RETURN

To an humble Address presented to His Honour the Lieutenant-Governor, praying him to cause to be sent down to this House copies of all correspondence between His Honour and the late Premier of the Province, Mr. J. H. Turner, in relation to His Honour's refusal to sign certain warrants, and to the dismissal of the late Government.

By Command.

J. FRED HUME,
Provincial Secretary.

Provincial Secretary's Office,
19th January, 1899.

PROVINCIAL SECRETARY'S OFFICE.
26th August, 1898.

His Honour the Lieutenant-Governor directs that the following correspondence relative to the dismissal of His Honour's late Advisers, and to the appointment of their successors, be published for general information.

By Command.
J. FRED HUME,
Provincial Secretary.

AT GOVERNMENT HOUSE,
VICTORIA, B. C., 13th July, 1898.

The Hon. The Provincial Secretary,
Victoria, B. C.:

SIR,—Referring to the Order in Council received this morning by His Honour the Lieutenant-Governor for approval, dated the 8th instant, wherein the several jurisdictions of Messrs. Alexander Sproat, S.M., and John Kirkup, S.M., are settled and defined, and wherein is also incorporated a recommendation that Mr. Frederick George Fauquier be appointed a Gold Commissioner in and for the Ainsworth Mining Division of West Kootenay, and a Stipendiary Magistrate in and for the County of Kootenay, at a salary of $125.00 per month, I am directed by His Honour the Lieutenant-Governor to say that so much of the Order as settles and defines the jurisdiction of Messrs. Sproat and Kirkup, as aforesaid, must be made the subject of a separate recommendation. I enclose the Order herewith for amendment as indicated.

I have, &c.,
(Signed) T. R. E. MCINNES,
Private Secretary.

AT GOVERNMENT HOUSE,
VICTORIA, B. C., 14th July, 1898.

To the Hon. J. H. Turner,
Premier of the Province of British Columbia:

SIR,—Referring to a letter of my Private Secretary dated yesterday, and addressed to the Honourable the Provincial Secretary, returning a recommendation of the Executive Council, made in the matter of the appointment of Frederick George Fauquier as a Gold Commissioner

and Stipendiary Magistrate, unapproved by me, I have the honour to explain to you my reasons for so doing, as well as to indicate the course I propose to follow for the present in regard to such recommendations. I cannot look on the result of the General Elections for this Province, held on the 9th instant, as other than adverse to your administration, and an expression of want of confidence on the part of the people. At the same time, as the Cassiar elections are still pending, I do not wish in any way to embarrass you in administering the ordinary business of the Province. Unless, however, I become convinced that you have the support of a majority of the new Legislative Assembly I cannot accept the advice of yourself and colleagues in regard to new appointments to office, or in regard to any special expenditures of money not provided for in the current Estimates, unless shown that an urgent necessity exists for the same in the interests of the Province.

I have, &c.,
(Signed) THOS. R. MCINNES,
Lieutenant-Governor.

AT GOVERNMENT HOUSE,
VICTORIA, B. C., 25th July, 1898.

To the Hon. J. H. Turner,
Premier of the Province of British Columbia:

SIR,—I have returned unapproved to the Hon. the Provincial Secretary, the recommendation of the Executive Council that the dates of holding the elections in the Cassiar Electoral District be altered from the dates already fixed by the Returning Officer for the District, viz., the 30th day of July and the 6th day of August, to the 1st day of September in respect of the following polling stations:—Hazelton, Lorne Creek, Glenora, Telegraph Creek, Dease Creek, McDame Creek, Teslin Lake, and Lake Bennett. I have carefully considered the reasons urged on behalf of so doing by the Minister, the Hon. the Provincial Secretary, but having in view existing political conditions, as set forth to you in my letter of the 14th instant, I do not consider these reasons as adequate and cannot therefore approve the recommendation.

I have, &c.,
(Signed) THOS. R. MCINNES,
Lieutenant-Governor.

To the Hon. J. H. Turner,
Premier of the Province of British Columbia:

SIR,—In my letter of the 14th July last, regarding my refusal to approve of certain Minutes of Council therein mentioned, I stated that I could not look upon the result of the General Elections for the Province, held on the 9th of the same month, as other than adverse to your administration, and an expression of want of confidence on the part of the electorate. You were informed by the same letter that, pending the Cassiar election, I would not embarrass you in administering the ordinary business of the country, but that unless I could be shown that you had the support of the majority of the members elected to serve in the Legislative Assembly, I would not accept the advice of yourself and colleagues in regard to new appointments, or in regard to special expenditures of money, except in cases of urgent necessity in the interests of the Province. I said pending the Cassiar elections, not that the result there, whether favourable or otherwise to your administration, would, in my opinion, reverse the verdict of the electorate, but because I did not wish to take any decided action thereon until the writs had been returned from every constituency in the Province. Since writing that letter, however, the representations made by yourself and colleagues, and hereafter referred to, in regard to the expenditure of various sums of money, have influenced me to the extent that I shall no longer await the return of the Cassiar writs before acting on what I consider the verdict of the electorate, as it may be that further delay in calling in a Ministry in whom I would have full confidence, would prejudicially affect the interests of the Province. It was recommended by the Hon. the Chief Commissioner of Lands and Works, and urged upon me by yourself and the Hon. the Attorney-General, that the moneys voted for roads, bridges, school-houses, etc., should forthwith be expended in Vernon, Cowichan, Cariboo and Kamloops, and warrants have been sent up for my approval covering, in some instances, nearly the whole amounts voted for the said localities. On the recommendation of the Chief Commissioner

also, I have been asked to approve of a special warrant for a considerable sum for the Nelson Court House, additional to the sums already voted for that building. The Executive Council advised me to approve a minute authorising yourself and the Hon. the Attorney-General to execute forthwith a contract, on behalf of the Government, granting a subsidy to the Columbia and Western Railway Company. And in conference had on the 2nd instant with yourself, the Hon. the Attorney-General and the Hon. the Provincial Secretary, the necessity of at once placing a large sum at the disposal of the Government Agent in the Cassiar District for the building of trails and roads through that district, and for the assistance and relief of a large number of men in that district who could be employed in such work, was urged upon me, and it was strongly contended that to withhold that sum now would be to retard the exploration and development of a rich mining section of the Province. Now, in these cases, as you are aware, and in others not mentioned, I have withheld my approval, as I considered them outside of routine business, and in none of them could I see that a delay of a few weeks would make any material difference to the localities concerned, or to the Province at large. And, in a few other cases, not mentioned, I approved of certain expenditures as recommended. But at the same time I fully realize that my own judgment as to the expediency of such expenditures may be at fault. And I fully realize also, that this is an exceedingly important period in the development of the Province, and that lack of proper expenditure in certain localities might indeed retard that development. Consequently, impressed as I am with a deep sense of my responsibility to the Crown, and my duty to the people of the Province, and convinced that yourself and colleagues are no longer endorsed by the electorate, and have not the confidence of the Legislative Assembly, I have decided to no longer delay in calling for other advisers. For, as I would not feel justified in granting you another dissolution and appeal to the electorate, and as after a careful study of the situation I am convinced that you could not command a majority in the Assembly, I shall not put the Province to the delay, or to the expense, of a special Session of the Legislature, merely for the purpose of formally demonstrating what has been already sufficiently demonstrated to me by the General Elections. I deem it my duty, therefore, to ask, and I do hereby ask, that yourself and your colleagues hand in your resignations as advisers to me, and as members of my Executive Council.

