



# The Evolution of Canada's Constitutional Monarchy

## The King-Byng Affair, 1926

- Mackenzie King's Liberals had come to office in December of 1921 (party standings: Liberals 117, Progressives 65, Conservatives 50, Labor 2, and Independent 1), but had been unable to achieve a majority because the Western provinces had supported a third party which promised reforms demanded in the West.

*A MINORITY government is the party with the most seats, but commands less than 50%, in the House of Commons. The other (opposition) parties could unite and defeat the government at any time.*

- Despite its minority position, the King government stayed in power until 1925 particularly because the Progressives continuously supported them. An election was called by King for October 29, 1925, under the pretext that the government lacked "a clear majority" and could not dispatch certain important business. The voters responded poorly to the appeal of the government. The results were: Conservatives 116, Liberals 101, Progressives 24, Labor 2, Independents 2. **Prime Minister King remained in power under a Liberal-Progressive alliance.**

*In Canada's parliamentary democracy, the prime minister remains in power as long as he/she retains the CONFIDENCE of the House of Commons.*

- Three courses of action were open to Prime Minister King (who had suffered personal defeat): 1) resignation; 2) immediate dissolution of the newly elected Parliament; 3) meeting the House of Commons to see if it would give him its confidence. King chose the third course of action and the government that he led was repeatedly sustained in the House of Commons in the early months of 1926.
- In the spring of that year, the Conservatives unearthed a serious scandal in the Customs department. A House Committee investigated the matter and, after the report was presented to the House, a Conservative member, H.H. Stevens, presented a motion that amounted to a vote of non-confidence in the government.
- Under the circumstances, King was losing the support of the Progressives and asked the Governor-General, Lord Byng, to dissolve Parliament. The Governor-General refused. Shortly



after, King presented an Order in Council dissolving Parliament for the Governor's signature. He refused to sign it. The prime minister then resigned and Byng asked Arthur Meighen (a Conservative) to form a government.

- When the House met the Progressives initially supported the new government but five days later the Conservative Government was defeated on a motion that questioned the legality of the government. Meighen asked for a dissolution of Parliament which he received. The election which followed was fought over: 1) the legality of the Meighen government; 2) the position that the Governor-General had taken in refusing the advice of his Council.
- Whatever the constitutional issues involved, the Canadian people blamed the Governor-General and Meighen, and King was returned to office (Liberals 128, Conservatives 91, Progressives 30, Others 6). The Canadian people had vindicated King who had claimed that Meighen and Byng had acted improperly and had undermined responsible government in Canada.
- The electoral decision might have been politically wise but it was constitutionally unsound. The Governor-General might not have acted wisely but there is no doubt that he had the right, given the circumstances, to refuse to follow King's advice. It is one of the royal prerogatives that, given certain circumstances such as those under discussion here, the Crown can refuse to follow the advice of the Cabinet to dissolve Parliament and can choose an individual who has a reasonable chance to be supported by the House to lead the government.

The issue led to the clarification of the powers of the Governor-General and ultimately to the passing of the Statute of Westminster.

(based on a note by Claude Bélanger, Marianopolis College)

Governor General Lord Byng of Vimy (1921-1926)

