs and expenses which may be incurred and for all against which we should and may protest in such cases.

And speaking as aforesaid we left a copy of these presents with him at his domicile so that he cannot plead or pretend ignorance thereof.

Thus done and notified under No. 8,210, at the domicile of the said Eugène Hamond, on the day and on the year first aforesaid, on being required so to do and after its having been read.

(Signed) F. X. GENDREAU.

SIR,

St. Thomas, Montmagny, February 19, 1877.

I HAVE the honour to forward you a copy of a judgment of the Magistrate's Court for the County of Montmagny, authorising me to preside over a public meeting which was to have been held to-day, the 19th day of February, for the purpose of electing a councillor for the South Ward of the municipality of Montmagny.

In accordance with the copy of the judgment which had been served on me as provided by Article 361, I did not preside over such meeting because the legal notice, as required by Article 362 of the Municipal Code, and in virtue of the enclosed judgment, was not given.

I also enclose herewith the protest served on me this day, the 19th of February, and I therefore recommend that Jules Bélanger, ratepayer, elector, and proprietor, be appointed to fill the vacancy caused by the setting aside of the election of Mr. Eugène Fournier, as appears by the said judgment.

I have, &c.

To the Hon. Luc Letellier de St. Just,
Lieutenant-Governor, Quebec.

(Signed) EUGÈNE HAMOND,
President.

MONTREAL TELEGRAPH COMPANY.

Quebec, March 7, 1877.

By telegraph from St. Thomas Village.

THE public notice for election of councillor in question, on 19th February last, was posted up by the Mayor on the evening of the 17th February. As secretary I was no aware of it.

(Signed) J. S. VALLÉE,
Secretary-Treasurer.

To A. R. Angers.

PROVINCE OF QUEBEC.

SIR,

Quebec, March 9, 1877.

I HAVE the honour to inform you that his Excellency the Lieutenant-Governor has been pleased to appoint Mr. Jules Bélanger municipal councillor for the South Ward of the village of Montmagny, in the place of Mr. Eugène Fournier, whose election is set aside.

Please notify that gentleman of his appointment.

I have, &c.

(Signed) PH. J. JOLICŒUR,
Assistant-Secretary.

J. S. Vallée, Esq., Secretary-Treasurer,
St. Thomas Village, co. Montmagny.

Secretary's Office, Quebec, March 27, 1877.

THE appointment of Jules Bélanger, as municipal councillor for the South Ward of the village of Montmagny, is hereby revoked.

By order,
(Signed) J. A. CHAPLEAU,
Secretary.

Approved, March 27, 1877.

(Signed) L. LETELLIER.

PROVINCE OF QUEBEC.

SIR,

Quebec, March 27, 1877.

I HAVE the honour to inform you that his Excellency the Lieutenant-Governor has thought proper, after having obtained more ample information, to revoke your appointment as municipal councillor for the South Ward of the village of Montmagny.

I have, &c.

(Signed) PH. J. JOLICŒUR,
Assistant Secretary.

Jules Bélanger, Esq., Montmagny.

CANADA, PROVINCE OF QUEBEC.

Municipality of the Village of Montmagny.

AT a meeting of the municipal electors of the South Ward of the Corporation of the village of Montmagny, held on the 19th day of February instant, at 10 o'clock in the forenoon, in accordance with a judgment rendered by the Magistrate's Court for the county of Montmagny, on the 31st day of January 1877, which said meeting was held in the house of the Pont Regent, situate within the limits of the aforesaid South Ward :

Eugène Hamond, Esq., the person appointed by the court to preside over the said meeting, having refused to preside over the said meeting, although called upon to do so by the electors present, the undersigned, Mayor of the said municipality of the village of Montmagny, acting as magistrate ex-officio, and as such the senior magistrate present at at the said meeting, presided over such meeting.

Eugène Fournier, having been proposed by Louis Dion, Hermenegilde Boulanger, and other electors of the said South Ward of the Corporation of the village of Montmagny, as councillor for the said quarter, was nominated, and as no other person was proposed by the said meeting in opposition to the appointment of the said Eugène Fournier during the space of one hour after the said motion, I proclaimed the said Eugène Fournier as councillor duly elected for the South Ward of the village of Montmagny.

In faith of which I have signed these presents at Montmagny on the 19th day of February 1877.

(Signed) N. BERNATCHEZ, Mayor,
Magistrate ex-officio presiding over the said meeting.

True copy.

(Signed) N. BERNATCHEZ, Mayor.

SIR,

Montmagny, March 19, 1877.

I REGRET to learn from your letter of the 16th instant that his Excellency the Lieutenant-Governor has been advised not to revoke the appointment of Mr. Jules Bélanger, as municipal councillor for the South Ward in the village of Montmagny. Article 362 of the Municipal Code says that "The omission to give this notice prevents a meeting of the municipal electors from being held," but there was no such omission, since notice was given on the 17th February, as you have been informed by the ex-secretary-treasurer.

Article 295 says that, in the case of every general election, "The omission to give such public notice does not prevent the meeting of the municipal electors from being held."

The ratepayers have the same interest in either case; it was evident that it was only by inadvertence that Article 362 was not amended, in the same manner as Article 295, by the 36 Vict. c. 21. s. 7.

Article 16 says: "No objection founded upon form, or upon the omission of any formality, even imperative, can be allowed to prevail in any action, suit, or proceeding respecting municipal matters."

An undisputed fact exists, and that is, that on the 19th of February 1877 a meeting of the ratepayers of the South Ward of the village of Montmagny was held for the purpose of electing a municipal councillor.

That the said meeting was held in virtue of a judgment rendered by the Magistrate's Court.

That a public notice of the said meeting was posted up at the church door, and on the house in which the poll was held for the said South Ward; and the said notice was read in a loud and intelligible voice by the undersigned at the church door after grand mass, on Sunday the 18th of February last, as appears by a certificate under oath filed amongst the archives of the Council.

That the presiding officer appointed by the said court having refused to preside over the said meeting, I was called upon to preside.

That Mr. Eugène Fournier having been nominated, and no other candidate having been proposed to oppose him, after the delay fixed by law he was declared elected by acclamation.

That Mr. Eugène Fournier has been duly sworn in as municipal councillor, and has exercised and still does exercise the functions of such municipal office, as appears by the copy of the *procès-verbal* of the votes and proceedings of the Municipal Council of the village of Montmagny of the meeting held on the 23rd February last, which I have the honour to transmit you to be laid before his Excellency with these presents.

You will observe by the copy of the said *procès-verbal* that all the members of the council were present at the said meeting, and that not one of them made any objection to Mr. Fournier taking his seat.

I am informed by distinguished lawyers that the election of Mr. Eugène Fournier, even supposing it was irregular, can only be annulled and set aside by the judgment of a competent court, that so long as it has not been annulled by a court of justice, and Mr. Eugène Fournier holds his seat of municipal councillor, his Excellency the Lieutenant-Governor has no right to appoint another councillor in his place.

That his Excellency the Lieutenant-Governor having appointed Mr. Bélanger to replace Mr. Eugène Fournier before the election of the latter had been set aside, the appointment made by his Excellency is altogether null.

Notwithstanding the profound respect which the Municipal Council of the village of Montmagny has for his Excellency the Lieutenant-Governor, and for all the orders issued in his name, being convinced that the appointment of Mr. Bélanger as councillor was made irregularly and illegally, and that to submit thereto would be to waive the rights and privileges secured to every citizen by the constitution and laws of this country, the majority of the Council opposes, and will firmly oppose, the admission of Mr. Jules Bélanger into its midst.

To the Hon. J. A. Chapleau,
Provincial Secretary, Quebec.

I have, &c.
(Signed) N. BERNATCHEZ,
Mayor.

DEPARTMENT OF THE LAW OFFICERS OF THE CROWN.

Quebec, March 15, 1877.

HAVING taken communication of the petition of N. Bernatchez, Mayor of the village of Montmagny, dated 10th of March instant, and received on the 13th of the same month, praying for the cancelling of the appointment of Jules Bélanger as municipal councillor for the South Ward of the said village of Montmagny, and representing that his Excellency the Lieutenant-Governor has been deceived and led into error, and that the said appointment was made on false representations, I have the honour to report as follows:—

The record on which I based my opinion when I recommended the said appointment to his Excellency establishes that the notice required by law for the calling together of the meeting of municipal electors for the new election ordered by the court was not given. A telegram from the secretary-treasurer of the said municipality establishes that the notice of the meeting which was to be held on the 19th of February last was only posted up on the evening of the 17th by the Mayor, N. Bernatchez.

The record also contains a protest calling upon the presiding officer appointed by the judgment not to hold the election, owing to the notice of the meeting required by law not having been given.

All these documents, with a letter from the presiding officer appointed by the judgment establishing that he had not presided over the meeting, have been submitted to his Excellency with my report recommending the appointment of Jules Bélanger.

Article 362 of the Municipal Code requires that in the case of an election ordered by a judgment of the court, a public notice be given of the holding of a meeting called together for such purpose.

By Article 238 such notice must be given at least seven clear days before the day fixed for the meeting.

Article 362 says that the omission to give this notice prevents the meeting from being held.

The petitioner Mr. Bernatchez, in support of his request for the cancelling of the said appointment, does not allege that the notice required by Article 362, without which

the meeting could not be held, was given; he does allege only, in support of his request, the fact that on a certain occasion (on which a meeting of electors could not even be held) he proceeded to make a pretended election.

A party cannot derive any advantage or create any presumption in his favour from the fact that he contravened Article 362.

The pretended election held by the petitioner Bernatchez on the day on which a meeting of electors could not take place, is not only liable to be cancelled, but it is of itself completely null.

I am of opinion that the appointment made by his Excellency of Jules Bélanger as municipal councillor for the South Ward of the village of Montmagny was legally made and should not be set aside.

(Signed) A. R. ANGERS,
Attorney-General.

PROVINCE OF QUEBEC.

SIR,

Secretary's Office, Quebec, March 16, 1877.

IN reference to the petition forwarded by you on the 10th of this month respecting the appointment of Mr. Jules Bélanger as municipal councillor for the South Ward of the village of Montmagny, I have the honour to inform you that the appointment made by his Excellency the Lieutenant-Governor cannot be cancelled. It has been shown to his Excellency that the notice required by law for calling together the meeting of municipal electors for the purpose of holding the election ordered by the judgment of the court was not given. A telegram from the secretary-treasurer of the said municipality establishes that the notice of the meeting which was fixed for the 19th of February last, was only posted up in the evening of the 17th by yourself.

There has also been produced a protest calling upon the presiding officer appointed by the judgment not to hold the election, as the notice of the meeting had not been given as required by law.

All these documents, together with a letter from the presiding officer appointed by the judgment, establishing that he had not presided over the meeting, have been submitted to his Excellency with a report recommending the appointment of Mr. Jules Bélanger.

Article 362 of the Municipal Code requires that in the case of an election ordered by a judgment of the court, a public notice be given of the holding of such meeting called together for such purpose.

By Article 238 this notice must be given seven clear days before the day fixed for the meeting.

Article 362 says that the omission of such notice prevents the holding of the meeting.

In support of your demand for the cancelling of the appointment, you do not allege that the notice required by Article 362, without which the meeting could not be held, was given; but you only base your request upon the fact that (on a certain occasion when a meeting of electors could not even be held) you proceeded to hold a pretended election.

A party cannot derive any advantage or create any presumption in his favour from the fact that he has contravened Article 362.

The election held by you on the very day on which a meeting of electors could not be held, is not only liable to cancellation, but is of itself completely null.

Therefore, his Excellency has been advised not to cancel the appointment of Mr. Bélanger.

I have, &c.
(Signed) J. A. CHAPLEAU,
Secretary.

N. Bernatchez, Mayor, Montmagny.

EXTRACT from the REGISTER of the VOTES and PROCEEDINGS of the MUNICIPAL COUNCIL
of the VILLAGE of MONTMAGNY.

At which meeting of the 23rd of February 1877, were present :

Nazaire Bernatchez, mayor, Francois X. Gendreau, Joseph Michon, Godefroi Létourneau, Louis Létourneau, Albert Fiset, and Eugène Fournier, Esquires, forming a quorum, the Mayor presiding.

Mr. Gendreau moved, seconded by Mr. Létourneau, that a public notice be given on Sunday next, at the close of divine service, that tenders for placing iron on the piers of the Regent Bridge will be received from now until Monday next, according to the specification to be furnished by the secretary-treasurer.—Carried.

Mr. Louis Létourneau moved, seconded by Mr. Godefroi Létourneau, that it be resolved and ordered by this Council, that at the first sitting of this Council, Jean Stanislas Vallée, Esq., M.P., Secretary-Treasurer of the Municipal Council of the village of Montmagny, do give to this Council a legal statement of account showing the sums received by him in his quality of secretary-treasurer, of the expenses, contributions, and taxes still due, giving in detail the name of each ratepayer, the amount paid by him and the date of payment, and that this statement be supported by vouchers.—Carried.

Mr. Gendreau moved, seconded by Mr. Michon, that the Council do adjourn until Monday next the 26th February, to receive the tenders for placing iron on the facing of the Regent Bridge.—Carried.

(Signed) N. BERNATCHEZ,
Mayor.
J. S. VALLÉE,
Secretary-Treasurer.

PROVINCE OF QUEBEC.

Municipality of the Village of Montmagny.

I, EUGÈNE FOURNIER, having been duly appointed councillor for the South Ward of the Corporation of the village of Montmagny, do swear that I shall well and faithfully fulfil the duties of my office, and that to the best of my judgment and ability. So help me God.

(Signed) EUGÈNE FOURNIER.

Sworn to this 23rd day of the month of February 1877, at Montmagny, before me the undersigned Mayor.

(Signed) NAZAIRE BERNATCHEZ,
Mayor.
J. S. VALLÉE,
Secretary-Treasurer.

Certified a true and faithful copy of the register of the votes and proceedings of the Council of the village of Montmagny.

(Signed) NAPOLEON BÉLANGER,
Secretary-Treasurer.
Montmagny, March 17, 1877.

MAY IT PLEASE YOUR EXCELLENCY,

Montmagny, March 10, 1877.

I TAKE the liberty of respectfully informing you that on the 19th day of February last, Eugène Fournier, of the village of Montmagny, was elected by acclamation municipal councillor for the South Ward of the said village of Montmagny, at a meeting of the municipal electors of the said ward, held in accordance with a judgment rendered by the Magistrate's Court for the county of Montmagny, dated the 31st January 1877, as appears by a copy of the minutes of the said meeting, which I have the honour to enclose herewith.

That the said Eugène Fournier has been duly sworn in as municipal councillor, and that he has already exercised and still exercises the duties of the said office.

The Council learns with regret that your Excellency has been deceived and led into error, and that in consequence of false representations your Excellency, being under the impression that the said seat was vacant, has appointed Jules Bélanger as the person to fill the place of municipal councillor for the said ward.

Under the circumstances we respectfully hope that, in consideration of the facts elsewhere set forth, your Excellency will be pleased to cancel the appointment of the said Jules Bélanger, so as to avoid the inevitable trouble to which this conflict of authority will give rise.

I am, &c.
(Signed) N. BERNATCHEZ,
Mayor.

To his Excellency the Hon. Luc Letellier de St. Just,
Lieutenant-Governor of the Province of Quebec.

(Translation.)

MY LORD,

Government House, Quebec, March 19, 1878.

THE annexed explanatory case which I now address to your Excellency will, I am persuaded, have the effect of showing that I have always acted towards M. De Boucherville and his colleagues with good will, and with every desire of affording to them co-operation during their tenure of office.

What might have tended to produce unfortunate conflicts between myself and my cabinet was almost invariably smoothed over by my friendly desire to overlook the irregularities which I have noted in the present statement of facts.

I hope, my Lord, that the difficult position which I have been compelled to occupy will be justified, not only because it is constitutional, but also because the conduct of my cabinet endangered not only the prerogatives of the Crown, but also the most important interests of the people of this Province.

I have, &c.
(Signed) L. LETELLIER,
Lieut.-Governor.

To his Excellency the Right Hon.
The Earl of Dufferin, K.P., K.C.B., G.C.M.G.,
Governor General of Canada, Ottawa.

(Translation.)

MY LORD,

Government House, Quebec, March 18, 1878.

I HAVE the honour now to submit for your Lordship's consideration documents and details which I could not lay before the public, but from which it would have been more clearly understood that the dismissal of M. De Boucherville's cabinet was forced upon me by circumstances.

These details are not contained in the correspondence which I authorised M. De Boucherville to place before the Houses, and which are hereunto annexed.

From the day that I was, by your Excellency, raised to the position I occupy at present, all my private relations with the members of my cabinet, up to the time of their dismissal from office, were, I must admit, generally of an agreeable nature; but in those of an official character with the Premier, I almost invariably felt that I did not enjoy that entire confidence on his part which is the chief element of a cordial understanding between the representative of the Crown and his advisers.