Dated at Government House, Victoria, B. C., this 8th day of August, 1898.

(Signed) THOS. R. MCINNES,
Lieutenant-Governor.

AT GOVERNMENT HOUSE,
VICTORIA, B C., 8th August, 1898.

To the Hon. Robert Beaven, Esq.,
Victoria, B. C.:

SIR,—I have the honour to inform you that, by letter of even date herewith, I have relieved the Hon. J. H. Turner and his colleagues from their functions as my advisers and members of my Executive Council. This action I have taken in view of the result of the general elections held on the 9th of last month. This is probably the most important period yet known in the development of the resources of the Province, and during the month that has elapsed since the said general elections I have deeply felt the need of advisers in whom I could place full confidence, and whose recommendations I could unhesitatingly approve. And knowing your thorough knowledge of the special needs and requirements of the Province, and having in view your long and honourable experience throughout a quarter of a century in the administration of its affairs, and regarding you moreover as peculiarly fit to reconcile its contending political factions, I hereby call upon you to assume the task of forming a Ministry, and to once more act as chief adviser to the representative of the Crown.

(Signed) THOS. R. MCINNES,
Lieutenant-Governor.

Mr. Beaven has the honour to inform His Honour the Lieutenant-Governor that he accepts the duty proposed to him in His Honour's letter of even date, and will proceed with the formation of a new administration.

Victoria, British Columbia, 8th August, 1898.

Mr. Beaven thanks His Honour the Lieutenant-Governor for the confidence reposed in him by the commission placed in his hands of forming a new administration. Under existing conditions, Mr. Beaven deems it the proper course to ask His Honour to relieve him of further duty in the matter.

Victoria, British Columbia, 12th August, 1898.

VICTORIA, 9th August, 1898.

To His Honour the Lieutenant-Governor
of British Columbia:

SIR,—On the 14th day of July last you advised me by a formal communication that you regarded the result of the general elections as adverse to my administration. You added that "as the Cassiar elections are still pending," you did not wish to embarrass me in administering the "ordinary business of the Province."

On the 25th of July you declined to act upon the recommendation of the Executive Council respecting the date for holding the elections in Cassiar Electoral District, in respect to certain polling stations, "having in view existing political conditions."

The elections in Cassiar being still in progress, I have now to acknowledge the receipt of a further communication from Your Honour, dated the 8th day of August instant, in which you say you shall no longer await the return of the Cassiar writs before taking action on what you "consider the verdict of the electorate." You recite certain recommendations for expenditure of accounts voted by Parliament, which you consider "outside of routine business," and you say that in these you saw "that a delay of a few weeks" would make no material difference.

Your Honour goes on to observe that unless you became convinced that I had the support of the majority of the Legislative Assembly, "you could not accept the advice" of myself and colleagues in regard to "new appointments to office or in regard to any special expenditures of money not provided for in the current Estimates, unless shown that an urgent necessity exists in the interests of this Province."

Your Honour, however, proceeds immediately to inform me that, as your own judgment in these matters may be at fault, and being convinced that I and my colleagues are no longer "endorsed by the electorate," you have decided to "no longer delay calling for other advisers"; and Your Honour concludes by asking that I and my colleagues hand in our resignations as advisers to you and as Members of your Executive Council.

This communication was received by me at the hour of 12 by the clock on the 8th day of August. At three o'clock in the afternoon of that day, Mr. Beaven, a defeated candidate in the general elections not yet concluded, was announcing that he had been sent for by Your Honour to form a Government, and the evening paper, the "Daily Times," made a similar announcement.

It is impossible for me to assume that Mr. Beaven or the paper mentioned were justified in making such statements. Nevertheless, the fact that they were made may become important in connection with the responsibility Your Honour proposes to undertake.

Permit me to add to the above record of correspondence facts which I submit are of great importance in connection with the present situation.

Appropriations for the fiscal year were fully voted.

Memoranda approved since the 14th July, 1898.

Date of approval.

July 15th.—Unexpended balances of appropriations for the fiscal year ending June 30th, 1898, extended to 30th September, 1898.

" Grant in aid of the Woman's Hospital, New Westminster, $750.

" $2,500 placed at the disposal of the Chief Commissioner for making good deficiencies in *re* estimates of cost of construction of public school buildings in country places.

July 19th—Fixing the jurisdiction of Messrs. Sproat and Kirkup as Gold Commissioners.
" Mr. F. G. Fauquier appointed a Gold Commissioner.
" Sanctioning payment of $1,000 and $4,000 to the Treasurer of the Provincial Exhibition to be held in New Westminster.
" Mr. Richard Russell appointed a Notary Public.
" Requisitions for the fiscal year ending June 30th, 1898.
" Requisitions for the fiscal year ending June 30th, 1899.
" Applications from Messrs. Webb, Henderson, and others for leases of mining ground near Boston Bar in the Fraser River.
" Application of C. Black for lease of mining ground in the Omineca District.
" Applications of John Baker, Edwards and others for leases of mining grounds in the Omineca District.
" Applications of Kavanaugh, Berlin, and others for leases of mining grounds in Omineca District.
" Applications of Ray, Bethune, and others for leases of mining grounds in the Omineca District.
July 23rd—Allowing the "County Court (Victoria) Vacation Rules, 1898."
" Requisitions, Schedules A. B. and C.
July 26th—Authorising expenditure on behalf of four children (McKittrick) to be sent to the B.C. Orphanage.
Aug. 1st.—Requisitions, 29th July, 1898, salary warrants.
Aug. 2nd—Ruling as to the true intent of sub-section *(g)* of section 8 of the "Mineral Act, Amendment Act, 1898."
" Special Warrant, $417.50, to cover expenses in *re* investigation of allegations made by the Victoria "Times" against the Department of Lands and Works.

On Monday, July 18th, 1898, Mr. T. R. E. McInnes, Your Honour's Private Secretary, called on me at my office in the Treasury. He spoke of the letter of July 14th from the Lieutenant-Governor to me, in which the Governor gives his reasons for not signing Fauquier's appointment, etc. He (the Private Secretary) said that he had written that letter. He said that Your Honour considered that the result of the elections generally was against the Government, and therefore no new appointments should be made, and no special warrants drawn. He then went on to say that there was a method by which I could secure a strong Government, that owing to the fact that some parties who had taken a very active part against the Government in the late elections, being somewhat nervous now about the real position of affairs in the Province, particularly with respect to the preponderance of Mainland influence and the consequent danger of the rights of the Island being neglected, they, or he, had arrived at the opinion that it would be well to back me up by support from some of the Members who had been elected to support the Opposition; and he desired to let me know that his brother, W. W. B. McInnes, M.P., could carry out an arrangement of that kind. He (Mr. W. W. B. McInnes) was prepared to resign his seat in the Commons and enter into local politics. He was really a friend of mine, and fully supported most of my policy, more particularly that of railways, agriculture and finance. He would, however, want a seat in the Cabinet, and if I were inclined to give him that he was quite sure he could bring over two of the present Opposition Island members to my support in addition to his own. This would give me, in the event of Cassiar being favourable to my Government, at least 21 or 22 Government supporters, and I should, he thought, have little difficulty in getting over one or two more, thus securing a good working majority.

