

## PRIVY COUNCIL

### Privy Councillors: Appointment

### I—POSITION

1. Privy Councillors are appointed by the Governor General on the recommendation of the Prime Minister submitted by instrument of advice\*.
2. Privy Councillors are sworn in before the Governor General. No document of appointment is necessary for those who are not joining the Government although they are issued with a commission\*.
3. The appointment is without any stated term and is considered to be for life. There is no instance of an accepted resignation. The *B.N.A. Act* provides in section 11 for their removal by the Governor General but this has never been done.
4. Privy Councillors carry the title "Honourable" for life.
5. There is no limitation on those who may be made members of the Privy Council but they must be in a position to take the necessary oath\* of allegiance and Privy Councillor's oath\*.
6. Privy Councillors are in two main categories: members of the Government and former Cabinet ministers; those who have been appointed as an honour but who have never been Cabinet ministers. The second category has included the Heir to the Throne, a Royal Consort, a Governor General on retirement, Commonwealth Prime Ministers, Chief Justices, former Speakers of both Houses, the Leader of the Opposition and distinguished Canadians, military and civilian.

## PRIVY COUNCIL

### Privy Councillors: Appointment

### II—BACKGROUND

1. Originally Privy Councillors were appointed by the Governor General on advice tendered by order in council. This form was even used for recommending the appointment of a new Prime Minister (Borden) although there was no quorum of the Council to approve the order. Since 1953 the instrument of advice\* has been used although the advice does not have to be in writing. In the one instance since then when the incoming Prime Minister (Diefenbaker) was not already a member of the Privy Council, he was summoned to the Council without written advice being submitted to the Governor General.
2. A Privy Councillor's appointment is effective on being sworn.
3. Originally the oath\* was administered to Privy Councillors at a formal meeting of Council but the practice was gradually abandoned in favour of a ceremony which despite the presence of the Governor General was not presented as a meeting of Council. There have however been recent exceptions. Lord Alexander\* was sworn as a Privy Councillor after his retirement as Governor General in 1952 at a meeting of Council at which the Administrator presided. Prince Philip was made a Privy Councillor in 1957 at a meeting of Council with the Queen presiding.
4. Neither the *B.N.A. Act* nor the Letters Patent make provision for a Privy Councillor to make affirmations instead of swearing the usual oaths. Affirmations are accepted in the United Kingdom.
5. The commission\* issued to a Privy Councillor who is not appointed a member of the Government is simply "in testimony" of his appointment.
6. The appointment to the Privy Council being without a term is "at pleasure" and has, since the beginning of Confederation, been treated as a life appointment unlike that of pre-Confederation Executive Counsellors. This interpretation was put into effect in October 1867 when Hon. A. G. Archibald tendered his resignation as Secretary of State and Privy Councillor. His resignation as a Privy Councillor was declined by the Governor General on the advice of the Prime Minister.
7. There is no record of anyone ceasing, while still alive, to be a member of the Canadian Privy Council. The opinion has been expressed that when the Prince of Wales succeeded to the Throne as Edward VIII his membership in the Privy Council which had been conferred on 2 August, 1927 lapsed by operation of law. His name, like all others, remains on the list without qualification.

8. There are cases where senators who were Privy Councillors have resigned from the Senate because of criticism but in no case have they ceased to be Privy Councillors.
9. The Table of Titles for Canada approved by Queen Victoria in July 1868 conferred the title "Honourable" on Privy Councillors for life. The suggestion of the Prime Minister supported by Lord Monck that they should be called "Right Honourable" was turned down. Since then the idea of amending the title has been re-examined but no new request has been put to the Sovereign.
10. At the outset the only Privy Councillors were the members of the Cabinet. With the resignations of Galt and Archibald as members of the Government a body of Privy Councillors "not of the Cabinet" was recognized in official publications. Until 1891 all Privy Councillors were either Cabinet ministers or former Cabinet ministers. In that year for the first time Privy Councillors were created and not made members of the Government when two former Speakers of the House of Commons and three former Speakers of the Senate were sworn into the Privy Council. In 1896, Sir Donald Smith was sworn to the Privy Council on being appointed High Commissioner to London. In 1912, two long-time Conservative members of Parliament were appointed to the Privy Council without being made members of the Cabinet. In 1916, Hughes, Prime Minister of Australia, was the first Commonwealth statesman to be appointed to the Privy Council. In 1917, the first "civilian", Sir H. Laporte, was sworn to the Privy Council. In 1964, M. J. Coldwell, former leader of the C.C.F. Party was named Privy Councillor.
11. In 1967 the provincial Premiers of Canada then in office were summoned and sworn to the Privy Council at a ceremony\* at Government House. The significance of the occasion was marked by the presence of the Queen who signed the Privy Councillors' oath book and roll. This was the second instance of an induction to Council before the Sovereign. Prince Philip had been sworn before a meeting of Council attended by the Queen in Ottawa in 1957.
12. In 1960 there is a recorded decision of Cabinet that membership in the Canadian Privy Council could not be conferred upon the Governor General so long as he was in office. Mr. Massey and Mr. Michener were Privy Councillors having been summoned some years before appointment as Governor General.
13. The custom of honouring retiring Speakers by naming them to the Privy Council has been continued since 1891. This is usually done just before or just after retirement. In three cases it was left to succeeding Governments to make the appointments. George Black, Speaker of the House of Commons in 1930-1935, and James Bowman, Speaker in 1935, were appointed to the Privy Council in 1949; and Senator White, Speaker of the Senate in 1962, was appointed to the Privy Council in 1964.

## PRIVY COUNCIL

### Privy Councillors: Appointment

### III—PROCEDURE

1. It is customary for the Prime Minister to inform Cabinet of the recommendation he intends to make to the Governor General to appoint a Privy Councillor.
2. The Prime Minister then informs the Governor General of his intended recommendation and obtains his informal approval. No written advice is necessary but it is customary for the Prime Minister to sign an instrument of advice\* which is submitted for the Governor General's approval at the ceremony\* when the oath\* is administered.
3. A public announcement may be made by the Prime Minister once the Governor General's informal approval is obtained.
4. After the oath has been administered the Registrar General issues a commission\* on the basis of a copy of the instrument of advice transmitted to him by the Clerk of the Privy Council as evidence of the appointment. If the Privy Councillor is also appointed a minister at the same time, he receives one commission appointing him minister in which he is described as a Privy Councillor.

## PRIVY COUNCIL

### Privy Councillors: Appointment

### IV—CEREMONIAL

1. Privy Councillors are inducted at a ceremony\* where the oath\* is administered by the Clerk of the Privy Council, traditionally in the presence of the Governor General at Government House. The Prime Minister is normally present.
2. During the first years of Confederation the oath was administered at a meeting of the Privy Council, as is still done in the United Kingdom. This has not been the practice here for many years, although both Lord Alexander\* in 1952 and Prince Philip in 1957 were sworn in at Council meetings presided by the Administrator and the Queen respectively. The intent of the *B.N.A. Act* (section 11) which specifies that Privy Councillors shall be "chosen and summoned by the Governor General and sworn in as Privy Councillors" is met by performing the ceremony in his presence. In the absence of the Governor General the ceremony has been performed before the Administrator or Deputy Governor General.
3. There is one case where it is recorded that the oath was administered at Vancouver presumably without the Governor General being present. The oath book is nevertheless signed by the Governor General under a notation that the arrangement was at the Governor General's "special request".
4. In the case of one Privy Councillor who was ill the Governor General, accompanied by the Prime Minister, went to the appointee's residence to administer the oath.
5. A typical ceremony would run as follows:
  - (1) The Clerk of the Privy Council arrives at Government House 20 minutes before the time of the ceremony with the instrument of advice, oath books and bibles. These are arranged in the Governor General's study;
  - (2) The Prime Minister is received by the Governor General in his study. The Privy Councillors-designate are shown to the Drawing Room;
  - (3) The Secretary to the Governor General conducts the Privy Councillors-designate to His Excellency's study and presents them;
  - (4) The Prime Minister submits the instrument of advice recommending appointment, which His Excellency signs;
  - (5) The Clerk of the Privy Council then hands a bible to the first Privy Councillor to be sworn, who stands facing him and takes the bible in his right hand;