After having studied the general state of the affairs of our Province, after having become convinced that legislative and administrative changes were becoming more and more necessary, I decided upon using with moderation, and with the greatest possible discretion, the influence attached to my position, in order to obtain the realisation of that which I deemed to be of the greatest advantage to the Province.

I regret to state to your Excellency that, although M. De Boucherville did, on most occasions, take my advice in good part and generally approved of it, he, nevertheless, almost always acted as though he had never received it. Nevertheless, far from using my authority to obstruct his action in any way, I invariably treated him with great indulgence, as will appear to your Excellency by the following facts:—

1st. During the session of 1876, a Bill had been read three times in one of the two branches of the Legislature, and only twice in the other.

This Bill, bearing all the certificates which were necessary to induce me to believe that it had been regularly passed and adopted, was submitted to me by the Premier for my sanction.

In consequence of being left in ignorance of these facts by my advisers, I sanctioned the Bill.

Not long afterwards I was informed of the irregularity, and immediately spoke of it to the Premier. I made the observation that such an act would entail too serious consequences to allow of its being passed over.

As a favour to him, however, I passed over this instance of irregular legislation, which was then irreparable.

2nd. During the same session another Bill was submitted to me for my sanction. On examining it I perceived a blank which had not been filled up, which I pointed out to the Premier in the following letter:—

“(Private.)

“MY DEAR PREMIER,

Quebec, December 27, 1876.

“A BILL (E.) which originated in the Council was passed by the Legislative Assembly without amendment. Upon reading it, before adding my certificate of sanction, I noticed that a blank had not been filled up in the seventh line of the sixth section.

“You followed the usual practice in not fixing the amount of the penalty in the Legislative Council; but the matter passed unperceived, or the officers, through some mistake, omitted to insert the amount fixed by the House, or it may have been an error in the proof sheets.

“ While on the subject of these mistakes, you will find another in the second section of the same Act, wherein the word ‘amender’ is in the infinitive mood. I notice this latter accuracy, to which I do not attach much importance, only because I discovered another in an Act in which I had to point out to you, an omission which I consider fatal.

“ Yours very truly,
“ (Signed) L. LETELLIER.”

The Premier came to me and said that he regretted the omission ; he requested me to give my sanction to the Bill in the state in which it was. The conciliatory spirit which I showed in granting my consent seemed to please him.

3rd. In March 1877 (vide Appendix A.) my advisers caused me to make an appointment of a municipal councillor for the South Ward of the village of Montmagny, under the pretext that there had been no election, or that if such election had taken place, it was illegal.

The whole of the circumstances connected with this case I deem it my duty to explain to your Excellency, on account of the important principle involved therein.

After due personal examination of the petitions and other accompanying documents relating to that election, I called on the Premier, at his own office, to beg of him not to hurry the appointment which he was asked to make of a municipal councillor for that locality before receiving more ample information.

I pointed out to him that it appeared that a municipal election had taken place, and that in such case, as a principle, the Executive Council should not interfere.

I added that from the moment that a legal, or even an illegal election had taken place, the duty of deciding it rested with the courts in accordance with the ordinary course of law, of which they are the interpreters.

I then intimated to Mr. De Boucherville that I maintained on principle that all matters cognisable by the judiciary should be invariably left to the courts, which from their organisation are better fitted than the Executive to inquire into matters of fact and of evidence, and that I would never allow the substitution of the powers of the Executive for those of the courts when the latter had jurisdiction.

The Premier admitted that this opinion and the principles on which I based it were in conformity with his ideas, and necessary for the proper administration of justice. He asked me if I would consent to see Mr. Angers, the Attorney-General, on the subject.

I at once consented, and the Attorney-General was immediately sent for ; the facts connected with that election difficulty, and my views regarding them, were then communicated to him. He promised that before any appointment should be made by the Lieutenant-Governor, he would make inquiry.

Shortly afterwards he reported to me that he had made an inquiry into the facts of the case ; and, at his suggestion, I appointed Jules Bélanger to be councillor.

In the beginning of March 1877, difficulties and quarrels arose at Montmagny in consequence of that election.

After that appointment those quarrels broke forth afresh in the Municipal Council itself, from which the councillor, whom I had thus been caused to appoint, was expelled with violence. That appointment I was recommended to make, notwithstanding the fact that an election had taken place ; that it had been held and presided over by the Mayor, that Eugène Fournier had been returned by acclamation ; that he had been sworn in according to law, and that, at the very time when the appointment of Jules Bélanger was recommended to me, the person thus elected had in fact taken his seat, had been sworn, and had sat at the said Council, as appears by the minutes of the Council.

When I afterwards learned these facts, I communicated them to the Premier, whom I requested to prepare a revocation of the appointment which I had thus been caused to make, contrary to the principle above set forth, and the justice of which he had himself admitted.

The Premier answered that the matter was of a very delicate nature, as such a proceeding would be contrary to the recommendation of Mr. Angers, his Attorney-General ; he concluded by saying that he would get him to prepare a report on the subject.

I received that report some days later. After having read it, I again intimated to M. De Boucherville, that in the interests of peace, and in conformity with the principle that the Executive should not be substituted for Judicial power in matters within the province of the latter, I insisted upon the revocation being made.

After waiting several days for an answer, and not having received any from the Premier, I addressed a letter to him, of which the following is a copy :—

“(Private and Confidential.)

MY DEAR DEBOUCHERVILLE,

Quebec, March 14, 1877.

“I HAVE not received any answer on the subject of the appointment of a councillor at Montmagny.

“Those who deceived the Government in order to induce me to perform an Executive act in connexion with a question which they then knew to be within the Judicial power, do not, in my opinion, deserve consideration, which cannot but be injurious to the Government and myself.

“The remedy is very simple—rescind the appointment—allow the parties interested to fight it out before the courts.

“Yours very truly,

“(Signed) L. LETELLIER.”

If, my Lord, I insist upon this latter point, it is to show your Excellency that the Prime Minister was then perfectly aware of my views on that point, and should not, in consequence, have introduced, during the last session of our Legislature, any legislative measure or performed any administrative act tending to substitute Executive for Judicial power, without notifying me, and especially without advising me on the subject.

It was easy for the Premier to understand from my remarks and the frequent conversations which I had with him, that I could not consent to see Her Majesty's subjects despoiled of the right guaranteed to them by Magna Charta, that their property should never be interfered with, except in virtue of judgment rendered by the tribunals of the country.

4th. On the 19th March 1877, being on the eve of absenting myself for a few days, I wrote to the Honourable Mr. Chapleau, and in a postscript I said, “Please oblige me by telling the Premier that if he needs my concurrence Mr. Gauthier may bring down to me the documents requiring my signature.”

M. DeBoucherville should have understood from that, that if I was ready to give him my concurrence, it was on condition of having all documents submitted to me before signing them.

I leave you, my Lord, to judge in what manner my views were interpreted.

5th. Under date of the 6th of November last I addressed to the Honourable M. DeBoucherville the letter of which the following is a copy :—

“(Private.)

“MY DEAR DEBOUCHERVILLE,

Quebec, November 6, 1877.

IN the last *Official Gazette* were published under my signature two proclamations which I had not signed.

“One was for the summ ing of Parliament, which I had reserved in order to confer with you; the other, which I did not even see, appoints a day of thanksgiving.

“These proceedings, the nature of which I shall not characterise, entail, apart from their impropriety, invalidities of which you will easily understand.

“Yours, &c.

“The Hon. C. B. DeBoucherville,
“Premier.”

(Signed) L. LETELLIER.

The following are the notes which I took of the conversation which I had with Mr. DeBoucherville on the subject.

“Mr. DeBoucherville came on the same day he received the letter, to tell me that he regretted the thing had occurred, and that it was no fault of his. I accepted the excuse, and I then told him that I would not tolerate my name being used when necessary for any duty of my office, unless the documents requiring my signature had been previously submitted to me, and unless information was afforded to me; which M. DeBoucherville assured me would be the course followed in future.

“(Signed) L. L.”

6th. But, my Lord, there is another point still more important, which I cannot any longer refrain from mentioning.

From the conversations which I have held with M. DeBoucherville, there results a

fact, which, if it were known, would of itself have sufficiently justified me in believing that he did not possess the confidence of the people of this Province.

On two different occasions, some time after the session of 1876, I pointed out to him that millions had been voted to aid railways in general, at a time when our finances did not appear to me to be in a condition to warrant, all at once, a lavish expenditure in subsidising these numerous undertakings, particularly as, apart from that, our credit was so heavily pledged towards the building of the "Quebec, Montreal, Ottawa, and Occidental Railway."

He very frankly avowed that these grants, though they were for the development of the Province, had been necessitated by political considerations, that without them the support of the members whose counties were traversed by those railways, would cease to be secured to Government; that there would be no means of having a majority; that those members formed combinations—"rings"—to control the House.

M. DeBoucherville is not unaware that I thereupon told him that it was better to save the Province than a Government, and that if his administration was not strong enough to resist those influences, it would be better for him to form a combination of honest and well-meaning men from both sides of the House, rather than submit to the dictation of those "rings," and to the control of those combinations.

When he made no attempt to escape from that deleterious influence, after his own avowal that the Legislature was controlled by those "rings," when by his legislation he sought to favour them anew during the last session, without having previously advised with me, had I not the right, as the representative of my Sovereign, to believe and to be convinced that Mr. DeBoucherville did not possess a constitutional majority in the Legislative Assembly?

7th. In communicating to both Houses my memoranda of the 25th February and 1st March last, the Premier and Mr. Attorney-General Angers, in violation of their duty, overstepped the authorisation which I had given by my letter of the 4th of March last for that purpose. They added to that communication a report of pretended conversations, the correctness of which I contest, and the impropriety of which I maintain.

I shall point out, my Lord, one fact alone to prove that incorrectness and that impropriety. The Hon. Messrs. DeBoucherville and Angers, in their explanations to the two Houses, lay great stress on the telegram which M. DeBoucherville despatched to me at Rivière Ouelle, to ask my permission to introduce resolutions concerning the finances, and on the blank signature that I sent up in answer to it.

But these gentlemen themselves had that blank signature filled up by my private secretary, so as to give to the telegram the meaning which I attributed to it, namely, a request for permission to introduce the supplies. The following is a copy of the message produced with that blank signature:—

"Mr. Treasurer Church presented a message from his Excellency the Lieutenant-Governor as follows:—

"L. LETELLIER,

"THE Lieutenant-Governor of the Province of Quebec transmits to the Legislative Assembly the supplementary estimates for the current year and for the fiscal year ending 30th June 1879, which, in conformity with the provisions of the 54th section of the British North America Act, 1867, he recommends to the Legislative Assembly.

"Government House, Quebec,
"30th January 1878."

My ministers never had, by their own admission, any other authorisation from me for the introduction of their railway and taxation resolutions than the blank signature above-mentioned, in which not a word is said of them. Besides which, it will be noticed that the railway resolutions were introduced on the 20th January, whereas the message is dated the 30th.

It is for this reason, my Lord, that I bring to your knowledge all the facts and details which are connected with the relations which I have had with M. DeBoucherville and his colleagues.

Were the controversy with me alone, as a private individual, I would abstain from any remonstrance against the injustice of their reflections upon the conduct of the representative of the Crown, which they have made in violation of their duty; but in this matter the maintenance of the constitution is at stake.

If, without any authority from me, proclamations have been published which I never signed, is it surprising that messages were communicated in my name to the Houses respecting which I had never been consulted?

It is because, as the representative of my Sovereign, I have been unjustly and shamefully dragged before the public that I make known to you, my Lord, that, in the performance of my duty as Her representative, my object has not only been to protect the dignity of my office, but to afford to the people of this Province an opportunity of knowing that, under existing circumstances, the exercise of the Royal prerogative has not been hostile to their constitutional liberties; but that, on the contrary, it has afforded them the means of freely exercising their judgment.

There results, my Lord, from what I have now stated:--

1st. That in general the recommendations which I made to my cabinet did not receive the consideration which is due to the representative of the Crown.

2nd. That my name has been used by the members of the Government in the signature of documents which I had never seen.

3rd. That a proclamation summoning the Legislature was published in the Official Gazette without my being consulted or informed of it, and before my signature had been attached thereto.

4th. That a like proclamation fixing a day of thanksgiving was also published under similar circumstances.

5th. That although I had intimated to the Premier by my advice, and by my letter of the 14th March 1877, my firm determination to protect the inhabitants of this Province against the arbitrary decisions of the Executive in matters within the jurisdiction of the courts of justice, he thought proper, without my participation and without advising me, to propose to both Houses, in legislating for the "Quebec, Montreal, Ottawa, and Occidental Railway," to substitute the power of the Executive for that of the judiciary.

6th. That, without having advised me, and without having received authorisation of any sort whatever from me, the Government of Mr. DeBoucherville proposed to the Legislature a measure of almost general taxation upon the ordinary contracts and transactions of life, transfers of bank stock, &c., while no message from me had been asked for this object, nor signed by me to authorise its proposition to the Houses.

7th. That, after its dismissal, the Government of Mr. DeBoucherville again failed in its duty by assigning reasons for the adjournment of the House from day to day different from those agreed on between myself and the Premier, at the risk of prejudicing public opinion against the representative of the Crown.

8th. That at the time of the communication of the causes which rendered necessary the dismissal of the cabinet, in the explanations which were given by the Premier to the Legislative Council, and by the Attorney-General to the Legislative Assembly, both of them referred to pretended conversations which they had no authority whatever to communicate to the Legislature, since the Premier had, by his answer to the letter of the Lieutenant-Governor of the 4th March last, limited his explanations to the communication to both Houses of my memoranda of the 25th February and 1st March, and the answers of the Premier of the 27th February and of the 2nd and 4th March instant.

9th. That, therefore, the additions and the comments made by the Premier before the Legislative Council, and by the Attorney-General before the Legislative Assembly, were contrary to the conditions agreed upon between the Lieutenant-Governor and the Premier.

10th. That the Premier and his colleagues, by making use of pretended private conversations to explain the causes of their dismissal, in contravention to their duty to the Crown and to what they had pledged themselves to observe with regard to it, have placed the Lieutenant-Governor under the necessity of bringing under the notice of your Excellency all the reasons for that dismissal.

To the Right Hon. the Earl of Dufferin,
K.P., K.C.B., G.C.M.G.,
Governor General of Canada, Ottawa.

I have, &c.
(Signed) L. LETELLIER,
Lieutenant-Governor.

APPENDIX A.

(Translation.)

SUMMARY OF OFFICIAL RECORD.

In January 1877 an election had taken place for the South Ward of the village of Montmagny. That election having been declared null and void by the court, it ordered a fresh election, and appointed Eugène Hamond to preside thereat.

On the day fixed, Eugène Hamond refusing to preside, Naz Bernatchez, Esq., Mayor of the Municipality, the senior magistrate present, presided.

The meeting elected Eugène Fournier.

Eugène Hamond wrote to the Lieutenant-Governor he had not presided at the meeting, without adding, however, that there had been no election. He recommended at the same time that Jules Bélanger be appointed.

Eugène Fournier, elected at the meeting of the 19th February, took the oath of office and took his seat on the 23rd February.

On the 3rd of March the Attorney-General (Mr. Angers) recommended the appointment of Jules Bélanger, who was accordingly appointed on the 7th of the same month.

On the 10th of March Mr. Bernatchez, Mayor of Montmagny, addressed to the Lieutenant-Governor a memorial setting forth the facts, and praying that the appointment be cancelled.

On the 15th of March the Attorney-General made a report, recommending that the appointment of Jules Bélanger be maintained.

On the 27th of March the Lieutenant-Governor revoked that appointment, on a report of the Government.

APPENDIX B.

(Translation.)

Quebec, March 4, 1878.

THE Lieutenant-Governor desires that his two memoranda (of the 25th February and 1st March), addressed to the Hon M. DeBoucherville, and the answers made to those memoranda by the Hon. M. DeBoucherville (of the 27th February and 3rd March) be not now communicated to both Houses.

That communication, authorised by the Lieutenant-Governor at the request of the Hon. M. DeBoucherville, should be made as soon as the arrangements for the formation of a new Executive Council are completed.

The Hon. M. DeBoucherville may communicate to the Houses that the adjournment from day to day is rendered necessary by the last-mentioned cause.

(Signed) L. LETELLIER.

To the Hon. C. B. DeBoucherville,
Quebec.

(Translation.)

YOUR EXCELLENCY,

Quebec, March 4, 1878.

IN conformity with your wish expressed in a letter of to-day's date, I shall withhold, until the formation of a new Executive Council, the explanations I was authorised by your Excellency to communicate to the Houses.

I have, &c.

(Signed) C. B. DEBOUCHERVILLE.

(Translation.)

Government House, Quebec, February 25, 1878.

