

regularly in what was now to become the Privy Council Chamber. Authority for the continuance of this office, although under a new name, is to be found under the general provision for continuance of duties in Sect. 130 of the British North America Act.

With this continuity of administration it is understandable that the procedures followed and the form of the instruments used in the new Privy Council Office would be similar to Executive Council Office practice. The use of the Order in Council and the Minute of Council continued in a form almost identical with that drafted prior to Confederation.

The Central Executive in Canada actually is of a dual form. On the one hand there is the Queen's Privy Council (with the Prime Minister as President of the Council) functioning as a committee made up of those Privy Councillors who are members of the administration of the day, and on the other there is the Cabinet, headed by the Prime Minister and composed of Ministers of the Crown. The Committee of Council and the Cabinet have always had identical membership and may be considered as two aspects of the same constitutional organism.

The evolution of Cabinet government in Great Britain began more than a century before Confederation. A vital principle was the withdrawal of the Sovereign from an active part in government and the making of executive decisions by a body of Ministers of the Crown who had the confidence of the House of Commons and who accepted entire responsibility for acts done in the name of the Crown.

In Canada the Cabinet system developed in general along lines similar to those in Great Britain but of course much later in time. It was a natural corollary of the struggle for responsible government. Although basically similar to British practice, it acquired a distinctive Canadian character. Such matters as size and geographical or sectional representation have contributed to this. The stages of withdrawal of the Sovereign from active government were reflected in Canada in similar changes in the position of the Sovereign's representative.

The beginnings of Cabinet government in Canada, as known today, were not very evident before the late 1840's. The Act of Union of the two Canadas, proclaimed in 1841, provided for an elected Legislative Assembly and an appointed Legislative Council. Executive authority was vested in the Governor General who was provided with an Executive Council whom he appointed. Lord Sydenham, the first incumbent after Union, introduced what might be called 'ministerial government' by grouping administrative agencies into departments, each under a Minister whom he chose from the Legislative Assembly and appointed to his Executive Council, therefore in effect making the Ministers responsible both to the Assembly and to himself. It has been said that he combined together the duties of Governor General, Prime Minister and Party Leader. He presided over meetings of Council and felt free to ignore advice from either Council or Assembly. Even when the principle of responsible government had been accepted in 1847 Lord Elgin, the Governor General, attended meetings of Council and took an active part in the deliberations.

By 1858 there had been significant developments and true Cabinet government was emerging. Sir Edmund W. Head, the then Governor General, in writing to the Colonial Secretary, expressed the view that the presence of the Governor as a regular and indispensable rule during discussions in Council "would check all freedom of debate and embarrass himself as well as his advisors". He indicated that it was a general rule for executive business to be carried on in the Council Chamber without the Governor General being present. The Council met as a committee under a President appointed by the Governor General to preside in his absence. Minutes arising from discussions, after being drawn up by the Clerk, were signed by the President and laid before the Governor General for signature of approval, either in the Council Chamber, the Governor's own rooms in the Council Office or at his home.*

* See "Cabinet Government in Canada", by J. R. Mallory, *Political Studies*, Vol. 11, No. 2, June 1954, a succinct article on Cabinet development; also the comprehensive study on Cabinet government by Norman McL. Rogers in the January, February and April 1933 issues of *The Canadian Bar Review*.