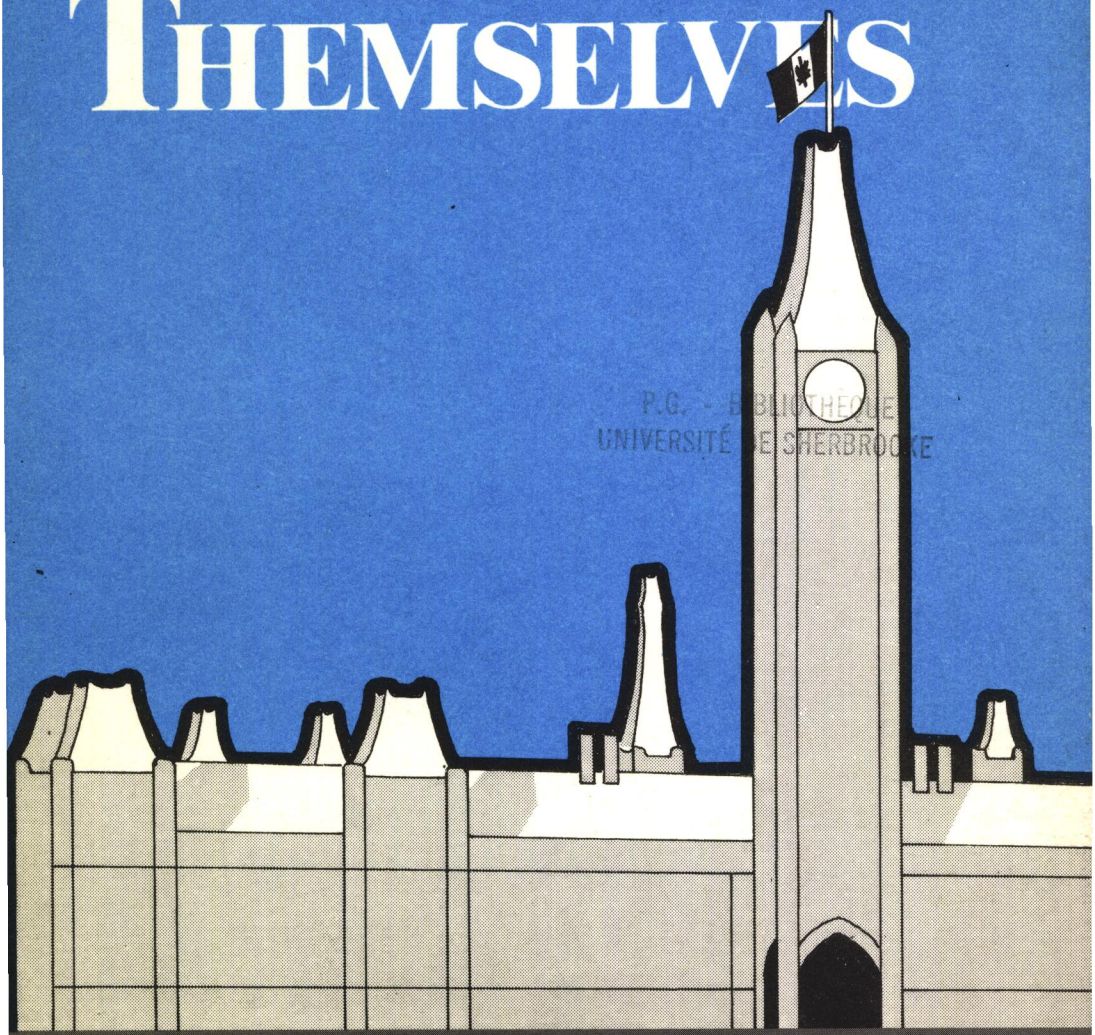
How Canadians govern themselves



HOW CANADIANS GOVERN THEMSELVES

Eugene Forsey

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Preface

This booklet is published by the Government of Canada in the interest of contributing to greater public understanding of the Canadian system of government, its origins, and how it operates. For purposes of this revised and updated publication, the author has adapted some material taken from an earlier edition, prepared by Joseph Schull and published under the same title, in 1971.

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Note on the Author

Senator Eugene Forsey is widely regarded as one of Canada's foremost experts on the country's Constitution.

Born in Grand Bank, Newfoundland, he attended McGill University in Montreal and studied at Britain's Oxford University as a Rhodes Scholar. He has also received numerous honorary degrees.

From 1929 to 1941, Senator Forsey served as a lecturer in economics and political science at McGill.

In 1942, he became director of research for the Canadian Congress of Labour (CCL) — a post he held for 14 years. From 1956 to 1966, he served as director of research for the CCL's successor, the Canadian Labour Congress, and from 1966 to 1969, as director of special project.

During most of his union career, he taught Canadian government at Carleton University in Ottawa and later, at the University of Waterloo. From 1973 to 1977, he served as chancellor of Trent University.

Senator Forsey ran for public office four times for the Co-operative Commonwealth Federation (CCF). In the 1930s, he helped draft the Regina Manifesto, the CCF's founding constitution.

Mr. Forsey was appointed to the Senate in 1970. He retired in 1979 at the mandatory retirement age of 75.

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Introduction

Governments in democracies are elected by the passengers to steer the ship of the nation. They are expected to hold it on course, to arrange for a prosperous voyage, and to be prepared to be thrown overboard if they fail in either duty.

This, in fact, reflects the original sense of the word "government," as its roots in both Greek and Latin mean "to steer."

Canada is a democracy, a constitutional monarchy. Our head of state is the Queen of Canada, who is also Queen of Britain, Australia and New Zealand and a host of other countries scattered around the world from The Bahamas and Grenada to Papua-New Guinea and Tuvalu. Every act of government is done in the name of the Queen, but the authority for every act flows from the Canadian people. When the men who framed our present Constitution, the Fathers of Confederation, were drafting it in 1867 they freely, deliberately and unanimously chose to vest the formal executive authority in the Queen, "to be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Queen." That meant responsible government, with a cabinet responsible to Parliament and Parliament answerable to the people. Except when the Queen is in Canada, all her powers are now exercised by her representative, the Governor General. The Governor General, who is now always a Canadian, is appointed by the Queen on the advice of the Canadian cabinet and, except in very extraordinary circumstances, exercises all powers of the office on the advice of the cabinet (a council of ministers) which has the support of a majority of the members of the popularly-elected House of Commons.

Canada is not only an independent sovereign democracy, but is also a federal state, with 10 largely self-governing provinces and two territories controlled by the central government.

What does it all mean? How does it work?

The answer is important to every citizen. We cannot work, or eat, or drink; we cannot buy or sell or own anything; we cannot go to a ball game or a hockey game or watch TV without feeling the effects of government. We cannot marry or educate our children, cannot be sick, born or buried without the hand of government somewhere intervening. Government gives us railways, roads and airlines, sets the conditions that affect farms and

industries, manages or mismanages the life and growth of the cities. Government is held responsible for social problems, and for pollution and sick environments.

And government is our creature. We make it, we are ultimately responsible for it, and, taking the broad view, in Canada we have considerable reason to be proud of it. Pride, however, like patriotism, can never be a static thing; there are always new problems posing new challenges. The closer we are to government, and the more we know about it, the more we can do to help meet these challenges.

This publication takes a look at our system of government and how it operates.

Parliamentary government

Its origins

Nova Scotia (which, till 1784, included what is now New Brunswick) was the first part of Canada to secure representative government. In 1758, it was given an assembly, elected by the people. Prince Edward Island followed, in 1773, New Brunswick at its creation in 1784, Upper and Lower Canada (the predecessors of the present Ontario and Quebec) in 1791, Newfoundland in 1832. Nova Scotia was also the first part of Canada to win *responsible* government: government by a cabinet answerable to, and removable by, a majority of the assembly (January 1848). New Brunswick followed in February, the Province of Canada (a merger of Upper and Lower Canada formed in 1840) in March, Prince Edward Island in 1851, and Newfoundland in 1855.

By the time of Confederation in 1867, therefore, this system had been operating in most of what is now Central and Eastern Canada for almost 20 years. The Fathers of Confederation simply continued the system they knew, the system that was already working, and working well.

