

## THE NEW MINISTRY.

On the order of the day being called,

Mr. BLAKE rose and moved that a writ be issued for the election of a member for West Middlesex in the room of Alexander Mackenzie, who had accepted an office under the Crown, namely, that of Secretary and Registrar of the Province. In making this motion he said he was charged by His Excellency yesterday afternoon after the adjournment with the task of forming an Administration. He had discharged that duty to a certain extent, and so far that, under the present circumstances, he thought it was more respectful to the House, and more convenient for members, and that the announcement of what had been done should be made to-day. He himself was able to make that announcement because His Excellency had been pleased to agree that he should be sworn in as a Member of the Council without a departmental office, and he had accepted no office of profit under the Crown. His seat, therefore, was not vacant. He believed, however, that he would be acting more in accordance with the spirit of the constitution if he gave his constituents an opportunity of pronouncing upon the step he had taken, and therefore the last act he would perform before the adjournment would be to resign his seat, so that his constituents would have an opportunity of passing a verdict upon his course. He had succeeded in filling the following offices:—The office of Secretary and Registrar by Mr. Mackenzie; the office of Commissioner of Public Works and Agriculture by Mr. McKellar; and that of Attorney-General by Mr. Crooks. Negotiations were in progress for filling the other two seats, but he would follow the example of the member for Cornwall when he formed his Administration in 1867, and take that time to complete the Cabinet that he thought the public interests required; so that an Administration should be formed which would command the confidence of the country. In the present incomplete state of the Administration he thought it unnecessary to say anything further than that he concluded it to be in the interests of the House to adjourn as early as possible. He proposed to ask a vote of credit as the Government had done last year, in order that the affairs of the Government might be carried on during the holidays.

Hon. J. S. MACDONALD said that as far as he and his friends were concerned, courtesy, to the fullest extent, would be shown to the new Government. But he must say that the position taken by Mr. Blake was highly unconstitutional. That gentleman had asked the House to forego one of its rules, and adjourn before a Ministry was completed. This was an outrage upon the House. The country wanted to know on what policy the new Ministry had agreed, and what they were going to do with the surplus, the Municipal Loan Fund, and other subjects. He held moreover that it was perfectly unconstitutional for Mr. Blake to advise the Lieutenant Governor to swear in six members in his Cabinet. Mr. Macdonald then read from the Confederation Act, for the purpose of showing that there should be only five members in the Ontario Cabinet, namely,—The Attorney-General, the Secretary, the Treasurer, the Commissioner of Crown Lands, and the Commissioner of Public Works. He went on to argue that there could not be a sixth Minister, unless this House passed a law to that effect. He contended that Mr. Blake ought to have boldly taken his seat as a member of the Executive, and have asked the House to attach a salary to the new office. He concluded by saying that he and his party did not wish to hurry the new ministry in making their arrangements, and would give them a week for that purpose.

Hon. Mr. CAMERON said that it was contrary to all constitutional precedent to give a Government a vote of credit without having its legal complement of members. He scarcely thought that the House would accede to the proposition of the new Ministry. The side to which he belonged would find the true advocates of the rights of the people.

Mr. CUMBERLAND wished to know in what capacity the member for South Bruce appeared in the House to-day, whether as a private member or as a Minister of the Crown. If the latter, he thought he had vacated his seat and should go to the country. He went on to enquire why the member for Welland, or the member for Lambton, or Hamilton, or South Oxford was not taken into the new Cabinet? Why was the new member for West Toronto taken in, while those who had borne the burden and heat of the day were passed by?

Mr. PRINCE replied briefly to some remarks of the member for Cornwall in reference to him.

Mr. CLARKE (Grenville) said if the member for South Bruce desired more time to form his Ministry, the House should grant him every indulgence in that respect. He (Mr. Clarke) however, objected to the course that gentleman had taken. He did not know a single precedent in Parliamentary practice that would justify that course. He had grave doubts whether the House should grant a vote of credit under the circumstances. He thought the demand unreasonable and unjust. He was of opinion that it was unconstitutional for an additional member to hold a seat in the Cabinet without office.

