

THE EX-GOVERNOR IN HIS OWN DEFENCE.

(Continued from page 6.)

regain of twenty-eight days while the House was in session.

4. The Russian ministry resigned June 26th, 1898, and it was not until July 6th following that the Earl of Derby undertook the formation of the succeeding ministry—a ministerial interregnum of ten days while the House was in session.

But in the present case there was a ministerial interregnum of one day only while the House was in session; the Semlin ministry was dismissed on the 26th February last, and on the following day Mr. Martin and his colleagues, Mr. Yates and Mr. Curtis, were sworn in as members of the executive council, and assumed the duties of their respective portfolios. And this was a sufficient number to carry on the administrative functions of the government for the time being.

(b) Because no information was given to the House concerning the resignation that led to the dismissal of the late ministry. The late Premier, Mr. Semlin, was I submit, the proper person to give the House information regarding the reasons for his dismissal, and permission to give the House information was expressly given in the letter of dismissal itself, that it should be laid before the House for its information. There was no other medium of communication as far as I was aware, Mr. Martin not having at the time assumed office.

(c) Because so long a time has been allowed to elapse before completing the personnel of the new cabinet.

In Canada, during the last thirty years the following periods have been allowed to elapse before completing the personnel of the respective cabinets:

1. The Hon. Alexander Mackenzie assumed the office of Premier on the 7th November, 1873, but his cabinet lacked a President of the Council until the 20th January following, when the Hon. L. S. Huntington was appointed to that office. So that the personnel of the cabinet was not complete until after a period of seventy-four days after the assumption of office by the Premier.

The Right Hon. John A. Macdonald assumed the office of Premier on the 17th October, 1878, and seven of his colleagues were sworn in, and nine days later (October 26th) the Minister of Inland Revenue, Hon. L. G. Baby, was sworn in. So that the personnel of this cabinet was not complete until after the assumption of office by the Premier.

I submit to Your Excellency that, under the authority of such unquestionable precedents, there has been no undue or unconstitutional delay in the completion of the personnel of my present ministry, who were sworn to office respectively as follows:

Hon. Joseph Martin, Premier and Attorney-General, February 27th, 1900.
Hon. J. Stuart Yates, Chief Commissioner of Lands and Works, February 27th, 1900.
Hon. G. W. Beebe, Provincial Secretary, March 24th, 1900.
Hon. C. S. Ryder, Minister of Finance, April 1st, 1900.
President of the Executive Council (no portfolio) not yet appointed.

So that, with the exception of a President of the Council, who holds no portfolio, the personnel of my present ministry was completed thirty days after the assumption of office by the Premier, and on the very day that the Premier assumed office, a sufficient number of his colleagues were sworn in to carry on the administrative functions of the government, and the changes subsequently took place, of which the Secretary of State was duly notified, Mr. Yates resigning the office of Provincial Secretary, which he had first been sworn to, in favor of Mr. Beebe; and Mr. Ryder resigning the office of Minister of Finance and Agriculture in favor of Mr. Brown.

(d) Because the persons selected to form a new ministry were, for the most part, new and untried men. I would respectfully submit to Your Excellency that after I had called upon Mr. Martin to form an administration it was Mr. Martin's unquestionable constitutional privilege to select his colleagues without any interference on the part of myself or others. In support of this, I refer to the following passages from "The Parliamentary Government in England":

"The Sovereign has indeed an undoubted right to express his wishes in favor of the introduction or exclusion of particular persons, but by modern constitutional usage, the Sovereign's authoritative voice in the selection of anyone but the Prime Minister. It is true that in this, as in other matters, the expression of a strong personal feeling on the part of the Crown may have great weight in excluding a person from office, or including him, at least for a time, but even this consideration must ultimately yield to a regard for the public interests, and the Sovereign must be prepared to accept as his advisers and officers of state those who have been chosen for such functions by the Premier."—2nd Ed., Vol. I., p. 332.

"By modern usage it is understood that no one but the Premier is the direct choice of the Crown."—2nd Ed., Vol. II., p. 183.

On the authority of the above I submit that if Mr. Martin saw fit to select his colleagues from among those who were not members of the Legislature, it is entirely unobjectionable, and the public life of this province, it was his constitutional privilege to do so, and that to have checked him in such choice would have been an unwarrantable exercise of authority on my part.

(e) Because the ministers have continued in office without by-elections having been held for the immediate ratification of their appointments by the electorate.

