

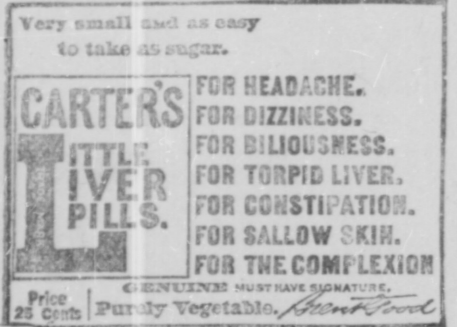
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HAVE WE RESPONSIBLE GOVERNMENT IN P. E. ISLAND?

The events of the last two or three years in the political affairs of this Province are well calculated to raise the question stated in the heading of this communication. For the present we pass over the relinquishment, immediately after the general elections of 1897, by Premier Peters of the trust which he induced the electors to place in his hands, and the subsequent changes in the office, of Premier, without consulting the constituencies, all of which are at variance with the principle that Government should be administered according to the well understood wishes of the people. These changes are all the more serious from a constitutional point of view because they have been accompanied by an entire failure to accomplish the main object which Mr. Peters declared to be his policy, viz. to secure from the Federal Government, by means of arbitration, a sum of one or two millions of dollars which he claimed to be due to Prince Edward Island.

The present position of one of the most important departments of the public service is so flagrant a violation of the principles of Responsible Government, that it calls for earnest and immediate consideration. About the end of July 1899, the office of Attorney General became vacant by the elevation of the former incumbent to the office of County Court Judge. Towards the end of September Mr. D. A. McKinnon, one of the members for Murray Harbor, was appointed Attorney General under the British Constitutional system. Mr. McKinnon's seat in the Assembly had thus become vacant and it became necessary for him to secure the approval of his constituents at the polls of his acceptance of office. The election was held on the 13th day of December, when notwithstanding the utmost efforts of himself and his colleagues, backed by the influence of the Government of Canada, he was rejected. The result of the election in Murray Harbor left only one straightforward and honorable course open to Mr. McKinnon. He had failed to secure the approval of his constituents of his acceptance of the Attorney Generalship under Mr. Farquharson. He was no longer eligible to hold a Departmental office, having ceased to be a member of the Legislature. His right to advise the Government terminated with his rejection at the polls. Under these circumstances he should have immediately placed his resignation as Executive Councillor and Attorney General in the hands of the Lieutenant Governor, abstained from attending meetings of Council and ceased to draw his salary. At the same time it became the duty of the Premier to find a member of Parliament fit and willing to become Attorney General, and who could secure the endorsement of his constituents. That the views I have stated are constitutionally correct can be amply proved by the best authority as well as by the practice of Great Britain and her self governing Colonies for the last half a

century. Let me quote the words of the Hon. Edward Whelan:

"The advocates of the genuine system of Responsible Governments—and I shall be ever proud to rank myself among the number—cannot be satisfied with a mere modification of the Executive. The principle of responsibility must be brought to bear upon every department of the administration. . . . When a member of the Assembly shall accept a Government office of emolument under the Responsible system, his seat being vacant, he will have to appeal to the people, and should they reject him, the consequence will be that he will lose both his seat in the Assembly and his office."

Another eminent authority is Mr. Todd, author of "Parliamentary Government in the British Colonies," who uses the following words:

"It is of the essence of Responsible Government that the Governor should choose as his constitutional advisers persons who already possess or who can readily obtain a seat in one or the other of the Legislative Chambers of the Colony in order that they may be the authorized exponents therein of the Government as well as of the well-understood wishes of the people."

These authorities are sufficiently weighty to place the matter beyond doubt; and the practice in both Britain and the Colonies has been invariably in accordance with the constitutional law which I have quoted. In 1837, the Hon. W. W. Lord accepted the office of Commissioner of Crown Lands in Mr. Coles' Government, and appealed forthwith to his constituency, Bequete. He was defeated by the Hon. J. C. Pope. On the 30th of April in that year, Mr. Lord was gazetted as Member of the Executive Council and Commissioner of Crown Lands. Writs for the election were issued on the 10th of May. On the 11th of June the Royal Gazette contained notices of Mr. Lord's resignation and the appointment of Mr. Aldous to fill his place.

Here we have prompt and manly compliance with the principles of Parliamentary Government. Mr. Lord was too high-minded a man to continue as an adviser of the Crown and receiver of official salary after he had been rejected at the polls. Mr. Coles had too much respect for the principle of Responsible Government to keep his best friend in office for one day at the expense of the constitution.