- (6) The Clerk reads aloud the oath of allegiance and the Privy Councillor's oath, in English or French whichever is the mother-tongue of the appointee. The Privy Councillor replies, "So help me God" or "Ainsi Dieu me soit en aide" to each oath;
  - (7) The Privy Councillor returns the bible to the Clerk and signs the Privy Councillor's oath and oath of allegiance book and the Privy Council roll;
  - (8) The Governor General is then asked to sign both books. There is no requirement for the Prime Minister to sign these books and although Prime Ministers have in the past done so it is not the current practice;
  - (9) The procedure for administering the oath is repeated for each appointee in order of precedence as recommended by the Prime Minister.
6. It is the current practice for the Clerk of the Privy Council to send\* the Privy Councillor the bible on which he took his oath, signed by the Governor General, Prime Minister and Clerk of the Privy Council, and a copy of the Privy Councillor's oath.

## **PRIVY COUNCIL**

### **Privy Councillors: Appointment**

APPENDICES

Instrument of advice for appointment as a Privy Councillor

Commission issued to a Privy Councillor who is not appointed a member of the Government

Oaths taken by Privy Councillor

Outline of arrangements for swearing-in of Lord Alexander as a Privy Councillor (1952)

Letter from Clerk of Privy Council to Privy Councillor transmitting bible on which latter took his oath

Extract from arrangements for induction of provincial Premiers into Privy Council in 1967

## PRIVY COUNCIL

### Privy Councillors: Termination of Appointment

### I—POSITION

1. The *B.N.A. Act* (section 11) provides that members of the Privy Council "may be from time to time removed by the Governor General".
2. There is no record of anyone having been removed from the Privy Council except by death.
3. Removal, like appointment, would fall within the prerogative rights of the Governor General and could be brought about by the approval by the Governor General of a recommendation from the Prime Minister submitted by instrument of advice.
4. Removal could be effected without the intervention of the Sovereign. However the Council is the *Queen's* Privy Council for Canada and removal would be without precedent in Canada. For these reasons it should be considered whether, as a matter of courtesy, the Queen should be consulted or informed on any action for removal.

## PRIVY COUNCIL

### Privy Councillors: Termination of Appointment

### II—BACKGROUND

1. It may be that the section establishing the Privy Council provides for removal since the Council was at that time envisaged to be the Governor's real political advisors, the Government of the day. At the outset of Confederation steps were taken (October 1867), to treat the Privy Council of Canada "... both as to title and tenure exactly like the Privy Council of the United Kingdom".<sup>1</sup> In 1868 the tenure was recognized by Queen Victoria as being for life. Members of the first Government who resigned did not have their resignation as Privy Councillors accepted, only as ministers.
2. Ministers and senators holding Privy Councillorships have resigned from the Government or Senate for personal reasons, for health, or because of criticism. In no case have they resigned from the Privy Council. Likewise there is no evidence of pressure in public or political circles for resignation from the Privy Council although it must be recognized that continuing membership in the Privy Council does not attract public notice.
3. The view has been expressed that the Duke of Windsor, who was sworn to the Privy Council when Prince of Wales, ceased "by operation of law" to be a member of the Privy Council on his accession to the Throne.<sup>2</sup> Nonetheless, he has continued to be listed as a member. Similarly both Mr. Massey and Mr. Michener, who were appointed in 1925 and 1962 respectively, remained members throughout their term of office as Governor General although a Cabinet decision of 1960 expressed the view that membership in the Canadian Privy Council could not be conferred upon the Governor General so long as he was in office.
4. It is clearly established in United Kingdom practice, although apparently unstated, that a Privy Councillor may be "removed from the list". He cannot resign in the strict legal sense, that is, a unilateral declaration does not of itself suffice to divest a Privy Councillor of that quality. Requests by a Privy Councillor for his own removal have, however, been granted and in contemporary times, i.e., Profumo. This is done by order in council.
5. There is no modern case in the United Kingdom of a Privy Councillor being removed by the Government although this has been done in the past for reasons which then attracted the Sovereign's displeasure but which today might not move a Government to recommend removal. Fox, for example, was removed in 1792 on the recommendation of Pitt and restored in 1806 on Grenville's advice.

<sup>1</sup> Macdonald Papers, vol. 75, Monck to Macdonald, 11 October, 1867.

<sup>2</sup> See "Note on the Privy Councillorship of an Heir to the Crown", dated 17 February, 1936, signed by "L.C.C.", on P.C.O. file G-1-9(c), 1968.

## PRIVY COUNCIL

### Privy Council and Committee of Privy Council

### I—POSITION

1. Section 11 of the *B.N.A. Act* states that "There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada . . ." All those who have been sworn as Privy Councillors are members of the Queen's Privy Council for Canada.
2. Usually only those Privy Councillors who are members of the Government are invited to meetings of a committee of Council or of Council.
3. A Council is a meeting of Councillors with the Sovereign or her representative present or conceptually present through subsequent approval of the advice tendered as a result of the meeting. A meeting of Council is considered to take place when the Governor General approves orders recommended by a committee which are worded so as to reflect his actual presence at an earlier point in history.
4. A committee of Council is any group of Councillors meeting not in the presence or supposed presence of the Sovereign or her representative. A meeting of a committee of Council takes place when members of the Government of the day who are Privy Councillors meet to recommend orders for the Governor General's approval.
5. Cabinet transforms itself into a meeting of a committee of the Privy Council when making formal recommendations to the Governor General. It is then known as the Committee of Council or the Committee of the Privy Council.
6. The Treasury Board and the Committee of the Privy Council on Scientific and Industrial Research are statutory committees of Council.
7. Formal meetings of Council with the Sovereign or her representative in attendance have been held infrequently in recent years, usually for ceremonial occasions.
8. The Special Committee of Council is a quorum of ministers which meets regularly to pass routine or non-contentious recommendations which become orders in council when approved by the Governor General.
9. A quorum of Council or of a committee thereof, including the Special Committee, is considered to be four.
10. Privy Councillors only attend meetings of Council or of a committee of Council on the summons of the Sovereign or her representative, or of the chairman of the committee. There is no record of a Councillor presenting himself unwanted at a meeting.

## PRIVY COUNCIL

### Privy Council and Committee of Privy Council

### II—BACKGROUND

1. In early Confederation days the Governor General met with Council to administer oaths to Privy Councillors and others and also to approve orders. This is no longer the practice.
2. The distinction between a meeting of Council and a meeting of a committee of Council is explained by Anson who says that "Every meeting of the Privy Council from which the King is absent is a Committee even if every member should be summoned and present".<sup>1</sup> This was recognized from pre-Confederation days as evidenced by a report from Sir Edmund Head to the effect that "he either discusses it [a proposed Order] in Council before approving of it or he takes it off the file and returns it for reconsideration by the Committee".<sup>2</sup> The belief that a meeting is only of a committee because only members of the Government of the day attend is therefore ill-founded.
3. A Council is in law a quorum of Privy Councillors summoned to a meeting with the Governor General present, or in Sir John Macdonald's phrase, "supposed to be present".<sup>3</sup> A committee of Council is any group of Councillors meeting not in the presence or supposed presence of the Sovereign or her representative. The Special Committee of Council is by Canadian usage a meeting of the members of the Government of the day who are Privy Councillors for the purpose of making recommendations to the Governor.
4. In 1947 a formal meeting of the Privy Council was held to hear the King's message giving consent to the marriage of Princess Elizabeth. The meeting was summoned by the Governor General on the King's instructions and, in the absence of the Governor General the Deputy Governor General presided. Two Privy Councillors not members of the Government were summoned but could not attend. A formal record\* of the meeting was kept.
5. In 1952 a meeting was held to hear the proclamations consequent on the death of George VI and the accession of Queen Elizabeth. Ten Privy Councillors not members of the Government attended on special oral invitation. The Prime Minister presided and the Administrator was not present. This is described as a meeting of the Queen's Privy Council but was in fact a meeting of a committee of Council. In 1957 the Queen held a Council meeting in Rideau Hall at first attended only by members of the Government at which

<sup>1</sup> W. R. Anson, *Law and Custom of the Constitution*, 4th edition, Vol. II, Part I (Oxford, 1935), p. 109.