THE Lieutenant-Governor desires the Executive Council to prepare, for his consideration, a "tactum" containing a copy of the following documents, viz. :—

1. A copy of the Acts of the Federal Parliament authorising the construction of the railway now known under the name of "Quebec, Montreal, Ottawa, and Occidental Railway," as well as a copy of the Acts of the Legislature of the Province of Quebec respecting the said railway.

2. A copy of the Acts of the Legislature of the Province of Quebec, respecting the building of the railway between Quebec and Montreal, which line is commonly designated by the name of "North Shore Railway."

3. A copy of the byelaws of each of the municipal corporations by which they undertook to help in constructing the said railways.

4. A statement of the amount of the bonus paid by each of those corporations, and a copy of the correspondence between the Government, its Commissioners or the contractors for the said railways, and the aforesaid municipalities, with regard to their bonus or subsidy.

5. A copy of the various contracts entered into for the building of those several roads.

6. A copy of the official or confidential reports of the engineers who have been ordered to locate those lines of railway in whole or in part.

7. A copy of the report of the Railway Commissioners submitted to the Houses, during the present session, with regard to the said railways.

8. A copy of the representations made to the Government by the municipal bodies so interested, of the ratepayers of those municipalities, with regard to the conditions of their bonus or subsidy.

9. A copy of the resolutions which have been proposed to the Provincial Legislature during the present session, with regard to the aforesaid subsidies, and to facilitate the payment and collection thereof.

10. A copy of the Bill based on those resolutions which has been introduced in the Legislature of Quebec during the present session.

11. A plan showing the several locatings of each of the said railways or of any part of them.

12. A statement of the reasons which led the Provincial Government not to be satisfied with the provisions of the statutory and public law and of the civil code of this Province for the recovery of any sums of money which may be due by those corporations, but, without previously advising in any way with the Lieutenant-Governor, to propose ex post facto legislation to compel them to pay.

Another very important Bill, to make provision for levying new taxes, has also been proposed to the Legislature, without having been previously submitted for the consideration of the Lieutenant-Governor.

The Lieutenant-Governor quite understands that propositions of secondary importance, and on which he has been previously officially informed, may be, as matter of routine, proposed to the Houses, without a special order from himself; but he cannot in any way permit that the Executive should make communications in his name to the Legislature, with regard to measures which are of a new and important character, without his special authorisation, and without his having been previously fully informed and advised in respect thereof.

(Signed) L. LETELLIER,
Lieutenant-Governor.

(Translation.)

YOUR EXCELLENCY,

Quebec, February 27, 1878.

I HAVE the honour to acknowledge receipt of the memorandum which your Excellency caused to be handed me yesterday afternoon by your Aide-de-Camp, who informed me at the same time that you were ill in bed.

I have submitted that memorandum to the Executive Council, and will see, as your Excellency desires, that diligence is used to cause all the documents asked for to be transmitted to you as soon as possible.

Anticipating the factum which your Excellency wishes to have, and which will contain a more detailed statement of the motives which have induced the Provincial Government to propose the measures to which you draw my attention, I deem it my duty to represent to you :

That amongst others, the reasons which led the Government to submit to the Legislature a law compelling the municipalities to pay their subscriptions towards building the Provincial Railway, on the decision of the Lieutenant-Governor in Council, under a sworn report of a competent engineer, and after a 15 days notice, to give those municipalities an opportunity of being heard, are the manifestations of bad faith of certain municipalities, shown in certain cases by their neglect to respond to the calls of the Treasurer, in others by their formal refusal to pay, and in certain cases by resolutions adopted demanding new conditions in respect to the agreements they had entered into with the Government.

The Government believed that, without such legislation, the object of which is to avoid the slowness of ordinary judicial proceedings, the result of the bad faith of the municipalities would have been either to necessitate a new loan by the Province, and therefore an unjust charge upon municipalities who had entered into no agreement, and who are to derive no immediate advantage from the construction of the road, or to put a complete stop to the works begun, with the inevitable loss of the interest on the enormous capital already invested in the enterprise, and the other damages which would result. The Government, firstly obliging itself by that law to fulfil the conditions agreed upon with those municipalities, believed that in substituting for the ordinary courts the Lieutenant-Governor with an Executive Council, responsible to the Legislature and to the people, they were offering to parties interested a tribunal which insured them as many guarantees as the ordinary courts.

I would further bring under your Excellency's notice that provisions of a similar nature to this legislation exist already in our Statutes. I may cite to your Excellency Chap. 83 of the Consolidated Statutes of Canada, and also Chap. 47 of 36 Vict. of the Statutes of Ontario.

I respectfully submit to your Excellency that a law framed to better assure the execution of a contract cannot produce a retro-active effect; it enacts for the future, and has for its end the respective interests of both parties.

I would now beg your Excellency to observe that while you were at Rivière Ouelle, I had the honour to ask your authority to put the question of finance before the House, and that you kindly answered, stating you were forwarding through the mail a blank, which act I took at that time as a great mark of confidence on your part. I received, in fact, a blank with your signature, and I gave it to the Treasurer, who had it filled up by your aide-de-camp. Later I had the honour to ask your Excellency for a general permission to submit to the House measures concerning money matters, which your Excellency gave me with your ordinary courtesy.

That permission, I may say, has always been granted me by your predecessor, the late lamented Mr. Caron. I must admit that with that permission, and being convinced your Excellency had read the Treasurer's speech, in which he announced the taxation subsequently proposed, I considered myself authorised to tell my colleagues that I had your permission for all money measures.

I beg your Excellency to believe that I never had the intention of assuming the right of having measures passed without your approbation, and that, in this case, having had occasion to confer with you with regard to the law respecting the Provincial Railway, and not having orders to suspend it, I did not think your Excellency would see in that measure any intention on my part of disregarding your prerogatives, which nobody is more disposed to respect and uphold than myself.

I have, &c.
(Signed) C. B. DEBOUCHVILLE.

To his Excellency the Lieutenant-Governor
of the Province of Quebec.

(Translation.)

Government House, Quebec, March 1, 1878.

THE Lieutenant-Governor, taking into consideration what the Prime Minister communicated to him verbally (27th Feb.), and taking into consideration the letter which the Premier then handed to him, is ready to admit that there was no intention on the part of the Premier to disregard the prerogatives of the Crown, and that there has been on his part only an error committed in good faith, in interpreting, as he did, the words of the Lieutenant-Governor in their interview of the 19th February instant, words which did not convey the sense of authorisation which the Premier attached to them.

With such an interpretation, and the instructions which were in consequence given by the Premier to the Hon. Messrs. Angers and Church, those gentlemen have done nothing knowingly not in conformity with the duties of their office.

As to the blank which the Lieutenant-Governor sent him from Rivière Ouelle, the Lieutenant-Governor knew that that blank would be used to lay the estimates before the House.

That act was a mark of confidence on his part, as the Premier characterises it in his letter of the 27th, but that act was confidential.

The Lieutenant-Governor deems it right to observe that, in his memorandum of the 25th February inst., he in no way expressed the opinion that he believed that the Premier ever had the intention of taking upon himself the right "of having measures passed without his approbation, or of disregarding the prerogatives of the representative of the Crown."

But the Prime Minister cannot lose sight of the fact that, although there was no intention on his part, in fact the thing exists, as the Lieutenant-Governor told him.

The fact of having proposed to the Houses several new and important measures without having previously in any way advised the Lieutenant-Governor thereof, although the intention of disregarding his prerogatives did not exist, does not the less constitute one of those false positions which place the representative of the Crown in a critical and difficult position with regard to the two Houses of the Legislature.

The Lieutenant-Governor cannot admit that the responsibility of this state of affairs should rest with him.

With regard to the Bill intituled "An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway," the Premier cannot claim for that measure the asserted general authorisation which he mentions in his letter, for their interview was on the 19th February, and that Bill was before the Legislature several days before that date, without the Lieutenant-Governor having been in any way informed of it by his advisers.

The Lieutenant-Governor expressed at that time to the Premier how much he regretted that legislation; he represented to him that he considered it contrary to the principles of law and justice; notwithstanding that, the measure was carried through both Houses until adopted.

It is true that the Premier gives in his letter, as one of the reasons for acting as he did, "that this permission of using the name of the representative of the Crown had, besides, always been granted him by the predecessor of the present Lieutenant-Governor, the late lamented Mr. Caron."

This reason cannot be one for the Lieutenant-Governor, for in so acting he would have abdicated his position as representative of the Crown, which act neither the Lieutenant-Governor nor the Premier could reconcile with the obligations of the Lieutenant-Governor towards the Crown.

The Lieutenant-Governor regrets having to state, as he told the Premier, that he has not been informed, in general, in an explicit manner of the measures adopted by the cabinet, although the Lieutenant-Governor had often given the Premier an opportunity to do so, especially during last year.

From time to time, since the last session of the Legislature, the Lieutenant-Governor has drawn the attention of the Premier to several subjects regarding the interests of the Province of Quebec, amongst others:

1st. The enormous expenditure occasioned by very large subsidies to several railways, while the Province was burdened with the construction of the great railway from Quebec to Ottawa, which should take precedence of the others; and this, when the state of our finances obliged us to undertake loans disproportioned to our revenue.

2nd. The necessity of reducing the expenses of the Civil Government and of the Legislature, instead of having recourse to new taxes, in view of avoiding financial embarrassment.

The Lieutenant-Governor expressed also, but with regret, to the Premier, that the Orders passed in Council to increase the salaries of Civil Service servants seemed to him inopportune, at a time when the Government were negotiating with the Bank of Montreal a loan of half a million, with power to increase that loan to \$1,000,000, at a rate of interest of 7 (seven) per cent.; and indeed, even to-day (1st of March), the Lieutenant-Governor is obliged to allow an Order in Council to be passed to obtain the last half million for the Government, without which the Government would be unable to meet

its obligations, as I was informed by the Hon. the Provincial Treasurer to-day by order of the Prime Minister.

The Premier did not let the Lieutenant-Governor know, then or since, that the Government were in such a state of penury as to necessitate special legislation to increase public taxation.

Therefore the Lieutenant-Governor said and repeated these things to the Premier, and he deems it advisable to record them here, that they may serve as memoranda for himself and for the Premier.

It therefore results :

1st. That although the Lieutenant-Governor has made many recommendations in his position as representative of the Crown to the Premier on these different subjects of public interest, his advisers have undertaken a course of administrative and legislative acts contrary to these recommendations, and without having previously advised him.

2nd. That the Lieutenant-Governor has been placed, without evil intention, but in fact, in a false position, by being exposed to a conflict with the will of the Legislature, which he recognises as being, in all cases, supreme, so long as that will is expressed in all constitutional ways.

The Lieutenant-Governor has read and examined carefully the memorandum and documents which the Premier was kind enough to bring him yesterday.

There are, in the record, petitions from several municipal corporations and from citizens of different places, addressed to the Lieutenant-Governor, against the resolutions and the Government Bill, with regard to the "Quebec, Montreal, Ottawa, and Occidental Railway."

The Lieutenant-Governor was only yesterday able to take cognizance of some of these petitions, as they had not been communicated to him before he received them in the record.

The Lieutenant-Governor, after having maturely deliberated, cannot accept advice of the Premier with regard to the sanctioning of the Railway Bill, intituled "An Act respecting the Quebec, Montreal, Ottawa, and Occidental Railway."

For all these causes the Lieutenant-Governor cannot conclude this memorandum without expressing to the Premier the regret he feels at being no longer able to continue to retain him in his position, contrary to the rights and privileges of the Crown.

(Signed) L. LETELLIER.

To the Hon. C. B. DeBoucherville, Prime Minister,
Quebec.

(Translation.)

YOUR EXCELLENCY,

Quebec, March 2, 1878.

I HAVE the honour to acknowledge the receipt of your memorandum, in which you come to the conclusion that you can no longer continue to retain me in my position as Prime Minister. There is no other duty for me to fulfil but to submit to the dismissal from office, which your Excellency has notified me of, declaring at the same time my profound respect for the rights and privileges of the Crown, and my devotion to the interests of the Province.

I have, &c.

(Signed) C. B. DEBOUCHERVILLE.

To his Excellency the Lieutenant-Governor
of the Province of Quebec.

No. 2.

GOVERNOR-GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT HON.
SIR MICHAEL HICKS BEACH, BART. (Received April 1, 1879.)

Canada, Government House, Ottawa,
March 15, 1879.

SIR,

WITH my Despatch of the 5th instant* I had the honour to transmit to you copies of a correspondence which had been submitted to the Dominion Parliament relative to certain ministerial changes which took place in the Province of Quebec in the early part of last year.

* No. 1.

A few days after this paper had been laid on the table of the House, Mr. J. A. Mousseau, a supporter of the Government, gave the following notice:—"That this House do resolve that the dismissal by the Lieutenant-Governor of Quebec of his ministers on the 2nd day of March 1878 was, under the circumstances, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of responsible Government to the British North American Colonies."

The motion came up for consideration on the 12th instant, and was debated on that and the succeeding day, and on the morning of the 14th instant a division was taken with the following result:—Yeas, 136; nays, 51; a majority of 85 in favour of the motion.

Twenty-one members were absent or did not record their votes.

I enclose an extract from the newspapers, giving a full report of the debate, pending the issue of Hansard, which will be sent to you in due course.*

Mr. Mousseau's motion was identical with one on the same subject moved by Sir J. A. Macdonald in the last session of Parliament and defeated by a majority of 32.

The Right Hcn. Sir M. E. Hicks Beach, Bart.,
&c. &c. &c.

I have, &c.
(Signed) LORNE.

No. 3.

GOVERNOR-GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT HON.
SIR MICHAEL HICKS BEACH, BART. (Received April 28, 1879.)

Government House, Ottawa,
April 9, 1879.

SIR,

WITH reference to the correspondence noted in the margin concerning the action of the Lieutenant-Governor of Quebec, the ministerial changes in that Province, which resulted from that action, and the subsequent events which have occurred,

Governor-General, No. 58, March 5, 1879.†
Governor-General, No. 71, March 15, 1879.†

I have now the honour to report that on Saturday, the 29th March, Sir J. A. Macdonald came to Government House, and after conversation on other subjects, stated that he had waited until the return of Mr. Langevin from Quebec (whither he had gone on account of a family bereavement), and for the return of Mr. Masson, to communicate to me the decision the Cabinet had arrived at with regard to Mr. Letellier, the Lieutenant-Governor of Quebec. The decision was to the effect that the usefulness of Mr. Letellier had gone, and that he must be relieved of his office. I said that Sir John must know, from what I had already said to him on this subject, that I could not agree in the policy he recommended, but requested him to give his reason in writing, and told him I should put my reasons against such a policy in writing. He intimated that he would do as I requested. I said further, that I considered that the dismissal of the Lieutenant-Governor would set a dangerous precedent.

On Wednesday, the 2nd of April, Sir John again came to me, and informed me that, as an alternative, he suggested that the question involved in the dismissal of the Lieutenant-Governor of Quebec should be referred to Her Majesty's Government. I assented to this, and he produced a note of the statement he proposed to make to the House on the subject; it was in these terms: "Sir John Macdonald waited on his Excellency the Governor-General, and informed him that after the resolution of the Senate in the last session of Parliament, and the resolution of the House of Commons during the present session, it was the opinion of his Excellency's advisers that the usefulness of the Hon. Mr. Letellier as Lieutenant-Governor of Quebec was gone, and they advised that in the public interest it was expedient that he should be removed from his office. His Excellency thereupon was pleased to state that as the Federal system introduced by the British North America Act of 1867 was, until then, unknown in Great Britain or her Colonies, there were no precedents to guide us; that the decision in the present case would settle for the future the relations between the Dominion and Provincial Governments, so far as the office of Lieutenant-Governor is concerned, and that he therefore deemed it expedient to submit the advice tendered to him and the whole case with all the attendant circumstances to Her Majesty's Government for their consideration and instructions."

* Newspaper extracts not printed.

† Nos. 1 and 2.

I informed Sir John Macdonald that I agreed to his suggestion to use the above words in making his statement to the House of Commons.

Some misconception having arisen with reference to the statement made to the House, Sir John Macdonald on Monday the 7th April rose in his place, and in answer to Mons. Desjardin said: "I am glad the honourable member has asked the question. I beg leave to state to the House that the Postmaster General, my colleague, will sail by the next Canadian steamer for England for the purpose of supporting, with the consent of the Governor-General, the advice given by the Government for the removal of Lieutenant-Governor Letellier. He may, perhaps, be accompanied by another gentleman; at all events he goes next Saturday. I need scarcely say that the fact of our holding the position we do at this moment shows that the Governor-General did not make that reference against our advice, and the fact of our remaining in office shows we hold ourselves responsible for the action of the Governor-General."

It will be seen from the foregoing narrative that in referring the question of the dismissal of the Lieutenant-Governor of Quebec to Her Majesty's Government I have not acted against the advice of my Ministry.