A few days after Mr. W. W. B. McInnes called at my office and discussed the situation on the lines suggested by his brother, Your Honour's Private Secretary, and confirmed the statements made by the latter.

Mr. W. W. B. McInnes subsequently had other interviews with me on the same subject in my office, and negotiations have practically continued until the present time. Your Honour will observe that such representations from such a quarter necessarily required serious consideration on the part of the Government, and I was surprised to receive Your Honour's letter, inasmuch as it placed an entirely new complexion on the whole situation.

I shall not at this juncture comment upon all the incidents above related, nor do I propose here to examine the different opinions of the candidates at such elections as have been held, indeed I am at loss to know how this can accurately be done by anyone, but I will call

Your Honour's attention to several phases of the situation certainly as notorious as any of the incidents of the political contests to which Your Honour refers.

Mr. Semlin, Mr. Cotton and Mr. Martin were the leading opponents of the Government.

Certain gentlemen elected, while not pledged to support the present administration, have not agreed as to which of these gentlemen will obtain their support in the formation of the Ministry.

No ordinary political party lines were adopted by any of the candidates.

I am not aware, and have no reason to believe, that of the gentlemen so far elected a majority have in any way indicated their resolve to support a direct motion of want of confidence in the present administration.

There are at present 17 election petitions filed questioning the return of 17 gentlemen supposed to have been elected to oppose the present administration. It is for the Courts to determine whether any or all of these gentlemen have been duly elected.

Suggestions such as these might be multiplied. They all go to show that it is at least doubtful whether, regardless of the vote of the District of Cassiar, the "considered judgment of the country" is adverse to your present advisers.

It is, however, my duty to point out to Your Honour that the course you propose is without precedent in constitutional government.

The authorities fortunately are so strong upon the subject that I feel convinced that on reconsideration Your Honour will be inclined to withdraw the communication of the 8th instant.

I claim the right on the part of your advisers to remain in office until a new Parliament has met and given a definite division upon the merits. In the language of Lord John Russell, the Assembly is "the legitimate organ of the people, whose opinions cannot be constitutionally ascertained except through their representatives in Parliament."

Your Honour will not question that in dealing with the subject in hand recourse must be had to the usage of the Crown in the Mother Country, and that it is your duty "to endeavour to ascertain and to imitate so far as may be consistent with" your position and responsibility as a Lieutenant-Governor. (*See* Todd's Government in the Colonies, page 324.)

In the language of Lord Dufferin, your "guiding star" is and ought to be the Parliament of this Province.

"Parliament is the voice of the people." (Todd's Parliamentary Government of England.)

Primarily it is the bounden and solemn duty of a Ministry when defeated at the polls to meet Parliament before tendering resignation, and this has been the practice in England down to a recent date, subject to but few exceptions.

The present leader of the Government in the House of Commons in England, when the ministry of which he was a member was defeated in 1892, met Parliament after the general election, and did not resign until defeated on the debate on the address in reply to the Queen's Speech from the Throne.

Mr. Balfour, on that occasion, said: "In meeting Parliament, we are strictly following the best precedent." Let me, however, draw Your Honour's attention to recent Canadian precedence.

The Government of Mr. Mackenzie was defeated on the 17th September, 1878, at a general election, by an overwhelming majority. It was in the next month that Mr. Mackenzie decided to resign. Lord Dufferin did not suggest this course On the contrary, Mr. Mackenzie excused himself for taking it. To meet Parliament under the circumstances, he wrote, was the course "in accordance with the English practice," but, he went on to urge, as a justification for not doing so, "there are two precedents of recent date in favour of a resignation before the meeting of Parliament." Even in this case, where the popular verdict gave a majority of 80 against him, the Globe newspaper said: "It is true Mr. Mackenzie knows nothing of the strength of the respective parties until that be tested by a division of the House of Commons," and again, "He has the legal right to hold office until the usual time of the meeting of Parliament, to do all the acts that a ministry in the possession of a majority could do."

In the case of Sir Charles Tupper's administration, in June, 1896, over which much difference of opinion has existed, Lord Aberdeen did not dream of suggesting the resignation of that ministry. The ministry had been defeated at the polls. All the returns were in. Not a single election petition had been filed. The Parliament, which had terminated by

effluxion of time in the preceding April, had voted no supplies for the fiscal year beginning in July.

His Excellency did not, however, refuse to act upon the advice of his defeated ministry. On the contrary, he approved of some of the appointments to office between June 23rd and July 11th.

He withheld his approval only from all recommendations which involved—

1. The creation of new offices or appointments.

2. The filling of vacancies for which no provision had been made by Parliament, and which had existed for more than one clear fiscal year.

3. Superannuations (and the consequential appointments) for which applications had not been received.

All other Executive acts for which supplies were voted were approved, and it was not suggested that His Excellency would withhold his approval from any recommendations necessary to carry on the Queen's Government until the voice of the people was made known through Parliament.

Sir Charles Tupper, it is true, challenged the constitutionality of the action of His Excellency in making such restrictions as the above, and on the grounds mentioned in a memorandum under the circumstances, and he forthwith resigned; but there does not exist a case in Parliamentary Government, in English or Canadian History, where the Crown, or Governor-General representing the Crown, asked for the resignation of a Ministry because of the result, or supposed result, of a general election, even where the full returns were officially announced.

Under these circumstances, while neither my colleagues nor I personally desire to hold office contrary to the will of the people, we feel bound, in the interests of Constitutional and Parliamentary Government, to claim the right to await their verdict at the hands of their representatives duly elected and in Parliament assembled. We, moreover, respectfully question the course Your Honour has chosen to adopt before the General Elections are concluded, and while the legality of so large a number of elections already over is challenged in the Courts of this Province. Under the circumstances I feel it my duty to ask Your Honour to reconsider the communication addressed to me on the 8th of this month.

I have the honour to be,
Sir,
Your obedient servant,
(Signed) J. H. TURNER,
Premier.

GOVERNMENT HOUSE,
VICTORIA, B. C., August 12th, 1898.