<sup>2</sup> Secret and Confidential Despatches, Colonial Secretary, 1856-1866, Public Archives of Canada G. 10 Vol. 2, Sir Edmund Head to Colonial Secretary Labouchere, 4 March, 1858.

<sup>3</sup> Macdonald Papers, vol. 522, Macdonald to Dufferin, 17 February, 1873.

business was transacted. Subsequently the Governor General, a Privy Councillor but not in the Cabinet, joined the meeting and Prince Philip was summoned and sworn to the Council.

6. In 1952 Council met with the Administrator presiding, for the induction of the former Governor General, Lord Alexander, as a Privy Councillor.
7. In 1959 the Queen held a Council in Halifax attended by Privy Councillors\* in the Government and transacted business. Prince Philip is listed as also being present.

## **PRIVY COUNCIL**

### **Privy Council and Committee of Privy Council**

### **III—PROCEDURE**

1. Privy Councillors are summoned orally to attend meetings of the Privy Council or of a committee of Council.

## **PRIVY COUNCIL**

### **Privy Council and Committee of Privy Council**

### **IV—CEREMONIAL**

1. Meetings of the Privy Council or of a committee of the Privy Council are essentially business meetings which are held without formal ceremonial.

## **PRIVY COUNCIL**

### **Privy Council and Committee of Privy Council**

### **APPENDICES**

Formal record of 1947 Privy Council meeting regarding King's message giving consent to marriage of Princess Elizabeth

List of Privy Councillors in attendance at 1959 Privy Council meeting in Halifax

## PRIVY COUNCIL

### President of Privy Council

### I—POSITION

1. The Presidency of the Privy Council is a Cabinet portfolio which has no defined functions. Responsibilities are assigned as the Prime Minister decides.
2. The portfolio, for long periods associated with the Prime Minister, has frequently been held by another minister and has often been left vacant.
3. There is no consistent practice in regard to the President assuming the chairmanship of the Committee of the Privy Council in the absence of the Prime Minister. Latterly he has acted as Chairman of the Special Committee.
4. The President of the Privy Council has no responsibility for the administration of the Privy Council Office which for purposes of the *Financial Administration Act* has been assigned by order in council to the Prime Minister. Recently the President has defended the Privy Council Office Estimates in the House.

## PRIVY COUNCIL

### President of Privy Council

### II—BACKGROUND

1. The office of President of the Privy Council evolved from that of President of the Committee of the Executive Council of the United Canadas who presided over that body in the absence of the Governor.
2. At Confederation the Governor General's Instructions empowered him to appoint a Privy Councillor to preside in his absence, but these instructions were not repeated as they were inconsistent with the transfer to the Prime Minister of responsibility for heading the Government.
3. In the early stages the post of President of the Privy Council was filled by a minister, although it was often left vacant. In 1883 Sir John A. Macdonald was the first Prime Minister to become President and held the portfolio for six years. Abbott and Bowell also held it during their entire ministries. Laurier also became President on forming his Government and with the exception of the Unionist Cabinets (1917-1921) it remained a Prime Minister's portfolio until near the end of Mr. St. Laurent's regime. Mr. Diefenbaker left it vacant for the first time since 1891 and after assigning it to another minister for a period took the portfolio himself in the closing months of his Government. Since 1963 it has been filled by ministers.
4. The pre-Confederation significance of the post as indicating the member of the Executive Council to preside in the Governor's absence was lost with the emergence of the position of Prime Minister. With no defined responsibilities attaching to the portfolio, it had little meaning as an adjunct to the position of Prime Minister, particularly when it ceased to be exceptional for a Prime Minister to take an oath of office as such.
5. In the early years of Confederation the portfolio was used to round out the representation in the Cabinet without assigning specific responsibilities. Later development of appointing ministers without portfolio to full Cabinet membership decreased the significance of the post in the Cabinet-making process. However as government responsibility increased in areas that could not be conveniently brought within the compass of existing ministries, the portfolio of President of the Privy Council began to be used for the assignment of special responsibilities as circumstances dictated. Developments may now be underway to associate the position with special Council responsibilities distinct from those of the Prime Minister.

## **PRIVY COUNCIL**

### **President of Privy Council**

### **III—PROCEDURE**

1. Being a ministerial office the procedure for the appointment of the President of the Privy Council is that used for the appointment of other ministers of the Crown.

## PRIVY COUNCIL

### Queen with Privy Council

### I—POSITION

1. The Sovereign has met with the Privy Council on two occasions.
2. Only members of the Government of the day were summoned to these meetings. Prince Philip attended both meetings.
3. The Queen cannot perform those functions which have by statute been made the responsibility of the Governor General or the Governor General in Council. Business was therefore limited to prerogative matters.
4. A formal record of the meetings was kept.

## PRIVY COUNCIL

### Queen with Privy Council

### II—BACKGROUND

1. George VI did not meet with the Privy Council during his visit to Canada in 1939. In 1957 Queen Elizabeth II met with Council in Ottawa and in 1959 in Halifax.
2. On both occasions only those members of the Government of the day were summoned to Council. In 1957 the then Governor General came into the meeting after the discussion of business and approved the instrument of advice summoning Prince Philip in accordance with section 11 of the *B.N.A. Act*. He remained to be photographed with the Privy Council, including Prince Philip. Officials were not present during the discussion of business.
3. The meeting was properly described in the programme as a meeting of Her Majesty's Privy Council for Canada. During the first part the meeting was limited to members of the Government. On the installation of Prince Philip it lost this limited character. Mr. Massey, as Governor General, attended the formal meeting of the Council to summon and install Prince Philip in the presence of the Queen. Mr. Massey was, of course, himself a Privy Councillor having been sworn in 1925. In 1959 the Governor General did not attend the meeting, but Prince Philip was present throughout.
4. When the visit of George VI was being planned it was decided that, as it was not contemplated that the King would exercise any statutory powers while here, it was not necessary to pass legislation to permit powers exercised under statute by the Governor General as *persona designata* to be performed by the King. Before the Queen visited Australia and New Zealand in 1953/54 such enabling legislation was passed in both countries. Before the Queen's visit to Canada in 1959 this question was again examined and a "Royal Powers Act"\* was drafted. It has however never been introduced in Parliament.
5. Preparatory to the 1957 meeting there was detailed examination with Buckingham Palace of the agenda for the Council. In 1959 arrangements were made just a few days before the meeting and only one item of business was handled.
6. In 1957 there was a general discussion of major questions of Government policy and the Queen then signed an order in council authorizing the signature of a tax agreement with Belgium. Her Majesty also approved an instrument of advice recommending agrément for the new Netherland's Ambassador although action by Council was not involved for this second

item. This part of the meeting took place before the Governor General and Prince Philip attended to be sworn to the Council.