Mr. BOULTBEE said he did not understand the member for South Bruce to say that he would not announce the full Cabinet before the adjournment. He thought that quite a justifiable course. He had stood up for fair play to the late Government, and he liked to see the new Government get fair play also.

Hon. J. G. CURRIE argued that the Crown had the right to call to its councils any member it pleased, and there was nothing in the Confederation Act to limit that right. That act stated that the Executive Council shall be composed of such persons as the Lieut. Governor shall from time to time deem fit. But at the formation of the Government there should not be less than five. The position of the member for South Bruce was this—He came before the House to-day as Premier of Ontario, with a place at the Executive Council, but not holding an office of emolument.

Hon. Mr. RICHARDS said there could be no objection to the issue of the writs. He argued that it was the duty of the gentleman entrusted with the task of forming a new Cabinet not to come to the House and ask for supplies until he could announce a full Cabinet. The five offices should first be filled, at any rate, before a sixth member was added to the Council. That was in accordance with the spirit of the Act. He objected to granting any supply until a complete Government was announced. He thought the regular course should be to ask the House to adjourn till to-morrow.

Mr. BLAKE said it would have been much pleasanter to his own feelings, and would probably have relieved him of some difficulties in the discharge of the onerous task which he felt he had undertaken, if he could have postponed the announcement which he had made to a later period. He was not prepared in the slightest degree to accede to several of the arguments of gentlemen opposite. He believed that it would be found that as a rule, Administrations had been formed in England in an incomplete state at first, some considerable time elapsing before a full Cabinet was formed. It was at least a convenient course and one in which he had followed the precedent of the member for Cornwall.

Hon. J. S. MACDONALD.—There was no House sitting then.

Mr. BLAKE said that did not affect the constitutional question; if it was constitutional then it could not be unconstitutional now. The process of forming an Administration was necessarily a matter of time. He was anxious upon this occasion to do what he thought would be the fairest course, and the course most consonant with the wishes of the House. He knew how anxious members were to return to their homes, and he took, what he was quite aware, was a course that gentlemen opposite would attack, but which he thought would best serve the convenience of the House. If it was the pleasure of the House to adjourn from day to day till his arrangements were completed, he should be quite pleased. But he would tell the gentlemen opposite that their implications and insinuations would not, in the slightest degree, hurry him in the discharge of his duty. Hon. gentlemen opposite expected him, who was only called in at half-past four, to have his Ministry complete, and yet it took them many days to complete their Cabinet. Under these circumstances he would not be asking what was unreasonable, if he asked for the time which he considered necessary. He was not at all ashamed of having been so open with the House as he had been. He had told the House plainly how far he had got. He could not say at what time he would be able to announce the completion of the Administration. It would be for the House to consider what course they would take with reference to the business to be brought forward. He proposed, after his motion was disposed of, to take the first step towards forming a new

the Supply. He proposed at the same time to continue his efforts to complete that which he had undertaken, and he would be willing to wait here just as long as it pleased the House, whose convenience he wished to consult. His own course had been attacked, and attacked upon very inconsistent grounds. The member for Cornwall had argued that it was unconstitutional to add to the number of the Executive Councillors, while the member for East Toronto had attacked his course on the ground that it was not competent for an incomplete Administration to advise His Excellency in any respect. That doctrine was not correct, and there were many cases to prove it. It was argued that he was not responsible because he did not hold a Departmental office. That was a confusion of ideas. His responsibility as a Minister of His Excellency depended not upon his holding any Departmental office, but upon his being a member of His Excellency's Council. In the Maritime Provinces, with constitutions similar to ours, it was quite customary to have two or more members of the Executive Council who did not hold portfolios. The policy of that act might be attacked, and he was prepared to defend it at the proper time, but this was not the time. He believed it was a legal act, and perfectly regular. The Constitution empowered the Lieutenant Governor to increase the number of Executive Councillors. He had also the power to appoint other officers to the heads of Departments if he chose. After the motions for the issue of writs were passed, he would ask the House to take steps towards Supply, and they could proceed with as much rapidity as they pleased.