Mr. Charles A. Semlin,
Victoria, B. C.:

SIR,—For reasons intimated in letters of the 14th and 25th July last, and 8th August instant, from myself to the Hon. J. H. Turner, Premier of this Province, I asked himself and colleagues on the latter date to hand in their resignations as my advisers, and members of my Executive Council, informing them that I had decided to call on other advisers without further delay. On the same day I called on the Hon. Robert Beaven to form a Ministry. In calling upon him I was of course aware that he was no longer a leader of the ascendant party, with which yourself and the Hon. Joseph Martin are prominently associated. But as on the best information I could obtain it was made to appear to me that there was no recognized leader of the party since the general elections of the 9th ultimo, it being divided into two factions, supporting the claims respectively of yourself and Mr. Martin to the leadership, and having in view Mr. Beaven's former leadership of the said party, his long and distinguished services to the Province, and his great and widely recognized ability as a financier, so much needed in the present financial condition of the Province, I sent for him on the 5th instant for advice as to the political situation, and the chances of his being able to reconcile the rival, or supposed rival, factions of the ascendant party, and to form a Ministry acceptable to it. As a result of that interview the subsequent action of calling upon him on the 8th instant was taken. Since then I have had an interview with Mr. Martin, and he

assures me that I was quite misinformed, that no division exists in the ascendant party, and that he looks to you as the leader of it. Mr. Beaven has made a similar report to me, to the effect that Mr. Martin looks to you as the recognized leader. Under these circumstances, accordingly, there no longer exists the advisability that at first appeared, on the facts reported to me, of calling upon the old leader to assume the task of forming a Ministry, and reconciling factions. I have the honour, therefore, of calling upon yourself, as the now admitted leader of the ascendant party, to act as chief adviser to the representative of the Crown, and to form a new Ministry.

(Signed) THOS. R. MCINNES.

VICTORIA, B. C.,
August 12th, 1898.

To His Honour Thomas R. McInnes,
Lieutenant-Governor of the Province of British Columbia:

SIR,—I have the honour to acknowledge the receipt of a communication from you of even date, calling upon me to form a new Ministry, and to act as your chief adviser in regard to the public business of the Province. In accepting your call, Sir, I beg to thank you for the high honour conferred, and respectfully assure Your Honour that I will endeavour to carry out your wishes to the best of my ability, and as promptly as circumstances will admit.

I have the honour to remain, etc.,
(Signed) C. A. SEMLIN.

GOVERNMENT HOUSE,
VICTORIA, B. C., August 15th, 1898.

To the Hon. J. H. Turner, M. P. P.,
Victoria, B. C.:

SIR,—I have the honour to acknowledge the receipt of your communication dated the 9th instant, which has received due consideration on my part. I regret that it compels me to enter into certain details, respecting the grounds of my lack of confidence in yourself and colleagues as advisers, which, from personal respect retained for yourself, I had hoped to avoid. I certainly expected that, upon receipt of my letter of the 14th July last, and my subsequent refusal to approve of your recommendations, other than in matters of routine, you would have put affairs in order, so as to tender your resignation to me at an early date. I had thought resignation to be the only proper constitutional, as well as dignified, course for a Ministry to adopt, which had thus been given to understand that it no longer enjoyed the confidence of the representative of the Crown. Yourself and colleagues took a contrary course, however, by seeking to initiate new business, and asking me again and again to sanction undertakings that were not of routine, and that I could not consider urgent. As to the General Elections, apart from casually telephoning to me on Monday morning, July 11th last, that you were "still all right, the result so far being 15 to 15," you made no report to me whatever, and I was left to rely on the press reports. Time has since shown that the press reports were entirely correct, but in my letter of the 14th July, above referred to, I left it open to you to show that you still had the confidence of the Legislative Assembly. However, you did not see fit to make any report whatever to me as to the General Elections, and to this day I have not received one from you. But you said to me at an interview, had shortly after the result of the elections held on the 9th July last were published, that you would not have a majority in the Assembly, and in my last interview, had on the 2nd of August last with yourself, the Attorney-General and the Provincial Secretary, the same statement was made by the Provincial Secretary, admitting the result of the Cassiar Election would be favourable to your administration. During several interviews with you, I informed you that while I had every respect for yourself, personally, I had little or no confidence in some of your colleagues, and this, together with the verdict of the electorate on the 9th July last, made it impossible for me to unreservedly accept the recommendations of the Executive Council. As above stated, I would have preferred not entering into details of why my confidence in yourself and colleagues, as advisers, was gradually weakened, but your com

munication of the 9th instant, above referred to, leaves no other course now open. At the last Session of the Legislative Assembly, the Redistribution Bill was brought into the Assembly without having been explained to me by yourself or the Attorney-General. As the formal consent of the Lieutenant-Governor is always given and required prior to the introduction into the Assembly of such a measure as the redistribution of the Electoral Districts of the Province, the Lieutenant-Governor should be consulted in regard to it and its provisions, and the effect of them explained. In the short time at my disposal I was left to review the Bill alone. In doing so, not having the assistance of yourself or the Attorney General, I did not master it in detail, but on noticing that one clause allowed voters from any part of the Province to go to Cassiar and record their vote, without it being required to have resided even a day in the district, and knowing that the Cassiar Election always takes place from a month to two months after the General Elections for the rest of the Province, and that there was nothing to prevent those who had voted at the General Elections going, or being sent, to Cassiar, a month or so later to vote there, I sent for you to give me an explanation. You informed me that you knew very little about the Bill, that it was in the hands of the Attorney-General. I then told you that unless you eliminated the objectionable clause you would endanger the sanctioning of the Bill. Thereupon, the Attorney-General waited upon me, and he, in the course of representations made on behalf of the said clause, justified it by alleging that similar conditions existed in remote electoral districts of Ontario. This I knew of my own knowledge was not the case, and I so informed the Attorney-General. The next day, after an all-night Session of the Assembly, from which members vainly opposing this clause retired, as a protest, in a body, the Attorney-General withdrew the said clause. But he did not explain to me, nor did I know at that time, that while Cassiar was being granted an additional member, having only 298 names on the voters' list, far more important and populous sections of the Kootenay country were being given little or no representation. I was subsequently appealed to by the people and press of the Kootenay Districts not to sanction the Bill, and even to dismiss the Ministry responsible for it. Although sympathising with their natural indignation, I did not consider the circumstances sufficient to warrant so grave an action on my part. It was borne in upon me, however, from that time on, that I was not being advised, to quote the words of Lieutenant-Governor Angers, "wisely, disinterestedly and faithfully." What was I to think of these and other proceedings then and thereafter taken in regard to Cassiar, a District having a special section of the Provincial Elections Act governing it, a section unique, at least in these days, for the way in which it lends itself to manipulation at the hands of the Government and its agents? In case you should be as unfamiliar with the clause as you were with the objectionable clause of the Redistribution Bill, I quote "Provincial Elections Act," chapter 67, section 53, Revised Statutes, B. C., 1897:—

"In the Electoral District of Cassiar the Returning Officer shall fix the day for the hold-
"ing of the polls in each polling station in the District. The day so fixed need not be the
"same for all the said polling stations, but the Returning Officer shall, in his discretion, fix
"the holding of the polls at each polling station the nearest practicable day subsequent to the
"day fixed for the nomination of the candidates as aforesaid, not more than twenty days after
"the day of nomination."