7. In 1959 the one item of formal business was the approval of an order in council authorizing the ratification of a United Nations convention. Prince Philip was present throughout the meeting.

## **PRIVY COUNCIL**

### **Queen with Privy Council**

### **III—PROCEDURE**

1. The Prime Minister decides whether to propose that the Sovereign hold a meeting of the Privy Council while in Canada.
2. The Privy Council Office clears the proposed items of business with Buckingham Palace.
3. The meeting is arranged by the Privy Council Office in co-operation with Government House if it is to take place there.
4. It is customary to take a photograph of the meeting.
5. A formal record of the meeting is kept.

## **PRIVY COUNCIL**

### **Queen with Privy Council**

### **IV—CEREMONIAL**

1. The arrangements proposed for the meeting in 1957 are set out in detail in a memorandum\* dated 12 October, 1957. What actually took place is described in a memorandum\* dated 16 October, 1957.

## **PRIVY COUNCIL**

### **Queen with Privy Council**

### **APPENDICES**

Draft Canadian "Royal Powers Act"

Memorandum dated 12 October, 1957 regarding proposed arrangements for 1957 meeting of Privy Council with the Queen

Memorandum dated 16 October, 1957 describing 1957 meeting of Privy Council with the Queen

## PRIVY COUNCIL

### Clerk of Privy Council

### I—POSITION

1. There is one position which combines the duties of Clerk of the Privy Council and Secretary to the Cabinet.
2. The appointment is made by order in council\* on the recommendation of the Prime Minister. According to the *Interpretation Act* the appointment is at pleasure. The *Public Service Employment Act* empowers the Governor in Council to fix the remuneration.
3. The appointment has been terminated by retirement, appointment to another position or resignation.
4. The duties were set out in the order in council of appointment in 1940 but have evolved significantly since then.
5. As the Prime Minister's own senior official, the Clerk is involved in maintaining liaison between Cabinet and its committees and between the Prime Minister and his Cabinet colleagues. He has a role in the development and co-ordination of policy suggestions and in the selection of officials appointed at the deputy ministerial level.
6. The Clerk is recognized as the "Deputy Head" of the Privy Council Office.
7. The Clerk of the Privy Council is issued with a commission\* under the Great Seal as evidence of his appointment.
8. The Clerk also receives a commission\* under the Great Seal authorizing him to administer oaths as prescribed by the law.
9. The Prime Minister issues a press release\* announcing the appointment of a new Clerk.
10. Assistant Clerks are appointed by an order in council\* which identifies them as also being Assistant Secretaries to the Cabinet, in which capacity they occupy Public Service positions for which appointments are made by the Public Service Commission. They receive no commission of appointment but do receive commissions authorizing them to administer oaths.

## PRIVY COUNCIL

### Clerk of Privy Council

### II—BACKGROUND

1. The position of Clerk of the Privy Council has existed since Confederation as successor to the position of Clerk of the Executive Council of the Province of Canada.
2. In 1940 the functions of Secretary to the Cabinet were recognized and combined with the duties of Clerk.
3. While the Department of Justice have given the opinion (1946) that there is only one position with combined functions and title, the areas of responsibility can be distinguished. The duties of Secretary to the Cabinet have a policy aspect not present in the formal duties of Clerk. It is for consideration whether an attempt should not be made to indicate by using the appropriate part of the title whether a particular action properly falls within the duties of the Clerk or the duties of the Secretary.
4. No pattern has developed to suggest a regular term of office for the position, which since Confederation has varied from one year to twenty-five\*.
5. Recently the Clerk has vacated the office on being appointed to another position in the Public Service. On one occasion the Clerk resigned to enter the Cabinet.
6. In the 1940 order in council of appointment, and under the former *Civil Service Act*, the Clerk was designated as a deputy head in relation to the Privy Council Office. Under the 1967 *Public Service Employment Act* an order in council is required to make the designation and to clarify the authority under which he continues to act as deputy head of the Privy Council Office. As such his position is distinguished, in law if not in fact, from that of a deputy minister whose position is established in the statute creating the department.
7. The Clerk's activity and effectiveness in the field of maintaining liaison between the Cabinet and committees and between the Prime Minister and ministers will depend on the relations of the persons involved. In the latter area the relationship has frequently become actively reciprocal with ministers initiating consultation with the Clerk about forthcoming Cabinet business.

## **PRIVY COUNCIL**

### **Clerk of Privy Council**

### **III—PROCEDURE**

1. An order in council\* is passed appointing the Clerk and Secretary.
2. A commission\* under the Great Seal is prepared by the Deputy Registrar General as evidence of the appointment.
3. The Deputy Registrar General also issues the new Clerk with a commission\* under the Great Seal authorizing him to administer oaths.
4. A press release\* is prepared for the Prime Minister's approval announcing the appointment of the new Clerk.

## **PRIVY COUNCIL**

### **Clerk of Privy Council**

### **APPENDICES**

Order in council appointing Clerk of the Privy Council and Secretary to the Cabinet

Commission issued to Clerk of the Privy Council and Secretary to the Cabinet as evidence of his appointment

Commission authorizing Clerk of the Privy Council and Secretary to the Cabinet to administer oaths

Extract from press release regarding appointment of Clerk of the Privy Council and Secretary to the Cabinet

Order in council appointing Assistant Clerk of the Privy Council

List of Clerks of the Privy Council and Secretaries to the Cabinet together with dates in office

## PRIVY COUNCIL

### Privy Council Office

### I—POSITION

1. The Privy Council Office is the department responsible for the operation of the Privy Council and the Cabinet Secretariat.
2. The Prime Minister is designated by order in council\* as the minister responsible for the department under the *Financial Administration Act*.
3. The Clerk of the Privy Council and Secretary to the Cabinet acts as the deputy head of the department.
4. Administratively the Prime Minister's Office is part of the Privy Council Office but its functions are distinct.

## PRIVY COUNCIL

### Privy Council Office

### II—BACKGROUND

1. The Privy Council Office came into being at Confederation as a result of the establishment of the Privy Council by the *B.N.A. Act*. Under section 130 of the Act the Clerk of the Privy Council continued the duties performed by the Clerk of the Executive Council of the Province of Canada. In 1940 the position of Secretary to the Cabinet was created and combined with that of Clerk of the Privy Council.
2. After the *Financial Administration Act* came into effect in 1951 the President of the Privy Council was designated by order in council as the minister responsible for the Privy Council Office. In 1962 this was changed by order in council\* to the Prime Minister. Nevertheless the practice has been growing to have the President of the Privy Council present and defend the the Privy Council Office Estimates in Parliament.
3. The responsibility of the Privy Council Office for the formal legal actions of the Government in relation to orders in council, etc., and for the secretarial work of the Cabinet and Cabinet committees has developed into a responsibility for liaison with departments and agencies on matters of interest to the Cabinet. This includes the co-ordinating of advice and recommendations submitted to the Cabinet. In terms of its activities, the Privy Council Office might more properly be called the Cabinet Secretariat since its obligations as the latter are rather wider than its duties in relation to the body which gave it its name.
4. Special secretariats have been added to the Privy Council Office from time to time.
5. The Public Service staff in the Prime Minister's Office are on the strength of the Privy Council Office who look after the general administrative arrangements for the Prime Minister's Office.

