

Governor

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1st. The legislation is unfinished.

2nd. We have just had general elections.

3rd. It is not shown that we cannot find another government capable of settling the difficulty.

There is a fourth reason under the present circumstances: "The affairs of the country have been illegally conducted since the 1st July, because no supplies have been voted and it is imperatively necessary that the present unhappy state of affairs be immediately put an end to."

The same doctrine is applied by Lord Canterbury, governor of Victoria in 1872. He told his advisers who asked for a dissolution.

Memorandum for the Honorable the Chief Secretary.

.....The fact that there has not been, since the passing of the Reform Act, any refusal by the Crown to comply with a formal recommendation by a Minister of a dissolution does not in the governor's opinion officially justify the inference which is drawn from it. And the Governor personally believes that that inference is incorrect as regards both constitutional law and constitutional practice in England, he would observe that colonial governors, although not responsible in a constitutional point of view to the Colonial Legislatures, are responsible personally and directly to the Crown, whose servants and representatives they are, and that this responsibility induces practically, although indirectly, *grnd local responsibilities, more especially with regard to dissolutions*, which responsibilities have been continually recognised and insisted on by Colonial Legislatures and Colonial Statesmen, of every shade of political opinion, and of which a governor could not, (even if he desired to do so) divest himself.....

But although the majority in the recent decision is not of such a character as to afford, by itself, any strong reason for supposing that an administration formed from it would obtain from the present Legislative Assembly sufficient support, to enable them to conduct the public business successfully, *the Governor is not prepared, without further information on the subject, to take for granted that no such administration can be formed*; and he now informs his advisers that with the view of obtaining this information he desires to place himself constitutionally in communication with those who by the adoption of a no confidence vote in the Legislative Assembly have rendered impossible the continuance of office of his present advisers, unless the Legislative Assembly should be dissolved.

CANTERBURY.

Toorak, Melbourne, 3rd June, 1872.

Such also was the doctrine of Governor Manners Sutton, when the Legislative Council refused the supplies in 1867. He frankly declared that, instead of yielding a general assent to his advisers, he would have appealed to their adversaries if they had been able to