

THE DOMINION AND THE EMPIRE.

to encourage literature, science, and art; to keep alive, by personal visits to every district under his jurisdiction, the feelings of loyalty to the Queen, and of attachment to the Mother Country, and so to cherish what may be termed the imperial sentiment; but he is also expected, as head of the Administration, to maintain, with the assistance of his council, a vigilant control and supervision over every department of the public service. In short, he is in a position in which he can exercise an influence over the whole course of affairs, exactly proportionate to the strength of his character, the activity of his mind and body, the capacity of his understanding, and the extent of his knowledge."

The governor is bound to maintain a strict neutrality between contending parties in politics, and a strict impartiality on all party questions, in which neither the prerogative of the Crown nor other imperial interests are involved. Mr. Todd illustrates this by the case of Sir C. Darling, whose infringement of this obligation, when governor of Victoria, in 1865, led to his recall by the imperial Government (Todd, p. 103, and see p. 490). Again, he is forbidden to implicate himself in disputes between the two Houses of the Legislature, such as that still in progress in Victoria. "It is clearly undesirable," writes Lord Canterbury, in 1867, "that he should intervene in such a manner as would withdraw these differences from their proper sphere, and so give them a character which does not naturally belong to them, of a conflict between the majority of one or another of the two Houses and the representative of the Crown" (Todd, p. 491).

There are, however, as Mr. Todd points out, (p. 432), two limitations to this rule of non-interference on the part of a constitutional governor in matters of local concern, viz.: (1) the governor must never sanction any ministerial act or principle which infringes upon an existing law: see Lord Granville's despatch to the Governor of Nova Scotia, dated January 7th, 1870, (Todd, 439). (2)

The governor is bound not to ratify an act or proceeding of his ministers before satisfied of its wisdom and expediency. As to this Mr. Todd explains his meaning to be that if the governor disagrees with his ministers "upon any matter affecting the public interests which he may consider of sufficiently vital consequence to justify such an extreme measure, he is always entitled, as a last resort, to dismiss them from his counsels, and to have recourse to other advisers." Should the country refuse to support the action of the governor, he must, as we are told (p. 41): "either recede from the position he has taken in the first instance or retire from office."

The administration of Sir C. Darling in Victoria affords Mr. Todd many illustrations of various parts of his subject, and amongst others of the duty of the governor of a colony to refuse to sanction any unlawful proceedings. In 1865 the Assembly of Victoria endeavoured to impose a new tariff by tacking it to the annual appropriation bill, and the Legislative Council threw the whole bill out; Sir C. Darling yielded to his ministers so far as to sanction the levy of new duties on the mere resolution of the Assembly. For this he was severely reprimanded by Mr. Cardwell who in a despatch, quoted by Mr. Todd (p. 104-5), says:—

"The Queen's representatives is justified in deferring very largely to his constitutional advisers in matters of policy, and even of equity; but he is imperatively bound to withhold the Queen's authority from all or any of those manifestly unlawful proceedings by which one political party or one member of the body politic is occasionally tempted to endeavour to establish its preponderance over another."

Thus, then, the conduct of a governor, though pursued in deference to the advice of his ministers, is open to censure on the part of the imperial Government, whose representative he is.