## **PRIVY COUNCIL**

### **Privy Council Office**

### **APPENDICES**

Order in council designating Prime Minister as minister responsible for Privy Council Office

## **PRIVY COUNCIL**

### **United Kingdom Privy Council: Canadian Membership**

### **I—POSITION**

1. Appointments\* to the United Kingdom Privy Council are made by the Queen on the recommendation of the United Kingdom Prime Minister. If the appointee is a Canadian\* the agreement of the Canadian Prime Minister is sought.
2. The appointment carries the title "Right Honourable" which is assumed when it becomes effective with the administration of the oath at a Privy Council meeting in the United Kingdom. In the case of Canadian appointments the United Kingdom Privy Council has frequently passed an order authorizing the use of the title in advance of induction.
3. Canadian Prime Ministers have been invited to join the United Kingdom Privy Council. Other Canadian ministers have from time to time been members of the United Kingdom Privy Council. Until 1949 the Chief Justice of Canada was made a member of the United Kingdom Privy Council.
4. The appointment is essentially ceremonial and does not involve participation in regular Councils.

## PRIVY COUNCIL

### United Kingdom Privy Council: Canadian Membership

### II—BACKGROUND

1. The United Kingdom Privy Council is incorrectly called the Imperial Privy Council. It was never constituted as a representative imperial council, has never operated as such and membership is exclusively on the advice of the United Kingdom Prime Minister.
2. As of 1963 all Canadian Prime Ministers have been United Kingdom Privy Councillors with the exception of Mackenzie, Abbott and Bowell. The appointments have usually been made within a few months of becoming Prime Minister although that of Tupper came 11 years after he left office.
3. The appointment of Canadian Prime Ministers to the United Kingdom Privy Council was, until 1968, recognized as the procedure whereby the "Right Honourable" title was bestowed on a new Prime Minister. The traditional use of this title by Prime Ministers is an exception to the contemporary disposition against titles for Canadians. In 1968 the Table of Titles for Canada was amended to provide that the Prime Ministers would henceforth be designated "Right Honourable" upon assuming office. Although as a result the Prime Minister of Canada no longer carries the title because of membership in the United Kingdom Privy Council it was stated at the time of the amendment that the new provision was not to be interpreted as a decision regarding the acceptance by Canadians of membership in the United Kingdom Council should the United Kingdom Government be disposed to continue making such recommendations.
4. The Canadian Prime Minister has on several occasions in the past arranged for senior Canadian ministers and others to be appointed to the United Kingdom Privy Council by the recommendation of the United Kingdom Prime Minister. On one or two occasions at least requests for appointments have been turned down by the United Kingdom Prime Minister. Two Canadian High Commissioners in the United Kingdom have been appointed to the United Kingdom Council and Mr. Diefenbaker requested General Vanier's appointment in 1962 after three years in office as Governor General. When the appointment is initiated by the United Kingdom Government the approval of the Canadian Government is sought in advance.
5. Until appeals to the Privy Council were abolished the Chief Justice of Canada was made a United Kingdom Privy Councillor and attended meetings of the Judicial Committee from time to time.
6. Canadians who have established themselves in England have also been summoned to the United Kingdom Privy Council because of their activities there. Such appointments would now only be made with the approval of the Canadian Government.

7. With the exception of the former attendance of the Chief Justice at the Judicial Committee, Canadian members who reside in Canada do not attend meetings of the United Kingdom Privy Council. Mr. Massey did, however, attend a ceremonial meeting of the Council to hear the Queen's accession declaration in 1952.

## **PRIVY COUNCIL**

### **United Kingdom Privy Council: Canadian Membership**

### **APPENDICES**

United Kingdom order in council for appointment as a member of United Kingdom Privy Council

List of Canadians who are members of United Kingdom Privy Council

**PRIVY COUNCIL**



## PRIVY COUNCIL

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**Instrument of Advice for Appointment as a Privy Councillor**

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**PRIME MINISTER - PREMIER MINISTRE**

To His Excellency

General the Right Honourable Georges P. Vanier, D.S.O., M.C., C.D.,  
Governor General and Commander-in-Chief of Canada.

Your Excellency:

The undersigned submits for Your Excellency's pleasure that the Honourable Alan Aylesworth Macnaughton, of the City of Montreal, in the Province of Quebec, One of Her Majesty's Counsel learned in the Law, be chosen and summoned to be a Member of the Queen's Privy Council for Canada.

Respectfully submitted,

(Sgd.) L.B. PEARSON  
Prime Minister.

(Sgd.) { Approved  
GEORGES P. VANIER  
25th October, 1965.

Commission issued to Privy Councillor who is not a Member  
of the Government

---

Canada

(Sgd.) Georges P. Vanier

*Elizabeth the Second, by the Grace of God of  
the United Kingdom, Canada and Her other Realms  
and Territories QUEEN, Head of the Commonwealth,  
Defender of the Faith.*

TO THE  
HONOURABLE ALAN AYLESWORTH MACNAUGHTON,  
*one of Our Counsel learned in the Law,  
of the City of Montreal, in the Province of Quebec,*

GREETING:

*KNOW YOU that, reposing special trust and confidence in your loyalty, integrity and ability,  
We have constituted and appointed you the said Alan Aylesworth Macnaughton to be a*

MEMBER OF OUR PRIVY COUNCIL FOR CANADA.

*TO HAVE, hold, exercise and enjoy the said office of a Member of Our Privy Council for  
Canada unto you the said Alan Aylesworth Macnaughton with all and every the powers, rights,  
authority, privileges, profits, emoluments and advantages unto the said office of right and by law  
appertaining during Our Pleasure.*

*IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the  
Great Seal of Canada to be hereunto affixed.*

WITNESS: *Our Right Trusty and Well-beloved Counsellor, General Georges P. Vanier,  
a member of Our Most Honourable Privy Council, Companion of Our  
Distinguished Service Order upon whom We have conferred Our Military  
Cross and Our Canadian Forces' Decoration, Governor General and  
Commander-in-Chief of Canada.*

*AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this twenty-fifth day of October in  
the year of Our Lord one thousand nine hundred and sixty-five and in the fourteenth year of Our  
Reign.*

BY COMMAND,

(Sgd.) Lucien Cardin  
ATTORNEY GENERAL  
OF CANADA

(Sgd.) Maurice Lamontagne  
SECRETARY OF STATE OF CANADA

## Oaths taken by Privy Councillor

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### OATH OF ALLEGIANCE

You, . . . . ., do swear that you will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law.

SO HELP YOU GOD.

### PRIVY COUNCILLOR'S OATH

You, . . . . ., do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the Place of Her Council in this Her Majesty's Dominion of Canada, you will keep close and secret all such matters as shall be treated, debated and resolved on in Privy Council, without publishing or disclosing the same or any part thereof, by Word, Writing, or any otherwise to any Person out of the same Council, but to such only as be of the Council, and yet if any matter so propounded, treated and debated in any such Privy Council shall touch any particular Person, sworn of the same Council upon any such matter as shall in any wise concern his Loyalty and Fidelity to the Queen's Majesty, you will in no wise open the same to him, but keep it secret, as you would from any Person, until the Queen's Majesty's pleasure be known in that behalf. You will in all things to be moved, treated and debated in any such Privy Council, faithfully, honestly and truly declare your mind and opinion to the honour and benefit of the Queen's Majesty, and the good of Her Subjects without partiality or exception of persons, in no wise forbearing so to do from any manner of respect, favour, love, meed, displeasure, or dread of any Person or Persons whatsoever. In General you will be vigilant, diligent and circumspect in all your doings touching the Queen's Majesty's affairs; All which Matters and Things you will faithfully observe and keep, as a good Councillor ought to do to the utmost of your power, will and discretion.

SO HELP YOU GOD.

**Outline of Arrangements made for the Swearing-In of Field Marshal Alexander of Tunis, K. G., as a Member of the Privy Council for Canada in the Privy Council Chamber on Tuesday, the 29th January, 1952**

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The Senior Aide-de-Camp, Captain Edson Sherwood, will arrange to call for His Excellency the Administrator, at a time to be arranged later, and will drive to the West Door of the East Block (Privy Council Entrance).