On Saturday, the 23rd of July last, I was asked, on the recommendation of the Provincial Secretary, to extend the election days already fixed by the Returning Officer for Cassiar District for the 30th day of July last and the 6th day of August, instant, to the 1st day of September next, in respect to certain of the polling stations there, to wit: Hazelton, Lorne Creek, Telegraph Creek, Glenora, Dease Creek, McDame Creek, Teslin Lake and Lake Bennett, thus making three polling days for the district at intervals of a week and a month. This I refused to do by my letter to you of the 25th of July last, and again refused on separate interviews had with me on the same day by the Provincial Secretary and the Attorney-General; and at your request made an appointment for 12 o'clock the same night to discuss the matter, which appointment you neither kept nor afterwards referred to. Since the 9th July last Orders in Council were frequently placed before me with a request for immediate approval, as the subject-matter was such as to admit of no delay, and great hardship would ensue if they were not then approved. In such cases as I looked into I found that such haste was not necessary, or that matters had been left to the last possible moment before being sent up to me, and that my approval was sought to be carried, so to speak, by surprise and by storm. I moreover continually found Orders in Council on subjects which I had expressly intimated

that I would not approve thrust in again among Orders on routine matters in such a way that in some instances I was nearly led, inadvertently, to sign them, and in one instance, the placing of $2,500 at the disposal of the Chief Commissioner for constructing country school-houses, I did sign the warrant, having previously refused to do so. I decided to let it go, however, as approved, as it may have been urgently needed as represented. On the 15th July last you asked me to sanction the payment of $750 to the Woman's Hospital at New Westminster out of the fund provided for destitute poor and sick. It occurred to me that this fund was intended for isolated cases of destitute and sick persons, as wherever assistance was intended for hospitals and charitable institutions they were specially mentioned by name. I told you that I thought this would be a perversion of the fund, but being advised otherwise by yourself and the Attorney-General, I sanctioned the payment. I am since advised that this was a perversion of the fund. On a subsequent occasion I had a batch of warrants in connection with routine matters sent up for my approval fastened together in the manner in which I had been instructed that my signature on the last sheet would cover the preceding sheet. There was a large number of them fastened together in this way, but I inspected them all individually before signing the last sheet. To my surprise I found inserted therein, in different places, six or seven warrants in blank. As I did not propose to approve of blank warrants I cut them out. This was about the 19th July last. I have since waited for some information in regard to or some enquiry for those warrants in blank, but none has been forthcoming. I was asked to sign a warrant placing $15,000 at the immediate disposal of the Government Agent in the Cassiar District for the assistance and relief of men to be employed in the construction of trails and roads through the district. I refused. This led to the long and unpleasant interview of the 2nd August instant had with yourself, the Attorney-General and the Provincial Secretary, in the course of which I was informed that failing my sanction the Attorney-General, pursuant to powers invested in him by section 41, sub-sections (*a*) and (*b*) of the Revenue Act, cap. 47, of the Revised Statutes, B. C., could have the warrant issued on his recommendation without my signature. To convince me of this the Attorney-General thereupon produced the said Act, which he had brought with him and had marked, and proceeded to read the said sections. I told him I was glad he could do it without me, and so take the responsibility off my shoulders. But it was so novel an idea to me that after the interview I looked up the sections aforesaid for myself, and I also looked up section 8, chapter 47, of the Revised Statutes, known as the Constitution Act, and I found that the Attorney-General had misinformed me. Had this contention of the Attorney-General been correct the Attorney-General would have had considerable control of the Treasury. As far as I am aware, however, the Attorney-General did not attempt to exercise his powers in this respect. I could not avoid the conclusion that I was being misled for the purpose of influencing me to sign the warrant under discussion. A week has elapsed since you were dismissed by a formal demand for your resignation. To my great surprise, you have attempted to evade that dismissal, and have forwarded me a document of controversial nature, above acknowledged. The references therein to an alleged conversation with my Private Secretary are impertinent, and if such conversation took place as alleged by you, it would only be another of the strangely improper courses you have of late seen fit to pursue. The questions raised therein as to constitutional law I shall not discuss with you. You have allowed yourself to make certain insinuations therein, which might have been expected from a mere partizan, or from a certain irresponsible section of the press, but which I had not expected from you, and which I hesitate to attribute to you, although over your signature. I have heard of defeated litigants who ascribed the action or decision of a Court to the relationship existing between the Judge and the Counsel appearing before him, but it is a new thing to me that a Prime Minister should insinuate that a Lieutenant-Governor's action is due to a relationship existing between himself and a public man representing a constituency in the Dominion Parliament. I shall make no reply to it, other than to say that since the 13th July last I have consistently and repeatedly intimated to you by letter, interview and action, that my confidence in yourself and colleagues as advisers was gone. I could not let the fear that my action, whatever it might be, would be subject to peculiar misrepresentation, tie my hands, or deter me from following such course as my duty to the people of the Province appeared to demand. You end your communication by the extraordinary request that I reconsider the dismissal given to you on the 8th August instant. Such a request, emanating from you after what had transpired, and in the face of the insinuations contained in the former part of the same communication, betrays either such a lack of knowledge and propriety on your part, or such readiness to advise me to a venal course of

action, as to finally demonstrate your unfitness to act as chief adviser to the representative of the Crown. The prerogative of dismissal was exercised by me on the 8th August instant, when yourself and colleagues, by a formal demand for your resignation, were relieved from your duties as advisers to me, and dismissed as members of my Executive Council. Such action is not subject to reconsideration.

(Signed) THOS. R. MCINNES,
Lieutenant-Governor.

VICTORIA, B. C., August 26th, 1898.

His Honour T. R. McInnes,
Lieutenant-Governor of British Columbia,
Victoria, B. C.:

SIR,—I have the honour to acknowledge the receipt of your letter of the 15th instant.

I have purposely delayed my reply to this communication in the belief that on reflection you would see fit to recall it. It was impossible for me to suppose, that after time for reflection, such extraordinary statements, inuendoes and insinuations would not be recalled.

A considerable period having passed in which Your Honour has had ample time for reflection and no further communication having reached me, I must assume that you intend to adhere to the statements and reasons set forth in this communication and to abide by its consequences.

I must promptly challenge the many inaccuracies, the misinterpretation of motives and obvious perversions which pervade your communication.

Your Honour states: "I certainly expected that upon receipt of my letter of the 14th July and my subsequent refusal to approve of your recommendations, other than in matters of routine, you would have put affairs in order, so as to tender your resignation to me at an early date. I had thought resignation to be the only proper as well as dignified course for a ministry to adopt which had thus been given to understand that it no longer enjoyed the confidence of the representative of the Crown."

This statement indicates, it seems to me, the cardinal error into which Your Honour has fallen.

It has been, from time immemorial, the honored privilege of ministers of the Crown to advise Her Majesty or her limited agents upon affairs of state. This privilege has been enjoyed by virtue of the will of the people, shown by their chosen representatives.

To enjoy the confidence of Your Honour, is one thing, to enjoy that of the people, another. This latter element Your Honour would fain eliminate, but I beg to point out that the spirit of the age is contrary entirely to any such course.

Personal antipathy of the Crown has never been the basis of interference with the people's will. Theoretically Your Honour may refuse to accept the advice of ministers responsible to the people, but practically such a course is fraught with grave danger and will be watched with increasing vigilance by a people, proud of, yet jealous of any infringement of, their liberties.