I consider that it is important that an opinion be given on the subject by Her Majesty's Government, for it is expedient that an authoritative expression of their views be obtained with reference to the powers given by the British North America Act of 1867 to the Governor-General, in respect of the dismissal of the Lieutenant-Governor of Quebec. By clause 12 of this Act it is provided that, in certain cases, the Governor-General has power to act individually, and in clause 59, the words "in Council" are omitted, and the language used is "a Lieutenant-Governor shall hold office during the pleasure of the Governor-General." Sir John A. Macdonald will refer to this point in a memorandum which will be forwarded on Monday the 14th instant.

In the case of Lieutenant-Governor Letellier, the dismissal proposed would establish a new precedent. He would be dismissed, although the responsibility of the act for which he has been censured by the present Dominion House of Commons has been assumed by his minister, M. Joly, who with his colleagues has been able to carry on the Government of the Province since the provincial elections which took place in the summer of last year.

To dismiss the Lieutenant-Governor for acts, for which M. Joly has declared himself to be responsible to the Provincial Legislature, is a new exercise of the Federal power, and as it affects the interpretation of an Imperial Act, which carefully guards Provincial interests, I consider the wish of Sir John Macdonald to refer the matter to the Imperial Government as wise, and meeting in the fullest manner the requirements of the constitution.

This Despatch has been read by Sir John Macdonald, who has pronounced the narrative of the conversations which have taken place between us to be accurate.

I enclose extracts* from the public newspapers, of all shades of politics, with regard to this important question, and for facility of reference I transmit copies of the printed papers which accompanied the Despatches above quoted, and further a copy of a report of the debates which took place in the Legislative Assembly of Quebec, after M. Joly's administration had assumed power.

The Right Hon. Sir M. E. Hicks Beach, Bart.,
&c. &c. &c.

I have, &c.
(Signed) LORNE.

No. 4.

GOVERNOR-GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT HON.
SIR MICHAEL HICKS BEACH, BART. (Received April 28, 1879.)

Government House, Ottawa,
April 14, 1879.

SIR,

I HAVE the honour to transmit herewith a copy of a memorandum from Sir J. A. Macdonald, Premier of the Dominion, with reference to the case of M. Letellier, Lieutenant-Governor of the Province of Quebec, to which allusion is made in my Despatch, of the 9th instant.†

The Right Hon. Sir M. E. Hicks Beach, Bart.,
&c. &c. &c.

I have, &c.
(Signed) LORNE.

* Inclosures not printed.

† No. 3.

Enclosure in No. 4.

MEMORANDUM by Sir JOHN A. MACDONALD.

As this important matter has been referred to Her Majesty's Government by his Excellency the Governor-General with the assent of his Advisers, it is proper that their reasons for tendering the advice that Mr. Letellier be removed should be submitted to his Excellency for transmission to the Secretary of State for the Colonies. Perhaps the most convenient way for doing so would be by a succinct narrative statement of the circumstances surrounding the case. The papers laid before Parliament enter so fully into the details that the narrative may be a short one. In 1876 Mons. Letellier, then a member of the Dominion Ministry, was appointed Lieutenant-Governor of Quebec. Although an active politician, and believed to have strong party leanings, no objection was taken by anyone to his appointment. Of course Canada which only adopted the Federal system with local Lieutenant-Governors in 1867 had no service similar to that which now exists in Great Britain. The Governorship of Colonies has with the recent exception of Canada become a branch of the Civil Service of England, and gentlemen appointed to any Colonial Government, although holding commissions during the pleasure of the Crown, have a right to expect that they will not be removed without cause until the usual term of office has expired. In Canada since the 1st July 1867, when the Dominion was formed, the Lieutenant-Governors of the different Provinces were almost of necessity selected from men of political standing, and although it might have been apprehended that the party proclivities of these gentlemen would interfere more or less with the impartial performance of their duties, it is satisfactory to be able to state that except in this case no charge or complaint has been made that any Lieutenant-Governor has allowed his conduct as such to be influenced by his party predilections. When Mr. Letellier was appointed Lieutenant-Governor he was a prominent member of Mr. Mackenzie's ministry and the leader of his Government in the Senate. It was therefore especially necessary that he should have avoided even a semblance of being actuated by party feeling in his new position. Instead of this there is too much reason to believe that he assumed his office with a distinct purpose of exerting his official influence on behalf of his political friends. Now in Quebec it is perhaps more necessary than in any other Province of the Dominion that the conduct of its Governor should be politically colourless. Its people of French origin have a traditional respect for authority, and as in old France, except in times of revolutionary or great political excitement, the influence of the Government of the day over the electorate is so great that the party having the advantage of that influence have much the greater chance of success. In fact, in the case of a general election, the two parties do not enter into the field on equal terms. When Mr. Letellier assumed his Government he found that his Ministry, of which the Hon. Mr. Bouchierville was the first Minister, possessed the confidence of both branches of the Legislature. It was known that in the Legislative Council, consisting of 24 members, he had the support of 19; in the Legislative Assembly, composed of 65, he enjoyed the confidence of at least 40 members. It might, therefore, naturally have been supposed that his task was an easy one, and that he could have safely accepted the advice of his Ministers (strongly supported as they were by both branches of the Legislature) on all subjects within the range of their constitutional powers of Government and advice. A perusal of the documents laid before Parliament will show that he did not act fairly or loyally towards them. It is not too much to say that he laid in wait for an opportunity of removing them. He allowed them to proceed with the business of the session until near its close, and then, on the grounds or pretexts disclosed in the papers, he dismissed them. The correspondence will show how frivolous and disingenuous his pretexts were. A stranger to Quebec might naturally inquire as to what object Mr. Letellier had in dismissing his Ministry. He had, it is believed, a distinct and specific object. The general elections for the Dominion Parliament were of necessity to take place in 1878, when the Ministry of which, as has been already stated, Mr. Letellier had been a prominent member, would be obliged to go to the country and give an account of their stewardship. In consequence of the traditional influence of Government, which has been alluded to, it was obviously of political importance to that administration to have such influence exerted in its favour. Hence arose the anxiety of Mr. Letellier to forget his position as Governor—to dismiss his advisers, who were known to be politically opposed to the Dominion Ministry, and to substitute for them a cabinet which would act in sympathy with them and exercise the Provincial patronage to carry

the Dominion elections. With that view Mr. Joly, who, before he became leader of his party in Quebec, had been a strong supporter in the Dominion Parliament of Mr. Mackenzie, was selected. He resorted to a dissolution, and the result was that, notwithstanding all the influence that the Quebec Government could exercise, he did not succeed in securing a majority. At that election the battle was fought, not on Mr. Letellier's conduct, with which constitutionally the local electors had nothing to do, but upon the comparative merits of the policy of the two parties, of the Joly and de Boucherville Ministries; and the result was, as has been stated, that while Mr. de Boucherville's former support was diminished, Mr. Joly had not a majority at his back. It was, however, necessary to Mr. Joly's existence that he should be able to secure a majority, if but of one, in the House of Assembly, and this he effected by causing to be chosen speaker Mr. Turcotte, a gentleman elected under a positive pledge to oppose him, and who after his election had declared his continued opposition. It has been asserted, and never denied, and has recently been stated in the most explicit terms in the late debate in the Dominion Parliament by a member in his place, that Mr. Turcotte was sent for and his acceptance of the speakership arranged in the presence of Mr. Letellier.

Notwithstanding the purchase of the Speaker a vote of want of confidence was passed in the Legislative Assembly, and a similar resolution was adopted in the Upper House. Mr. Joly, however, did not resign as he ought to have done, and as the Lieutenant-Governor ought to have called upon him to do. He held to office and proceeded with the business of the country. He succeeded in carrying the supplies, and the fact of his having done so is quoted as a proof of the substantial confidence of the House in him. But the refusal of supplies is an antiquated procedure, and has long since been succeeded in England by votes of want of confidence, and for the same reasons which induced the Opposition at Quebec to vote the supplies. The refusal to do so would have clogged the whole machinery of Government, would have stopped the construction of the Government railways and ruined the contractors, and at a time of great depression would have deprived very many working men of the means of subsistence. The Opposition therefore patriotically deemed it wise, while persisting in their expression of want of confidence, not to obstruct the whole business of the country. During the whole of the legislative existence of Mr. Joly he has thus been carrying on the Government by the improper partizanship of the Lieutenant-Governor, and the casting vote of a speaker purchased with his connivance. In the session of the Dominion Parliament of 1878 the conduct of Mr. Letellier was brought before the House of Commons by Sir John Macdonald, the leader of the Opposition, who moved the following resolution:—

“That the recent dismissal by the Lieutenant-Governor of the Province of Quebec of his Ministry was, under the circumstances, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of responsible Government to the British North American Colonies.”

On reference to the debates, it will be seen that Mr. Mackenzie's Government did not defend Mr. Letellier's action, although they supported their old colleague by a vote of 112 to 70. During the same session the senate passed by a vote of 37 to 20 the following resolution:—

“That the messages of his Excellency the Governor-General of the 26th March and 8th April be now read, and that it be resolved that the course adopted by the Lieutenant-Governor of the Province of Quebec towards his late Ministry was at variance with the constitutional principles upon which Responsible Government should be conducted.”

Then came on last autumn the general election for the Parliament of the Dominion, and among the many questions submitted to the people one of the most prominent was the conduct of Mr. Letellier, and the votes of the two Houses of Parliament with respect to it. In the Province of Quebec it was the question of the day, and the opinion of the electors may be known by the return of 48 gentlemen pledged to Mr. Letellier's condemnation against 17 supporters. When the present session of Parliament met, Mr. Mousseau, a representative from Quebec, brought forward a motion identical in its terms with that moved in the previous session by Sir John Macdonald, and it was carried by a vote of 136 to 51 members. The analysis of this vote sufficiently shows that the general condemnation of Mr. Letellier's conduct was not confined to his own Province.

Under these circumstances the Governor-General's advisers thought it their duty to convey to his Excellency their opinion that after the Senate's resolution of last session, and the vote of the House of Commons during the present session, Mr. Letellier's usefulness was gone, and they advised his removal; and now the whole question stands for the consideration of Her Majesty's Government on the Governor-General's reference.

It is necessary now to consider the tenure of office by Lieutenant-Governors appointed under British North America Act, 1867. When the resolutions on which that Act was based were being prepared it was thought expedient to continue in the Dominion the English practice with respect to Colonial Governors. This might have been done without legislative enactment, but to prevent the possibility of its being supposed that Lieutenant-Governors under the new regime were of necessity to be in sympathy with the Dominion Ministry of the day, and to be removable with every change of party, the provision in the 59th clause was introduced which says that no Lieutenant-Governor shall be removable within five years of his appointment except for cause assigned, which shall be communicated within one month after the order for removal is made, and shall be communicated by message to the Senate and House of Commons.

This left the tenure to be one of pleasure as before, but was intended by statutory enactment to establish the practice which obtains in England. It gives no vested right to a Lieutenant-Governor in his office for five years; it does not place him in the position of a judge who holds office during good behaviour, although removable by vote of both houses. The statute merely operates and was meant to operate as a check upon the capricious and arbitrary exercise of the power of dismissal by compelling the Ministry to submit the reasons for the exercise of the Royal pleasure for Parliament. A Lieutenant-Governor is still removable and ought to be removable whenever it is felt by the Dominion Government that it is for the public interest that he should be displaced. Due regard should of course be had to his feelings and position, and the power should not be lightly exercised; but it is not necessary that he should be tried, convicted, or even charged with gross moral or personal wrong.

If, as in the case of Imperial officers of like position, it becomes necessary or expedient for the advantage, good government, or contentment of the people governed that he should be removed, it is the duty of the Dominion Government to discard him. His usefulness may have been destroyed by accident or misfortune as well as by fault, but still the usefulness once gone the office should also go. This is, we know, the practice in England, but there Her Majesty's Government have the means from the multiplicity of offices at their gift to remove the unsuccessful or erring Governor to another sphere of action. Here the same means can scarcely be said to exist. It may perhaps be said that stronger reasons should therefore be assigned for the dismissal of a Governor; but, on the other hand, a Canadian officer so removed is not deprived of any professional status or prospects. He belongs to no service, and his office is considered more as a dignified retirement from active political life than one of profit or emolument. At the end of his five years he has no claim for another appointment or for further consideration, and he stands in a position similar to that of a minister who has lost power. In Mr. Letellier's case it is not in the opinion of his Excellency's advisers at all necessary in order to justify their advice to go behind the vote of Parliament, it is sufficient for them that Parliament has passed a censure on his official conduct.

After such a vote it must be obvious that he cannot either with profit or advantage be maintained in his position. At the same time they must express their full concurrence in the justice of the censure. They proved that by their votes in the Legislature; but had they not voted at all, or even if their opinion had been averse to that arrived at by Parliament, it seems clear that they are bound to respect that decision and to act upon it as they have done by advising the removal. It has been argued that while by the 58th clause of the Act, Lieutenant-Governors are to be appointed by the Governor-General in Council by instrument under the Great Seal, the 59th clause provides that he shall hold office during the pleasure of the Governor-General, and that therefore while the appointment must be under the advice of a Responsible Ministry, the removal may be made by his Excellency without reference to his Council, and the 12th clause of the Act is quoted in support of that view. That clause provides as to what powers, authorities, and functions are to be vested in the Governor-General with the advice of his Privy Council, and what in the Governor-General himself. The argument is not however tenable. Long before Confederation the principle of what is known as Responsible Government had been conceded to the Colonies now united in the Dominion. This principle established that in all matters of internal concern the representative of the Crown should act according to the advice of Ministers enjoying the confidence of Parliament. The concession was not withdrawn by the Confederation Act. On the contrary, it begins by a preamble stating the desire of the Provinces to be united into one Dominion with a constitution similar in principle to that of the United Kingdom; and this has been carried out in theory and practice in the Dominion of Canada from the commencement of its existence. The principle forms part of our constitution now as it did

in those of the several Provinces before the Union. It is a part of the *lex non scripta* of the constitution, and any express enactment of the principle was wisely avoided.

A comparison between the elasticity of the British constitution and its gradual development under an unwritten law with the rigidity of a written constitution as existing in the United States has shown the superiority of the former system. Whether, therefore, in any case power is given to the Governor-General to act individually or with the aid of his Council the act as one within the scope of the Canadian Constitution must be on the advice of a Responsible Minister. The distinction drawn in the Statute between an act of the Governor and an act of the Governor in Council is a technical one, and arose from the fact that in Canada for a long period before confederation certain acts of administration were required by law to be done under the sanction of an Order in Council while others did not require that formality. In both cases, however, since Responsible Government has been conceded, such acts have always been performed under the advice of a Responsible Ministry or Minister. Again the 59th clause provides that the Lieutenant-Governor is not to be removed except for cause assigned. Someone must be responsible to Parliament for the reasonableness of such cause, and must defend it there, and be liable to censure should the cause be deemed insufficient.

Now the Governor-General cannot be held constitutionally responsible or open to censure in any way by Parliament. As Her Majesty's representative he holds the same constitutional position in that respect as the Queen does in England. It seems to follow, therefore, that upon the Ministry of the day must rest the responsibility of advising the removal, of assigning the cause, and of justifying its sufficiency.

Two special grounds have been urged why Mr. Letellier should not be removed; first, that the motion of censure made in the late Parliament having been lost, the case should not be re-opened without new cause; second, that Mr. Joly assumed the whole responsibility of the Lieutenant-Governor's act, and after an appeal to the people his Ministry still exists. As to the first ground it may be answered that, as already stated, the arguments used in opposition to the motion did not attempt to justify his conduct, but were founded on the inexpediency of raising the question at that time when Mr. Joly had gone or was about to go to the country, that the question had not been before the people at the time the then House of Commons was elected, and that it had been one of the subjects submitted to the people at the last election for the Dominion. The present House of Commons coming fresh from the people and supposed to express their opinion has by an overwhelming vote reversed the decision of the expiring Parliament, and pronounced a deliberate censure on Mr. Letellier's conduct. As to the second ground, the answer is that the Lieutenant-Governor of a Province holds the same relation to the Dominion Government and Legislature as the Governor-General does to Her Majesty and the Imperial Parliament. Here we have nothing to do with the appointment or removal of the Queen's representative. We loyally accept the Governor-General selected by the Queen, and have no right to express an opinion as to his continuation in office or recall. All that the people of Canada can require is that the Governor-General for the time being should always act upon the advice of Ministers responsible to him. The right of discussion and the power of censure rest practically with the Imperial House of Commons, and have been not infrequently exercised there. So in the Province of Quebec its legislature and people are bound to receive the nominee of the Governor-General, and so long as their constitutional rights are protected have nothing to say against his recall for any cause whatever. If Mr. Letellier were removed, his successor must accept the Ministry which he finds enjoying the confidence of the Legislature, and so long as this constitutional right is preserved it matters not to them who may be their Lieutenant-Governor. It rests with the Dominion Parliament to approve or disapprove of a change in the personnel in the Lieutenant-Governorship. The distinction seems to have been fully observed in the Province of Quebec during the late Local and Dominion elections. It must be borne in mind that the constituencies and the franchise are the same for both elections, and the same body of electors which when the question constitutionally before them was the comparative merits of the De Boucherville and Joly administrations divided in nearly equal numbers returned to the Dominion Parliament 48 as against 17 or a majority of 31 pledged to vote for the censure of Mr. Letellier's conduct in the place where it alone could be constitutionally impugned.