Hon. J. S. MACDONALD moved that the motion be amended by adding the following words—"That whilst the House cheerfully agrees to the motion for the issue of a writ for the election of a member to represent the West Riding of Middlesex, it cannot help but regard the appointment of the Member for South Bruce to a seat in the Executive Council of this Province, as announced by himself in his place in this House without a portfolio, thereby increasing the number of the said Council beyond that prescribed by the 63rd section of the Confederation Act, and before such increase is sanctioned by legislative authority, as an infraction of the constitution and a violation of the rights of the people of this Province."

Hon. Mr. RICHARDS seconded the amendment.

He contended that the addition of a member to the Executive Council, without a portfolio, was a violation of the Constitution.

Hon. M. C. CAMERON argued that the Lieut. Governor had no right, under the Constitution, to appoint an executive officer, such as Mr. Blake now was. He said that the motion by Mr. Sandfield Macdonald was not at all a factious one; for when the new Government was formed, this side of the House would give them fair play, and would not attack them behind their backs. But this side of the House desired to know what policy the new Government were prepared to submit to the country.

Hon. Mr. CURRIE would vote against the amendment of the member for Cornwall, because it did not state the facts of the case. The honourable member for South Bruce did not say that he intended to increase the Executive. He (Mr. Currie) knew of nothing that limited the number of

the Executive to five, and constitutional history furnished no precedent for limiting the Sovereign in the choice of advisers. Complaints had been made as to the Ministry not having been formed. But Mr. Blake had only been called in yesterday afternoon. At no time in English history within the last half century, had a Ministry been formed in twenty hours or even in three weeks. In 1834 the Duke of Wellington did not form a Ministry for three months; and he and Lord Lyndhurst carried on the Government in the meantime. (Hear, hear.)

Dr. BOULTER had no objection to the issue of the writ for West Middlesex, but he wished to know how many members Mr. Blake intended to have in his Ministry.

It now being six o'clock the House rose for recess.

After recess.

Mr. McCALL resumed the debate. He said that the member for South Bruce had departed from the procedure laid down in the B. N. A. Act, as to the number of heads of Departments. He was very sorry that such a course had been taken. But he would be pleased if the late Attorney-General would withdraw his amendment, on condition that the member for South Bruce would give his views as to any proposed increase in the number of the Executive.

Mr. BLAKE said his proposal was that there should be five heads of Departments, and that, he being sworn into the Executive Council, should be of that Council, without a Department at all, and without any emolument. There was to be no increase in the Executive Council, or in its functions.

Mr. SEXTON could not take the same views of the B. N. A. Act as did Mr. McCall. He considered that five members was the lowest number that could be sworn in, according to that Act, but that there was no restriction beyond that number. He ventured to say that Mr. Blake's time would not afford the calls which might be made on it, if he were head of a Department.

Mr. CLARKE, of Grenville, said that there might seem to be an element of unfairness in the amendment proposed by Mr. J. S. Macdonald; and rather than that imputation should be thrown out, he would vote against the amendment. He still thought that the course pursued in the creation of a sixth office was unconstitutional, but he was not disposed to place any further obstacle in the formation of a new Cabinet. (Hear, hear.)

Mr. H. S. MACDONALD (Leeds) said he had come to the same conclusion, although he did not see the propriety of adding to the number of the Executive Council.

Hon. Mr. RICHARDS said he would support the amendment. He had no hesitation in saying that a Government of five in a House of eighty-two members was not large enough, but no increase should be made without the sanction of the Legislature. He thought the House should adjourn for a reasonable time when the member for South Bruce could be prepared to announce the full Cabinet.

Mr. DEROCHE said he was not well versed in the constitutional practice, but if he made a mistake he preferred to err on the side of fair play. He would therefore vote against the amendment.

