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Lieut.-Gov. McInnes to Hon. Mr. Semlin.

Government House,
Victoria, B.C., Feb. 27th, 1900.
To the Honorable Charles A. Semlin,
Premier of the Province of British
Columbia:

Sir,—In reply to the request made by you at last night's interview for a further postponement of the report that you promised to make to me last Friday evening regarding your defeat in the Legislative Assembly, and in reply to the representations that you made at the said interview that you still retained the confidence of the Assembly, and would be able to demonstrate the same, I regret to inform you that I do not see my way clear to continue to be guided by your advice. Circumstances have occurred during the last nine months, and more particularly during the last five months, to materially weaken the confidence that I had in your advice—circumstances quite apart from the fact of your having lost the confidence of the Legislative Assembly. The said circumstances consist chiefly in the following facts:

1. For nearly a year past—more accurately, from the 9th March last—you have not surrounded me with a full Executive Council, as provided and intended by section 10 of the Constitution Act, as amended in 1899, which reads as follows:

"The Executive Council of British Columbia * * * shall include the following officials, namely: a Provincial Secretary, Attorney-General, Chief Commissioner of Lands and Works, Minister of Finance and Agriculture, Minister of Mines, and President of the Council, of whom not more than five shall receive salary."

That is to say: I am entitled to the advice, and the province is entitled to the services, of six officials as above provided, and while I do not mean to say that advice tendered by a less number may not be acted upon, or that a member of the Executive Council may not fill any two or more of the distinct offices above named, I think such circumstance is warranted merely as a temporary expedient, pending the selection of an officer, or officers, to com-

plete the statutory number, for, even in England, where there is no such thing as a Constitution Act to define or limit ministerial offices—where the Queen in Council has unlimited authority to create, regulate, or abolish such offices—"such arrangements (the combination of two offices in the hands of one person) are merely provisional, and are set aside whenever their temporary purpose has been fulfilled, or the exigencies of the public service require it." (Todd's Parliamentary Government in England, Vol. II., 2nd Ed., page 211.)

On the same page will be found reference to the case of the Duke of Wellington having, in 1834, assumed charge of the Home, Foreign and Colonial Offices, pending the completion of a new administration, in regard to which it is said:

"This proceeding, though confessedly merely provisional, and only intended to secure Sir Robert Peel upon his arrival a freedom of choice in the filling up of his ministry, was severely criticised at the time. Regarded as a temporary expedient, it could not be pronounced unconstitutional, although, if resorted to under other circumstances, it might lead to serious abuses."

And at the same time that the Honorable Mr. Cotton assumed the office of Chief Commissioner of Lands and Works, in addition to his duties as Minister of Finance and Agriculture, I certainly understood that it was to be a mere temporary arrangement. But you have prolonged this condition of affairs indefinitely—nearly twelve months have elapsed without your having at any time during that period indicated to me your having made any effort to fill the vacant position. Now it may be that the Honorable Mr. Cotton is quite competent to properly discharge the duties of both positions, apart from the constitutional objection, although they entail the administration of the two heaviest departments of the government, but the condition of affairs referred to in my letter to you of the 19th October last, and referred to hereafter, lead me to think otherwise.

2. On the 30th August last I wrote you as follows: