

ALEXANDER MACKENZIE'S MEMORANDA ON THE
APPOINTMENT OF EXTRA SENATORS, 1873-4

THE Mackenzie government took office November 7, 1873. It prorogued Parliament the same day and dissolved it January 2, 1874. Meanwhile, on December 22, Mackenzie had submitted to the Cabinet a "report" that it was "desirable in the Public Interests" that six extra senators be appointed under the provisions of Section 26 of the British North America Act. Next day the Cabinet passed, and the Governor-General approved, P.C. 1711, advising his Excellency to make the necessary recommendation to the Queen. P.C. 1711 refers to a "memorandum" by Mackenzie, dated December 22, presumably containing his reasons for tendering such advice. Sessional Paper No. 68 of 1877 gives the text of the Order and the report (which says nothing of reasons, beyond the single phrase about the "Public Interests"), but not a word of the memorandum. Neither the Governor-General's Office nor the Privy Council Office has any copy of the memorandum, nor is there any trace of it in the official despatches in the Public Archives of Canada or the Public Record Office in London. But the Mackenzie Letter Books, volume II, pp. 104-7, contain an incomplete version of a memorandum on the subject, undated, and marked "Confidential"; and the Public Record Office has a similar memorandum, also "Confidential," dated "Council Chambers, January 2nd, 1874," and signed by Mackenzie. Of this second memorandum there appears to be no copy at all in Canada, certainly none in the Archives, the Privy Council Office, or the Governor-General's Office. The copy reprinted here has been made available through the kindness of Sir Shuldham Redfern, late secretary to the Governor-General, and Sir Eric Machtig of the Dominions Office. Comparison of the two memoranda suggests that the one in the Letter Book is what remains of the original document of December 22, 1873.

The probability is that the revised version was drawn up at Lord Dufferin's request. His position when the advice was originally tendered was not free from difficulty. It was by no means certain that the government could command a majority in the existing Parliament. Nor could it be certain that a dissolution would give it a majority in a new Parliament. In these circumstances, Lord Dufferin might well have demurred when asked to invoke this extraordinary power, might have provoked