After full and anxious consideration his Excellency's advisers desire to express their strong conviction that it is highly expedient that the vote of Parliament should be given effect to by the dismissal of Mr. Letellier. If it is not, a Provincial Lieutenant-Governor will be the only practically irresponsible official in Canada. On the other hand, his

removal will be a warning to all future Lieutenant-Governors to exercise their powers as such with the strictest impartiality. As Mr. Letellier has been the first, in the case of his removal he will probably be the last partisan Lieutenant-Governor, and all future trouble from that source may be considered as at an end. His fate will be a warning to others for all time to come. Again, they are convinced that peace and contentment will not be restored in the Province of Quebec so long as he retains his present position; and lastly, they think that a Ministry enjoying the confidence of Her Majesty's representative and a large majority of both Houses of Parliament and administering all the affairs of Canada, whether of a legislative or executive character, and including the appointment of Lieutenant-Governors may be safely entrusted with the responsibility of advising their removal.

All which is respectfully submitted.

Council Chamber,
14th April 1879.

VOTE ON LETELLIER'S MOTION.—14th March 1879.

Province.	Yeas.	Nays.	Absent.
Ontario - - - -	58	21	8
Quebec - - - -	46	16	2
Nova Scotia - - -	14	5	2
New Brunswick - -	4	8	3
Prince Edward Island - -	5	1	—
Manitoba - - - -	3	0	1
British Columbia - -	6	0	0
Speaker - - - -	—	—	1
Pair - - - -	1	1	—
Total - - - -	137	52	17

No. 5.

GOVERNOR-GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT HON.
SIR MICHAEL HICKS BEACH, BART. (Received May 6, 1879.)

Government House, Ottawa,
April 23, 1879.

SIR,

WITH reference to previous correspondence regarding the case of the Lieutenant-Governor of the Province of Quebec, I have the honour to transmit herewith the statement of M. Letellier St. Just, which I forward to you on the recommendation of my responsible advisers. I also enclose a copy of a telegraphic message which I caused to be sent to the Lieutenant-Governor to-day.

The Right Hon. Sir M. E. Hicks Beach, Bart.,
&c. &c. &c.

I have, &c.
(Signed) LORNE.

The UNDER SECRETARY OF STATE FOR CANADA to the GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, April 22, 1879.

I AM directed to transmit to you herewith, to be handed to his Excellency the Governor-General in accordance with the request of his Honour the Lieutenant-Governor of the Province of Quebec contained in his Honour's Despatch of the 18th instant, the enclosed Memorandum to be transmitted by his Excellency for the consideration of Her Majesty's Imperial Government, as the Lieutenant-Governor requests.

I have, &c.

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

The Governor General's Secretary.

Enclosure 1. in No. 5.

SIR,

Government House, Quebec, April 18, 1879.

IN the return to an Address to the House of Commons from the Department of the Secretary of State, dated 27th February last, I find a petition addressed to his Excellency the Governor-General in Council, by Messieurs Chapleau, Church, and Angers, which purports to be a reply to my letter to the Secretary of State, of the 9th December, 1878.

Having in that letter requested that I might be afforded an opportunity of giving further explanations on any of the charges preferred against me by the petitioners, which might appear to require them, and not having been called upon for such explanations, I should have refrained from offering any further remarks on a question in which I am personally concerned, were it not that I have learned from the newspapers that advice had been tendered to His Excellency the Governor-General by his responsible Ministers, which, in my opinion, would, if followed, be destructive of that Local Government secured to the Province of Quebec by the "British North America Act."

I have likewise learned from the same sources of information that such advice has been referred for the consideration of Her Majesty's Imperial Government, and that a Dominion Minister of State, and a distinguished member of the Montreal bar, have proceeded to England in connexion with this case.

Having received no official communication as to the nature of the mission entrusted to these gentlemen, I feel I am working in the dark in preparing the case which the Federal Government has consented to transmit, as I do not even know what the Imperial Government is specifically called upon to decide.

Under the circumstances stated I feel it my duty to begin by placing on record a rejoinder to the reply of Messieurs Chapleau, Church, and Angers, to my answer of the 9th December last, and to respectfully request that His Excellency the Governor-General will not only give it his own consideration, but transmit it to the Right Honourable the Secretary of State for the Colonies, if the return to the Address of the House of Commons shall have been or is to be transmitted.

The petitioners have wholly misunderstood the passage in my said answer of the 9th December last, in which I referred to the "extraordinary error" committed by them in their original petition, in reference to the 59th Section of the "British North America Act."

It was far from my intention to put forward any plea to the jurisdiction of the Governor-General in Council.

I merely intended to draw the attention of his Excellency the Governor-General to the fact that the petitioners ignored him as they had ignored me.

The first of the alleged grievances summed up by the petitioners is in these words:—
 "The Lieutenant-Governor, in dismissing his ministers when they enjoyed the confidence of both Houses of the Legislature, and when they had not been guilty, as the Lieutenant-Governor admits, of any wilful want of respect for the "prerogative of the Crown, has violated the principles of responsible government." This would imply that it was a violation of responsible government to dismiss my ministers on the ground that a Bill introduced by them without my consent, and carried by their influence as ministers through the two Houses of the Legislature, contained provisions which I conscientiously believe were contrary to law and justice.

I willingly accept the issue here presented.

The Bill above referred to was introduced in my name but without my authority, unless it be held that the telegram addressed to me at Rivière Ouelle, "Can you send me "authorisation resolution respecting finances?"—was such a communication to me, as I had a right to expect, regarding a Railway Bill containing provisions that were, in my deliberate judgment, contrary to the principles of law and justice (copy of which Bill is annexed hereto.)

It may be as well to remark on the subject of the Railway Bill, that the municipalities which it was intended to coerce by legislative action, have, since the advent to power of the new administration, appreciated their good faith by making satisfactory arrangements with them.

I may observe on the subject of Bills introduced into the Legislature, that unless the permission of the Crown has been expressly obtained, the Ministry must necessarily take the responsibility of acting without such permission, as in all other cases in which they act without previous consultation, and in the event of the Sovereign or his representative disapproving of such action, its disallowance constitutes no just ground of complaint.

To sum up, the legitimate inference, it appears to me, to be drawn from the first grievance of the petitioners is, that in their opinion it would be a violation of responsible government to dismiss a Ministry enjoying the confidence of the Legislature unless it had been guilty of wilful want of respect for the prerogative of the Crown. Now, I maintain that whether a Ministry enjoys the confidence of the Legislature or not, the Representative of the Crown is entitled to dismiss them, should they attempt, as in my case, to pass measures contrary to his views, and without having previously obtained his sanction, provided he finds advisers willing to assume the responsibility of his acts.

The second grievance, as stated by the petitioners, is based on the pretension that I had really given my authorisation to the measures of which I complained, and that, having done so, I had, after their discussion in the Legislature, dismissed the ministers who had introduced them with my concurrence. I submit that it is sufficiently established by documentary evidence that I had never given such authorisation.

The third grievance merits serious consideration, as it is based on an assumption that the representatives of the Crown in the Provinces of the Dominion have no right to divulge the secrets of their advisers to their official superior. On precisely the same ground it would be improper for his Excellency the Governor-General to divulge to the Secretary of State for the Colonies "the secrets of his advisers."

I join issue with the petitioners: 1st. As to my right to communicate as freely with the Governor-General or the Dominion Secretary of State as the Governor-General may do with Her Majesty's Secretary of State for the Colonies.

2nd. As to the propriety of my addressing the Governor-General under the circumstances.

My reasons were explicitly stated at the conclusion of my letter to His Excellency the Governor-General, viz.: the unauthorised explanations made to both Houses of the Legislature, in the form of a memorandum signed by Mr. Angers, one of the petitioners.

I maintain that, according to British constitutional practice, the explanations rendered necessary by a change of Ministry must be such as have been expressly authorised by the Sovereign or his representative.

The explanations authorised by me were defined in my letter on the 4th March, to M. De Boucherville, to be my two memoranda (of 25th February and 1st March), and the answers to those memoranda by M. De Boucherville (of the 27th February and 3rd March), and I further requested that such explanations should not be made until the completion of the arrangements for the formation of a new Executive Council.

I had just reason to complain, not only of the premature and unauthorised announcement that the De Boucherville Ministry had been dismissed, but of the wholly unauthorised memorandum of Mr. Angers read to the House of Assembly, which I had never seen.

M. De Boucherville had, in his letter of the 4th March, acknowledging mine of the same day, expressly referred to the explanations which I had authorised, and the extent of which my said letter had clearly and precisely indicated.

It is evident, from M. De Boucherville's letter to the Governor-General, that the ex-ministers hold the opinion that they had a right to make any explanations that they themselves thought proper, without the knowledge or consent of the Lieutenant-Governor.

On this point I am at issue with them. Mr. Angers having thought proper, without my knowledge or consent, to make statements to the Legislature, I considered that it was my duty to explain more fully to the Governor-General the circumstances adverted to in my letter of the 1st March to M. De Boucherville, and which led me to remind that gentleman that from time to time my advisers had "taken administrative and legislative steps contrary to such representations and without having previously advised me."

My object in acquainting the Governor-General with various circumstances which indicated on the part of the Executive Council a determination to deprive me of the legitimate prerogatives attached to my office, was simply to convince his Excellency that, far from being desirous of seeking an opportunity to come to a rupture with the Executive Council, I had on several occasions reason to complain of their inattention to my remonstrances, and of their omission even to consult me. These were not assigned as reasons for my final decision, but as circumstances which led me to believe that M. De Boucherville and his colleagues had been indisposed to treat me with that confidence which I had a right to expect.

In my letter to the Secretary of State, of the 9th December last, I had adduced as evidence of the concurrence of his own party in my opinion that M. De Boucherville

was unequal to the position which he had occupied, that another leader had been chosen in his place. This fact has not been denied.

The petitioners state in reply that "it was necessary that the conservative party should choose a leader in the Legislative Assembly, M. De Boucherville being leader and a member of the Legislative Council."

This statement is calculated to convey an erroneous impression.

The leader of a party may be in either branch of the Legislature, as the petitioners are well aware, and M. DeBoucherville though in the Legislative Council, was Prime Minister.

M. Chapleau was chosen as leader of the party; and it is clearly understood that M. De Boucherville, who has since accepted a seat in the Dominion Senate, is no longer in the position of leader which he formerly occupied.

With regard to that portion of the petitioners' letter which relates to the Quebec elections, and to subsequent proceedings in the Provincial Legislature, I must be permitted to remark that they are wholly irrelevant to the real question at issue, whatever may be their bearing on Mr. Joly's administration.

I cannot for a moment admit that the Lieutenant-Governor of the Province was on trial by the people. Mr. Joly accepted the full constitutional responsibility for my acts, and has been able to carry his measures in the Legislature. As a striking evidence of the great change in the House of Assembly effected by the recent provincial elections, I shall merely direct attention to the vote which was taken on the 9th of March 1878, before these elections, on the amendment to the second reading of the Supply Bill, proposed by Mr. Angers and seconded by Mr. Church, the Bill being thrown out by 32 to 13; while, after the elections of the 1st May following, the Supply Bill introduced by the Joly Government was passed unanimously.

It may not be out of place here to re-affirm the correctness of all the statements which I have made in the memoranda, which have passed between M. De Boucherville and myself, as well as in my correspondence with the Earl of Dufferin and my answer to Messrs. Chapleau, Angers, and Church.

There are some other points raised for the first time by the latter gentlemen in their reply, which are of very secondary importance, and not worthy of any special notice.

I have only, in conclusion, to remark that no apprehension of personal consequences to myself would have induced me to engage in such a discussion as the present, but that I feel most deeply that the interests of my native Province are at stake, and inasmuch as it has been represented to me by a Minute in Council of my Executive Government (coinciding with my personal opinion) that the rights and autonomy of the Province of Quebec might be injuriously affected by the result of the decision which may be given in this case, I think it only just that I should submit for the consideration of the Imperial authorities the said order, which reads as follows:—

No. 172.

The Honourable the Commissioner of Agriculture and Public Works, in a report dated the 17th of April instant, represents that the Honourable H. L. Langevin, one of the members of the Privy Council of Canada, has taken his departure for England, to confer with Her Majesty's Government respecting the attempted removal of the Honourable the Lieutenant-Governor of the Province of Quebec, for the dismissal of the Honourable M. De Boucherville's late administration;

That the Lieutenant-Governors in their respective provinces have the same power and authority under the "British North America Act" as those which are possessed by the Governor-General, as respects the government of the Dominion;

That the power of dissolving Parliament and dismissing ministers is the undoubted prerogative of Lieutenant-Governors of Provinces;

That His Honour Lieutenant-Governor Letellier De St. Just, in the exercise of this well-recognised authority, dismissed his ministers on the 2nd day of March 1878, the reasons assigned being as follows:—

That his ministers had taken steps regarding administrative and legislative measures, not only contrary to his representations, but even without having previously advised him, and especially with reference to a Bill containing provisions which would have deprived subjects of Her Majesty of their undoubted right to have the protection of the judicial tribunals of the country in cases of dispute with the Provincial Government;

That the Honourable M. De Boucherville, the late Premier, having declined to name a person to replace him, when requested to do so by His Honour the Lieutenant-Governor, Mr. Joly, the leader of the Opposition, was called upon by His Honour to form a new administration;

That Mr. Joly accomplished this task and the new ministry were sworn in on the 8th of March 1878, and, by constitutional usage necessarily assumed the responsibility of all the acts of the Lieutenant-Governor, which had caused the retirement of the late ministers ;

That Mr. Joly accepted this responsibility by his undertaking to form a new administration, and that he expressly stated in his address to the electors of the Province that he did assume this responsibility ;

That within the space of fourteen (14) days from the time when the members of the new administration were sworn in, viz. : on the 22nd March, 1878, the Parliament of Quebec was dissolved, and a new election was ordered to take place on the first day of May 1878, the writs being returnable on the twenty-ninth day of May 1878 ;

That the Quebec Legislature was convened for the fourth day of June 1878, viz. : six days after the return of the writs ;

That at this session the new administration succeeded in carrying through the Legislative Assembly the supplies and all the measures proposed by the Government, and the sanction of the people to the action of the Lieutenant-Governor was thus obtained in the proper constitutional manner ;

That the significance of this public verdict will best be appreciated when it is stated that, at the elections on the first day of May last, all the ministers of the new Cabinet were elected, while three out of five ministers of the De Boucherville Government, who sought re-election, were defeated at the polls ;

That on the eleventh (11th) day of April 1878, Sir John A. Macdonald, then leader of the Opposition in the House of Commons of Canada, moved the following resolution :
 “ That Mr. Speaker do not now leave the chair, but that it be resolved that the recent dismissal by the Lieutenant-Governor of Quebec of his ministers was, under the circumstances, unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of Responsible Government to the British North American Colonies.”

That this resolution was resisted by the Dominion Government, on the ground that the Federal Parliament ought not to interfere in the internal affairs of the Province of Quebec, and that the issue was then before the electors of that Province, as the only competent tribunal ;

That the House of Commons sustained the views of the Government by a vote of one hundred and twelve (112) to seventy (70) ;

That during the month of September last, general elections took place for the Commons of Canada, the sole issue between the parties being a question of tariff, and the former Government were defeated and a large majority returned, pledged to protection.

That before the new House of Commons, the action of the Lieutenant-Governor was once more brought forward by a resolution, which was an exact repetition of that introduced by Sir John A. Macdonald on the 11th April 1878, and was carried by a vote of 136 to 51.

That the action of the Lieutenant-Governor of the Province of Quebec in dismissing his ministers and calling others in their stead is a purely provincial matter affecting in no way federal interests, and is not one of the causes contemplated in the 59th section of the British North America Act, as justifying the removal of the Lieutenant-Governor ;

The committee concur in the foregoing report of the Honourable the Commissioner of Agriculture and Public Works, and submit the same for the Lieutenant-Governor's approval.

Approved, 17th April 1879,

(Signed) L. LETELLIER.

(Signed) H. G. JOLY,
 Chairman of Committee.