For the nation, there was a Parliament, with a Governor General representing the Queen, an appointed upper house, the Senate, and an elected lower house, the House of Commons. For every province, there was a legislature, with a lieutenant-governor representing the Queen; for every province except Ontario, an appointed upper house, the legislative council, and an elected lower house, the legislative assembly. The new Province of Manitoba, created by the national Parliament in 1870, was given an upper house. British Columbia, which entered Canada in 1871, and Saskatchewan and Alberta, created by Parliament in 1905, never had upper houses. Newfoundland, which entered Canada in 1949, came in without one. Manitoba, Prince Edward Island, New Brunswick, Nova Scotia and Quebec have all abolished their upper houses.

The Parliament of Canada has only limited power to change the national Constitution. There are six things it cannot touch: (1) the powers of the provincial legislatures; (2) rights or privileges granted to a provincial government or legislature by the BNA Act, 1867, or its amendments; (3) the minimum rights guaranteed to the English and French languages by section 133 of the BNA Act, 1867; (4) the guarantees for denominational schools provided by the BNA Act, the Manitoba Act, 1870, the Saskatchewan and Alberta Acts, 1905, and the act of 1949 admitting Newfound-

land to Confederation; (5) the BNA Act requirement that there must be at least one session of Parliament every year; (6) the five-year maximum duration of a Parliament except that, in time of war, invasion or insurrection, real or apprehended, Parliament can prolong its own life, but only if two-thirds of the members of the House of Commons approve.

Provincial legislatures, on the other hand, can amend their own provincial constitutions in any way they see fit, except that they cannot touch the office of lieutenant-governor.

A word about provincial constitutions: only British Columbia has its own specific Constitution Act, and this does not cover the whole field. Each provincial constitution is made up of all the enactments — British, Canadian and provincial — dealing with the machinery of government. Some of these are to be found in the BNA Act (for example, the amendment of 1949 admitting Newfoundland).

In British Columbia and Prince Edward Island the basic document is a British order-in-council under the BNA Act. In the three Prairie provinces, it is the Canadian federal legislation creating those provinces. In all the provinces, the provincial constitution includes such provincial legislation as the Legislative Assembly Act, the Election Act, acts setting up various provincial courts, and so forth.

Of course the power to amend the provincial constitution is restricted to changes in the internal machinery of the provincial government. Provincial legislatures are limited to those powers explicitly given to them by the BNA Act and its amendments. So no provincial legislature can take over any powers belonging to the Parliament of Canada. Nor can any provincial legislature pass an act taking the province out of Canada. No such power is found in the BNA Act of 1867 or any of its amendments, so no such power exists.

When it comes to extending the life of a provincial legislature, the provinces have considerably more scope than the federal Parliament. Any provincial assembly can prolong its own life for as long as it sees fit.

The legislature of Manitoba prolonged its own life for a few months in 1908. The legislature of Ontario did the same in 1918 till after the return of the soldiers from overseas, and again, for a year, in 1942, and again for the same period in 1943. In 1942, the Ontario bill passed with virtually no opposition; in 1943 it passed in spite of vigorous opposition. In Saskatchewan in 1943, there was vigorous opposition, also, but the legislature extended its life for a year.

All of these acts were perfectly legal, but that doesn't mean there are no safeguards against a government or legislature prolonging its hold on the levers of power beyond the usual five years without compelling reason. The lieutenant-governor could always veto an extension bill; or he could "reserve" it for the Governor General's pleasure (that is, send the bill without assent to Ottawa, whereupon it would not go into force at all unless and until given assent by the Governor General on the advice of the federal cabinet). Or, even if the lieutenant-governor were to assent to the extension bill, the Governor General could disallow it — wipe it off the statute books — at any time within one year. Ordinarily, though, all it takes is the fear of outraged public opinion to prevent a provincial government from proposing an extension bill except in time of war or similar emergency.

How it operates

The Governor General and every lieutenant-governor governs through a cabinet, headed by a prime minister or premier (the two terms mean the same thing). If a general election, national or provincial, gives a party opposed to the cabinet in office a clear majority (that is, more than half the seats) in the House of Commons or the assembly, then the cabinet resigns, and the Governor General or lieutenant-governor calls on the leader of the victorious party to become prime minister and form a new cabinet. The prime minister chooses the other ministers, who are then formally appointed by the Governor General or, in the provinces, the lieutenant-governor. If no party gets a clear majority, the cabinet that was in office before and during the election has two choices. It can resign, in which case the Governor General or lieutenant-governor will call on the leader of the largest opposition party to form a cabinet. Or the cabinet already in office can choose to stay in office and meet the newly-elected House—which, however, it must do promptly. In either case, it is the people's representatives in the newly-elected House who will decide whether the "minority" government (one whose own party has less than half the seats) shall stay in office or be thrown out.

If a cabinet is defeated in the House of Commons on a motion of censure or want of confidence, the cabinet must either resign (the Governor General will then ask the leader of the Opposition to form a new cabinet), or ask for a dissolution of Parliament and a fresh election.

In very exceptional circumstances, the Governor General could refuse a request for a fresh election. For instance, if an election gave no party a

clear majority and the prime minister asked for a fresh election without even allowing the new Parliament to meet, the Governor General would have to say no. This is because, if "parliamentary government" is to mean anything, a newly-elected Parliament must at least be allowed to meet and see whether it can transact public business. Also, if a minority cabinet is defeated on a motion of want of confidence very early in the first session of a new Parliament, and there is a reasonable possibility that a government of another party can be formed, and get the support of the House of Commons, then the Governor General could refuse the request for a fresh election. The same is true for the lieutenant-governors of the provinces.

No elected person in Canada above the rank of mayor has a "term." Members of Parliament or of a provincial legislature are normally elected for not more than five years, but there can be, and have been, Parliaments and legislatures that have lasted less than a year. The prime minister can ask for a fresh election at any time but, as we have just noted, there may be circumstances in which he would not get it. The cabinet has no "term." Every cabinet lasts from the moment the prime minister is sworn in till he resigns or dies. For example, Sir John A. Macdonald was prime minister from 1878 till he died in 1891, right through the elections of 1882, 1887 and 1891, all of which he won. Sir Wilfrid Laurier was prime minister from 1896 till 1911, right through the elections of 1900, 1904 and 1908, all of which he won. He resigned after being defeated in the election of 1911. The same thing has happened in several provinces. An American president or state governor, re-elected, has to be sworn in all over again. A Canadian prime minister or premier does not.

When a prime minister dies or resigns, the cabinet comes to an end. If this prime minister's party still has a majority in the Commons or the assembly, then the Governor General or lieutenant-governor must find a new prime minister at once. A prime minister who resigns has no right to advise the governor as to his successor unless asked, and even then his advice need not be followed. If he resigns because he has been defeated, the governor calls on the leader of the Opposition to form a government. If the prime minister dies, or resigns for personal reasons, then the governor consults leading members of the majority party as to who will be most likely to be able to form a government that can command a majority in the House. He then calls on the person he has decided has the best chance. This new prime minister will, of course, hold office only until the majority party has, in a national or provincial convention, chosen a new leader, who will then be called on to form a government.

The cabinet consists of a number of ministers. The national cabinet now usually has 30 or more, and provincial cabinets vary from about 10 to 26. Most of the ministers have "portfolios," that is, they are in charge of

particular departments (Finance, External Affairs, Environment, Health and Welfare, etc.), and are responsible, answerable, accountable, to the House of Commons or the assembly for their particular departments. There are also, sometimes, ministers without portfolio, who are not in charge of any department; or ministers of state, who may be in charge of a particular section of a department, or of a "ministry," which is not a full-fledged department (for example, the Ministry of State for Science and Technology). The ministers collectively are answerable to the House of Commons or the assembly for the policy and conduct of the cabinet as a whole. If a minister does not agree with a particular policy or action of the government, he must either accept the policy or action, and, if necessary, defend it, or resign from the cabinet. This is known as "the collective responsibility of the cabinet," and is a fundamental principle of our form of government.

The cabinet is responsible for most legislation. It has the sole power to prepare and introduce tax legislation and legislation involving the expenditure of public money. These "money bills" must be introduced first in the House of Commons, and the House cannot *increase* either the tax or the expenditure. Money bills cannot be introduced in the Senate, and the Senate cannot increase either a tax or an expenditure. However, any member of either House can move a motion to *decrease* a tax or an expenditure, and the House concerned can pass it, though this hardly ever happens.

A federal state

A federal state is one that brings together a number of different political communities with a common government for common purposes and separate "state" or "provincial" or "cantonal" governments for the particular purposes of each community. The United States of America, Canada, Australia and Switzerland are all federal states. Federalism combines unity with diversity. It provides, as Sir John A. Macdonald, Canada's first prime minister, said, "A general government and legislature for general purposes with local governments and legislatures for local purposes."

