

*Supply—Formation of Ministry*

are not on the English scale, but are put in jeopardy of losing their salaries, an important consideration in a place where the paid member is an institution. Then a second consideration is the question of supply.

Further down he says:

The cases of refusal of dissolution and the grant under circumstances of difficulty are almost innumerable, and many of them are interesting. One of the most important of the earlier cases is that of Governor-General Sir E. Head, of the united province of Canada in August 1858, on the defeat of Mr. Macdonald's ministry.

An hon. MEMBER: When we were a colony.

Mr. MANION: I will not dispute that, but I will come to the time when we were a dominion. The first refusal, No. 1 was in 1858, and the second was in 1860 and that case is very interesting. Keith says:

In 1860 the Lieutenant Governor of Nova Scotia declined to grant ministers a dissolution after defeat in the House, and the case is interesting because he met in his defense the argument that the governor is a mere figurehead.

His action was justified by the result, as the opposition formed a successful administration.

And that is going to happen in the present instance. No. 3, was in 1877, and the note in Keith reads as follows:

In 1877 the Governor of New South Wales sent home for advice as to his action in connection with the grant of a dissolution when supply was not granted being made conditionally on supply being obtained.

The question was referred to Lord Carnarvon, the Secretary of State, to Sir T. Erskine May, who sympathized with the governor in his desire to secure that supply should be granted, but who thought that there was objection to letting the parliament know that he had granted a dissolution conditionally on the government obtaining supply.

Then he quoted further parliamentary practice in support of his contention. That request was refused. The next case:

4. Special interest also attached to the case of Lord Canterbury in Victoria, because of his large and varied experience in parliamentary government. The Duffy ministry asked him to dissolve when defeated, and represented that they should be given a dissolution, as a ministry in England was given one. . . . But the governor refused to accept their advice. . . . He held that the country could well be managed by a ministry chosen from the existing parliament and proceeded to choose one which held office with success. His action was criticised very bitterly by the outgoing ministry.

History is now repeating itself.

My right hon. friend cited the case of Tasmania.

5. In Tasmania in 1879 the governor had more troubles on his head, for Mr. Crowther, who had followed Mr. Giblin, Mr. Fysh's successor in the leadership of the party, asked for a dissolution on the ground that it was desirable to test the feeling of the country on the principles of direct taxation and a change of relations between the houses. The governor declined.

[Mr. Manion.]

Another case was in New Zealand:

6. New Zealand, as usual, presents interesting features. In 1872 the Governor, Sir G. Bowen, declined to grant the Stafford ministry a dissolution.

7. In 1877 the Grey Liberal ministry asked the Governor, Lord Normanby, for a dissolution, because, having taken office in October on the defeat of their predecessors under Major Atkinson on a vote of confidence, they would have been defeated in the House before they had time to develop their policy, but for the casting vote of the Speaker. . . . The governor declined. . . . The ministry then advanced the view that the power to dissolve was one resting on the Constitution Act, not on the prerogative, and therefore should be exercised on ministerial advice without regard to the grant of supply.

8. A month later the governor was again asked to dissolve but he had now come to the conclusion that it was not necessary to do so, as the premier could probably command a majority in the next parliament. On the other hand, the premier argued that the governor was only a constitutional monarch, and must dissolve on advice.

That is the attitude taken by the leader of the opposition to-day.

The matter was referred to the Secretary of State for the Colonies, who on February 15, 1878, definitely approved the views taken by the governor of his rights and his duties, while emphasizing his duty to consider carefully the views of his ministers.

9. There is also an interesting case that is worth mentioning as a sequel to the case of Mr. Letellier, which will be adduced below. Mr. Joly, who was called by Mr. Letellier to office, had never a strong hold of the government. He was at last defeated by six votes in the lower house, and the upper house had already stopped the supplies, and so he asked in 1879 for a dissolution on the ground that he anticipated a majority from the country. The request was refused.

Mr. CANNON: Referring to the Letellier case, his course was considered so unconstitutional that he was dismissed by the federal government. Sir John A. Macdonald himself dismissed him.

Mr. MANION: My hon. friend may give one case where that happened, but there are sixteen altogether although I do not intend to read them all. Some of these cases were in Australia, some in Canada. The sixteenth was in South Australia:

In South Australia, Mr. Price, the Premier, applied to the governor in 1906 for a dissolution. . . . The governor was unwilling to dissolve a parliament which had not long been in existence. . . . He therefore declined to grant the dissolution.

That is as recent as 1906. I could give more; but I give these because the right hon. gentleman opposite has used Professor Keith as one of his precedents, and we all know that Professor Keith is one of the most outstanding constitutional authorities in the British world to-day. He has used him as an authority, and according to him he gives case after case—and I have quoted ten—where the governor refused