Mr. BLAKE thanked the gentlemen opposite for the spirit of fair play which had characterised their remarks in respect to the course they would pursue with regard to the amendment proposed by the member for Cornwall. The terms in which that gentleman had proposed his amendment were very unsatisfactory, but this was not the time, nor the place, which to combat the remarks of the member for Cornwall. In matters of constitutional doubt he would always refer to English precedent. He found that it was usual in England, both among Peers and Commoners, to sit in the Cabinet without having a portfolio. In 1851 this was the case with the Marquis of Lansdowne, as well as Lord John Russell, and in 1855-56 it was the case with the latter nobleman. He read the British North America Act differently from gentlemen opposite; and he considered that it did not limit the Lieut. Governor's prerogatives as to the choice of his Cabinet, or as to its numbers. He held that for Legislative, though not for Departmental purposes, it was necessary, in this single chamber, that there should be an additional member of the Executive. If this House was prepared to say it was not proper that the Government should not be strengthened by the addition of a sixth person—which he considered to be an important part of his policy—he would be prepared to take the consequences. What was he accused of? Not of infringing the rights of Parliament, but while his colleagues were absent it was proposed to condemn him upon this question of policy. That was the specimen of the fair play, the generous dealing, the manly Opposition he was to expect from the member for Cornwall. His act was subject to the judgment of the Legislature, at the proper time. With these few observations he would without hesitation call upon the House for a decisive verdict against the amendment of the member for Cornwall.

Hon. J. S. MACDONALD said he had often stood alone on the floor of Parliament. He was not prepared to abandon his opinion if he was left alone.

The House then divided on the amendment of Hon. J. S. Macdonald, which was lost by yeas 12; nays 50.

YEAS:—Messrs. Boulter, Cameron, Carling, Code, Corby (Craig Glengarry), Craig (Russell), Cumberland, Graham, Macdonald (Cornwall), Monteith, Richards—12.

NAYS:—Messrs. Barber, Baxter, Blake, Boulthée, Christie, Clarke (Wellington), Clark (Norfolk), Clarke (Grenville), Clemens, Cook, Crosby, Currie, Dawson, Deacon, Deroche, Fairbairn, Farewell, Finlayson, Fitzsimmons, Galbraith, Gibbons, Gibson, Gow, Guest, Harrington, Hodgins, Macdonald (Leeds), McCall (Norfolk), McKim, McManus, Merrick, Oliver, Pardee, Patterson, Paxton, Perry, Prince, Robinson, Rykert, Scott (Grey), Sexton, Sinclair, Smith, Springer, Webb, Williams (Durham), Williams (Hamilton), Wilson, Wood (Sarat.) Wood (Victoria)—50.

The main motion was then carried unanimously.

Mr. BLAKE moved, seconded by Mr. PARDEE,—That writs issue for new elections for Bothwell (Mr. McKellar), and West Toronto (Mr. Crooks). Carried unanimously.

Mr. SPEAKER read a message from His Excellency submitting to the House estimates of certain sums required for the services of the Province until the final esti-

Mr. BLAKE moved that when the House meets to-morrow it take into consideration the speech delivered by His Excellency at the opening of the session. Carried. Mr. Blake stated that at the earliest practicable moment he would submit the names of the new Cabinet to the House and country. He had a confident hope of being able to complete arrangements to-morrow (hear, hear), but he could not give a decided promise on the subject.

Hon. J. S. MACDONALD said that now as the House had decided that there should be an increase in the Cabinet, he hoped there would be no difficulty in forming a Cabinet, and his side of the House would give the full measure of aid.

Hon. Mr. CAMERON said that if Mr. Blake had stated at the outset that his Cabinet would be filled to-morrow, there would have been no discussion.

Mr. BLAKE said he did not give a confident promise that the Cabinet would be formed to-morrow. Negotiations had been going on for that purpose even during the course of the debate. But he hoped soon to have fair play, and after the vote just given neither the member for Cornwall nor the member for East Toronto should hurry him. Mr. Blake then moved the adjournment of the House.

The House adjourned at ten minutes to nine o'clock.