Before a subject may be honoured by becoming an adviser of the Crown and constitutionally a minister, he should have received an expression of confidence direct from the people. Without this a representative of the Crown is not justified in receiving him as an adviser, nor with it in rejecting him by reason of personal dislike, otherwise there would be interjected the private opinion of the Crown's representative between the people's will and its full fruition.

During the period between the issue of writs for elections and the official returns of the results of the elections it is not usual nor indeed possible to accurately advise the representative of the Crown officially.

Your Honour, however, in this instance, without official inquiry or advice, merely upon press reports and rumors, and before the pronouncement of the people, acted. Had Your Honour waited the final returns you would have been advised of an equality of representation existing between members chosen in favour of or against the then government.

The precipitate action of Your Honour precluded any such official or proper advice and placed the representative of the Crown in the peculiar position of disregarding the people entirely in an attempt to place over them in control of their privileges, a person whom they had twice signally defeated.

The suggestion that, "I and my late colleagues sought to initiate new proceedings and asked Your Honour again and again to sanction undertakings that were not of routine" is as unfair as it is incorrect. I do not feel warranted in saying more in a communication to a representative of the Crown.

Your Honour's letter of the 14th July did not lead me to believe that I did not enjoy your confidence, and the intimation "that you would not accept the advice of myself and colleagues in regard to new appointments to office or in regard to special expenditures of money not provided for in the current estimates unless shown that an urgent necessity existed for the same in the interests of the Province," having regard to the constitutional usage and practice during a general election, and while the results were as yet unknown, could not by any fair interpretation be construed as having such effect.

I concluded from your letter of the 14th July, conversations with Your Honour from time to time, and the fact that subsequent to that letter Your Honour had signed a number of Orders in Council referred to in my letter of the 9th instant, that on the conclusion of the Cassiar election I ought to report to Your Honour the result, whereupon in due course Your Honour would have either convened the Legislature immediately or permitted the business of the Province to have been carried on by myself and my colleagues until the usual period for its assembling, when the action to be taken would have been determined by the representatives of the people in Parliament assembled. Such a course would have accorded with the practice and spirit of our constitution. It, however, became impossible, by Your Honour's attempt to govern and control the destines of the people.

Your Honour states: "I informed you that while I had every respect for yourself personally, I had little or no confidence in some of your colleagues." Your Honour may have entertained a thought of that kind but during all my interviews Your Honour most carefully concealed the fact. Upon one occasion Your Honour did say that one or two of my colleagues were not popular, but certainly never did Your Honour state that you had not confidence in them. Your Honour states that this, coupled with the vote of the 9th of July, made it impossible for you to unreservedly accept the recommendations of the Executive Council. For the first time I have learned, and from a representative of the Crown, that a sound, sufficient reason for the existence of a "lack of confidence" by the representative of the Crown in an Executive Council may be that some of its members are "not popular." Your Honour cannot fail to notice the conflict between such a suggestion and Your Honour's action in the circumstances. The popularity or unpopularity of a minister may often weigh with a small unthinking element, who place private feelings above public weal, but I do not wish to believe this influenced Your Honour, a representative of the Crown. Broader, more liberal and enlightened experience teaches that the people enjoy greater liberty when a Government is judged by the good or evil effect of its laws and administration, rather than by the ephemeral popularity of some of its members.

Your Honour's action has discovered to the people the vast power reposed in a representative of the Crown, and shows its danger when not judiciously exercised.

Modern electors had fancied their will the sovereign will, the governing power in the state, and a condition of willing acquiescence and content prevailed.

It may be wise to awaken dormant issues in order to raise the people to a realizing sense of the limitations upon their powers, but I humbly and sincerely suggest otherwise if it is desired to foster, conserve and support the good feeling, trust and confidence usually existing between Her Majesty's representative and Her subjects. To do otherwise would be calamitous.

Let me take in order the various matters in detail referred to in Your Honour's communication:

The Redistribution Bill—Your Honour states that you were never advised of its contents either by myself or the Attorney-General, either before or after its introduction into the House. Surely Your Honour's recollection upon this subject has failed. Your Honour did confer with me upon the clause mentioned, but I never informed Your Honour that "I knew little about the bill." What I did say was that the Attorney-General was in charge of the bill and would be better able to explain the effect of its provisions than I.

Immediately I requested the Attorney-General to wait upon Your Honour, and he thereupon left the House, which was in session at that hour, to confer with Your Honour, and upon his return informed me that Your Honour thought it better to omit a portion, being the then

clause 18, sub-section (*b*), of the bill. The proposed clause was struck out. The Attorney-General informed me that Your Honour was averse to the clause as Your Honour thought that possible advantage might be taken of it by dishonest electors.

Your Honour was not told that similar conditions existed in remote electoral districts in Ontario, but it was mentioned to Your Honour that Algoma, in Ontario, at one time occupied a position similar to Cassiar in British Columbia as to means of access and communication, and that the elections there were not held at the time of the general elections. This I believe to be the fact.

The further reference of Your Honour that the clause allowed voters "from any part of the Province to go to Cassiar and record their votes, without its being requisite to have resided even a day in the district, and there was nothing to prevent those who voted at the general elections going or being sent to Cassiar a month or so later to vote there," would apply with equal force to different polling divisions in the same constituency when the voting takes place on one and the same day, if, as it must be assumed, in order to found such a statement, a voter undertakes to perpetrate a fraud. The "Provincial Elections Act," however, provides that no person at an election is entitled to vote in more than one electoral district, without subjecting himself to severe penalties, and this provision applies with equal force to Cassiar as to the other parts of the Province.

Your Honour is in error in stating that "after an all-night session of the Assembly from which members, vainly opposing the clause, retired, as a protest, in a body, the Attorney-General withdrew the said clause."

There was an all-night session of the House when the "Redistribution Bill" was in committee. The debate arose on section 2 of the Bill and not on the section Your Honour refers to. The reason for the retirement, as given, was on account of a decision of the chairman, which upon appeal to the House was affirmed. A reference even to the then Opposition press at such time will confirm this statement. The clause Your Honour refers to was struck out upon the motion of the Attorney-General, who, in the course of his remarks said, "It had been hurled across the floor of the House by the Opposition members that the Government had introduced sub-section (*b*) of section 19 for their own advantage. He would assure the honourable gentlemen that the draughtsmen of the bill had no such idea in their heads. The idea was to conserve to those who were registered voters in other parts of the Province, and who had left their homes to go to Cassiar to assist in the development of that great country, their rights of franchise. The Government had been actuated only by the best of motives, and as soon as it was suggested that the section had been proposed for unfair purposes, every supporter of the Government had agreed, rather than stand under the suspicion of what had been intimated, to let the Act remain as it was by striking out the above sub-section."

The then Attorney-General informs me that the question of an additional member for Cassiar was fully discussed with Your Honour upon the occasion referred to and the reasons therefor, which were that at that time a large population had gone into the district, that there was every reason to believe that extensive and important public works in the nature of railways were about to be constructed, and the rapid development of Cassiar's great and diverse interests. Your Honour's reference to Cassiar as "a district having a special section of the "Provincial Elections Act" covering it, a section unique in these days for the way it lends itself to manipulation at the hands of the Government and its agents" amazes me, coming as it does from a representative of the Crown. It betrays a sad lack of knowledge of the statute law of the land. I pass over the absolutely unwarrantable, undignified and base motives ascribed. I consider them unworthy of comment. I propose to deal with the section in controversy. Your Honour may not be aware that a section almost similar in wording has been upon the statute books of British Columbia since 1876. I beg also to direct Your Honour's attention to a further fact which of course has escaped Your Honour's memory, viz.: that an almost similar section prevails in the "Dominion Election Act." For the first time has it been suggested that it is an iniquitous provision, "for the way it lends itself to manipulation at the hands of the Government and its agents."

Your Honour would not have made such a statement, I am sure, had these historical facts been before you; and yet a similar law was passed by the Parliament of Canada, consisting of the House of Commons and Senate, of which latter honourable body Your Honour was a member for years. Such has been the law since.

Your Honour must have at least known at one time of the existence of such a law, if not now familiar with its import. I do not find, nor am I aware, that Your Honour, as an active,

painstaking and "non-partisan" member of the Senate, at any time ever drew attention to this iniquitous section in the Dominion Elections law. Wherefore, may I ask, this sudden realization upon the part of Your Honour of the iniquity of such legislation? Must I assume that, as a representative of the people, it would not be wise to ascribe improper motives to the people, while as a representative of the Crown greater freedom of individual thought is permissive.

With regard to the recommendation to extend the period for the polling already fixed by the Returning Officer for Cassiar, from the 30th of July and the 6th of August to the first day of September, in respect of certain polling stations specified, which, speaking now generally, were the polling stations remote from the coast, as Your Honour is aware.

The days fixed by the Returning Officer, under section 53 of the "Provincial Elections Act," were the 30th day of July for Rivers Inlet, and in all other polling stations the 6th day of August. The nomination was held at Fort Simpson, 500 miles north of here, on the 15th day of July. The Returning Officer took the first steamboat to Victoria, in order to have the ballots printed and other matters arranged with reference to the outlying polling stations, such as Teslin Lake, Lake Bennett, etc., which could be more quickly reached by the direct steamer from Victoria to Wrangel or Skagway than by the coasting steamer from Victoria, which was slow and only touched at Fort Simpson fortnightly. The Returning Officer informed the Executive that he had, under said section 53, fixed the polling day on the 6th of August (the longest period he could give under the Act), for the outlying places, and he was of opinion that that time was too short in which to instruct Deputy Returning Officers, forward ballot boxes, papers, etc. It was upon this representation the Order in Council, drawn under the authority of section 20 of the "Redistribution Act, 1898," and which had been on the statute books for years, was placed before you for signature, the purport of which was (as you allege) to extend the polling days at the most outlying stations, namely, Hazelton, Lorne Creek, Telegraph Creek, Glenora, Dease Creek, McDame Creek, Teslin Laks and Lake Bennett, to the first day of September, and let the dates fixed for the places on the coast, namely, Rivers Inlet, and those at the mouths of the Skeena and Naas Rivers, adjacent to the canneries, stand as they had been fixed by the Returning Officer, namely, the 30th of July and the 6th August.

Your Honour will remember that you were absent in Vancouver on the 21st and 22nd days of July, returning here on the evening of the latter day. The next morning the Order in Council was before you. It was necessary to have the matter definitely settled immediately, as the Returning Officer was returning north on the first available steamer, the Princess Louise, which was to sail on the evening of the 25th of July, touching at Rivers Inlet, Fort Simpson, etc. The 24th was Sunday, and Your Honour well knows how your time was taken up on the 25th, from early morning till late at night, attending on functions given in honour of His Excellency the Governor-General. 'Tis true you did, by letter on the 25th, refuse to sign the Order in Council, and that on the same day, at Government House, while the function in honour of His Excellency was going on, in an interview with the late Provincial Secretary you again refused, and again on the same evening in an interview with the then Attorney-General, lasting some time, you again refused, though it was pointed out to you clearly that the power existed in the Act, in which you acquiesced, and that the Order in Council was only placed before you on account of the position of affairs placed in our possession by the Returning Officer to the effect that he did not think his instructions, ballot boxes and papers could possibly reach the outlying places in time for the days already fixed by him for holding the elections.

You were engaged the whole of the evening of the 25th at the drill shed, where a civic function was held in honour of His Excellency. It is true you were good enough to say you would see me after the ceremony at the drill shed, but, learning from the Attorney-General between 11 and 12 p. m. that you still refused to sign the Order in Council, I immediately went over to the Princess Louise to tell the Returning Officer that the days fixed by him must be carried out, having previously informed him that an Order in Council would be obtained to extend the time for holding the polls at the outlying places. The matter seemed to me one of vital importance, and as the steamer was sailing at 12:30 p. m. of the 25th, and as that was the only steamer the Returning Officer could return on prior to the day fixed by him for the first poll at Rivers Inlet, I was very solicitous about having the matter arranged so that no hitch would happen in the election then pending. From the C. P. N. wharf I telephoned to Government House and was informed that you had gone to the steamer with

His Excellency, and as I was detained some little time waiting for the Returning Officer to come down, it got to be after midnight, and, taking into consideration the very long day you had gone through, I considered I would be trenching too much on Your Honour's good nature to attend again at Government House, which I could not possibly reach till well towards 1 a. m. I regret exceedingly the incident of my non-attendance, and desire to assure you that it has always been my desire to accord you every courtesy, on account of your high official position.

Your Honour refers to the advice given with reference to the payment of $750 to the Woman's Hospital at New Westminster as a "perversion of the fund." A strong term clearly, and one that should not have been used without careful consideration and an absolute assurance of its accuracy.

Let me recall the facts to Your Honour's notice. I informed Your Honour, in the presence of the then Attorney-General, that during the late session of the House a deputation of ladies of charity from New Westminster had waited upon the Executive and requested aid for the relief of poor sick women cared for in the Woman's Hospital at that place. Believing that a good deal of good had been done by the ladies in charge of the hospital in relief given to the poor sick, and more good would and could be done if financial aid were given, and taking into consideration that there is no woman's ward in the public hospital there, the Executive promised assistance from out of the fund voted "in aid of the destitute sick and poor." Accordingly Your Honour's sanction was asked for the payment of $750 for such purpose. If to apply $750 out of a fund voted generally in aid of "destitute, poor and sick," for the purpose of relieving poor sick women be a perversion of the fund, I confess I am not ashamed of such a perversion, but I do not believe, and I am advised that it is not a perversion, but, upon the contrary, a lawful appropriation of the fund. If I and my colleagues have advised misappropriation of public funds in this instance, we have also committed a similar error in the cases of Greenwood City, Rossland and New Denver, where there are no public hospitals, but where the poor sick are cared for in private hospitals and paid for out of this fund. May I take the liberty of asking Your Honour who advised in this matter, and was your adviser a person responsible to the people for advice tendered? If not, was it either a dignified or proper course for Your Honour to seek official advice from non-representative or non-responsible sources, behind the backs of and without the knowledge of your responsible ministers?