It is my duty to spare no effort to defeat the present attempt to violate in my person the established constitutional principle that the Representative of the Sovereign is irresponsible for acts performed within the legitimate sphere of the duties prescribed to him by the “ British North America Act,” which was clearly introduced to confer local self-government on the Provinces, and make the Representative of the Crown, in the person of the Lieutenant-Governor, practically independent during the fixed period of his incumbency.

To effect this object, I pray that it may please his Excellency the Governor-General to ascertain from the Imperial authorities, and to cause to be communicated to me, when it will best suit them, to grant an audience to one or two persons to represent the views which I have set forth in this memorandum, as well as the whole case generally.

I feel confident that no decision will be arrived at until all parties shall have had that "fair play" which is the great characteristic of the British nation.

The Hon. J. C. Aikins,
Secretary of State, Ottawa.

I have, &c.
(Signed) L. LETELLIER,
Lieutenant-Governor.

Enclosure 2. in No. 5.

ASSEMBLY BILL No. 86.

AN ACT respecting the Quebec, Montreal, Ottawa, and Occidental Railway.

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Quebec, Montreal, Ottawa, and Occidental Railway shall be built in a direct line from Terrebonne to Montreal ; " the place at which that portion of the road heretofore known as the North Shore Railway will connect with the road heretofore known as the Montreal, Ottawa, and Western Railway, shall be within the eastern boundary of the City of Montreal, and the main terminus of the said North Shore Railway shall be in the City of Montreal," in accordance with the eighth resolution submitted by the City of Montreal, accepted by the Government, and adopted by the Council of the said City on the seventeenth day of September eighteen hundred and seventy-five.

A repair shop for the Western Section of the said Quebec, Montreal, Ottawa, and Occidental Railway shall be built within the eastern limits of the City of Montreal.

2. The stipulations and conditions submitted by the City of Montreal to the Government of this Province, by which the said City bound itself to pay over to the Government the balance of the million dollars voted in favour of the Montreal Northern Colonization Railway Company, as amended by the Government, and subsequently adopted by the Council of the said City on the 17th September 1875, are declared valid, legal, and binding.

All taxes or assessments imposed and collected, or to be imposed and collected under bylaw No. 59 of the said City, intituled, " Byelaw to authorise the Corporation of the Mayor, Aldermen, and Citizens of the City of Montreal to take shares in the Montreal Northern Colonization Railway Company, to the extent of one million dollars currency, and to pay the said amount in money or in bonds or debentures, and to levy an annual assessment to pay the interest thereon and provide a sinking fund," are also declared valid, legal, and binding.

The resolution adopted by the Council of the City of Quebec on the 20th August 1875, by which the said City bound itself to pay to the Government of the Province the balance due on its subscription to the capital stock of the North Shore Railway Company, is declared valid, legal, and binding ; and the byelaw under which this subscription was originally made, as well as all taxes or assessments imposed and collected, or to be imposed and collected, for the payment of interest on the debentures issued or to be issued under the said byelaw, are also declared valid, legal, and binding.

3. The municipalities or corporations mentioned in the Schedule A. hereunto annexed are and shall be bound to execute and hand over to the Treasurer of the Province their debentures for the amount or the balance of their subscriptions appropriated to the construction of the Quebec, Montreal, Ottawa, and Occidental Railway by the Act 39 Vict. cap. 2., as follows :

The City of Montreal being required to deliver the balance of its subscription in money or debentures in four instalments, as follows : " one fourth as soon as the road shall be opened from Montreal east to St. Thérèse ; one fourth when the road shall be opened to Grenville ; one fourth when the road shall be opened to Papineauville ; and the remaining fourth when the road shall be opened to Hull ; this does not necessarily include the completion of stations, sheds, repair shops, &c. on the line," in accordance with the third resolution proposed by the Council of the City of Montreal, amended by the Government, and adopted by the said Council on the 17th September 1875.

The City of Quebec being required to deliver the balance in debentures of its subscription, in accordance with the resolution passed by the Council of the said City, on the 25th August 1875, that is to say, as they may become due as provided by law ; but in no case shall the said corporation be called on for the payment of interest on the debentures issued or to be issued in virtue of the said subscription before the road shall have been completed throughout the whole distance between the cities of Quebec and Montreal, and put into such perfect order as to be open to traffic, the whole pursuant to the conditions of the said subscription.

And the other municipalities or corporations being required to deliver the amount, in debentures of their subscriptions, at the dates of maturity mentioned in the byelaws authorising their subscriptions.

4. The Lieutenant-Governor in Council may, on the sworn report of a competent engineer, establishing the extent to which the conditions of the subscriptions of the different municipalities have been fulfilled, in regard to the advancement and quality of work performed, as also to the localisation of the road, determine the date of the maturity of a part or the whole of such subscriptions, as the case may be; a copy of the said report shall be forwarded to the municipalities interested at least fifteen days before the said report shall be taken into consideration by the Lieutenant-Governor in Council.

5. No objection, exception, reason, plea, or opposition shall avail to justify any of the municipalities or corporations mentioned in the said Schedule A., in refusing to sign, execute, and deliver to the Treasurer of the Province its debentures appropriated to the construction of the said road by the Act 39 Vict. cap. 2., or to pay over to him, if it should prefer to do so, the said amount or the said balance in money, as soon as the Lieutenant-Governor in Council shall have declared that these debentures may be exacted.

6. If any one of these municipalities or corporations refuses or neglects to pay its subscription or to sign and execute its aforesaid debentures for the amount or the balance due, anything to the contrary notwithstanding, the mayor or wardens of such municipality or corporation, as the case may be, is hereby authorised to sign and execute such debentures, without incurring any personal liability thereby, for the amount or the balance of the subscription of the municipality or corporation of which he is the chief officer or head; and these said debentures so signed and executed by the mayor or warden, shall have the same effect as if they had been signed and executed with the consent and upon the order of the municipality or corporation itself; and such mayor or warden shall be bound to deliver the said debentures to the Treasurer of the Province at his request in accordance with the dates of maturity determined by the Lieutenant-Governor in Council, and such debentures shall form part of the consolidated railway fund.

7. In default of any one of the said municipalities or corporations, or of its mayor or warden, as the case may be, so signing and executing the said debentures for the amount or balance of the said subscription, and of delivering them to the Treasurer of the Province as aforesaid, the Lieutenant-Governor in Council may authorise a syndic to sign and execute the said debentures on behalf of the said municipality or corporation; and such debentures so signed and executed by the syndic shall have the same effect as if they had been signed and executed by the authorised persons or officers belonging to the said municipality or corporation.

8. The Lieutenant-Governor in Council shall, for the execution of the provisions of the above section if need there be, appoint a syndic, who shall be known by the name of "*Syndic of (name of the city, town, county, parish, or village for which he shall sign)*," "appointed in virtue of the Act 41 Vict. c. . ." Whenever the said syndic shall sign or execute any debenture in virtue of this Act, he shall do so by reciting, beneath his signature, the special quality and the Act under which he signed, and in so doing he shall incur no personal responsibility.

9. The debentures signed under the authority of the present Act by a mayor, warden, or syndic, as the case may be, shall supply and take the place of the debentures which the municipality or corporation was bound to execute and deliver to the Treasurer of the Province, for the amount or the balance due on its subscription appropriated to the construction of the said road by the Act 39 Vict. c. 2.

10. The form of the debentures executed under the authority of the present Act by a mayor, warden, or syndic, as the case may be, and the amount of each of such debentures in sterling money or currency, may be determined by the Lieutenant-Governor in Council, who may also prescribe the manner of executing the coupons which are to be attached to the said debentures.

11. If, at any time, any one of the municipalities or corporations mentioned in the said Schedule A, whose debentures shall have been signed and executed by its mayor or warden or by the syndic, in virtue of this Act, shall neglect during 30 days to pay interest thereon or on portion thereof, as it may be bound to do, the sheriff of the district in which such municipality or corporation is situated is and shall be bound, on the simple written declaration of a holder of such debentures or of his agent, supported by an affidavit establishing the fact that the said interest is due to give notice in "*The Quebec Official Gazette,*" during 15 days that such municipality or corporation has neglected to pay the interest due on its said debentures or portions thereof, and to

require the holders of such debentures to produce in his office a sworn statement of the amount due to them for interest.

In default of payment on the expiration of such notice, the sheriff shall issue his warrant for the total amount of the claims so filed, and he shall at once proceed to impose and levy, upon the taxable property situated in such municipality or corporation in proportion to the value as shown on the valuation roll, a sum sufficient to cover the amount due with interest and costs of delivery and levying.

12. If any one of the said municipalities or corporations is bound to provide a sinking fund, for the redeeming of its debentures, signed and executed in virtue of this Act by its mayor or warden or by a syndic, as the case may be, neglects to provide annually for such sinking fund, the sheriff of the district as aforesaid, on the written declaration of a holder of such debentures or of his agent, supported by an affidavit establishing the fact, shall inform such municipality or corporation that such declaration has been made; and in default of its proving, to the sheriff within a delay of 15 days, that it has provided for such sinking fund, the sheriff shall issue his warrant for the amount required to provide for the sinking fund due, and shall at once proceed to impose and levy, on the taxable property situated within such municipality or corporation in proportion to the value shown on the valuation roll, an amount sufficient to provide for the said sinking fund, with interest and costs of levying.

13. The sheriff shall have free access to the registers, rolls, and other documents or archives of the council of every municipality or corporation where he shall levy monies, and may exact the services of the municipal officers of such council.

He shall cause to be delivered to him all documents or archives which to him may appear necessary, and in the event of opposition, neglect, or refusal, he is authorised to take possession of them himself.

In default of payment of the amount required from a ratepayer, the sheriff shall first proceed to levy this amount by seizure and sale of the moveable property of such ratepayer observing the formalities prescribed by the code of civil procedure for the seizure and sale of moveables; and if the proceeds thereof be sufficient, he shall pay over at once, to the holders of debentures who shall have filed their claims, on receiving the interest coupons or a receipt, as the case may be, the amount which is due to them; and if the sheriff has proceeded under the authority of the preceding section, the sum so levied, after deducting the costs of levying, shall be deposited in the hands of the Treasurer of this Province to be disposed of in accordance with the byelaw under which the said sinking fund is due.

If there is no moveable property or if it is insufficient, the sheriff shall proceed to the seizure and sale of the immoveables levied upon, observing the formalities required by the code of civil procedure for the seizure and sale of immoveables; he shall then make a return of the sale to the Superior Court, and the distribution of moneys will there be made as in an ordinary suit, the amount levied by the sheriff to pay the interest and provide for the sinking fund retaining the same rank as these claims would have had if they had been levied and collected by the corporation or municipality itself.

14. As soon as the construction of that portion of the Quebec, Montreal, Ottawa, and Occidental Railway extending from Quebec to Aylmer shall allow, the number of commissioners composing the commission created by the Act 39 Vict. chapter 2 shall be reduced to one commissioner only, who will be selected from among the members of the Executive Council. This change shall be made by the Lieutenant-Governor in Council, and to that effect a proclamation shall be issued and published in the "Quebec Official Gazette;" the incumbent of this office may be changed from time to time by Order in Council.

15. The commissioner so selected shall have and may exercise all the rights, powers, and attributes which were conferred by the Act 39 Vict., cap. 2, on the three commissioners composing the said commission.

16. The Act 39 Vict. cap. 2. is in consequence amended.

17. The present Act shall come into force on the day of the sanction thereof.

SCHEDULE A.

City of Montreal.	Village of St. Jérôme.
City of Quebec.	Parish of St. Jérôme.
City of Three Rivers.	Village of St. Scholastique.
County of Ottawa.	Village of St. Jérusalem d' Argenteuil
Village of Ste. Thérèse de Blainville.	(Lachute).
Parish of Ste. Thérèse.	Parish of St. Sauveur de Québec.

I certify the above Bill to be a true copy of the Bill passed by the Legislative Council and Legislative Assembly of the Province of Quebec; and reserved, on the ninth day of March 1878, by his Excellency the Lieutenant-Governor of the Province of Quebec to the pleasure of his Excellency the Governor-General of the Dominion of Canada.

(Signed) BOUCHARDE BOUCHERVILLE, C.L.C.

No. 6.

H. G. JOLY, Esq., to the RIGHT HON. SIR M. E. HICKS BEACH, BART.

Brunswick Hotel, Jermyn Street, London,
May 6, 1879.

SIR,

IN the interview which you did me the honour to grant me this afternoon, you suggested that I should send you a draft of the points that might be submitted to the Honourable the Judicial Committee of the Privy Council, should it be decided by the Government to refer the matter to that high tribunal, as requested by his Honour the Lieutenant-Governor of the Province of Quebec.

I will begin, with your leave, by making a few brief remarks upon the events connected with this matter.

The Lieutenant-Governor dismissed the De Boucherville Ministry, who were supported by a majority of the Legislature, and called in a new ministry, who assumed the responsibility of his act.

He gave at once to the Province the occasion of pronouncing upon that act by dissolving the House.

The verdict of the Province, with a full knowledge of the causes of dismissal of the late ministry, was an approval of the Lieutenant-Governor's act, for the elections resulted favourably to the new ministry, who were supported through the following session by the House newly elected.

While those elections were pending a motion was brought in the House of Commons at Ottawa, on the 11th April 1878, to censure the Lieutenant-Governor of Quebec.

That motion was defeated on the ground that it was not judicious to interfere into a matter which was just then in the hands of the electors of the Province of Quebec, who were called to pronounce judgment upon it.

Later on, in September last, the Federal elections took place, and upon a new issue (quite foreign to this matter) the power changed hands. In the new House of Commons the motion of censure of the 11th April 1878 was brought up once more, in the very same words, after an interval of nearly one year, and was carried.

The Federal ministers, who had allowed so many months to elapse without acting, under the pressure of that strong party vote, advised his Excellency the Governor-General to dismiss the Lieutenant-Governor of Quebec; such appears to have been their first step.

Subsequently they advised his Excellency to refer the matter to the Imperial Government, or they consented to its being referred. Whatever obscurity may exist on that point, it is clear the matter has been referred.

If the grounds for dismissal were so strong, and the power to dismiss so clear, why was not the Lieutenant-Governor dismissed without referring the matter to the Imperial Government.

What is the Imperial Government called upon to decide? Is it whether the Lieutenant-Governor had the power to dismiss his ministers, or not? No one appears to entertain any doubt on that point.

Is it whether the Lieutenant-Governor has exercised his power with wisdom, or not, in taking the administration of the affairs of the Province out of the hands of one ministry to place it in the hands of another? I respectfully submit that the Province of Quebec is the only party directly interested on this point, and therefore the best judge of it.

In the absence of any direct information on the subject, I must suppose that the questions submitted to the Imperial Government relate to the following points, and those are the points which I take the liberty of proposing as fit subjects for the consideration of the Honourable the Judicial Committee of the Privy Council.

1. With whom does the power of dismissal rest? In making a distinction between the authority that appoints and the authority that can dismiss the Lieutenant-Governors, had not the framers of the British North America Act the intention of placing the Lieutenant-Governors in such a position as to enable them to discharge their duties

irrespective of the changes of party governments that might take place at Ottawa during the five years of their tenure of office?

2. Can a Lieutenant-Governor be dismissed by the Federal Government for an act in which he has not exceeded his powers and jurisdiction, such as defined by the British North America Act of 1867, an Act which his Province has ratified, and which does not interfere in any way with Federal interests?

Who can throw more light on those questions than the Honourable the Judicial Committee of the Privy Council, whose decisions are received in Canada, as in every other part of the British Empire, with profound respect and perfect confidence?

The Right Hon. Sir M. E. Hicks Beach, M.P.,
Colonial Secretary.

I have, &c.
(Signed) H. G. JOLY.

Government House, Quebec,
April 24, 1879.

MY DEAR SIR,

As you have been selected by the Executive Government of the Province of Quebec to proceed to England for the protection of the autonomy of that Province, in the matter of the reference made by the Government of the Dominion of Canada to the Imperial authorities, regarding the proposed dismissal of the Lieutenant-Governor of the Province of Quebec, I hereby authorise you, in so far as I am personally interested in that reference, to represent me or to have me represented before the Imperial Government, the Honourable the Privy Council of Her most Gracious Majesty, or before the Honourable the Judicial Committee of the Privy Council.

As it would be desirable that a judicial decision should be arrived at in a matter so deeply affecting the interests of this Province, I feel that it would be more gratifying to the people of Canada were this case referred to that high tribunal.

The Hon. Henri Gustave Joly,
Commissioner of Agriculture and Public Works,
and Premier, Quebec.

I have, &c.
(Signed) L. LETELLIER.

No. 7.

H. G. JOLY, Esq., to COLONIAL OFFICE.

Brunswick Hotel, Jermyn Street, S.W.,
London, May 13, 1879.