It was advised that in spite of the impending dissolution of the Legislature, and consequent general election, such by-elections were not necessary. And so far as the question of a minister holding office without the immediate ratification of the electorate was concerned, I was aware that in Ontario the ministers of the Crown had held their positions for many months, not only without ratification, but after rejection by the electorate, and that in more than one constituency. I refer to the cases

of the Hon. J. M. Gibson, Commissioner of Crown Lands, and the Hon. John Dryden, Minister of Agriculture, both defeated during the Ontario general elections of 1898, and yet both retaining office for a period of eight months thereafter (March 1st to October 26th and November 1st respectively)—not only without seats in the Legislature, but while the Legislature was in session. I felt convinced that this would not have been permitted under the regime of so eminent a constitutional authority as Sir Oliver Mowat, if any valid constitutional objection could have been made to such a state of affairs.

(f) Because a legislature so recently elected was so soon dissolved, without an endeavor having been made to form a ministry from among the members thereof.

This objection involves the freedom of the Premier's choice in the selection of his colleagues, and has already been dealt with under the heading marked "d." And so far as the question of dissolving a recently elected Legislature is concerned, I find that in the province of Manitoba the Legislature was dissolved November 11th, 1878, and again dissolved November 26th, 1879—after an interval of one year and eleven days. In the same province, at a later period, the Legislature was dissolved November 11th, 1880, and again dissolved June 16th, 1888—an interval of about a year and a half. And I find that in the province of Quebec the Legislature was dissolved on May 10th, 1880, and again dissolved on December 22nd, 1891—an interval also of about a year and a half. The present case, therefore, is in no way exceptional.

(g) Because legislatures do not divide on party lines, and coalition should have been permitted.

I respectfully submit that it is not correct to say that legislatures do not divide on party lines. In this province it is true that the members of the Legislature have so far ignored Dominion party lines, but during the elections of 1898 party lines were as distinctly drawn on local issues as ever they were at a Dominion election. Neither is it correct to say that I would not permit a coalition. I was not told by Mr. Semlin that he had effected a coalition, he merely stated to me, as mentioned in my first report, that he thought if he were given more time he would be able to demonstrate his control of the House. I understand coalition to mean matters of this kind, a union between the leaders of the respective parties for the purposes of avoiding a deadlock, and carrying on the business of the country. Mr. Semlin gave me no assurance that such a union or understanding had been arrived at. I subsequently had clear evidence of the contrary. For after the defeat and dismissal of the Semlin ministry, and after I had sent for Mr. Martin to form a new administration, it was moved in the House by Mr. Semlin, seconded by Mr. Henderson:

"That this House, being fully alive to the great loss, inconvenience and expense to the country of any interruption of the business of this House at the present time, begs leave to express its regret that His Honor has seen fit to dismiss his advisers, as in the present crisis they have efficient control of the House."

Now, although this motion was carried by a vote of 22 to 15, yet Mr. Turner, the leader of the opposition, and his former ministerial colleagues, with the exception of Col. Baker, voted against the motion. This shows that no coalition, in any proper sense of the word, had been effected. As to the motion itself, I submit to Your Excellency that members of a House that had, in the regular constitutional manner, indicated to me their lack of confidence in my constitutional advisers, could not, with any pretense to consistency or good faith, re-engage me for having taken them at their word, and for having shown the same want of confidence in my advisers that they had.

(h) Because I did not force my ministry to bring on the general elections immediately.

On this point I would respectfully refer Your Excellency to the case occurring in the province of Quebec under the regime of Lieut-Governor Angers. His Honor dismissed the Mercer ministry on the 18th December, 1891, and the ensuing general election was not held until March 8th following—an interval of a little under three months. In the present case the Semlin ministry was dismissed on the 26th February last, and the general election will be held on the 9th June ensuing—an interval of a little over three months. So that the interval elapsing between the dismissal and the general election in this province is practically the same as it was in the province of Quebec in the Mercer case, and, as far as I am aware, Lieut-Governor Angers was not reproved, or held to account, by Your Excellency for permitting such an interval to elapse between the dismissal and the general election.

