

the dissolution, the constitution makes that dissolution effective, but it is not the less a violation of the principle of the constitution when the Crown is so advised, if there is no difference between the House of Commons and the Government of the day. Why, Sir, the right hon. gentleman was not defeated in the last Parliament. He had not proposed any measure which he had failed to carry; there was nothing which he had suggested or asked at the hands of that Parliament which he could not have succeeded in carrying. Then, I say that there was no precedent for the course the hon. gentleman took. It is true, in 1859 the Government of Lord Derby dissolved Parliament, and he appealed to the country, not for the purpose of ascertaining the opinion of the country on any legislative or administrative measure of the Government, but he had been called into office by Her Majesty. He formed a Government which existed by forbearance; and he gave as a reason for dissolution that if he resigned his opponents would be unable to form an administration that would command the majority of the House. So he appealed to the country, asking the country, under the existing circumstances, to give to Her Majesty an administration which might be able to carry on the government effectively. Sir, the principles upon which Parliament may be dissolved and an appeal had to the country are very well set out by Professor Dicey in his recent work on the English constitution. I will read a paragraph or two from that work, the effect of which is this: That in every instance where a dissolution is had, it is for the purpose of harmonizing differences that exist between the Government and the House of Commons—a condition of things that did not exist in the circumstances of this country when the recent dissolution took place. Professor Dicey says:

“The discretionary power of the Crown occasionally may be, and according to constitutional precedents sometimes ought to be, used to strip an existing House of Commons of its authority.”

Assuming that the House of Commons may have so far gone wrong—may have so far exhibited a spirit contrary to the best interests of the country, and so much at variance with the popular sentiment, as to justify the Crown in its dissolution—

“But the reason why the House can in accordance with the constitution be deprived of power and of existence is that an occasion has arisen on which there is fair reason to suppose that the opinion of the House is not the opinion of the electors.”

Do the Government say that that was the case here, that the late House of Commons did not fairly support the policy or opinion of the Administration or reflect the popular sentiment, and that they dissolved the House for the purpose of ascertaining what the popular sentiment really was, and for the purpose of fairly and honestly giving expression to that popular sentiment in a new House? That I apprehend the hon. gentleman cannot fairly argue. Prof. Dicey goes on to say:

“A dissolution is, in its essence, an appeal from the legal to the political sovereign. A dissolution is allowable or necessary whenever the wishes of the legislature are, or may fairly be presumed to be, different from the wishes of the nation.”

Did the hon. First Minister ever argue that, according to his view, the opinions and sentiments of the recent House of Commons were at variance with the sentiments and opinions of the nation,

Mr. MILLS (Bothwell).

and that on that ground the dissolution took place? Professor Dicey again says:

“Admit that the electors are the political sovereigns of the state, and the result appears naturally to follow that an appeal to them by means of a dissolution is constitutional, whenever there is valid and reasonable ground for supposing that their parliamentary representatives have ceased to represent their wishes.”

Now, who has argued that the late House of Commons ceased to represent the wishes and sentiments of the people of this country? And if the Government did not think so, it ought not to have dissolved; it had no constitutional right or authority for advising dissolution; and I say that in the political history of England it will be found in every instance that differences had arisen between the two Houses, or the House of Commons and the Government, and the dissolution was for the purpose of correcting those variances, and once more restoring harmony between the House of Commons and the Administration. Let me next read an observation made on this subject by Sir Robert Peel, whom the hon. gentleman will admit to be a high constitutional authority. No one in his day knew better what the principles and spirit of the constitution were, and perhaps no one in his day adhered more strictly to what he believed to be the principles and the spirit of the constitution than he did. Now, Sir Robert Peel says with regard to the advice to be given to the Crown on the subject of a dissolution:

“We have advised Her Majesty to accept our resignation at once without adopting that alternative to which we might have resorted, namely, recommending to the Crown the exercise of its prerogative and the dissolution of the present Parliament. I do not hesitate to avow, speaking with a frankness that I trust will offend no one, that if Her Majesty's Government had failed in carrying, in all their integrity, the main measures of commercial policy which it was my duty to recommend, that there is no exertion that I would not have made—no sacrifice that I would not have incurred—in order to ensure the ultimate success of those measures, or at any rate to give the country an opportunity of pronouncing its opinion on the subject. For such a purpose, I should have felt justified in advising dissolution; because I think the continuance of doubt and uncertainty on such important matters, would have been a greater evil than the resort to a constitutional mode of ascertaining the opinion of the nation. But there has been fortunately no necessity for a dissolution of Parliament upon that ground. Those who dissented most strongly from our commercial policy, withdrew all factious and unseemly opposition, and, protesting against our measures, they have finally allowed them to pass. Those measures having thus become the law, I do not feel that we should be justified, for any subordinate considerations, for the mere interests of Government or party, in advising the exercise of the prerogative to which I have referred, and the dissolution of Parliament. I feel very strongly that no Administration is justified in advising the exercise of that prerogative, unless there be a reasonable presumption, a strong moral conviction indeed, that after dissolution they would be enabled to administer the affairs of the country through the support of a party sufficiently powerful to carry their measures.”

Mr. CHAPLEAU. Hear, hear.

Mr. MILLS (Bothwell). The hon. gentleman says “hear, hear,” but what is the point of the whole speech? That the Government make this appeal because in the existing House of Commons they cannot get on, and because they believe the sentiment of the country differs from the sentiment of the House. It is for the purpose of reconciling the variation that exists between two powers in the State, here between the Government and the House of Commons, and for no other purpose whatever. There is no instance in English history of a dissolution such as that which the Government advised on this occasion, and no