The word "confederation" is sometimes used to mean a league of independent states, like the United States from 1776 to 1789. But for our Fathers of Confederation, the term emphatically did not mean that. French-speaking and English-speaking alike, they said plainly and repeatedly that they were founding "a new nation," "a new political nationality," "a powerful nation, to take its place among the nations of the world," "a single great power."

They were very insistent on maintaining the identity, the special culture, and the special institutions of each of the federating provinces or colonies. Predominantly French-speaking and Roman Catholic, Canada East (Quebec) wanted to be free of the horrendous threat that an English-speaking and mainly Protestant majority would erode or destroy its rights to its language, its French-type civil law, and its distinctively religious system of education. Overwhelmingly English-speaking and mainly Protestant, Canada West (Ontario) was still smarting from the fact that Canada East members in the legislature of the united Province of Canada had thrust upon it a system of Roman Catholic separate schools that most of the Canada West members had voted against, and wanted to be free of what some of its leaders called "French domination." For their part, Nova Scotia and New Brunswick had no intention of being annexed or absorbed by the Province of Canada, of which they knew almost nothing and whose political instability and incessant "French-English" strife they distrusted.

On the other hand, all felt the necessity of union for protection against the threat of American invasion or American economic strangulation (for six months of the year, the Province of Canada was completely cut off from Britain, its main source of manufactured goods, except through American ports), and for economic growth and development. So the Fathers of Confederation were equally insistent on a real federation, a real

"Union," as they repeatedly called it, not a league of states or of sovereign or semi-independent provinces.

The Fathers of Confederation were faced with the task of bringing together small, sparsely-populated communities scattered over immense distances. Not only were these communities separated by natural barriers that might well have seemed insurmountable, but they were also divided by deep divergences of economic interest, language, religion, law and education. Communications were poor and mainly with the world outside British North America.

To all these problems, they could find only one answer: federalism.

The provinces dared not remain separate, nor could they merge. They could, and did, form a federation, with a strong central government and Parliament, but also with an ample measure of autonomy and self-government for each of the federating communities.

Our Constitution

The British North America (BNA) Act was the instrument that brought the federation, the new nation, into existence. It was an act of the British Parliament. But, except for two small points, it is simply the statutory form of resolutions drawn up by delegates from what is now Canada. Not a single representative of the British government was present at the conferences that drew up those resolutions, or took the remotest part in them; and every amendment to the act passed by the British Parliament has been passed at Canada's request. The British Parliament acts simply as a rubber stamp. The only reason we still have to use that rubber stamp for amendments is that we have not been able to agree on a method by which we could do the whole amending job in Canada.

The two small points on which our Constitution is not entirely home-made are, first, the legal title of our country, "Dominion," and, second, the provisions for breaking a deadlock between the Senate and the House of Commons.

The Fathers of Confederation wanted to call the country "the Kingdom of Canada." The British government was afraid of offending the Americans so it insisted on the Fathers finding another title. They did, from Psalm 72: "He shall have dominion also from sea to sea, and from the river unto the ends of the earth." It seemed to fit the new nation like the paper

on the wall. They explained to Queen Victoria that it was "intended to give dignity" to the Union, and "as a tribute to the monarchical principle, which they earnestly desire to uphold."

To meet a deadlock between the Senate and the House of Commons, the Fathers had made no provision. The British government insisted that they produce something. So they did: sections 26-28 of the act, which have never been used.

That the federation resolutions were brought into effect by an act of the British Parliament was the Fathers' deliberate choice. They could have chosen to follow the American example, and done so without violent revolution.

Sir John A. Macdonald, in the Confederation debates, made that perfectly clear. He said: "If the people of British North America after full deliberation had stated that it was for their interest, for the advantage of British North America to sever the tie (with Britain) I am sure that Her Majesty and the Imperial Parliament would have sanctioned that severance." But: "Not a single suggestion was made, that it could . . . be for the interest of the colonies . . . that there should be a severance of our connection . . . There was a unanimous feeling of willingness to run all the hazards of war (with the United States) rather than lose the connection."

Hence, the only way to bring the federation into being was through a British act.

The BNA Act, however, is only part of our whole working Constitution. It is the skeleton; it is not the whole body.

Responsible government, the national cabinet, the prime minister, the bureaucracy, political parties, federal-provincial conferences: all these are basic features of our system of government. But the BNA Act does not contain one word about any of them (except for that phrase in the preamble about "a Constitution similar in principle to that of the United Kingdom"). The flesh, the muscles, the sinews, the nerves of our Constitution have been added by legislation (for example, the Elections Act, the Public Service Act), by custom (the prime minister, the cabinet, responsible government, political parties, federal-provincial conferences), by judgments of the courts (interpreting what the BNA Act means), by agreements between the central and provincial governments, and by joint federal-provincial committees of officials.

If the act is silent about all these things, which are the living reality of our Constitution, what *does* it say? If it leaves out so much, what does it put in?

First, it creates the federation, creates the four original provinces, and provides for the admission or creation of the rest.

Second, it creates a central Parliament and provincial legislatures, and provincial cabinets.

Third, it sets out the powers of the central Parliament and the provincial legislatures.

Fourth, by creating the Queen's Privy Council for Canada, it provides the legal basis for the federal cabinet.

Fifth, it gives Parliament the power to set up a Supreme Court of Canada.

Sixth, it guarantees certain limited rights for the English and French languages in the federal Parliament and courts and the Quebec legislature and courts.*

Seventh, it guarantees the right to separate schools for Protestants and Roman Catholics and, by a 1949 amendment, to a variety of denominational schools in Newfoundland.

Eighth, it guarantees Quebec's right to its own civil law.

Ninth, it guarantees free trade between the provinces.

Tenth, it gives the provinces the right to amend their own constitutions, "except as regards the office of lieutenant-governor."

Eleventh, it gives the central executive government certain controls over the provinces: appointment, instruction and dismissal of lieutenant-governors (two have been dismissed); disallowance of provincial acts within one year after their passing (112 have been disallowed—the last in 1943—from every province except Prince Edward Island and Newfoundland); power of lieutenant-governors to send provincial bills to Ottawa, unassented to (in which case they do not go into effect unless the central executive assents within one year; of 70 such bills, the last in 1961, from every province but Newfoundland, only 14 have gone into effect).

These are the main things the BNA Act does. They provide the legal framework within which we can adapt, adjust, manoeuvre, innovate, compromise, arrange, by what Prime Minister Sir Robert Borden called "the exercise of the commonplace quality of commonsense."

*The Manitoba Act, section 23, provides the same guarantee for the Manitoba legislature and courts.

Powers of national and provincial governments

The national Parliament has power "to make laws for the peace, order and good government of Canada," except for "subjects assigned exclusively to the legislatures of the provinces." The provincial legislatures have power over direct taxation in the province for provincial purposes, natural resources, prisons (except penitentiaries), charitable institutions, hospitals (except marine hospitals), municipal institutions, licences for provincial and municipal revenue purposes, local works and undertakings (with certain exceptions), incorporation of provincial companies, solemnization of marriage, property and civil rights in the province, the creation of courts and the administration of justice, fines and penalties for breaking provincial laws, matters of a merely local or private nature in the province, education (subject to certain rights of the Protestant and Roman Catholic minorities in any province, and of particular denominations in Newfoundland), and, as we have seen, the amendment of their own constitutions except as regards the office of lieutenant-governor.

The national Parliament and the provincial legislatures both have power over agriculture and immigration (but if their laws conflict, the national law overrides the provincial), and over old age and survivors' and disability pensions (but if their laws conflict, the provincial law overrides the national). According to the BNA Act, everything not mentioned as belonging to the provincial legislatures comes under the national Parliament.

This looks like an immensely wide power. It is not, in fact, as wide as it looks, because the courts have interpreted the provincial powers, especially "property and civil rights," as covering a very wide field. As a result, all labour legislation (maximum hours, minimum wages, safety, workmen's compensation, industrial relations) comes under provincial law, except for certain industries such as banking, broadcasting, air navigation, atomic energy, shipping, interprovincial and international railways, telephones, telegraphs, pipelines, grain elevators and enterprises owned by the national government. Social security (except for unemployment insurance, which is purely national, and the shared power over pensions) comes under the provinces. However the national Parliament has, in effect, established nation-wide systems of hospital insurance and medical care by making grants to the provinces (or, for Quebec, yielding some of its field of taxes) on condition that their plans reach certain standards.