I now wish to submit to Your Excellency's consideration, as constituting a case and precedent applicable to the present political situation in this province, the circumstances attendant upon the formation of Mr. Pitt's administration. The circumstances include the dismissal of a ministry, the formation of a succeeding ministry, the members of which had no seats in the House of Commons, votes of confidence by the House, prorogation of the House, votes of confidence, and the approval of the electorate. I quote from "The Parliamentary Government in England," 2nd Ed., Vol. I., p. 143:

"On December 19th, 1878, Mr. Pitt's first administration was formed. Earl Temple, who had been appointed Secretary of State, advocated an immediate dissolution of parliament. But Pitt would not agree to this, being of the opinion that the time had not yet come when the country could be expected to give the public feeling time to gather strength, whereupon Temple resigned, on the 22nd instant, leaving the youthful Premier to bear the brunt of the severest contest ever waged in parliament. For though Pitt possessed the unlimited

confidence of the King, and the support of the House of Lords, yet a powerful array of the House of Commons was ranged against him. His cabinet consisted of seven persons, all of whom, save himself, were peers. His only assistant in the House of Commons was his friend Dundas. He was assailed by every imaginable device of a hostile opposition—votes of want of confidence, censures upon the government, obstructions and defeats in every shape. But he stood firm; and though frequently urged by his supporters, and even the King himself, to dissolve parliament, he refrained from doing so until he considered that the country was prepared to sustain him. It was not until March 24th that the prorogation took place, to be followed by an immediate dissolution. But such was the inveteracy of the opposition that Pitt was obliged to prorogue before the passing of an Appropriation Act. Upon the reassembling of parliament, however, it appeared that the amount of unauthorized expenditure had been so small, so that no objection was urged, or indemnity sought for, in regard to the same. The sense of the country, in reference to the great issues involved in the contest between Pitt and the Coalition, had been expressed at the time by numerous addresses to the King. It was afterwards expressed by the return of a House of Commons which gave a triumphant support to the new administration. Above 160 members lost their seats at this election, nearly all of whom were oppositionists."

In the above case four months elapsed from the time of the assumption of office by Mr. Pitt in the face of a hostile House of Commons, to the time of the prorogation of the House, and the return of the House of Commons which gave a triumphant support to the new administration. Above 160 members lost their seats at this election, nearly all of whom were oppositionists."

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a transition period in this province—rapid developments having created new conditions, and new requirements, the effect of which has been reflected in the politics of the province. And it has resulted in the creation of some perplexing situations—in the face of which the proper course to pursue has not always been clear and indisputable. But without claiming to have always adopted the wisest possible course under the circumstances that had to be dealt with, I have sought to act, and I submit I have acted, within the lines of established precedent, and, as appeared to me, in the best interests of the province. And in the present case if my choice of chief adviser be not that of the people—the remedy is within their own hands. And, in conclusion, I would submit to Your Excellency that the principle governing such a case, in as far as at least as my own responsibility is concerned, was correctly enunciated by the Right Honorable Wilfrid Laurier as follows:

"Now, as regards the Lieutenant-Governor under the Constitution, that I have said, that he shall be removable for cause; but what can a cause be? I believe that these causes of removal can well be offences of a personal character, but never offences connected with the discharge of his duties as an official character. If, for instance, the Lieutenant-Governor by some grossly dishonorable conduct brings the Crown in contempt, this and similar offences might be causes for removal; but if he is merely negligent in his functions, however tyrannical his acts may be, he is not removable, because he is covered by Ministerial responsibility. He is amenable to the people, who can set him right if they believe him wrong and undo what he has done."—House of Commons Hansard, vol. I, 1879, p. 827.

All of which is respectfully submitted. I have the honor to be, Your Excellency's obedient servant, THOMAS R. McINNIS, Lieutenant-Governor.

Copy of official letter to Governor-General in Council: Government House, Victoria, B. C., June 14th, 1900.

To His Excellency the Governor-General, Ottawa, Canada:

Your Excellency has the honor to report that the general elections held in this province on the 9th instant resulted in the defeat of the Martin administration. In all probability Mr. Martin will not be able to count upon a following of more than a minority of a House of 38 members. At the same time, it is possible to ascertain, there is no leader elected who can count upon the united support of the opposition, or even a majority of them; and in the new House there is not a member left of the Semlin administration. Only one of them, in fact, offered for re-election, and he, Mr. Carter-Cotton, barely saved his deposit—polling only 802 votes out of 4,218 cast in the city of Vancouver. And of the 18 members of the old House, who voted in support of the Semlin administration on that occasion, only three have been re-elected—Messrs. Robertson, Higgins and Dryden. Only nineteen members out of the old House of 38 have been re-elected. The result in Cassiar, which returns two members, will probably not be known for some weeks yet. Now had Mr. Semlin made an issue of his dismissal, or had Mr. Cotton, who was selected leader of Mr. Semlin's party after the dismissal, taken such a course and been sustained by the electorate, I admit that any action could justly be said to have been condoned by the people of this province, and I should have tendered my resignation to Your Excellency forthwith. But in view of the fact that Mr. Semlin and Mr. Cotton and their followers have been so conspicuously condemned by the electorate—in fact utterly annihilated as a party—I submit that my action in dismissing the Semlin government has been completely justified and upheld by the people. And at that point I respectfully submit to Your Excellency that the people themselves could not indicate a leader in whom they have confidence—and they certainly have not done so—I submit that I cannot fairly be condemned for having failed to select a leader under whom they would unite. In my report to Your Excellency of the 15th ultimo, I referred to the fact that rapid development and new conditions as to population and otherwise have had a disturbing effect upon the politics of the province. The utter disintegration of the old parties has been clearly demonstrated by the recent elections. The Semlin government having completely lost the confidence of the country it was, nevertheless, owing to peculiar political conditions existing, impossible to select a leader who would unquestionably command the confidence of the country. It will probably be as difficult a task now, both Mr. Wilson and Mr. Mackintosh, who were thought to be strong leaders, have been defeated, and as far as can be judged, have now no following. It may be that some other member, hitherto unsuspected, may be able to unite the several factions opposed to Mr. Martin, or at least a sufficient number of them to maintain a government. But in any event I shall not be required by the people to recall the Semlin ministry that I dismissed, or, as members of it, and this, again respectfully submit, constitutes full and complete ratification by the people of my action in dismissing them. All of which is respectfully submitted.

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Your Excellency has the honor to report that the general elections held in this province on the 9th instant resulted in the defeat of the Martin administration. In all probability Mr. Martin will not be able to count upon a following of more than a minority of a House of 38 members. At the same time, it is possible to ascertain, there is no leader elected who can count upon the united support of the opposition, or even a majority of them; and in the new House there is not a member left of the Semlin administration. Only one of them, in fact, offered for re-election, and he, Mr. Carter-Cotton, barely saved his deposit—polling only 802 votes out of 4,218 cast in the city of Vancouver. And of the 18 members of the old House, who voted in support of the Semlin administration on that occasion, only three have been re-elected—Messrs. Robertson, Higgins and Dryden. Only nineteen members out of the old House of 38 have been re-elected. The result in Cassiar, which returns two members, will probably not be known for some weeks yet. Now had Mr. Semlin made an issue of his dismissal, or had Mr. Cotton, who was selected leader of Mr. Semlin's party after the dismissal, taken such a course and been sustained by the electorate, I admit that any action could justly be said to have been condoned by the people of this province, and I should have tendered my resignation to Your Excellency forthwith. But in view of the fact that Mr. Semlin and Mr. Cotton and their followers have been so conspicuously condemned by the electorate—in fact utterly annihilated as a party—I submit that my action in dismissing the Semlin government has been completely justified and upheld by the people. And at that point I respectfully submit to Your Excellency that the people themselves could not indicate a leader in whom they have confidence—and they certainly have not done so—I submit that I cannot fairly be condemned for having failed to select a leader under whom they would unite. In my report to Your Excellency of the 15th ultimo, I referred to the fact that rapid development and new conditions as to population and otherwise have had a disturbing effect upon the politics of the province. The utter disintegration of the old parties has been clearly demonstrated by the recent elections. The Semlin government having completely lost the confidence of the country it was, nevertheless, owing to peculiar political conditions existing, impossible to select a leader who would unquestionably command the confidence of the country. It will probably be as difficult a task now, both Mr. Wilson and Mr. Mackintosh, who were thought to be strong leaders, have been defeated, and as far as can be judged, have now no following. It may be that some other member, hitherto unsuspected, may be able to unite the several factions opposed to Mr. Martin, or at least a sufficient number of them to maintain a government. But in any event I shall not be required by the people to recall the Semlin ministry that I dismissed, or, as members of it, and this, again respectfully submit, constitutes full and complete ratification by the people of my action in dismissing them. All of which is respectfully submitted.

I have the honor to be, Your Excellency's obedient servant, THOMAS R. McINNIS, Lieutenant-Governor.

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