

THE DOMINION AND THE EMPIRE.

The prerogatives of dismissing his ministers, and of dissolving Parliament (provided other ministers can be found to shoulder the responsibility), are among the most important constitutional powers of the Sovereign or her representative, and afford some of the most striking examples of beneficial action on the part of governors in British colonies. A good example of the beneficial exercise of this prerogative, though in direct opposition to his ministry, who at the time commanded a majority in the local house, is furnished by the action of Mr. Manners Sutton (afterwards Lord Canterbury), when Governor of New Brunswick in 1855. Deeming the repeal of certain legislation prohibitory of the liquor traffic—which it had proved impossible to enforce—expedient to the best interests of the community, he insisted on dissolving Parliament; and by the newly elected house his action was supported by a vote of thirty-two to two, and both houses expressed their satisfaction at the governor's judicious exercise of his constitutional powers, and at the promptitude with which he had had recourse to the advice of Parliament.

Mr Todd, indeed, gives most interesting precedents of the exercise of this discretion, in opposition in some cases to the advice of ministers, and in others to the votes of legislative bodies,—in the old Province of Canada, in Nova Scotia, South Australia, Victoria, New Zealand, and Tasmania. The last example he gives occurred last year in Quebec, on the defeat in the Legislative Assembly of the Joly administration. Mr. Todd gives at full length what he calls the "excellent memorandum" of M. Robitaille on that occasion.

And as the power of the governor of a Colony in respect to the local concerns of the colony is subject to the same constitutional restrictions as that of the So-

vereign in the mother-country, so also the imperial Parliament, in the case of self-governing colonies has conceded the largest possible measure of local independence, and practically exerts its supreme authority only in cases of necessity or where imperial interests are at stake: (Todd p. 462.) As Sir M. Hicks Beach says in a despatch written in 1877, quoted by Mr. Todd p. 497,—“Her Majesty's Government have no wish to interfere in any questions of purely local colonial policy; and only desire that the colony should be governed in conformity with principles of responsible and constitutional government, subject only to the paramount authority of the law.”

But even in matters of internal administration Mr Todd remarks (p. 161), that the interposition of the Crown through a Secretary of state may be constitutionally invoked and properly exercised, (1) in questions of an imperial nature: (2) in the interpretation of imperial statutes which have consigned to the imperial authorities certain specified duties on behalf of the colony: (3) where the local authorities voluntarily appeal to Her Majesty's secretary of state for his opinion or decision. A good example of the second class of cases is afforded by the application of Mr. Mackenzie in 1873 to Her Majesty to add six members to the Canadian Senate under sec. 26. of the B. N. A. act. Lord Kimberley, then Secretary of state, declined to interfere, saying:

“Her Majesty could not be advised to take the responsibility of interfering with the constitution of the Senate except upon an occasion when it had been made apparent that a difference had arisen between the two houses of so serious and permanent a character that the government could not be carried on without her intervention, and when it could be shewn that the limited creation of Senators allowed by the act would apply an adequate remedy.”

Thus, in Mr. Todd's view, (p. 164), a