The courts' interpretation of provincial and national powers has put broadcasting and air navigation under Parliament's general power to make laws for the "peace, order and good government of Canada," but otherwise has reduced it to not much more than an emergency power, for

wartime, or grave national crises like nation-wide famine or epidemics, or massive inflation, though some recent cases go beyond this.

However, the Fathers of Confederation, not content with giving Parliament what they thought an ample general power, added, "for greater certainty," a long list of examples of exclusive national powers: taxation, direct and indirect; regulation of trade and commerce (the courts have interpreted this to mean interprovincial and international trade and commerce); "the public debt and property" (this enables Parliament to make grants to individuals—such as family allowances—or to provinces: hospital insurance and medicare, higher education, public assistance to the needy, and equalization grants to bring the standards of health, education and general welfare in the poorer provinces up to an average national standard); the Post Office; the census and statistics; defence; beacons, buoys, lighthouses and Sable Island;* navigation and shipping; quarantine; marine hospitals; the fisheries; interprovincial and international ferries, shipping, railways, telegraphs, and other such international or interprovincial "works and undertakings"—which the courts have interpreted to cover pipelines and telephones; money and banking; interest; bills of exchange and promissory notes; bankruptcy; weights and measures; patents; copyrights; Indians and Indian lands (the courts have interpreted this to cover Inuit as well); naturalization and aliens; the criminal law and procedure in criminal cases; the general law of marriage and divorce; local works declared by Parliament to be "for the general advantage of Canada or of two or more of the provinces" (this has been used many times, notably to bring atomic energy and the grain trade under exclusive national jurisdiction). A 1940 constitutional amendment gave Parliament exclusive power over unemployment insurance and a specific section of the BNA Act gives it power to establish courts "for the better administration of the laws of Canada." This has enabled Parliament to set up the Supreme Court of Canada and the Federal Court.

*The Fathers of Confederation evidently felt that Sable Island, "the graveyard of the Atlantic," was such a menace to shipping that it must be under the absolute control of the national government, just like lighthouses. So they placed it under the exclusive legislative jurisdiction of the national Parliament (by section 91, head 9, of the BNA Act). They also (by the third schedule of that act) transferred the actual ownership from the Province of Nova Scotia to the Dominion of Canada, just as they did with the Nova Scotia lighthouses.

Canadian government and American: a contrast

Canada and the United States are both democracies. They are also both federal states. But there are important differences in the way Canadians and Americans govern themselves.

One basic difference is that the United States is a country of one basic language and culture. It has just one official language, for its federal government and for every state. Canada is a country of two basic languages and cultures. The Fathers of Confederation deliberately chose to make it so. The British North America Act makes both French and English official languages in the national Parliament and any courts it sets up, and in the legislature and courts of Quebec. It also guarantees to Quebec its own, basically French, civil law. The national Parliament and the New Brunswick legislature have put both languages on an equal footing for all federal and New Brunswick acts, documents and proceedings. New Brunswick has also put the two languages on an equal footing in its schools; Ontario, which has the largest number of French-speaking people outside Quebec, has provided French schools and an increasing range of services in French for Franco-Ontarians. Several other provinces have taken steps in the same direction.

Our official bilingualism and biculturalism are limited. Under the Constitution, every province except Quebec and Manitoba is absolutely free to have as many official languages as it pleases, and they need not include either English or French. For example, Nova Scotia could make Gaelic its sole official language, or one of two, three or a dozen official languages in that province. Alberta could make Ukrainian its sole official language, or Ukrainian, Polish and classical Greek its three official languages.

Section 133 of the BNA Act provides that either English or French may be used in debates of the legislature of Quebec, that both must be used in the records and journals of the legislature and in all provincial acts, and that either language may be used in any pleading or process in or issuing from any court of Quebec. Section 23 of the act creating the Province of Manitoba did the same for that province.

A second basic difference between our Constitution and the American is, of course, that we are a constitutional monarchy and they are a republic.

That looks like only a formal difference. It is very much more, for we have parliamentary-cabinet government, while the Americans have presidential-congressional.

What does that mean? What difference does it make?

First, in the United States the head of state and the head of the government are one and the same. The president is both at once. Here, the Queen, ordinarily represented by the Governor General, is the head of state, and the prime minister is the head of the government. Does that make any real difference? Yes: in Canada, the head of state can, in exceptional circumstances, protect Parliament and the people against a prime minister and ministers who may forget that "minister" means "servant," and may try to make themselves masters. For example, the head of state could refuse to let a cabinet dissolve a newly-elected House of Commons before it could even meet, or could refuse to let ministers bludgeon the people into submission by a continuous series of general elections. The American head of state cannot restrain the American head of government because they are the same person.

For another thing, presidential-congressional government is based on a separation of powers. The American president cannot be a member of either house of Congress. Neither can any of the members of his cabinet. Neither he nor any member of his cabinet can appear in Congress to introduce a bill, or defend it, or answer questions, or rebut attacks on policies. No member of either house can be president or a member of the cabinet.

Parliamentary-cabinet government is based on concentration of powers. The prime minister, and every other minister, must, by custom (though not by law) be a member of one House or the other, or get a seat in one House or the other within a short time of his appointment. All government bills must be introduced by a minister or someone speaking on his behalf, and ministers must appear in Parliament to defend government bills, answer daily questions on government actions or policies, and rebut attacks on such actions or policies.

In the United States, the president and every member of both houses is elected for a fixed term: the president for four years, the senators for six, the members of the House of Representatives for two. The only way to get rid of a president before the end of his four-year term is to impeach him, which is very hard to do, and has never been done and only twice even attempted.

As the president, the senators and the representatives are elected for different periods, it can happen, and often does, that the president belongs to one party while the opposing party has a majority in either the Senate or the House of Representatives or both. So for years on end, the president may find his legislation and his policies blocked by an adverse majority in one or both houses. He cannot appeal to the people by dissolving either house, or both: he has no such power, and the two houses are there for their fixed terms, come what may, till the constitutionally fixed hour strikes.

And even when the elections for the presidency, the House of Representatives and one-third of the Senate take place on the same day, as they do every four years, the result may be a Republican president, a Democratic Senate and a Republican House of Representatives or various other mixtures.

A president, accordingly, may have a coherent program to present to Congress. He may get senators and representatives to introduce the bills he wants passed. But each house can add to each of his bills, or take things out of them, or reject them outright, and what emerges from the tussle may bear little or no resemblance to what the president wanted. The majority in either house may have a coherent program on this or that subject; but the other house can add to it, or take things out of it, or throw the whole thing out; and again, what (if anything) emerges may bear little or no resemblance to the original. And even if the two houses agree on something, the president can, and often does, veto the bill, and his veto can be overridden only by a two-thirds majority in both houses.

So when an election comes, the president, the senator, the representative, reproached with not having carried out his promises can always say: "Don't blame me! I sent the bill to Congress, and the Senate (or the representatives, or both) threw it out, or mangled it beyond recognition;" "I introduced the bill I'd promised, in the Senate, but the House of Representatives threw it out or reduced it to shreds and tatters (or the president vetoed it);" "I introduced my bill in the House of Representatives, but the Senate rejected it or made mincemeat of it (or the president vetoed it). Don't blame me!"

So it ends up that nobody—not the president, not the senators, not the representatives—can be held really responsible for anything done or not done. Everybody concerned can honestly and legitimately say it was not his fault.

True, a dissatisfied voter can vote against a president, a representative or a senator. But no matter what the voters do, the situation remains

essentially the same. The president is there for four years. No matter how often either house votes against his measures, there he stays. If, half-way through the president's four-year term, the elections for the House and Senate go against him, he still stays in office for the remaining two years. And he cannot get rid of an adverse House or Senate by ordering a new election. The senators are there for six years, the representatives for two years.

Our Canadian system is very different. Nobody is elected for a fixed term. All important legislation is introduced by the government, and all money bills *must* be introduced by the government and neither House can raise the amounts of money involved. As long as the government can keep the support of a majority in the House of Commons, it can pass any legislation it sees fit. If it loses its majority support in the House of Commons, then it must either make way for a government of the opposite party or call a fresh election. If it simply makes way for a government of the opposite party, then that government, as long as it holds its majority in the House of Commons, can pass any legislation it sees fit; and if it loses that majority, then it, in its turn, must either make way for a new government or call a fresh election. In the United States, president and Congress can be locked in fruitless combat for years on end. In Canada, the government and the House of Commons cannot be at odds for more than a few weeks at a time. If they differ on any matter of importance, then, promptly, there is either a new government or a new House of Commons.