In 1858, the Hon. Joseph Hensley, Attorney-General in Mr. Coles' Government, resigned his seat in the Legislative Council and became a candidate in Cardigan for the Assembly. He was defeated by Mr. Thomas Owen, whereupon he at once resigned the Attorney Generalship and his seat in the Council and was succeeded by the Hon. Charles Young. In 1861 the Hon. James Duncan became a member of Mr. Pope's Government with the office of Railway Commissioner. He appealed to his constituency—Belfast—and was defeated by the Hon. D. Laird. He at once tendered his resignation, and was succeeded in the Executive Council by the Hon. J. Lefurg. In 1886, Hon. William Campbell, Commissioner of Public Works in Mr. Sullivan's administration, was defeated in New London by Mr. James Sutherland. Mr. Campbell immediately tendered his resignation, but having received and accepted a nomination as a candidate for the Legislative Council at the approaching periodical election for that body, he was induced to remain in office pending that election. Having failed to secure a seat in the Council he at once retired from office and was succeeded by the Hon. Mr. Bentley.

In 1886, the Hon. Kenneth Henderson, a member of the Legislative Council and also of the Government, failed to offer as candidate for his old seat—New London and West River,—but was at the same time a candidate for the Murray Harbor District for the House of Assembly, a general election being then imminent. The Premier, Mr. Pope, as well as Lieutenant Governor Robinson took the ground that as Mr. Henderson had ceased to be a member of the Legislature he could not remain an adviser of the Crown, notwithstanding that he was at the time a candidate for a seat in the Assembly, and he was obliged to retire.

Space will not permit me to cite even a few of the many cases which are available in the Constitutional History of England and Canada, but I will produce one from Nova Scotia. I quote from page 239 of Anson's Life of Howe, vol. 1.

"Lord Falkland arrived in Nova Scotia in September (1840), and was sworn into office the 30th of that month. Four members of the Executive Council, who held seats in neither Branch of the Legislature, were at once informed that their services could be no longer retained; their places were required, that gentlemen who could bring to the support of Government popular qualities and influence might be called around the Queen's Representative."

This was the dawn of Responsible Government.

I now ask independent and fair-minded electors to compare the conduct of Mr. D. A. McKinnon with the authorities I have quoted or the precedents I have referred to. For seven months Mr. McKinnon has not been a member of the Legislature, for five months he has been the rejected of Murray Harbor. And yet he continues to give advice to the Governor, and go, at the public expense, on delegations to Ottawa and Halifax and to draw his salary as Attorney General. His conduct is in my opinion, unprecedented, undignified and unconstitutional, and that it is tolerated reflects little credit on the Premier or the Lieutenant Governor.

I am told that Mr. McKinnon alleged at the beginning of his career as a constitution breaker that his retention of his office and seat in the Council was justified by the fact that a protest had been filed against his successful opponent in Murray Harbor. The filing of this protest furnished no excuse for his clinging to office after the result of the election became known. The presumption of Bri-

ish law is that everybody is held to be innocent until he is proved guilty. The contention that the constitution shall be suspended merely because some irresponsible person has seen fit to charge the member-elect for Murray Harbor or his agents with violation of the election law, is too absurd for serious consideration.

After the general election of 1896 Mr. William Paterson found himself without a seat in Parliament, having been defeated for South Beant. Sir Wilfrid Laurier, who wanted him in his Cabinet, did not arrange that he should become an adviser of the Governor General and the Administrator of a public department on prospective chances of the successful prosecution of the protest entered against Mr. Henfy who had defeated Mr. Paterson. Nothing of the kind Mr. Paterson went to North Grey, which was then vacant, and secured a seat in Parliament.

The smallness of the Province of P. E. Island and the limited nature of its resources are considerations only too well suited for the purposes of those who wish to institute comparisons unfavorable to the conduct of our Provincial affairs. It is not our fault that our Province is small, and therefore an unfair conclusion based on that consideration need not seriously disturb us. But having inherited from our fathers the inestimable boon of Parliamentary Government we may well hang our heads if we despise its safeguards and trample its principles under our feet. For nearly fifty years Responsible Government has been worked out in Prince Edward Island as faithfully and as intelligently as in any Province in the Empire. Let us see to it that the record shall be maintained as unblemished as in the days of Coles, Palmer, Haythorne and Pope.

CONSTITUTIONALIST.

April 10th, 1900.

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