Permit me to recite the opinion of Sir Oliver Mowat in a somewhat similar case. Not a lawyer in Parliament has challenged this opinion:

"An Order in Council of 21st May last authorised the payment to the Quebec and St. John Railway of $8,000, in order to further encourage the operations of the Company in the promotion of immigration, which the Order in Council recites had in the past proved of great value, and by an Order in Council of 15th July it was provided that this payment should be made a charge upon the vote for general immigration purposes.

"Upon the passing of the latter Order in Council, a cheque for the amount of the grant was issued against the vote referred to.

"The Auditor-General previously to such cheque being issued had pointed out what he conceived to be objections to the proposed payment, and at his suggestion the matter was referred to the Treasury Board.

"Under the circumstances you ask my opinion, as Attorney-General, under section 32 (*a*) of the Consolidated Revenue and Audit Act as to whether there is, or is not, parliamentary authority for the proposed payment.

"The Auditor-General states his objection in his letter to you of the 4th ultimo, as follows:—

"'1. There was no legal obligation, because the Government never authorised the expenditure before it was made, was never even applied to for authorisation, or notified that the expenditure was about to be made.

"'2. There was no moral obligation. The Company could have no reason to expect that it would be reimbursed any portion of the outlay, because it was made with the expectation that the benefit to the Company's business would repay the outlay.'

"The sole question with which I have to deal in this report is the question of law, whether under the section of the Consolidated Revenue and Audit Act above referred to there is 'parliamentary authority' for the payment.

"The 'parliamentary authority' is the vote for 'immigration expenses.'

"I think that the Government may expend this vote for 'immigration expenses' in such manner as they may think best adapted to promote immigration. The question then becomes one of policy for the Government to consider, and for which the Government is responsible to Parliament. I see no reason why they may not, as a matter of law, grant out of the vote for immigration expenses a reward for past meritorious, useful work, or a subsidy to encourage future work, if they think such a grant or subsidy would be promotive of immigration, and I think that their action therein is subject only to their answerability to Parliament.

"I am, &c.,

"O. MOWAT, M. J.

"*The Secretary, Treasury Board.*"

This takes me down to the interview of the 2nd of August which Your Honour describes as long and unpleasant, at which you say the then Attorney-General advised that "failing of sanction to certain warrants, which were warrants dealing with usual routine matters," that under and by virtue of section 41, sub-sections (*a*) and (*b*), of the Revenue Act, the warrants could be issued on his own recommendation. The section reads as follows:—

"41. No money warrant shall issue except upon the certificate of the Auditor that there is parliamentary authority for the expenditure, save only in the following cases:—

"(*a.*) If upon any application for a warrant the Auditor has reported that there is no parliamentary authority for issuing it, then, upon the written opinion of the Attorney-General that there is such authority, citing it, the warrant may be issued, and shall be sufficient authority to the Auditor to authorise the payment out of the Treasury to the amount so ordered to be expended.

"(*b.*) If any public work or building require an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently and immediately required for the public good, then, upon the report of the Minister of Finance that there is no parliamentary provision, or that the vote is expended, or upon the report of the Minister having charge of the particular service in question that the expenditure is necessary, the Lieutenant-Governor in Council may order a Special Warrant to be issued for the amount estimated to be required, and the issuance of such warrent shall be sufficient authority to the Auditor to authorise the payment out of the Treasury to the amount so ordered to be expended or paid."

Why were we there? Because Your Honour had refused to sign the warrants we had placed before you. Your Honour says the Attorney-General was of opinion the warrants could be paid without your signature. Why did we go to you to ask you to sign them? Such an opinion was not given by the Attorney-General. Is it not the very truth that we went to see you in your office at the Government Buildings because you had informed the Auditor-General a short time before that there was no necessity for you to sign warrants for sums already voted by Parliament, and that it was never done at Ottawa.

Your Honour states that you had batches of warrants sent up to you fastened together in the manner in which you had been instructed that your signature on the last sheet would cover the preceding sheets; that a large number so fastened together you inspected individually before signing the last sheet and found, to your surprise, inserted therein in different places, six or seven warrants in blank; that you have waited for information in regard to or some enquiry about these warrants in blank, but none has ever been forthcoming.

Possibly you have not made yourself acquainted with the manner of procedure with respect to what you term warrants; they are requisitions, and the system is such that if by chance, among a large number of sheets, a blank one got in, it could be of no use, and I should hardly think it possible that Your Honour would sign a blank sheet.

These requisitions before being passed by the Executive are examined and checked off by the Auditor-General, and they are all numbered, and the amount where not finished on one sheet carried forward to the next and added up. It is this final sheet that should be signed by Your Honour, but in addition all these blank requisitions are enclosed in a folder, and on this a memorandum from the Minister of Finance, with a list of all the requisitions that are enclosed, with the number of each, also the number of the vote under which they are paid, and the amount of each.

The memorandum is signed by the President of the Council, and subsequently by Your Honour, and is the Order in Council authorising the amounts as set forth on it to be paid. No other requisitions can be paid save such as appear in this Order.

The following is a copy of one of such Orders:—

On a memorandum, dated the 17th day of May, 1898, from the Honourable the Minister of Finance, submitting the following requisition:

SCHEDULE A.

1141 II. Civil Government salaries vote No. 20, Tunstall, $40.00.
1167 Civil Government salaries vote No. 20, Bowron, $44.00.
1165 V. Public Institutions, No. 50, Tunstall, $786.94.
1170 VII. Ad. of Justice, No. 75, Wellburn, $175.40.

SCHEDULE C.

112 Advance to sub-accountant (Robson), $6,000.00.

The Committee advise approval
President of the Executive Council.
Approved May 21.
Lieutenant-Governor.

On the return of the parcels of requisitions and Order signed by Your Honour it goes to the Auditor-General. If any requisitions that complied with the Order in Council were short, the Auditor-General would report, but seeing that they must correspond with the memorandum that accompanies them, and none can be paid that do not appear on that memorandum; further, that a blank requisition would be useless, I fail to see the point of Your Honour's remarks on this subject.

The allegation in general terms "that you continually found Orders in Council which you had refused to sign returned to you thrust in with Orders on routine business," contains such an inuendo and suggestion as to make it obvious that Your Honour was but striving after a reason to warrant Your Honour's unparalleled course of procedure, and that you did not hesitate to seek justification therefor at the expense of the character of your Ministers regardless of the facts.

I content myself by saying that in no single instance was there even a thought of, let alone an attempt at, such a course as Your Honour, without definitely alleging it, would fain induce the people to infer.

In conclusion, I have only to congratulate Your Honour upon recognising, though tardily, that your action in dismissing your Ministers was as arbitrary as it was unwarranted, although I cannot congratulate Your Honour upon the attempt to cover retreat by endeavouring to fasten upon my colleagues and myself charges as untrue as they are base.

Had Your Honour succeeded in carrying out your original intention, the fiction of responsible government in British Columbia would have been at an end, and the will of the people of as little moment in affairs of state as that of subjects under an autocratic despotism.

I sincerely trust that no ill may arise from the awakening which must follow such an act, and all evil consequences may be happily averted.

I have the honour to be,
Sir,
Your obedient servant,
J. H. TURNER.

VICTORIA, B. C.:
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