Presidential-congressional government is neither responsible nor responsive. If the electors, half-way through a president's four years, vote against his policies, he not only can, but must, remain in office (with enormous powers) until his term expires. The adverse majority in one or both houses can block many things he may want to do. But it cannot put him out. He can veto bills passed by both houses. But he cannot appeal to the people by calling an election to give him a Congress that will support him. A president can't get rid of an adverse Congress, and Congress can't get rid of an adverse president.

Parliamentary-cabinet government, by contrast, is both responsible and responsive. If the House of Commons votes want of confidence in a cabinet, that cabinet must step down and make way for a new government formed by the official Opposition party, forthwith, or call an election right away so the people can decide which party will govern.

An American president can be blocked by one house or both for years on end. A Canadian prime minister, blocked by the House of Commons, must either make way for a new prime minister, or allow the people to elect

a new House of Commons that will settle the matter, one way or another, within two or three months. That is real responsibility.

Furthermore, in Canada, if a great new issue of public policy arises, on which the cabinet may be out of tune with an overwhelming public opinion, the Opposition in the House can obstruct and filibuster and thereby force a cabinet even with a substantial majority to let the people decide the issue in an election. The Conservatives, in opposition, did precisely this on the issue of reciprocity in 1911, and won the ensuing election. That is real responsiveness.

A third basic difference between our system and the Americans' is that custom, usage, practice, and "convention," play a far larger part in our Constitution than in theirs. For example, the president of the United States is right there in the written constitution, with all the essential powers of the office in black and white, unchangeable except by formal constitutional amendment. The prime minister of Canada is not so much as mentioned in the BNA Act, and the only legal basis for the position in any act of the Parliament of Canada is a passage in the Senate and House of Commons Act mentioning "the person holding the recognized position of First Minister," and provision for the salary of that person in the Salaries Act. There is nothing in any act about how he or she is appointed or removed, or what his or her powers are. There is nothing in any act requiring any minister to be a member of either House; it is only by custom that he or she must have a seat, or get one within a reasonable time. There is nothing in any law to say that a government that loses its majority in the House of Commons *must* either resign or call a fresh election.

A fourth basic difference between the American and Canadian systems is in the type of federalism they embody. The American system was originally highly decentralized. The federal Congress was given a short list of specific powers; everything not mentioned in that list belonged to the states "or to the people" (that is, was not within the power of either Congress or any state legislature). "States' rights" were fundamental. The Fathers of Confederation, gazing with horror at the American Civil War, decided that "states' rights" were precisely what had caused it, and acted accordingly.

"Here," said Sir John A. Macdonald, "we have adopted a different system. We have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and legislatures shall be conferred upon the general government and legislature. We have thus avoided that great source of weakness which has been the disruption of the United States. We thereby strengthen the central Parlia-

ment, and make the Confederation one people and one government, instead of five peoples and five governments, with merely a point of authority connecting us to a limited and insufficient extent."

The Fathers also, as we have seen, gave a long list of specific examples of exclusive national powers. They further provided that the members of the Senate, and all judges from county courts up (except judges of probate in Nova Scotia and New Brunswick) should be appointed by the national government, and that all lieutenant-governors of the provinces should be appointed, instructed and removable by the national government. They gave the national government and Parliament certain specific powers to protect the educational rights of the Protestant and Roman Catholic minorities of the Queen's subjects. They gave the national government power to disallow (wipe off the statute book) within one year of their passage, any acts of provincial legislatures.

In both the United States and Canada, however, the precise meaning of the written Constitution is settled by the courts. In the United States the courts have, in general, so interpreted the constitution as to widen federal and narrow state power. In Canada, the courts (notably the judicial committee of the British Privy Council, which, till 1949, was our highest court) have in general so interpreted the BNA Act as to narrow federal power and widen provincial power. The result is that the United States is, in actual fact, now a much more highly centralized federation than Canada, and Canada has become perhaps the most decentralized federation in the world. Nonetheless, the fact that under our Constitution the powers not specifically mentioned come under the national Parliament gives the central authority enough strength and leeway to meet many of the changed and changing conditions the years have brought.

A fifth basic difference between the American and Canadian systems is that the Americans have an entrenched constitutional Bill of Rights. Their constitution puts certain fundamental rights of the citizen beyond the power of either Congress or any state legislature to touch. Canada has no entrenched constitutional bill of rights. The Canadian Bill of Rights is simply an act of the national Parliament. It applies only to matters within the jurisdiction of that Parliament; it does not touch the provincial legislatures or their powers at all. And it can be changed, or repealed, by the national Parliament, just like any other act of that Parliament. The BNA Act entrenches certain rights of the English and French languages, the Quebec civil law, certain rights to denominational schools, and freedom of trade among the provinces. Apart from that, it leaves Parliament and the legislatures entirely free to pass any laws they see fit, provided they do not jump the fence into each others' gardens. As long as Parliament does

not try to legislate on subjects that belong to the provincial legislatures, and as long as provincial legislatures do not try to legislate on subjects that belong to the national Parliament, Parliament and the provincial legislatures are "sovereign:" there are no legal limits to what they can do (though of course provincial laws can be disallowed by the national cabinet).

For example, a provincial legislature can confiscate the property of a citizen or a corporation and give it to someone else, with no compensation to the original owner. (In two cases, a provincial legislature did exactly this). The only real security we have against this sort of thing is that very few Parliaments or legislatures would dare try it, save in extraordinary circumstances: they would be too much afraid of being thrown out by the people at the next election.

The rule of law and the courts

Responsible government and federalism are two cornerstones of our system of government. There is a third, without which neither of the first two would be safe: the rule of law.

What does the rule of law mean?

It means that everyone is subject to the law; that no one, no matter how important or powerful, is above the law: not the government; not the prime minister, or any other minister; not the Queen or the Governor General or any lieutenant-governor; not the most powerful bureaucrat; not the armed forces; not Parliament itself, or any provincial legislature. None of these has any powers except what are given to it by law: by the BNA Act or its amendments; by a law passed by Parliament or a provincial legislature; or by the Common Law of England, which we inherited, and which, though enormously modified, added to, and subtracted from by our own Parliament or provincial legislatures, remains the basis of our constitutional law, our criminal law, and the civil law (property and civil rights) of the whole country except Quebec.

If anyone were above the law, none of our liberties would be safe.

What keeps the various authorities from getting above the law, doing things the law forbids, exercising powers the law has not given them?

The courts. If they try anything of the sort, they will be brought up short by the courts.

But what's to prevent them from bending the courts to their will?

The great principle of the independence of the judiciary, which is even older than responsible government. Responsible government goes back only about 200 years. The independence of the judiciary goes back almost 300 years: to the English Act of Settlement of 1701, which resulted from the English Revolution of 1688. That act provided that the judges, though appointed by the King (nowadays, of course, on the advice of a responsible cabinet) could be removed only if both Houses of Parliament, by a formal Address to the Crown, asked for their removal. If a judge gave a decision the government disliked, it could not touch him, unless both Houses agreed. In the almost three centuries that have followed, only one judge in the United Kingdom has been so removed, and none since 1830.

The BNA Act provides that almost all our courts shall be provincial, that is, created by the provincial legislatures. But it also provides that the judges of all these courts from county courts up (except courts of probate in Nova Scotia and New Brunswick) shall be appointed by the federal government. What is more, it provides that judges of the provincial "superior courts" (the Superior Court of Quebec, the supreme courts of the other provinces, and all the provincial courts of appeal) shall be removable only on address to the Governor General by both Houses of Parliament. The acts setting up the Supreme Court of Canada and the Federal Court have the same provision. No judge of any Canadian superior court has ever been so removed. All of them are perfectly safe in their positions, no matter how much the government may dislike any of their decisions. The independence of the judiciary is even more important in Canada than in Britain, because in Canada the Supreme Court interprets the written Constitution, and so defines the limits of federal and provincial powers.

Judges of the county courts can be removed only if one or more judges of the Supreme Court of Canada, or the Federal Court, or any provincial superior court, after inquiry, report that they have been guilty of misbehaviour, or have shown inability or incapacity to perform their duties.