10.55 a.m.            A Cabinet meeting will be held.

11.00 a.m.            The Administrator, attended by the senior Aide-de-Camp, will arrive at the Privy Council Entrance, where they will be met by an Officer of the Privy Council, probably Mr. Arthur Hill, Assistant Clerk of the Privy Council, who will escort them to the Council Chamber.

11.05 a.m.            Lord Alexander, accompanied by Major-General H.F.C. Letson, Secretary to the Governor General, will arrive at the Privy Council Entrance, where they will be met by a member of the Prime Minister's Staff and escorted to the Prime Minister's Office.

The Prime Minister will leave the Council Chamber, proceed to his Office and return to the Chamber with Lord Alexander and General Letson.

The ceremony of swearing in will then take place.

The Administrator, attended by the senior Aide-de-Camp will leave.

Lord Alexander will return to the Prime Minister's Office and leave the building from there.

DRESS:            Short Black coat.

(Sgd.) J.F. DELAUTE  
Assistant Secretary.

26th January, 1952.

**Letter from Clerk of Privy Council to Privy Councillor transmitting  
Bible on which Privy Councillor's Oath was taken**

---

October 30th, 1962.

The Honourable Roland Michener,  
Edgehill,  
5 Rosedale Road,  
Toronto 5, Ontario.

Dear Mr. Michener:

I have much pleasure in sending you enclosed, as a memento of the occasion, the Bible upon which you were sworn as a Member of the Queen's Privy Council for Canada.

I thought you would also wish to have the text of the Privy Councillor's oath, a copy of which is also enclosed.

Yours sincerely,

(Sgd.) R.B. BRYCE

**Extract from Arrangements for Induction of Provincial Premiers  
into Privy Council, 5 July, 1967**

---

...  
11:55 A.M. — Provincial Premiers depart Chateau Laurier (Mackenzie Entrance) for Government House in staff cars. Messrs. Stewart and Pratt will be available at Mackenzie Entrance.

12:00 NOON — The Prime Minister and Clerk of Privy Council arrive at the front door of Government House. They will be received in the Reception Room by the Secretary to the Governor General.

12:05 P.M. — The Provincial Premiers arrive at the front door of Government House. The Premiers are escorted to the Reception Room to take their places.

12:15 P.M. — Her Majesty accompanied by the Governor General and the Prime Minister take their places in the Reception Room.

The Clerk of the Privy Council reads the Privy Councillor's Oath in English and in French.

Following the reading of the Oath, each Premier proceeds in turn to the Clerk of the Privy Council, places his hand on a Bible presented to him by the Clerk, and says "So help me God" or "Ainsi Dieu me soit en aide".

The Premier then proceeds to the table to sign the Oath Book and the the Privy Councillors' Roll Book.

The Premier proceeds to the Prime Minister and is presented to Her Majesty for congratulations.

The Governor General presents the Premier with his Commission (Mr. Lafrance gives the Commission to the Governor General for presentation in each case. The Commission may be returned to Mr. Lafrance for mailing if so desired).

Each Premier regains his place passing behind those still to be sworn. They remain in their places until after Her Majesty has signed the books.

After the Honourable J.R. Smallwood has regained his place, the Prime Minister conducts Her Majesty to the table to sign the books.

Her Majesty signs the Oath Book and the Privy Councillors' Roll Book as well as the Family Bible for Mr. Roblin.

Photographs to be taken as arranged by the Governor General's Press Secretary.

At the end of the ceremony refreshments will be served in the Long Gallery.  
...

## PRIVY COUNCIL

### Privy Council and Committee of Privy Council

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**Record of 1947 Privy Council Meeting regarding King's Message giving  
Consent to Marriage of Princess Elizabeth**

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CANADA  
PRIVY COUNCIL

P. C. 3037 $\frac{1}{2}$

THE KING'S PRIVY COUNCIL FOR CANADA

At the Privy Council Chamber, Ottawa, on Thursday, the 31st day of July, 1947, at 12 o'clock noon, a meeting of His Majesty's Privy Council for Canada, summoned by His Excellency the Governor General, on His Majesty's instruction.

*Present:*

The Honourable Patrick Kerwin,  
Deputy Governor General,  
The Right Honourable W. L. Mackenzie King,  
Prime Minister,  
The Right Honourable J. L. Ilsley,  
The Honourable J. A. MacKinnon,  
The Right Honourable L. S. St. Laurent,  
The Honourable Ernest Bertrand,  
The Honourable Brooke Claxton,  
The Honourable D. C. Abbott,  
The Honourable J. J. McCann.

---

The Deputy Governor General, the Honourable Patrick Kerwin, acquainted the Council with the following message from His Majesty the King to His Excellency the Governor General:

"Buckingham Palace,  
31st July, 1947.

The Governor General of Canada,  
Ottawa.

I should be glad if you as my personal representative in Canada would convey to my Privy Council for Canada that

I have today, in accordance with the provisions of the Royal Marriages Act 1772, declared in Council my formal consent to the marriage of my daughter the Princess Elizabeth to Lieutenant Philip Mountbatten.

George R. I."

The Council, having heard the above message, took note accordingly.

(Sgd.) P. KERWIN

(Sgd.) W. L. MACKENZIE KING

*Certified to be a true copy*

(Sgd.) R. G. ROBERTSON  
*Clerk of the Privy Council*

**Privy Councillors in Attendance at 1959 Privy Council  
Meeting in Halifax**

---

**THE QUEEN'S PRIVY COUNCIL FOR CANADA**

At Government House, Halifax, Nova Scotia on Saturday,  
the first day of August, 1959, at noon, a meeting of Her  
Majesty's Privy Council for Canada summoned by Her Majesty  
the Queen—

**PRESENT**

Her Majesty the Queen

The Right Honourable John George Diefenbaker

The Honourables D. M. Fleming

G. Hees

L. Balcer

G. R. Pearkes

G. M. Churchill

E. D. Fulton

G. C. Nowlan

E. L. Fairclough

J. A. MacLean

M. Starr

W. M. Hamilton

J. M. Macdonnell

W. J. Browne

P. Comtois

J. W. Monteith

F. A. G. Hamilton

R. J. M. O'Hurley

H. Courtemanche

also present His Royal Highness the Prince Philip.



## PRIVY COUNCIL

### Queen with Privy Council

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## Draft Canadian "Royal Powers Act"

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June 25, 1959.

### BILL

An Act to Authorize Her Majesty while Personally Present in Canada to Exercise the Powers, Authorities and Functions of the Governor General.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

#### *Short Title.*

1. This Act may be cited as the *Royal Powers Act*.

#### *Royal Powers.*

2. Whenever Her Majesty the Queen is personally present in Canada, any power, authority or function vested in or exercisable by the Governor General with the advice of, or with the advice and consent of, or in conjunction with, the Queen's Privy Council for Canada or any number of members thereof, or by the Governor General individually, may be exercised by Her Majesty with the advice of, or with the advice and consent of, or in conjunction with, the Queen's Privy Council for Canada or any number of members thereof, or by Her Majesty individually, as the case requires.

3. Nothing in this Act affects the exercise of any power, authority or function by the Governor General or the Governor General in Council.

### EXPLANATORY NOTE

The purpose of this bill is to authorize Her Majesty to exercise the powers, authorities and functions of the Governor General while Her Majesty is personally present in Canada.

**Memorandum of 12 October, 1957 regarding Arrangements for 1957  
Meeting of Privy Council with the Queen**

---

*CONFIDENTIAL*

October 12th, 1957.

*MEMORANDUM FOR THE PRIME MINISTER:*

RE: Suggested procedure for meeting with the  
Queen on Monday, October 14, at 10.00 a.m.

