- 2 -

K.C. Wheare, Esq., London, England. Jan. 11, 1946.

case, incidentally, had not, at least to the best of my knowledge; (2) the publishers, very naturally, objected to the length of my original ms., which contained a reasonably careful review of all the cases now relegated to the Appendix, and insisted that I cut the book to half its length.

I was particularly pleased with what you were kind enough to say about my discussion of Mr. Meighen's temporary Government. You may perhaps be interested to know that I have since discovered: (1) that there is probably no legal quorum of the Canadian Privy Council; (2) that the Order-in-Council of July 11, 1896, appointing Laurier President of the Privy Council, was passed by a "Committee" consisting of Laurier himself; (3) that ministerial by-elections were abolished in Ontario in 1941; (4) that in 1918 under a special temporary wartime Act, the two Dominion Ministers without Portfolio did receive salaries, the Act providing that their seats should not thereby be vacated; (5) that since the formation of the Bennett Government, August 1850 Ministers without Portfolio do take an eath as such, though Acting Ministers of Departments do not.

My statement about equality of status to which you take exception is I think really a paraphrase of some remarks by Professor W.P.M. Kennedy. There is undoubtedly force in what you say; on the other hand, the provisions of the Irish Free State Constitution of 1922, established by Statute, rules on this subject, which certainly nowers quite different from British usage, and certainly, I should say, were not overthrown by the 1926 Report.

In the unlikely event of my book running into a second edition, I shall certainly consider carefully the apoints you raise, and also shall refer to your own comments on this matter of statuses in your book on the Statutes of Westminster, comments which I unfortunately overlooked.

I want also to say more about the relationship of grant and refusal of dissolution to the voting of Supply, a matter which came up here in Ontario last spring. That Ontario case and an earlier one of 1904 both deserve discussion. In both instances, dissolution was granted. In 1904, the Government's majority was so small that it was almost totally unable to proceed with legislation. In 1945, a minority Government, which took office after the election of 1945, was defeated on the Address at the beginning of its second session. Supply had not been voted, and some important and essentially non-contentious legislation had reached an advanced stage. A new

MEIGHEN PAPERS, Series 6 (M.G. 26, I, Volume 222)

PUBLIC ARCHIVES

ARCHIVES PUBLIQUES

CANADA