The Supreme Court of Canada, established by an act of the national Parliament in 1875, consists of nine judges, three of whom must come from the Quebec Bar. The judges are appointed by the Governor General on the advice of the national cabinet, and hold office till they reach 75. The Supreme Court has the final decision not only on constitutional questions but also on defined classes of important cases of civil and criminal law. It deals also with appeals from decisions of the provincial courts of appeal.

The institutions of our federal government

By the BNA Act, "the executive government of and over Canada is declared to continue and be vested in the Queen." She acts, ordinarily, through the Governor General, whom she appoints, on the advice of the Canadian cabinet. The Governor General normally holds office for five years, though his tenure may be extended for a year or so.

Parliament consists of the Queen, the Senate and the House of Commons.

The Queen

The Queen is the formal head of the Canadian state. She is represented federally by the Governor General, provincially by the lieutenant-governors. Federal acts begin: "Her Majesty, by and with the advice and consent of the Senate and the House of Commons, enacts as follows;" provincial acts begin with similar words. Parliament (or the provincial legislature) meets only at the royal summons: no House of Parliament (or legislature) is equipped with a self-starter. No bill, federal or provincial, becomes law without the Royal Assent. The monarch has, on occasion, given the assent personally to federal acts, but ordinarily the assent is given by the Governor General or his deputy, and to provincial acts invariably by the lieutenant-governor.

The Governor General and the lieutenant-governors have the right to be consulted by their ministers, and the right to encourage or warn them. But they almost invariably must act on their ministers' advice, though there may be very rare occasions when they must, or may, act without advice or even against the advice of the ministers in office.

The Senate

The Senate has 104 members: 24 from the Maritime provinces (10 from Nova Scotia, 10 from New Brunswick, four from Prince Edward Island); 24 from Quebec; 24 from Ontario; 24 from the Western provinces

(six each from Manitoba, Saskatchewan, Alberta and British Columbia); six from Newfoundland; and one each from the Yukon Territory and the Northwest Territories. There is provision also for four or eight extra senators, one—or two—from the Maritime provinces, from Quebec, from Ontario and from the West; but this has never been used.

The senators are appointed by the federal government. They hold office till age 75 unless they miss two consecutive sessions of Parliament. Till 1965, they held office for life, and the few remaining senators appointed before that date retain their seats. Senators must be at least 30 years old, and must have real estate worth $4,000 net, and total net assets of at least $4,000. They must reside in the province or territory for which they are appointed: in Quebec, they must reside, or have their property qualification, in the particular one of Quebec's 24 senatorial districts for which they are appointed.

The Senate can initiate any bills except money bills. It can amend, or reject, any bill whatsoever. It can reject any bill as often as it sees fit. No bill can become law unless it has been passed by the Senate.

In theory these powers are formidable. But the Senate has not rejected a bill for over 40 years, and it very rarely makes any amendment that touches the principle of a bill. The many amendments it does make are almost always clarifying, simplifying, tidying-up amendments, and are almost always accepted by the House of Commons. The Senate's main work is done in its committees, where it goes over bills clause by clause, and hears evidence, often voluminous, from groups and individuals who would be affected by the particular bill under review. This committee work is especially effective because the Senate has many members with specialized knowledge and long years of legal, business or administrative experience. There are ex-ministers, ex-premiers of provinces, ex-mayors, eminent lawyers, experienced farmers, and labour leaders.

In recent decades, the Senate has taken on a new job: investigating important public problems such as poverty, unemployment, inflation, the aging, land use, science policy, Indian affairs, relations with the United States, and the efficiency (or lack of it) of government departments. These investigations have produced valuable reports, which have often led to changes in legislation or government policy. The Senate usually does this kind of work far more cheaply than Royal Commissions or task forces, because its members are paid already and it has a permanent staff at its disposal.

The House of Commons

The House of Commons is the major law-making body. It has 282 members, one from each of 282 constituencies. In each constituency, or riding, the candidate who gets the largest vote is elected, even if his or her vote is less than half the total. The number of constituencies is changed after every census, by a Redistribution Act that allots parliamentary seats roughly on the basis of population. Every province must have at least as many members in the Commons as it has in the Senate. The constituencies vary somewhat in size, within prescribed limits. The present distribution is as follows:

Area	*Seats*
Ontario	95
Quebec	75
British Columbia	28
Alberta	21
Manitoba	14
Saskatchewan	14
Nova Scotia	11
New Brunswick	10
Newfoundland and Labrador	7
Prince Edward Island	4
Northwest Territories	2
Yukon Territory	1
Total	282

Political parties

Our system could not work without political parties. Our major existing federal parties—Progressive Conservative, Liberal, New Democratic and Social Credit—were not created by any law, though they are now recognized by the law. We, the people, have created them ourselves. They are voluntary associations of people who hold broadly similar opinions on public questions.

The party that wins the largest number of seats in a general election ordinarily forms the government. Its leader becomes prime minister. But if the government in office before an election comes out of the election with the second largest number of seats, it has the right to meet the new House of Commons and see whether it can get enough support from the minor parties to give it a majority. It may find itself able to carry on. This happened in 1925-26.

The second largest party (or, in the circumstances just described, the largest) becomes the official Opposition, and its leader becomes "the person holding the recognized position of leader of the Opposition." The leader of the Opposition gets the same salary as a minister. The leader of any party which has at least 12 seats also gets a higher salary than an ordinary MP. These parties also get public money for research.

Why? Because we want criticism, we want watchfulness, we want the possibility of an effective alternative government if we are displeased with the one we have. The party system reflects the waves of opinion as they rise and wash through the country. There is much froth, but deep swells move beneath them, and they set the course of the ship.

The prime minister

As we have already noted, the prime ministership (premiership), like the parties, is not created by law, though it is recognized by the law. The prime minister is, normally, a member of the House of Commons (there have been two in the Senate, in 1891-92 and 1894-96). A non-member could hold the office but would, by custom, have to get elected to a seat very soon. If the prime minister loses his seat in an election, he can remain prime minister as long as his party keeps a majority in the House of Commons, though again, he must, by custom, win a seat very promptly. The traditional way of arranging this is to have a member of the majority party resign, thereby creating a vacancy, which gives the defeated prime minister or non-member party leader the opportunity to run in a by-election.

The prime minister is appointed by the Governor General. Ordinarily, the appointment is automatic. If the Opposition wins more than half the seats in an election, or if the government is defeated in the House of Commons and resigns, the Governor General must call on the leader of the Opposition to form a new government.

The prime minister used to be described as "the first among equals" in the cabinet, or as "a moon among minor stars." This is no longer so. He is now incomparably more powerful than any of his colleagues. Not only does he choose them in the first place, but he can also ask any minister to resign, and if the minister refuses, the prime minister can advise the Governor General to remove him and the advice would invariably be followed. Cabinet decisions do not necessarily go by majority vote. A

strong prime minister, having listened to the opinions of all his colleagues, and finding most, or even all, opposed to his own view, may simply announce that his view is the policy of the government, and, unless his dissenting colleagues are prepared to resign, they must bow to his decision.

The cabinet

As mentioned above, the prime minister chooses the members of the cabinet. All of them must be or become members of the Queen's Privy Council for Canada. Privy Councillors are appointed by the Governor General on the advice of the prime minister, and membership is for life, unless a member is dismissed by the Governor General on the same advice, which has never happened. All cabinet ministers and former cabinet ministers, the Chief Justice of Canada and former chief justices and ex-Speakers of both Houses are always members, and various other prominent citizens are made members simply as a mark of honour. The Privy Council as such meets only very rarely, on a few ceremonial occasions such as the accession of a new King or Queen. The cabinet, "the Committee of the Privy Council," is the operative body.

By custom, almost all the members of the cabinet must be members of the House of Commons, or, if not already members, must win seats. Since Confederation, 70 men who were not members of either House have been appointed to the cabinet, but they had to get seats in the House or the Senate within a reasonable time, or resign from the cabinet. General McNaughton was Minister of National Defence for nine months without a seat in either House; but after he had twice failed to get elected to the Commons, he had to resign. Senators can be members of the cabinet: the first cabinet, of 13 members, had five senators. But since 1911, *usually,** there has been only one cabinet minister in the Senate, and that one without portfolio, the leader of the government in the Senate. Of course no senator can sit in the House of Commons, and no member of the House of Commons can sit in the Senate. But a minister from the House of Commons may, by invitation of the Senate, come to that chamber and speak, though not vote.