SIR,

SINCE addressing you my Memorandum of the 6th instant,* by which I requested that the Letellier matter might be referred to the Honourable the Judicial Committee of Her Majesty's Privy Council, it has occurred to me that the same course might be followed as was adopted last year in the case of a dispute between the Governments of Ontario and Quebec, as to the validity of an award affecting the financial relations existing between the two Provinces. This was referred to the Honourable the Judicial Committee of the Privy Council under the 4th section of 3rd and 4th William the Fourth, cap. 41, which enacts as follows:—

“That it shall be lawful for His Majesty to refer to the said Judicial Committee for hearing and consideration any such other matters whatsoever as His Majesty shall think fit, and such Committee shall thereupon hear and consider the same, and shall advise His Majesty thereon in manner aforesaid.”

I will sum up the two points to be referred in a very few words.

First. In whom does the power of dismissal of the Lieutenant-Governor rest under sections 58 and 59 of the British North America Act; and

Second. Whether the dismissal by the Lieutenant-Governor of the ministers, was, as alleged in the resolution of the Dominion Parliament, cause for removal of the said Lieutenant-Governor from office sufficient within the meaning of the above-mentioned 59th section.

The Right Hon. Sir M. Hicks Beach,
Colonial Secretary.

I have, &c.
(Signed) H. G. JOLY.

* No. 6.

No. 8.

H. G. JOLY, Esq., to COLONIAL OFFICE.

Brunswick Hotel, Jermyn Street,
London, May 15, 1879.

SIR,

IN the Letellier matter, since our interview of the 6th instant I had the honour to send you a Memorandum dated the same day, stating the points for reference to the Honourable the Judicial Committee of the Privy Council, and on the 13th instant, a letter quoting a precedent for such reference, and the law under which it could be made (enclosed please find printed copies of those two documents).

I respectfully submit that since the power to refer to the Judicial Committee exists there can be but little doubt as to the opportunity of exercising that power.

In our interview of the 6th instant we did not enter into the merits of the case, and did not discuss the justice or wisdom of the Lieutenant-Governor when he exercised his undoubted right to dismiss his ministers.

You will doubtless remember telling me that you had been compelled to blame the Governor of one of the Colonies, for sanctioning a measure of his ministers which interfered with vested rights, viz., with those of members of the Civil Service.

You will not blame the Lieutenant-Governor of Quebec for refusing to sanction a measure of his ministers which interfered most violently with vested rights (as their Railway Bill did), and for dismissing those ministers who introduced it and carried it on without his consent.

Allusion has been made to our small majority in the new House, as not showing a very strong verdict of the Province in favour of the Lieutenant-Governor.

Since my arrival in England I have been informed by cable message, that two of the Opposition members, whose election was contested, but who nevertheless voted against the Lieutenant-Governor, have been unseated; in a small House like ours, consisting of only 65 members, this is an important change, and must have due weight in appreciating the verdict rendered in favour of the Lieutenant-Governor.

The arguments brought against Mr. Letellier in Canada have been answered in the documents laid before you. But if any new arguments have been brought here which you consider of sufficient importance to require an answer, I will be grateful if the occasion is offered me to answer them.

I have, &c.

(Signed) H. G. JOLY.

The Right Hon. Sir M. Hicks Beach,
Colonial Secretary.

No. 9.

COLONIAL OFFICE to H. G. JOLY, Esq.

SIR,

Downing Street, May 20, 1879.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 15th instant,* which, with those previously addressed to him by you on the 6th and 13th instant,† has received his attentive consideration.

2. In your letter of the 13th instant you quoted, as a precedent for referring to the Judicial Committee of the Privy Council certain questions affecting the case of Mr. Letellier, the course adopted last year in referring to that Committee the dispute between the Governments of Ontario and Quebec, in the matter of an arbitration and award under the 142nd section of the British North America Act, 1867.

3. Sir Michael Hicks Beach desires me to remind you that in this instance there was not only a mutual agreement between the two Provincial Governments that the question should be submitted for the opinion of the Judicial Committee, but a statement of the facts in the form of a special case was adopted by both Governments, and Her Majesty having been pleased to refer this special case to the Judicial Committee for hearing and consideration, the questions of law upon which a judicial decision was desired were duly argued by counsel before the Committee, and the proceedings followed the usual course of the appellate tribunal.

4. The present circumstances are very different. No special case has been agreed upon; a reference to the Judicial Committee is only desired on behalf of Mr. Letellier, and, looking to these facts, and to the nature of the questions which you have proposed, the course which was followed last year does not appear to Sir Michael Hicks Beach to justify similar action in the present case.

* No. 8.

† Nos. 6 and 7.

5. There is, however, a precedent very closely resembling in its circumstances the question now at issue. In 1872 the House of Commons of Canada resolved that if possible the opinion of the Judicial Committee of the Privy Council should be obtained as to the right of the New Brunswick Legislature to make certain changes in the school law, with the view of ascertaining whether the case came within the terms of the 4th subsection of the 93rd clause of the British North America Act, 1867, which authorise the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act.

6. My predecessor referred this resolution to the Lord President of the Privy Council, with a request that he might be informed whether it was one on which the opinion of the Judicial Committee might properly be obtained; and it was then decided that, there being nothing in the case which gave the Queen in Council any jurisdiction over the question, Her Majesty could not with propriety be advised to refer to a Committee of the Privy Council a question which the Queen in Council had no authority to determine, and on which the opinion of the Privy Council would not be binding on the parties in the Dominion of Canada.

7. Having regard to the decision come to after careful consideration on that occasion, Sir Michael Hicks Beach is unable to adopt your suggestion that the case of Mr. Letellier should be referred to the Judicial Committee.

H. G. Joly, Esq.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 10.

H. G. JOLY, Esq., to to the RIGHT HON. SIR M. E. HICKS BEACH, BART.

Brunswick Hotel, Jermyn Street, London,
May 22, 1879.

SIR,

I HAVE been notified by your letter of the 20th inst.,* received yesterday, that you are unable to adopt my suggestion that the case of Mr. Letellier should be referred to the Judicial Committee of the Privy Council.

In making that suggestion, I did not intend to express any doubt as to the wisdom and justice of Her Majesty's Government in dealing with the question. I feel certain that since they have decided to deal directly with it, they will render full justice to all parties concerned.

The reasons assigned by Sir John A. Macdonald in the House of Commons at Ottawa for his Excellency the Governor-General wishing to have the case referred to Her Majesty's Government are as follows:—

“That as the Federal system introduced by the British North America Act of 1867 was until then unknown in Great Britain and her Colonies, there were no precedents to guide him to a decision in the present case, and as it would settle the future relations between the Dominion and Provincial Governments, so far as the office of Lieutenant-Governor was concerned, he deemed it expedient to submit the advice offered him and the whole case and attendant circumstances to Her Majesty's Government for their consideration and instructions.”

You will notice that it is expressly admitted, in Sir John Macdonald's declaration to the House, that, “the decision in the present case will settle the future relations “between the Dominion and Provincial Governments so far as the office of Lieutenant-Governor is concerned.”

So this is a question the decision of which affects both the Federal and the Provincial Governments, consequently in justice the decision of it cannot be left with the Federal Government, one of the two parties interested.

I have come over to England in a double capacity, as representing the Lieutenant-Governor of the Province of Quebec, and as representing the Province of Quebec, and I enclose the two documents under which I am so authorised to act (documents A. and B.).

I take the liberty of referring you to document B. as it will show you from what point of view the majority of the Province of Quebec considers this question.

It concerns that Province (and all the other Provinces in the Dominion) much more than it does the present Lieutenant-Governor, in fact threats have already been uttered by the press which supports the present Federal Government against Lieutenant-Governors of other Provinces.

* No. 9.

The 71st clause of the British North America Act of 1867 enacts that :—

“ There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and of two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.”

What is the use of granting to the Province of Quebec (or any other) self-government, and a Legislature of its own, if the Lieutenant-Governor, one of the three branches of that Legislature, is to be removed at every change that takes place in the Federal Government at Ottawa.

This would undoubtedly lead to a system of reprisals, the result of which it is not difficult to foresee, and would unsettle completely the Government of the Provinces and of the Dominion.

If we enjoy what is called responsible government in the Province of Quebec, the first principle of that form of government is that its head can do no wrong. There are always ministers responsible for his acts.

My colleagues and I, in accepting office we assumed that responsibility. Let those who complain turn their attacks against us.

They did so at first, throwing all the onus of the Lieutenant-Governor's act upon us, and calling upon the Province to condemn us. The Province has supported us.

And now that we have successfully resisted their attack, they turn away from us and attack the Lieutenant-Governor himself at Ottawa (who they declared at one time was not responsible), because there is now at Ottawa a new ministry hostile to the Lieutenant-Governor.

When they attempted to censure him in the House of Commons on the 11th April 1878 (and were defeated), the majority of the House would then have asserted by a direct vote the principle of non-intervention by the Federal Government in provincial affairs, and an amendment embodying those views would have been made to Sir John A. Macdonald's motion of censure, and carried, had he not resorted to one of those parliamentary tactics (of which he is a master), by introducing his motion as an amendment to the motion that the Speaker do now leave the chair, to go into committee of supplies, which precluded any amendment, so that the majority could only vote in the negative, instead of asserting the principle of non-intervention by a clear and precise motion.

The official report of the debates in the Canadian Hansard shows how bitterly the majority complained of the means taken to prevent a solemn expression of opinion upon that point.

The same spirit characterises the proceedings of the same party, when the last vote of censure was taken nearly twelve months afterwards. They were then in the majority (owing to the commercial depression that induced the electors to adopt their policy of protection at the general elections of September last), and they raised the previous question immediately after the motion of censure had been placed in the Speaker's hands so as to preclude once more a frank and direct expression of opinion on the question of non-intervention in provincial affairs.

But if we are not to be ruled by the principles of responsible government in the Province of Quebec, if the Lieutenant-Governor (and not his Cabinet) is to be held directly responsible for his acts, will anyone pretend that he is to be dismissed if he has committed no wrong?

I respectfully maintain that he did nothing more than his duty in dismissing the DeBoucherville ministry. He would have deserved censure had he sanctioned measures of his ministers which interfered with vested rights, acquired by solemn contracts and protected by the laws of the country.

I now enclose an authentic copy of the Railway Bill, introduced by the De Boucherville Government without the consent of the Lieutenant-Governor, and which, with the help of their majority, they forced through the House (document C.).

You will see that this measure was intended to deprive the cities and municipalities, who had undertaken to pay considerable sums of money towards the building of the Government Railways under certain conditions, from the right of withholding payment until those conditions had been fulfilled, and of appealing to the courts of justice for protection.

That Bill enacts that the Government itself will decide when it has fulfilled the conditions under which it can claim the payment of the municipal subscriptions, and “ no objection, exception, reason, plea, or opposition shall avail to justify any of the municipalities or corporations” (see section 5) in refusing to deliver its debentures. Provisions of the most arbitrary nature are contained in the following sections of the Bill, for the purpose of enforcing the payment of the said debentures.

It was asserted by the De Boucherville ministry, as an apology for such legislation (as will appear by the official correspondence in your hands), that a similar measure had been passed in Ontario.

I deny that most emphatically, the case was quite a different one. The Ontario law was a beneficial one, facilitating in every way, and on the most advantageous terms, the reimbursement of sums advanced long ago by the Government to the municipalities for local improvements; this measure, on the contrary, had only one object in view, viz., enabling the Government to obtain by force from the municipalities moneys to which the Government had then no right, and preventing those municipalities from appealing to the courts of justice.

The explanations given by Mr. De Boucherville himself to the Lieutenant-Governor, in his letter of the 27th February 1878, (page 5 of the Blue Book entitled Return to an Address of the House of Commons at Ottawa), show under what a strange delusion he must have been labouring when he says: "I humbly submit to your Excellency that a law devised for the better securing of the execution of a contract cannot have a retroactive effect. It enacts for the future, and its objects are the respective interests of the parties."

It enacts for the future it is true, but only in so far as it compels the payment of moneys which could only be claimed in virtue of solemn contracts passed years ago (and by which both contracting parties were bound), under special conditions that have not been fulfilled, and it deprives one of the parties of the protection of the courts of justice, when it claims the fulfilment of those conditions. The municipalities affected by that measure strongly protested, but to no purpose.

Since the new Government has come in satisfactory arrangements have been made between the Government and the municipalities, without any recourse, on the part of the Government, to any coercive measures, merely by dealing fairly with them.

I have commented at length upon that point in order to show that the Lieutenant-Governor, in exercising the power vested in him of dismissing his ministers and appointing others in their stead, had acted with strict justice and done but his duty.

His immediate appeal to the Province of Quebec by a dissolution of the House resulted in a verdict in his favour. Within the last few weeks two of the members of the present Opposition, who voted in the last session of the Legislature to condemn the act of the Lieutenant-Governor, while the right to their seats was contested, have been unseated by the courts of justice, which, in a small House like ours, increases materially the vote in favour of the Lieutenant-Governor; one of them is declared disqualified by the court.

As, in the reference to Her Majesty's Government, it was proposed to submit the whole case and attendant circumstances, I hope I will be excused for having entered into those details.

There are several other points which deserve to be submitted to Her Majesty's Government in order that it should become possessed of the whole case. Prejudices may have been created in the minds of those who are to pronounce judgment, which they will not refuse me the occasion to try and dispel; the opponents of the Lieutenant-Governor may have hinted at the sacrifice of the Lieutenant-Governor as the easiest mode of getting out of this difficulty. Her Majesty's Government is too generous to follow such advice, if it has been given.

I respectfully trust that I shall be allowed to give full explanations, or, in my absence (as I am compelled to return to Canada next week for the meeting of our Legislature in June), that Her Majesty's Government will grant a hearing to such person as I may authorise to represent me, in virtue of the powers given me by his Honour the Lieutenant-Governor and by the Government of the Province of Quebec.

The Right. Hon. Sir M. Hicks Beach,
&c. &c. &c.

I have, &c.
(Signed) H. G. JOLY.

Enclosure A.

MY DEAR SIR,

Quebec, April 24, 1879.

As you have been selected by the Executive Government of the Province of Quebec to proceed to England for the protection of the autonomy of that Province in the matter of the reference made by the Government of the Dominion of Canada to the Imperial authorities regarding the proposed dismissal of the Lieutenant-Governor of the Province of Quebec, I hereby authorise you, in so far as I am personally interested in that reference, to represent me or to have me represented before the Imperial Government, the Honourable the Privy Council of Her most gracious Majesty, or before the Honourable the Judicial Committee of the Privy Council.

As it would be desirable that a judicial decision should be arrived at in a matter so deeply affecting the interests of this Province I feel that it would be more gratifying to the people of Canada were this case referred to that high tribunal.

The Hon. Henri Gustave Joly,
Commissioner of Agriculture and Public Works,
and Premier, Quebec.

I am, &c.
(Signed) L. LETELLIER.

Enclosure B.

To the Hon. LUC LETELLIER DE ST. JUST, Lieutenant-Governor of the Province of Quebec, &c.

REPORT OF A COMMITTEE OF THE EXECUTIVE COUNCIL ON MATTERS REFERRED TO THEIR CONSIDERATION.

PRESENT:—The Hon. Mr. ROSS, in the Chair.

The Hon. MESSRS. JOLY, MARCHAND, STARNES, LAWGELIER, CHAUVEAU, in Council.

ON MATTERS OF STATE.

MAY IT PLEASE YOUR EXCELLENCY,

THE Honourable the Treasurer of the Province, in a report dated the 24th of April instant (1879), sets forth that the dismissal of his Honour the Lieutenant-Governor was demanded of his Excellency the Governor-General because of the removal from office by his Honour of the Cabinet of M. De Boucherville.

That the Cabinet of his Excellency the Governor-General recommended the said dismissal, but that his Excellency has referred the whole question of the said dismissal to Her Majesty's Government.

That in the declaration by which Sir John A. Macdonald communicated to the Commons of Canada, the said decision of his Excellency the Governor-General, he said that he and his colleagues of the cabinet of his Excellency the Governor-General had considered it their duty to advise his Excellency to dismiss his Honour the Lieutenant-Governor for the reason that after the vote of censure upon the conduct of his Honour the Lieutenant-Governor, adopted last year by the Senate, and this year by the Commons of Canada, the usefulness of his Honour as such Lieutenant-Governor was gone.

That if a Lieutenant-Governor could be dismissed by a vote or a censure of the Senate and House of Commons, the result would be that the duty of a Lieutenant-Governor would be so to govern as to obtain the approval not of the local but of the federal legislature.

That the adoption of such a principle would entirely destroy the autonomy and the independence guaranteed to the Province by the British North America Act of 1867.

That the maintenance of the said local and provincial autonomy and independence imperiously demand that questions of purely local and provincial interest should not be subjected to the control and influence of the Federal Legislature and the Federal Government.

That the removal from office of the De Boucherville Ministry is one of those questions of purely local interest, the settlement of which one way or the other can produce no effect either on Imperial or Federal interests.

