



# The Evolution of the Canadian Crown

## The King-Byng Affair, 1926

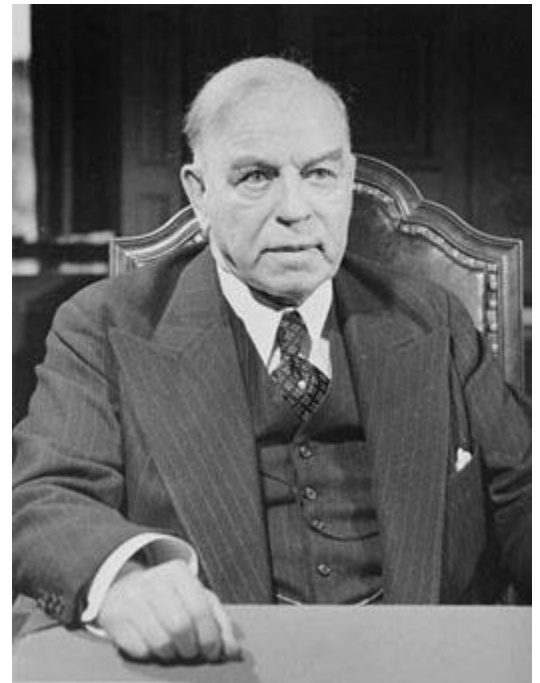
- Liberal Prime Minister Mackenzie King came to office in 1921 with a weak **majority government** (one that held the confidence of most of the members of the House of Commons, but whose control fluctuated with defections and by-elections and, at times, could be defeated if all the opposing parties voted against it).
- Hoping for a strong majority government (50% + 1 of the total seats in the House of Commons) Prime Minister King asked Governor General Julian Byng, 1st Viscount Byng of Vimy, to dissolve Parliament and call an election in 1925. The results were as follows:
  - Conservative Party (115)
  - Liberal Party (101) \*Prime Minister King lost his seat, but remained the leader of the party.
  - Progressive Party (24)
  - Labour Party (2)
  - Independents (2)



Julian Byng, 1st Viscount Byng of Vimy, was a very popular governor general. During the First World War, Byng was as commander of the Canadian Corps at Vimy Ridge.

- The Governor General agreed that King could meet Parliament and see if he could continue to govern with the support of the Progressives or other parties. In the end, a government was formed comprised of the Liberal's 101 with the support, for the most part, of the Progressive's 24 members. Remember: a prime minister always has the right to meet Parliament after an inconclusive election. It is for Parliament to determine who will govern (which party can hold the confidence of the legislature) – **Canadians do not elect prime ministers or governments, rather they elect a Parliament.**
- The government was able to retain the confidence of the House for a few months until a scandal emerged which implicated the Liberal-led government. The Conservative Party (acting as the official opposition) proposed a motion of censure of the government which was to be debated and which the government would surely have lost, leading to a vote of non-confidence.

- No longer able to command the confidence of the House and presuming that his government would be defeated, Prime Minister King asked the governor general to dissolve Parliament and call a new election. It is worth noting that King asked the governor general to consult the British government for an opinion of how to proceed, but Byng refused stating that it was not appropriate to involve London in domestic Canadian politics.
- The governor general felt that the Conservatives should have an opportunity to see if they could command a majority as previously agreed after the election. Prime Minister King resigned, and the governor general appointed Arthur Meighen as his prime minister.
- At that time in Canada, ministers had to resign after their appointment to Cabinet and seek office in a by-election presenting themselves to the voters as a Minister for reconfirmation. Meighen resigned as an MP after appointment as prime minister but appointed only acting ministers which was the subject of the of the confidence vote on which he was defeated, by one vote: his own.
- Governor General Byng consented to Meighen's request for dissolution, producing fresh elections and the restoration of Mackenzie King as prime minister.
- The incident raised questions about the role of the governor general and the circumstances under which the prime minister's advice could be rejected. It also called into question the governor general's political judgement as to whether a Meighen government could receive the confidence of the House of Commons. The incident also was troubling as there was concern that King was trying to use dissolution to avoid a vote of non-confidence. These issues continue to be debated today. Many of the same issues arose in 2008 during the Prorogation Crisis.
- After the incident, the Balfour Declaration was adopted, emphasizing the independence of the governor general from the British Government and leading ultimately to the adoption of the Statute of Westminster (1931) which formally gave Canada independence from the United Kingdom. In addition, the requirement for ministers to resign as MPs and run in by-elections after being appointed was abolished in 1931.
- Lord Byng left Canada at the end of the usual five years which governors general have served after re-appointing King as prime minister following Meighen's electoral defeat. While there was Canadian input in the appointment of future governors general, it was not until 1935 that a governor general was proposed by Canada without British involvement.



William Lyon Mackenzie King

## The Balfour Report, 1926

This report by the British Government's Inter-Imperial Relations Committee was a reaction to a push for more autonomy by the self-governing members of the British Empire (led by South Africa). The report recommended that the Governor General should strictly represent the Crown as something separate from the British Government and therefore only be advised by the prime minister in each dominion.

## The Statute of Westminster, 1931

This act of the British Parliament was Imperial government's answer to the Balfour Report. The act declared the governments of the dominions (Australia, New Zealand, South Africa, Newfoundland and Canada) equal with, and separate from, that of the United Kingdom. The governor general now represented a legally distinct Canadian Crown rather than the British government. The King's advice concerning the governing of Canada would now come from Canadian ministers rather than from British.

It is important to note that the Canadian Government was already operating under the recommendations of the Balfour Report before the Statute of Westminster (1931) was passed. Lord Willingdon had been recommended to King George V as governor general in 1926 by the Canadian prime minister (after consulting with his British counterpart).



The Sovereign at the time of the Statute of Westminster was King George V

Every year Canada celebrates the anniversary of the Statute of Westminster on December 11<sup>th</sup>. The Royal Union Flag, commonly known as the "Union Jack," where physical arrangements allow, is flown along with the National Flag on federal buildings, airports, military bases and other federal buildings and establishments within Canada, from sunrise to sunset, to mark this day.