By custom, every province must, if possible, have at least one cabinet minister. Of course, if a province does not elect any government supporters, this becomes difficult. But in that case, the prime minister may put a senator from that province into the cabinet; or he may get some member from another province to resign his seat and then try to get a person from

*Following the general election of 1979, there were three senators in the cabinet.

the "missing" province elected there. In 1921, the Liberals did not elect a single member from Alberta. The prime minister, Mr. King, solved the problem of Alberta representation in the cabinet by appointing Hon. Charles Stewart, Liberal ex-premier of Alberta, and getting him elected for the Quebec constituency of Argenteuil. Whether Mr. King's ploy would work now is quite another question. The voters of today do not always look with favour upon outside candidates "parachuted" into their ridings. The smallest province, Prince Edward Island, has often gone unrepresented in the cabinet for years at a stretch.

By custom also, Ontario and Quebec must have 10 or 12 ministers each, provided each province has elected enough government supporters to warrant such a number. By custom, at least one minister from Quebec must be an English-speaking Protestant, and there must be at least one minister from the French-speaking minorities outside Quebec, normally from New Brunswick or Ontario, or both. It used to be necessary to have also at least one English-speaking (usually Irish) Roman Catholic minister, and in recent years Canada's multicultural nature has been reflected in cabinet representation from Jewish and non-"English," non-"French," ethnic minorities.

The Speakers

The Speaker of the Senate is appointed by the cabinet, and has only very limited powers.

The Speaker of the House of Commons is elected by the House itself, after each general election. He must be a member of the House. He is its presiding officer, and decides all questions of procedure and order. He also controls the House of Commons staff. He is expected to be impartial, non-partisan, and as firm in enforcing the rules against the prime minister as against the humblest Opposition backbencher.

The Speaker is, by custom, chosen from members of the party in power, though there are cases (the most recent in 1979) where a Speaker of one party carried on after a change of government, and one (1957) where the government was ready to support a member from one of the minor parties. The Speaker sometimes drops his membership in a party, and runs in the next general election as an independent. In both Houses, by custom, the speakership alternates between French-speaking and English-speaking members, and in the House of Commons, if the Speaker is English-speaking, the deputy speaker is French-speaking, and vice versa. The deputy speaker is sometimes chosen from the Opposition.

What goes on in Parliament

Opening of a session

If the opening of a session also marks the beginning of a newly-elected Parliament, you will find the members of the House of Commons milling about in their chamber, a body without a head. On a signal, the great doors of the chamber are slammed shut. They are opened again after three knocks, and the Gentleman Usher of the Black Rod makes his appearance from the Senate. He has been sent by the deputy of the Governor General, who is not allowed to enter the Commons, to announce that His Honour the Deputy to the Governor General desires the immediate attendance of Honourable Members in the Chamber of the Honourable the Senate. The members then proceed to the Senate Chamber, where the Speaker of the Senate says: "I have it in command to let you know that His Excellency the Governor General does not see fit to declare the causes of his summoning the present Parliament of Canada until the Speaker of the House of Commons shall have been chosen according to law." The members then return to their own chamber and elect their Speaker.

In the afternoon, the Governor General arrives in the Senate, Black Rod is again dispatched to summon the House of Commons, and the members troop up again to stand at the bar of the Upper House. The Speaker then informs the Governor General of his or her election, and asks for His Excellency's confirmation of all the traditional rights and privileges of the Commons. The Speaker of the Senate delivers that confirmation, and the Governor General delivers the Speech from the Throne, partly in English, partly in French.

The speech, which is written by the cabinet, sets forth the government's view of the condition of the country and the policies it will follow, and the bills it will introduce, to deal with that condition. The members of the House of Commons then return to their own chamber, where, normally, the prime minister immediately introduces a Bill Respecting the Administration of Oaths of Office. This is a dummy bill, never heard of again till the opening of the next session. It is introduced to re-assert the House of Commons' right to discuss any business it sees fit before considering the Speech from the Throne. This right was first asserted by the English House of Commons more than 300 years ago, and is re-asserted there every session, by a similar *pro forma* Bill No. 1.

This formal re-assertion of an ancient right of the Commons has been of very great practical use in Canada, more than once. In 1950, for example, a nation-wide railway strike demanded immediate action by Parliament. So the moment the House came back from the Senate Chamber, the prime minister introduced Bill No. 1, but this time no dummy; this time a bill to end the strike, to send the railway workers back to work, and this bill was put through all its stages, passed by both Houses, and received Royal Assent before either House considered the Speech from the Throne at all. Had it not been for the traditional assertion of the right of the Commons to do anything it saw fit before considering the speech, this essential, emergency legislation would have been seriously delayed.

The address in reply to the Speech from the Throne is, however, normally the first real business of each session (a "sitting" of the House lasts a day; a "session" lasts for months, and may even last for over a year, though there must be at least one session per year). A government supporter moves, and another government supporter seconds, a motion for an address of thanks to the Governor General for the gracious speech. The opposition parties move amendments critical of the government and its policies, and expressing want of confidence in the government. Debate on this address and the amendments is limited to eight days, and ranges over the whole field of the nation's business.

A working day in the Commons

At 2 o'clock in the afternoon (11 in the morning on Fridays), the Speaker takes the chair. The sergeant-at-arms lays the mace (a gold-plated war club, symbol of the House's authority) on the long table in front of Mr. Speaker, and the Speaker reads the daily prayer. Government supporters sit to the Speaker's right, members of opposition parties to the left. The first few rows of desks on the government side, near the centre, are occupied by the prime minister and the cabinet. Opposite them sit the leader of the official Opposition and the chief members of his party. The leaders of the smaller opposition parties sit in the front row farther down the chamber, at the opposite end from the Speaker. At the long table sit the clerk of the House and the clerks assistant, who keep the official record of decisions of the House. At desks in the wide space between government and Opposition sit the Hansard reporters, English and French, who take down the speeches word for word, for publication next day. There is simultaneous translation, English and French, for all speeches, and all the proceedings are televised and recorded.

After certain routine proceedings comes the question period, when members (chiefly Opposition) question ministers on government actions and policies. This is usually a very lively 45 minutes, and is a most important part of the process of keeping the government responsible and responsive.

Most of the rest of the day is taken up with bills, which are in fact proposed laws. Any member can introduce a bill, but most of the time is reserved for bills introduced by the government.

A cabinet minister or backbench member proposing a bill first moves for the House's "leave" to introduce it. This is almost invariably given automatically, and always without debate. Next comes the motion that the bill be read a first time, and printed. This also is almost invariably automatic, and, again, always without debate. On a later day comes the motion for second reading. This is the stage at which members debate the principle of the bill. If it passes second reading, it goes to a committee of the House. Usually, nowadays, it is a standing committee, of which there are 20, set up after each election, for the whole of that Parliament, that is, until a new House is elected. Most of these committees have 20 members, and the parties are represented in proportion to their strength in the House itself. Money bills, tax bills, and expenditure bills are dealt with by the whole House acting as a committee.

Committees, sitting under less formal rules than the House, examine bills clause by clause. Each clause has to be passed. Any member of the committee can move amendments. When all the clauses have been dealt with, the chairman reports the bill to the House, with any amendments that have been adopted.

At this "report" stage, members may move amendments to the various clauses (usually, amendments they have failed to get adopted in committee). When these have been passed, or rejected, the bill goes to third reading. If the motion for third reading carries, the bill goes to the Senate, where it goes through much the same process. Bills initiated in the Senate, and passed there, come to the Commons, and go through the same stages as Commons bills. No bill can become law, become an act, unless it has been passed by both Houses and has been assented to, in the Queen's name, by the Governor General or a deputy of the Governor General (usually a Supreme Court judge). Assent has never been refused to a federal bill, and our first prime minister declared roundly that refusal was obsolete, and had become unconstitutional. In Britain, Royal Assent has never been refused since 1707.

The House of Commons can, and does, set up special committees for the examination of particular subjects. It can also establish, with the Senate, joint committees of the two Houses, and there are a few joint standing committees.

End of a session

When both Houses have finished a session's business, Parliament is "prorogued" till the next session, which must, by law, come within a year. The Governor General comes to the Senate; Black Rod is sent down to the Commons to request the attendance of members in the Upper Chamber, where the Governor General makes a speech, reviewing what the session has accomplished.

Provincial legislatures and municipal governments

Every province has a legislative assembly (there are no upper houses) that is very similar to the House of Commons and transacts its business in much the same way. All bills must go through three readings, and receive Royal Assent by the lieutenant-governor. In the provinces, assent has been refused 28 times, the last in 1945. Members of the assembly are elected from constituencies established by the legislature, roughly in proportion to population, and whichever candidate gets the largest vote is elected, even if his or her vote is less than half the total.