That the houses of the Local Legislature alone are competent to appreciate the said removal from office of the De Boucherville Ministry.

That it is of the greatest importance for the maintenance of the institutions and autonomy of the province that the Imperial authorities should refuse to sanction such a principle as that which is submitted for their approval.

That the Executive of the Province to whom is confided its interests between the sessions of the Legislature, are bound to adopt all legitimate means for preventing such a result.

The Honourable the Treasurer therefore recommends that the Honourable Henri Gustave Joly, Premier of the Province of Quebec, should, in the name of the said Province, be delegated to the Imperial authorities to uphold the rights of the Province of Quebec in the matter of the said question of the dismissal of his Honour the Lieutenant-Governor, and that he be authorised to adopt and take all necessary measures to secure the success of his mission.

The Committee concur in the foregoing report, and submit the same for the Lieutenant-Governor's approval.

Approved, 24th April, 1879.

(Signed) L. LETELLIER.

(Signed)

DAVID A. ROSS,
Chairman of Committee.

All which is respectfully submitted.

(Signed)

DAVID A. ROSS,
President.

Executive Council Chamber, Quebec, 24th April 1879.

Department of the Executive Council of the Province of Quebec,
Quebec, 24th April 1879.

I, THE undersigned, Clerk of the Executive Council of the Province of Quebec, do hereby certify that the copy of the Order in Council, passed by the Lieutenant-Governor of the Province of Quebec, on the twenty-fourth day of the month of April, one thousand eight hundred and seventy-nine, bearing the number of one hundred and eighty-five, transcribed partly on this page and on the two preceding pages is a true copy of the original of the said Order in Council, deposited in the records of this Department.

F. FORTIER.

Enclosure C.

PROVINCE OF QUEBEC.

By His Excellency the Honorable LUC LETELLIER DE ST. JUST, Lieutenant-Governor of the Province of Quebec.

To all to whom these Presents shall come—GREETING :

THESE are to certify that George Boucher de Boucherville, Esquire, of Quebec, in the Province of Quebec, in the Dominion of Canada, and whose name is subscribed to the annexed Bill, is Clerk of the Legislative Council of the Province of Quebec, in and for that part of the Dominion of Canada called Province of Quebec, and that full faith and credence are due and ought to be given to such signature and act in all places.

Given under my hand and seal at arms, at the City of Quebec, this twenty-fourth day of April, in the year of Our Lord one thousand eight hundred and seventy-nine, and of Her Majesty's reign, the forty-second.

PH. J. JOLICŒUR,
Assistant-Secretary.

By command,

L. LETELLIER.

No. 11.

COLONIAL OFFICE to H. G. JOLY, Esq.

SIR,

Downing Street, May 23, 1879.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 22nd instant,* stating certain circumstances connected with the case of Mr. Letellier, the Lieutenant-Governor of Quebec, and enclosing certain documents relating thereto and to your mission to this country.

Sir Michael Hicks Beach desires me to assure you that full consideration will be given to your letter now under acknowledgment, and to any other statement on the subject which you or any person whom in your absence you may authorise to represent you may desire to place before Her Majesty's Government.

I am, &c.

H. G. Joly, Esq.

(Signed) ROBERT G. W. HERBERT.

* No. 10.

No. 12.

H. G. JOLY, Esq., to the RIGHT HON. SIR M. E. HICKS BEACH, BART.

Brunswick Hotel, Jermyn Street, London,

May 27, 1879.

SIR,

BEFORE leaving England allow me to thank you for the kind and courteous reception you have given me whenever I have been called upon to communicate with you, either verbally or by letter, in the Letellier matter.

When I requested, yesterday, your leave to enter into the merits of the case, and to establish the truth of what I have always asserted, and still do assert, "that the Lieutenant Governor was fully justified in dismissing his ministers, and committed no wrong in doing so," you stopped me by declaring that you would not enter into the merits of the case, but would limit yourself to consider as purely abstract questions (irrespective of persons and facts) the two following points:—

1st. With whom does the power of dismissal of a Lieutenant-Governor over one of the Provinces of the Dominion of Canada rest?

2nd. Can the Lieutenant-Governor of a Province be dismissed for an official act which affects only his Province?

Your promise that no charge brought against the Lieutenant-Governor of the Province of Quebec would be allowed to weigh in the balance, and that no attention whatever would be paid by you to the merits or demerits of his act, was in strict accordance with what I had a right to expect from your sense of justice, since you would not allow me to refute those charges nor to substantiate my assertion (repeated in my letter of the 22nd inst.)* that the Lieutenant-Governor had done no wrong.

In that same letter (to which I take the liberty of referring you) I have given reasons why the case should be decided here, and not referred back to the Federal Government, who have acknowledged themselves as one of the parties interested in its decision, and I hope those reasons will carry some weight in your mind.

I now return home with full confidence in your desire to render justice, and in your due appreciation of the importance of this question, the settlement of which will so materially affect the future relations between the Dominion and Provincial Governments, and the permanency of the system of self-government which it was contemplated by the British North America Act of 1867 to secure to each of the Provinces of the Dominion of Canada.

The Right Hon. Sir M. E. Hicks Beach, Bart.,
Secretary of State for the Colonies.

I have, &c.
(Signed) H. G. JOLY.

No. 13.

H. L. LANGEVIN, Esq., C.B., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART.

SIR,

Batt's Hotel, London, May 31, 1879.

I HAVE the honour to state that I have received intimation that the Quebec Legislature will probably meet for despatch of business on the 19th of June next, and I and my colleague, Mr. Alcott, have thought it our duty to inform you of that fact, as bearing upon the importance of an immediate settlement of the question now before the Imperial Government. We venture to point out that it is now more than two months since the House of Commons of Canada, as the Senate had previously done, pronounced the conduct of the Lieutenant-Governor of Quebec to be unwise, and subversive of the position accorded to the advisers of the Crown under responsible government; and since the Canadian ministry, in consequence of that declaration, recommended his dismissal, and that the reference to the Imperial Government of the question as to what step his Excellency the Governor-General should take under the circumstances, has suspended further action in Canada. We would add that any material additional delay in deciding upon that reference will result in the renewed exercise by the Lieutenant-Governor of the highest functions of his office, after an emphatic condemnation of his conduct by both Houses of the Dominion Parliament, and after the responsible Ministry of the Dominion, supported by an unusually large majority of the House of Commons, has determined that his usefulness had ceased, and has advised his dismissal. In addition to the other reasons for an early decision which we have already had the honour to suggest, we would

therefore also submit that, having regard to the effective administration of the Government of Canada, to the respect which it should command from its people, and to the good government of one of its greatest Provinces, it is highly important that a decision should reach Canada in time to enable appropriate action to be taken upon it before the opening of the Quebec Legislature.

I have, &c.
(Signed) HECTOR L. LANGEVIN.

The Right Hon.
Sir M. E. Hicks Beach, Bart., M.P.,
&c. &c. &c.

No. 14.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR-GENERAL THE
MARQUIS OF LORNE, K.T.

MY LORD,

Downing Street, July 3, 1879.

HER Majesty's Government have given their attentive consideration to your request for their instructions with reference to the recommendation made by your ministers that Mr. Letellier, the Lieutenant-Governor of Quebec, should be removed from his office.

It will not have escaped your observation, in making this request, that the constitutional question to which it relates is one affecting the internal affairs of the Dominion, and belongs to a class of subjects with which the Government and Parliament of Canada are fully competent to deal. I notice with satisfaction that, owing to the ability and patience with which the new Constitution has been made by the Canadian people to fulfil the objects with which it was framed, it has very rarely been found necessary to resort to the Imperial authority for assistance in any of those complications which might have been expected to arise during the first years of the Dominion; and I need not point out to you that such references should only be made in circumstances of a very exceptional nature.

I readily admit, however, that the principles involved in the particular case now before me are of more than ordinary importance. The true effect and intent of those sections of the British North America Act, 1867, which apply to it, have been much discussed; and as this is the first case which has occurred under those sections, there is no precedent for your guidance. For this reason, though regretting that any cause should have arisen for the reference now made to them, Her Majesty's Government approve of the course which you have taken on the responsibility and with the consent of your ministers, and I will now proceed to convey to you the views which they have formed on the question submitted for their consideration.

The several circumstances affecting the particular case of Mr. Letellier have been fully stated in Sir J. A. Macdonald's memorandum of 14th April, in Lieutenant-Governor Letellier's letter of 18th April, and in communications which I have since received from Mr. Langevin, who, accompanied by Mr. Abbott, has come to this country for the purpose of supporting the advice given by the Government of which he is a member, and from Mr. Joly, who was similarly empowered to offer any explanations that might be required on the part of Mr. Letellier. If it had been the duty of Her Majesty's Government to decide whether Mr. Letellier ought or ought not to be removed, the reasons in favour of and against his removal would, I am confident, have been very ably and thoroughly put before them by Messrs. Langevin and Abbott, and by Mr. Joly. I have not, however, 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 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.

No. 15.

GOVERNOR-GENERAL THE MARQUIS OF LORNE, K.T. to the RIGHT HON. SIR
MICHAEL HICKS BEACH, BART. (Received August 11, 1879.)

SIR,

Quebec, July 28, 1879.

WITH reference to my Despatch of the 9th of April 1879,* and your reply, of the 3rd of July 1879,† conveying the opinion of Her Majesty's Government on the case of Mr. Letellier, the former Lieutenant-Governor of Quebec, I have now the honour to transmit for your information :

1. A copy of the memorandum with which I referred your Despatch to my ministers.
2. Their reply, informing me that after careful and anxious consideration they adhered to their original decision that Mr. Letellier should be removed from his office of Lieutenant-Governor.
3. My assent to that decision conveyed by telegraph.
4. An approved Order in Council, based on the Resolution passed in the Dominion House of Commons on the 14th day of March 1879, recommending that Mr. Letellier be removed from his office of Lieutenant-Governor of the Province of Quebec.

I have, &c.

(Signed)

LORNE,

The Right Hon. the Secretary of State for the Colonies,
&c.

&c.

&c.

Governor-General.

MEMORANDUM to the PRIVY COUNCIL.

Citadel, Quebec, July 14, 1879.

The Governor-General having, with the assent of the Prime Minister, referred the question involved in the proposed removal from his office of Monsieur Letellier, the Lieutenant-Governor of Quebec, to the Imperial Government, herewith forwards for the consideration of the Cabinet a copy of the Despatch in which the Secretary of State for the Colonies gives the views of the Imperial Government.

The Cabinet will observe that the 39th section of the British North America Act is not held by the Imperial Government to confer on the Governor-General the individual right to maintain a Lieutenant-Governor in office.

The Governor-General is by the Despatch informed that in the view of Her Majesty's Government he would not be justified in departing "in this instance from the general rule, and declining to follow the decided and sustained opinion of his ministers."

He has, therefore, now to request the Cabinet to state if the opinion given by them to the effect that they advise the dismissal of the Lieutenant-Governor of Quebec be still their decided opinion, and if that opinion be sustained after full weight and due consideration has been given by the Cabinet to the support afforded in the Province of Quebec to M. Joly, the minister who is by constitutional practice responsible for the action of the Lieutenant-Governor.

In requesting the Cabinet to reconsider their advice, the Governor-General asks that special attention be directed to the fifth paragraph, and those numbered seven, eight, and nine of the Despatch of the Secretary of State.

To the Despatch from Her Majesty's Government he desires to add nothing on his own part, the Cabinet having been already confidentially placed in possession of his views.

It is to be desired that the opinion of the Cabinet as reconsidered be assented to by all its members, and that the ministers now absent in England be communicated with by telegraph for this purpose.

MEMORANDUM from Sir JOHN MACDONALD to HIS EXCELLENCY THE GOVERNOR-GENERAL.

Ottawa, July 21, 1879.

THE undersigned, on behalf of himself and colleagues, has the honour to acknowledge the receipt of the Despatch from the Secretary of State for the Colonies of the 3rd July instant, and of the memorandum addressed to the Privy Council from his Excellency with reference to it.

* No. 3.

† No. 14.

The Governor-General's advisers, having fully considered the Despatch and his Excellency's minute, desire to state that after anxious consideration they adhere to the advice previously tendered to him by the undersigned on their behalf for the removal of Lieutenant-Governor Letellier. They have not failed to give full weight and due consideration to the support afforded in the Province of Quebec to M. Joly, and have given their special attention to the fifth, seventh, eighth, and ninth paragraphs of the Despatch as desired by his Excellency. This subject was fully considered by his Excellency's advisers immediately before the departure of Sir Leonard Tilley and Sir Charles Tupper for England. These gentlemen concurred with the rest of their colleagues in the opinion that in case the subject should be referred back by Her Majesty's Government, the advice should be renewed; and this is therefore the unanimous advice of the Cabinet.

(Signed) JOHN A. MACDONALD.

TELEGRAM sent to Sir JOHN A. MACDONALD 23rd July 1879.

SHALL consent to act on advice given after reconsideration of case by Cabinet. Order in Council should be so drawn as to make clear sole responsibility of Cabinet for action taken.

(Signed) LORNE.

COPY of a REPORT of a Committee of the Honourable the Privy Council approved of by his Excellency the Governor-General on the 25th day of July 1879.

THE Committee of Council have had under consideration a memorandum, dated 23rd July 1879, from Sir John A. Macdonald, to whom was referred the Despatch of the Right Hon. the Secretary of State for the Colonies, dated 3rd of July 1879, on the subject of the reference to Her Majesty of the recommendation made by your Excellency's advisers that Mr. Letellier, the Lieutenant-Governor of Quebec, should be removed from his office, reporting that on the 14th March 1879 the House of Commons of Canada passed the following resolution: "That the dismissal by the Lieutenant-Governor of Quebec of his ministers on the 2nd day of March 1878, was under the circumstances unwise and subversive of the position accorded to the advisers of the Crown since the concession of the principle of responsible government to the British North American Colonies."

That a few days afterwards he, Sir John A. Macdonald, as first minister, waited on your Excellency and informed you that after the resolution of the Senate in the last session of Parliament, and the resolution of the House of Commons just referred to, it was the opinion of your Excellency's advisers that the usefulness of Mr. Letellier as Lieutenant-Governor of Quebec was gone, and they advised that in the public interest it was expedient that he should be removed from office. That your Excellency was thereupon pleased to state that as the federal system introduced by the British North American Act of 1867 was until then unknown in Great Britain or her Colonies, there were no precedents to guide us; that the decision on the present case would settle for the future the relations between the Dominion and Provincial Governments as far as the office of Lieutenant-Governor is concerned, and that your Excellency therefore deemed it expedient to submit the advice tendered to you, and the whole case, with all the attendant circumstances, to Her Majesty's Government for their consideration and instructions.

That this decision of your Excellency was made with the assent of the Cabinet, who then assumed and still assume the responsibility of the reference.

That he begs further to state that the Despatch from the Secretary for the Colonies has been carefully reconsidered, and that it is the decided and sustained opinion of your Excellency's ministers that it is expedient and necessary that Mr. Letellier should be removed from his office of Lieutenant-Governor of Quebec.

He further begs to report that the cause to be assigned for such removal according to the provisions of the 59th section of the British North American Act, 1867, is that after the vote of the House of Commons during last session and that of the Senate during the previous session Mr. Letellier's usefulness as a Lieutenant-Governor was gone.

That your Excellency's advisers are fully aware of the responsibility of making this recommendation, and they feel it their duty to accept it in every sense.

The Committee concur in the foregoing report, and submit the same for your Excellency's approval.

Certified,
W. A. HIMSWORTH,
Clerk Privy Council, Canada.

No. 16.

GOVERNOR-GENERAL THE MARQUIS OF LORNE, K.T., to the RIGHT HON. SIR
MICHAEL HICKS BEACH, BART. (Received August 11, 1879.)

SIR, Citadel, Quebec, July 28, 1879.
I HAVE the honour to inform you that the name of the Hon. Theodore Robitaille having been submitted to me by my ministers for the office of Lieutenant-Governor of Quebec in place of the Hon. Luc Letteller de St. Just, I concurred in the selection, and I enclose herewith an Order in Council confirming the appointment.

His honour the new Lieutenant-Governor was sworn in on Saturday the 26th instant.

The Right Hon. Sir. M. E. Hicks Beach, Bart., I have, &c.
&c. (Signed) LORNE.
&c.
&c.

COPY of a REPORT of Committee of the Hon. the Privy Council of Canada, approved by
His Excellency the Governor-General, the 26th day of July 1879.

ON the recommendation of the Hon. Sir John A. Macdonald, the Committee advise that the Hon. Theodore Robitaille, one of the members of the Queen's Privy Council for Canada, be appointed Lieutenant-Governor of the Province of Quebec in the room and stead of the Hon. Luc Letellier de St. Just, removed.

Certified,
(Signed) W. A. HIMSWORTH,
Clerk Privy Council, Canada.

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