

enough to secure the admission to the cabinet of at least one royal nominee, habitually to hold the Chancellorship, the most dignified of all offices, with a special relation to the king's person and a special need for more than party qualifications. The possession of these qualifications, combined with an unscrupulous subservience to the crown, had made Lord Thurlow a continual Chancellor, a blessing to his royal master and a curse to his political colleagues. In 1792 Pitt, determined to be cursed with him no longer, gave George the alternative of authorizing the dismissal of the Chancellor or accepting the resignation of the Premier. It was Thurlow who went, and though the crown's preferences have no doubt influenced the composition of later cabinets, yet since that time no monarch has made a minister.

That is the position with respect to ministerial appointments. At chapter 5 the author proceeds:

In reliance on Bagehot, Morley, and Low I have taken the distinguishing marks of the cabinet to be these: responsibility collective as well as individual; dependence immediately on the House of Commons, and ultimately on the electors; political homogeneity, that is, selection from one party; subordination to a prime minister; secrecy; the function of effecting and controlling co-operation between executive and legislature.

Hon. gentlemen will observe these words: "subordination to a prime minister," and "dependence immediately on the House of Commons." For while the House of Lords in England may pass a vote of no confidence in the ministry, no vote of lack of confidence in the administration passed by the House of Lords is sufficient to divest that administration of authority, and so no adverse vote in the Senate house of parliament in this country can divest a government of its position as such. But you will observe, Sir, that it is propounded by all the books and authorities—by Mr. Gladstone in his *Gleanings*, to which reference might be made in his stately phrases, that while it is not essential in the inception that ministers should be members of parliament when they are called to be such, nevertheless, they must within a reasonable time find that position. When my learned and hon. friend referred, as he did, to the case of Mr. Gladstone in Newark in 1845 and 1846, he overlooked the fact that Mr. Gladstone in his later years looked back upon that instance and believed it would not be possible now under our modern system of government. As regards the case to which my hon. friend refers, it was Mr. Masterman, not Mr. Montagu he had in mind, in Mr. Lloyd George's government. He was defeated twice, but he did not resign his portfolio because at the moment the nation was at war, and as has been said by constitutional writers whether in new editions of old works or new works themselves, you can draw no inferences worthy of authority from instances that happened during

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the war. That is the position with respect to these matters.

Let us see, for the moment, what we have in common. First we have emerged from the twilight—the cabinet a committee of parliament. Then we have its responsibility to parliament, and thus it is that every department that we have in our public service provides for a minister. I was looking up the chapters of our revised statutes which provide, for instance, for a minister of railways, a minister of justice, a minister of trade and commerce, and each statute provides that the department shall be presided over by a minister and that minister shall be known and designated as the Minister of Trade and Commerce, the Minister of Railways or Minister of Justice. These need not be, and indeed in many instances they are not, members of the House of Commons. They may be members of the Senate house of parliament. But we have this distinct and clear principle established, that in Canada responsibility, so far as the life of an administration is concerned, is to the House of Commons, and, secondly, that a Prime Minister must be a member of either one house or the other.

Let us content ourselves with those two principles for the moment and see if we can find any authority or precedent that will warrant our concluding that when the Prime Minister took the course he did of meeting parliament rather than resigning, he was breaking with parliamentary practice and procedure established in parliament for nearly a century. Until this House met the other day without the Prime Minister his course was, in my judgment, legally sound. I have no hesitation in saying that the language employed by my learned and hon. friend the Minister of National Defence (Mr. Macdonald) as to the right of a Prime Minister to meet parliament rather than to resign is absolutely legally correct. My reading of history is that in 1868 Mr. Disraeli for the first time established the principle that after defeat in a general election he would not wait to meet parliament, but would resign, and so when parliament met a few days later after the return to the last writ had been made, Mr. Disraeli was in his seat as an ordinary member of parliament and the treasury benches were empty because Mr. Gladstone had not been able to complete his administration. Up to that point, then, Mr. Disraeli, according to all writers on constitutional and parliamentary practice, had established a new precedent. It did not follow that that course would always be pursued, although it has been pursued in Canada without question until the