The Ministers will arrive at Government House at 9.50 or before and proceed to the dining-room where the meeting is to take place. The Prime Minister will arrive at approximately the same time and proceed to the dining-room as well and then to the hallway outside the room before the Queen arrives.

Shortly before 10 o'clock, the Ministers will arrange themselves in a reception line in their order of formal seniority from Mr. Green to Senator Haig. Mr. Green will stand near the door and the line will be an arc stretching to somewhere beyond the corner of the table.

The Prime Minister will meet Her Majesty in the hall and escort her into the dining-room and along the line of Ministers, presenting each to Her Majesty by name and portfolio.

When the Queen has met all the Ministers, she will then be escorted by the Prime Minister to the head of the table where she will be seated.

The Ministers will then go to their places at the table as indicated on the plan and be seated.

The Prime Minister will open the meeting by explaining to Her Majesty the formal recommendation that is being made to authorize the signature of the treaty with Belgium. He will then read the Order and then sign it. He will then pass it to Her Majesty who will sign below the word "Approved".

Should any further explanation of it be desired by Her Majesty, the Prime Minister will have at hand the text of the agreement and the memorandum concerning it from the Secretary of State for External Affairs . . .

Although there will not be much time for discussion of other business in view of the desire to swear in Prince Philip as a member of the Canadian Privy Council during the meeting, there will be a few minutes available for conversation about the Speech from the Throne. It may be assumed that Her Majesty will have read the Speech by this time.

The Prime Minister might open this discussion with a brief explanation of the function of such Speeches in the House here in Canada and that it is traditional to include the main business for the session. He might indicate the relation of this business to the

programme of the Party as expounded during the election campaign and then call upon one of his colleagues, perhaps Mr. Fleming, to note the proposals in regard to old age pensions and related welfare payments and explain to Her Majesty in general terms the political situation which led to this further increase of \$9 a month to top off that made in the spring.

Following any exchange of questions which Her Majesty may wish to interpose at this point Mr. Brooks might be asked to note briefly the nature of the changes in veterans legislation proposed and then Mr. Harkness the legislation in respect of both farm prices and cash advances.

Should time permit further conversation about the national development programme, it might be appropriate to ask Mr. Green, as the senior Minister, to say something about this and relate it simply to the Maritime situation and the general situation concerning the development of power and other resources.

Should there be further time, it will be possible then to improvise reasonably well on other questions relating to subsequent portions of the speech.

It will take about 10 minutes for the photograph and perhaps 12 minutes to introduce His Royal Highness and swear him in as a member of the Canadian Privy Council. Since it is essential that the Ministers be in the House of Commons at 11.00 o'clock, this means, that at about 17 minutes past 10.00 o'clock, the Prime Minister should indicate that the business is concluded and signal to Mr. Smith, who will be on the watch for such signal, that he should now go to the door and give word to those outside that the photographers may now enter to take the official photograph. There will be 10 minutes allocated for this and the photographers have been well warned in advance that this is the case. While they are entering, some discussion could reasonably proceed with Her Majesty about the subjects that have been matters of conversation.

After the time allotted for the photograph, the photographers will withdraw, leaving such equipment as they cannot remove in the time allotted to them.

When they have left, the Governor General will enter followed by Prince Philip and following them, Mr. Bryce and Mr. Hill.

The Governor General will present each of the members of the Cabinet to Prince Philip at their places at the table, starting with Mr. Smith and going clockwise about the table, ending with Senator Haig.

After the Prince has met Senator Haig, he will wait at the bottom end of the table with the Clerk of the Privy Council. The Governor General will then return to the head of the table and take a seat beside the Queen. The Prime Minister will tender to him the Instrument of Advice recommending that the Prince be made a member of the Queen's Privy Council for Canada. The Governor General will sign the Instrument. The Clerk will then hand a Bible to the Prince and read the Privy Councillor's Oath, to which the Prince will reply "I do". It is not considered necessary that he should take the Oath of Allegiance.

When he has been sworn, the Prince will walk to the head of the table where the Assistant Clerk will have the Privy Councillor's Oath Book and Roll, which the Prince will sign and his signature will be attested by Her Majesty signing after him.

Following the signature by Her Majesty, she will arise and be escorted by the Prime Minister to the door followed by the Prince and the Governor General. When they have left, the Ministers will then depart to the cars waiting to take them to the House of Commons.

R.B.B.  
[R.B. BRYCE]

**Memorandum of 16 October, 1957 describing 1957 Meeting  
of Privy Council with the Queen**

---

*CONFIDENTIAL*

October 16th, 1957.

*MEMORANDUM FOR FILE:*

A meeting of the Queen with the members of the Cabinet took place at Government House at 10.00 a.m. on Monday, October 14th very much along the lines proposed in the attached memorandum<sup>1</sup> of October 12th given to the Prime Minister.

The Queen was taken in by the Prime Minister about two or three minutes after 10 o'clock. The Prime Minister presented his colleagues who were arranged in a row stretching from the door to the side of the table in order of seniority. Senator Haig was unable to be present as he was not feeling too well and wished to save himself for the important functions he had to perform in public at the opening of Parliament in the afternoon.

The Prime Minister signed and gave to the Queen for her approval and signature the Order relating to the Belgian tax agreement. I received this at the end of the meeting and transmitted it to Mr. Hill. The Queen also initialled to indicate her approval the instrument of advice from the Prime Minister requesting her agreement to the designation of the new Netherlands Ambassador to Canada. The Queen's staff had brought this from London, thinking it would be a suitable document for her to deal with here. It was signed at the meeting although no collective advice was in fact necessary.

Prince Philip entered with the Governor General at about 22 minutes past 10. He was introduced collectively by the Prime Minister to his colleagues to begin with and the Prime Minister announced that he was to become a member of the Queen's Privy Council for Canada. The Prime Minister had signed the instrument of advice directed to the Governor General recommending that Prince Philip be chosen to be a member of the Privy Council and the Governor General subsequently signified his approval on the instrument.

The Prime Minister called upon me to administer the oath of the Privy Councillor to Prince Philip which I did. The Prince then signed the oath book and roll and the Queen attested his swearing in on the books.

At this point I was told to bring in the photographers for the picture. This took about 5 or 6 minutes as several pictures were taken, first of the whole party seated around the table and subsequently with about 8 or 10 of the Ministers standing behind Her Majesty and the group at the head of the table and the remainder seated at the upper end of the table. Prince Philip was seated to the left of Her Majesty and the Governor General to his left.

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[<sup>1</sup> See previous document.]

I will take up with Mr. Hill and Mr. Halliday whether a formal record should be preserved of this meeting and if so in what form.

During the meeting at which business was discussed with the Queen by members of the Cabinet there was no one present in addition to Her Majesty and the Ministers themselves. Mr. Hill and I were present for the swearing in of Prince Philip and during the photographs but on my advice the Prime Minister arranged that we should remain outside during the meeting in order to make it as intimate and informal as possible.

R.B.B.  
[R.B. BRYCE]

## PRIVY COUNCIL

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**Order in Council appointing Clerk of the Privy Council  
and Secretary to the Cabinet**

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**CANADA  
PRIVY COUNCIL**

P.C. 1963-798

**AT THE GOVERNMENT HOUSE AT OTTAWA**

**THURSDAY, the 23rd day of MAY, 1963.**

**PRESENT:**

**HIS EXCELLENCY**

**THE GOVERNOR GENERAL IN COUNCIL.**

His Excellency the Governor General in Council, on the recommendation of the Prime Minister, is pleased hereby to appoint Robert Gordon Robertson, Esquire, Deputy Minister of Northern Affairs and National Resources, to be Clerk of the Queen's Privy Council for Canada and Secretary to the Cabinet, effective the first day of July, 1963.