Municipal governments — cities, towns, villages, counties, districts, metropolitan regions — are set up by the provincial legislatures, and have such powers as the legislatures see fit to give them. Mayors, reeves, and councillors are elected on such basis as the provincial legislature prescribes.

There are now close to 5,000 municipal governments in the country. They provide us with such services as water supply, sewage and garbage disposal, roads, sidewalks, street lighting, building codes, parks, playgrounds, libraries and so forth. Schools are generally looked after by school boards or commissions elected under provincial education acts.

Living government

We are apt to think of government as something static; as a machine that was built and finished long ago. Actually, since our democratic government is really only the sum of ourselves, it grows and changes as we do.

Canada today is not the Canada of 1867, and neither is the act that made it. It has been changed by many amendments, all originated by ourselves. How we govern ourselves has also been changed by judicial interpretation of the written Constitution, by custom and usage, by arrangements between the national and provincial legislatures and governments as to how they would use their respective powers. These other ways in which our system has changed, and is changing, give it great flexibility, and make possible a multitude of special arrangements for particular provinces or regions within the existing written Constitution, without the danger of "freezing" some special arrangement that might not have worked out well in practice.

There may still be many changes. Some are already in process, some have been slowly evolving through our first century as a nation, and some are only glimmerings along the horizon. They will come, as they always do in the parliamentary process, at the hands of many governments, with the clash of loud debate, and with the ultimate agreement of the majority who cast their votes.

We are concerned with the relations between French-speaking and English-speaking Canadians, and with the division of powers between the federal and provincial governments. We always have been. But the search for areas of agreement and the making of new adjustments has been a continual process from the beginning. The recognition of the French fact, which was limited in 1867, now embraces, in greater or less degree, the whole of Canada. All federal services must be available where required, in either language. Federal and Quebec courts have always had to be bilingual. New Brunswick is now officially bilingual. Criminal justice must now be bilingual wherever the facilities exist or can be made available.

The country's resources grow; the provinces' needs change. Some provinces are rich, others relatively poor. Federalism makes possible a pooling of financial resources and reduction of such disparities. Yet there are always areas of dispute, new adjustments required, and special prob-

lems to be met. Federal-provincial conferences, bringing together all the heads of government, are fairly new in our history. But they are now very frequent, and a major force in evolving new solutions.

Historically, Canada is a nation founded by the British and the French. Yet it is now a great amalgam of many peoples. They have common rights and needs, and their own particular requirements within the general frame of the law. All these must be recognized. We are far yet from realizing many of our ideals but we have made progress.

After more than 100 years of nationhood we are still looking for a way to amend our written Constitution without going to the Parliament of the United Kingdom.

As a country we have grown richer, but we have paid a price in terms of environmental pollution. We are leaving the farms and bushlands and crowding into the cities. Ours is becoming an industrialized, urbanized, computerized society, and we face the difficulties of adapting ourselves and our institutions to new lifestyles.

These changes have produced a new concern for an environment that our forefathers took for granted. We believe in just and peaceful sharing, but how is that to be achieved? We have gained for ourselves a certain measure of security for the aged and sick and helpless, yet poverty is still with us. So are regional disparities.

These are all problems of government, and therefore your problems. They all concern millions of people and are therefore difficult to solve. Parliaments and parties, like life, have no instant remedies but they have one common aim. It is to get closer to you, to determine your real will, and to endeavour to give it form and thrust for action. That is the work you chose them for, and it can only be done in the end with your help. When you take an interest in your community, when you form an opinion in politics, and when you go to cast your vote, you are part of government.

Governors General of Canada since Confederation

	Assumed Office
1. Viscount Monck, G.C.M.G.	July 1, 1867
2. Lord Lisgar, G.C.M.G.	Feb. 2, 1869
3. The Earl of Dufferin, K.P., G.C.M.G., K.C.B.	June 25, 1872
4. The Marquis of Lorne, K.T., G.C.M.G.	Nov. 25, 1878
5. The Marquis of Lansdowne, G.C.M.G.	Oct. 23, 1883
6. Lord Stanley of Preston, G.C.B.	June 11, 1888
7. The Earl of Aberdeen, K.T., G.C.M.G.	Sept. 18, 1893
8. The Earl of Minto, G.C.M.G.	Nov. 12, 1898
9. Earl Grey, G.C.M.G.	Dec. 10, 1904
10. Field Marshal H.R.H. The Duke of Connaught, K.G.	Oct. 13, 1911
11. The Duke of Devonshire, K.G., G.C.M.G., G.C.V.O.	Nov. 11, 1916
12. General The Lord Byng of Vimy, G.C.B., G.C.M.G., M.V.O.	Aug. 11, 1921
13. Viscount Willingdon of Ratton, G.C.S.I., G.C.I.E., G.B.E.	Oct. 2, 1926
14. The Earl of Bessborough, G.C.M.G.	April 4, 1931
15. Lord Tweedsmuir of Elsfield, G.C.M.G., G.C.V.O., C.H.	Nov. 2, 1935
16. Major General The Earl of Athlone, K.G., P.C., G.C.B., G.C.M.G., G.C.V.O., D.S.O.	June 21, 1940
17. Field Marshal The Rt. Hon. Viscount Alexander of Tunis, K.G., G.C.B., G.C.M.G., C.S.I., D.S.O., M.C., LL.D., A.D.C.	April 12, 1946
18. The Rt. Hon. Vincent Massey, P.C., C.H.	Feb. 28, 1952
19. General The Rt. Hon. Georges Philias Vanier, P.C., D.S.O., M.C., C.D.	Sept. 15, 1959
20. The Rt. Hon. Daniel Roland Michener, C.C.	April 17, 1967
21. The Rt. Hon. Jules Léger, C.C., C.M.M.	Jan. 14, 1974
22. The Rt. Hon. Edward Richard Schreyer	Jan. 22, 1979

Canadian prime ministers since 1867*

1. Rt. Hon. Sir John A. Macdonald	July 1, 1867 to Nov. 5, 1873
2. Hon. Alexander Mackenzie	Nov. 7, 1873 to Oct. 8, 1878
3. Rt. Hon. Sir John A. Macdonald	Oct. 17, 1878 to June 6, 1891
4. Hon. Sir John J.C. Abbott.....	June 16, 1891 to Nov. 24, 1892
5. Rt. Hon. Sir John S.D. Thompson.....	Dec. 5, 1892 to Dec. 12, 1894
6. Hon. Sir Mackenzie Bowell	Dec. 21, 1894 to April 27, 1896
7. Rt. Hon. Sir Charles Tupper, Bart	May 1, 1896 to July 8, 1896
8. Rt. Hon. Sir Wilfrid Laurier	July 11, 1896 to Oct. 6, 1911
9. Rt. Hon. Sir Robert L. Borden	Oct. 10, 1911 to Oct. 12, 1917
10. Rt. Hon. Sir Robert L. Borden**	Oct. 12, 1917 to July 10, 1920
11. Rt. Hon. Arthur Meighen	July 10, 1920 to Dec. 29, 1921
12. Rt. Hon. William Lyon Mackenzie King	Dec. 29, 1921 to June 28, 1926
13. Rt. Hon. Arthur Meighen	June 29, 1926 to Sept. 25, 1926
14. Rt. Hon. William Lyon Mackenzie King	Sept. 25, 1926 to Aug. 7, 1930
15. Rt. Hon. Richard Bedford Bennett (became Viscount Bennett, 1941).....	Aug. 7, 1930 to Oct. 23, 1935
16. Rt. Hon. William Lyon Mackenzie King	Oct. 23, 1935 to Nov. 15, 1948
17. Rt. Hon. Louis Stephen St. Laurent.....	Nov. 15, 1948 to June 21, 1957
18. Rt. Hon. John G. Diefenbaker	June 21, 1957 to April 22, 1963
19. Rt. Hon. Lester B. Pearson	April 22, 1963 to April 20, 1968
20. Rt. Hon. Pierre Elliott Trudeau	April 20, 1968 to June 4, 1979
21. Rt. Hon. Charles Joseph Clark	June 4, 1979 to March 3, 1980
22. Rt. Hon. Pierre Elliott Trudeau.....	March 3, 1980

*SOURCE: *Guide to Canadian Ministers since Confederation*, Public Archives of Canada, 1974.
**During his second period in office, Prime Minister Borden headed a coalition government.