*Certified to be a true copy*

(Sgd.) R.G. ROBERTSON  
*Clerk of the Privy Council*

Commission of Appointment issued to Clerk of the Privy Council  
and Secretary to the Cabinet

(Sgd.) Gérald Fauteux  
DEPUTY GOVERNOR GENERAL

Canada

*Elizabeth the Second, by the Grace of God of  
the United Kingdom, Canada and Her other Realms  
and Territories QUEEN, Head of the Commonwealth,  
Defender of the Faith.*

TO  
ROBERT GORDON ROBERTSON,  
Esquire,  
Deputy Minister of Northern Affairs and National Resources,

GREETING:

KNOW YOU that reposing special trust and confidence in your loyalty, integrity and ability We, by and with the advice of Our Privy Council for Canada, did, on the twenty-third day of May in the year of Our Lord one thousand nine hundred and sixty-three and in the twelfth year of Our Reign, constitute and appoint you the said Robert Gordon Robertson to be

CLERK OF OUR PRIVY COUNCIL FOR CANADA AND SECRETARY TO THE CABINET.

TO HAVE, hold, exercise and enjoy the said office of Clerk of Our Privy Council for Canada and Secretary to the Cabinet unto you the said Robert Gordon Robertson with all and every the powers, rights, authority, privileges, profits, emoluments and advantages unto the said office of right and by law appertaining during Our Pleasure from the first day of July, in the year of Our Lord one thousand nine hundred and sixty-three.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: The Honourable Gerald Fauteux, a Puisne Judge of the Supreme Court of Canada and Deputy of Our Right Trusty and Well-beloved Counsellor, Major-General GEORGES P. VANIER, a member of Our Most Honourable Privy Council, Companion of Our Distinguished Service Order upon whom We have conferred Our Military Cross and Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OUR GOVERNMENT HOUSE, in Our City of Ottawa, this twenty-sixth day of July in the year of Our Lord one thousand nine hundred and sixty-three and in the twelfth year of Our Reign.

BY COMMAND,

(Sgd.) E.A. Driedger  
DEPUTY ATTORNEY  
GENERAL

(Sgd.) Jean Miquelon  
UNDER SECRETARY OF STATE

**Commission authorizing Clerk of the Privy Council and Secretary  
to the Cabinet to administer Oaths**

---

(Sgd.) Wilfred Judson  
*DEPUTY GOVERNOR GENERAL*

**Canada**

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom,  
Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth,  
Defender of the Faith.

(Sgd.) E.A. Driedger  
*DEPUTY ATTORNEY GENERAL*

---

TO ROBERT GORDON ROBERTSON, Esquire, Clerk of Our Privy Council for  
Canada and Secretary to the Cabinet,

GREETING:

KNOW YOU that reposing trust and confidence in your loyalty, integrity and  
ability We have assigned, constituted and appointed and by these Presents do assign,  
constitute and appoint you the said Robert Gordon Robertson Our Commissioner to  
tender and administer to and take from all and every person or persons who now holds  
or hold or who shall hereafter hold any office or place of trust or profit, or who may be  
appointed to discharge any duty within the Dominion of Canada, the oath of allegiance  
and such other oath or oaths as may from time to time be prescribed by any law or  
statute in that behalf made and provided.

TO HAVE AND TO HOLD the said powers and authorities unto you the said  
Robert Gordon Robertson during Our Pleasure.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made  
Patent and the Great Seal of Canada to be hereunto affixed.

WITNESS: THE HONOURABLE WILFRED JUDSON, a Puisne Judge of the  
Supreme Court of Canada and Deputy of Our Right Trusty and Well-  
beloved Counsellor, Major-General Georges P. Vanier, a member of Our  
Most Honourable Privy Council, Companion of Our Distinguished Service

Order upon whom We have conferred Our Military Cross and Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

AT OTTAWA, this thirty-first day of July in the year of Our Lord one thousand nine hundred and sixty-three and in the twelfth year of Our Reign.

BY COMMAND,

(Sgd.) Jean Miquelon  
*UNDER SECRETARY OF STATE*

**Extract from Press Release regarding Appointment  
of Clerk of Privy Council and Secretary to the Cabinet (1952)**

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The Prime Minister, Mr. St. Laurent, today announced the following appointments:

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.....

J.W. Pickersgill, Special Assistant to the Prime Minister, to be Clerk of the Privy Council and Secretary to the Cabinet, effective June 1st.

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.....  
.....

Mr. Pickersgill entered the External Affairs service by competitive examination in October 1937, and two months later was seconded for service in the Prime Minister's secretariat, of which he has been the principal officer since June 1945.

**Order in Council appointing Assistant Clerk of the Privy Council**

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**CANADA  
PRIVY COUNCIL**

P.C. 1964-1521

*Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 1st October, 1964.*

The Committee of the Privy Council, on the recommendation of the Prime Minister, advise that Donald Frederick Wall, Esquire, Assistant Secretary to the Cabinet, be appointed an assistant clerk of the Queen's Privy Council for Canada; vice J.F. Grandy who has been appointed Assistant Deputy Minister of Finance.

(Sgd.) R.G. ROBERTSON  
*Clerk of the Privy Council*

## Clerks of the Privy Council and Secretaries to the Cabinet

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### CLERKS OF THE PRIVY COUNCIL

William Henry Lee – July 1, 1867 – June 30, 1872  
William Alfred Hinsworth – July 2, 1872 – January 7, 1880  
Joseph Oliver Côté – January 13, 1880 – April 24, 1882  
John Joseph McGee – May 20, 1882 – May 5, 1907  
Rodolphe Boudreau – May 6, 1907 – August 14, 1923  
Ernest J. Lemaire – August 14, 1923 – January 1, 1940

### CLERKS OF THE PRIVY COUNCIL AND SECRETARIES TO THE CABINET

A.D.P. Heeney – March 25, 1940 – March 14, 1949  
N.A. Robertson – March 15, 1949 – May 31, 1952  
J.W. Pickersgill – June 1, 1952 – June 11, 1953  
R.B. Bryce – January 1, 1954 – June 30, 1963  
R.G. Robertson – July 1, 1963 –



## PRIVY COUNCIL

### Privy Council Office

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**Order in Council designating Prime Minister as Minister  
responsible for Privy Council Office**

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**CANADA  
PRIVY COUNCIL**

P.C. 1962-240

AT THE GOVERNMENT HOUSE AT OTTAWA  
THURSDAY, the 22nd day of FEBRUARY, 1962.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

His Excellency the Governor General in Council is pleased hereby to amend Order in Council of the 31st March, 1952 — P.C. 1903 — which designated certain divisions and branches of the Public Service as departments for the purposes of the Financial Administration Act with appropriate Minister for each, by deleting the words "President of the Privy Council" where they occur opposite "Privy Council Office" and substituting therefor "Prime Minister."

*Certified to be a true copy*

(Sgd.) R.G. ROBERTSON  
*Clerk of the Privy Council*



## PRIVY COUNCIL

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**U.K. Order in Council for Appointment as a Member  
of U.K. Privy Council**

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AT THE COURT AT BUCKINGHAM PALACE

*The 30th day of May, 1963.*

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL.

**T**HIS day the Honourable Lester Bowles Pearson,  
O.B.E., was, by Her Majesty's command, appointed a  
Member of Her Majesty's Most Honourable Privy  
Council.

(Sgd.) W. G. AGNEW

**Canadians resident in Canada who are Members of  
United Kingdom Privy Council (as of January 1968)**

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*Summoned*

Rt. Hon. Louis S. St. Laurent	January 1, 1946
Rt. Hon. John G. Diefenbaker	September 23, 1957
Rt. Hon. Lester B. Pearson	May 30, 1963