

politically of a member of the Cabinet, but it is his duty both as a friend and as a member of the party, to stand by that policy. And, if at a later stage he thinks that the policy is wrong, that it ought to be improved, that it ought to be amended, then the battle, or the action is to be taken, not before the public, not before the constituencies, but the reform has to be advocated in the first place in the Cabinet of which he is a member.

My hon. friend (Hon. Mr. Tarte), however, did not follow these rules. My hon. friend took another course, and I think he will agree with me that the language is not too strong when I say that he started upon a campaign for the purpose of advocating a policy in favour of immediate revision of the tariff in the sense of higher duties and higher protection. At the banquet of the Manufacturers' Association in Halifax he declared for such a policy. He repeated the same theory at Gananogue, at Chatham, and at several other places. If it had been an isolated expression, not repeated, not followed by any other, I think the evil done, the course pursued might have been susceptible of being reclaimed. But as my hon. friend started upon a campaign and repeated the course which he had first adopted, and made it plain to the country that what he was aiming at was an immediate revision of the tariff in the sense I have indicated against the stated policy of the Administration of which he was a member, there was no course for me to take but the course which I thought it advisable to take as soon as I landed in Canada. And as soon as I landed in Canada I came to the conclusion that the conduct and language of my hon. friend made it imperative upon me to take action immediately in that way.

2. DISMISSAL OF HON. SIR SAM HUGHES, 1916

(*Montreal Gazette*, November 15, 1916).

Ottawa, November 9, 1916.

Dear General Hughes,

During your absence I have given very careful consideration to your letter of the 1st instant, and I must express my deep regret that you saw fit to address to me, as head of the Government, a communication of that nature. As you are to return to-morrow it is my duty at once to announce to you my conclusion.

Under conditions which at times were very trying and which gave me great concern, I have done my utmost to support you in the administration of your department. This has been very difficult by reason of your strong tendency to assume powers which you do not possess and which can only be exercised by the Governor-in-Council. My time and energies, although urgently needed for much more important duties, have been very frequently employed in removing difficulties thus unnecessarily created. You seemed actuated by a desire and even an intention to administer your department as if it

were a distinct and separate government in itself. On many occasions, but without much result, I have cautioned you against this course which has frequently led to well-founded protest from your colleagues as well as detriment to the public interest.

I do not intend to dwell upon the instances, some of which are still under consideration, in which you have acted without authority or consultation in matters more or less important. Of these the latest is the establishment of a militia sub-council in Great Britain, including the appointment of its personnel. I conveyed to you on the 31st July a clear intimation that upon so important a proposal, involving considerations of the gravest moment, the Cabinet must be consulted before action was taken. All the members of the Government have full and direct responsibility in respect of the very important matters which the proposed council would advise upon and direct. The intimation which was given to you in my telegram of 31st July should not have been necessary. As soon as it was received, you proceeded to disregard it. Some portions of your letter are expressive of the attitude which I have described and to which you evidently intend to adhere. Such an attitude is wholly inconsistent with and subversive of the principle of joint responsibility upon which constitutional government is based.

But more than that, your letter is couched in such terms that I cannot overlook or excuse it. I take strong exception not only to statements which it contains but to its general character and tone. You must surely realize that I cannot retain in the Government a colleague who has addressed to me such a communication. I regret that you have thus imposed upon me the disagreeable duty of registering your resignation as Minister of Militia and Defence.

Faithfully yours,

(Sgd.) R. L. BORDEN.

Lieutenant-General Sir Sam Hughes, K.C.B., Ottawa.

II

CABINET LEADERSHIP AND RELATION TO PARLIAMENT

A. THE POWER OF THE PRIME MINISTER

(*Toronto News*, November 28, 1905.)

Canada is governed by two legislatures, one real, the other sham. The sham legislature is composed of the Governor-General, the Senate, and the House of Commons. The real legislature consists of a despotic ruler—the Premier; an Upper House—the Cabinet; and a Lower House—the caucus of the Government members of Parliament.

The Premier is almost the absolute ruler of the country. Our

politics have developed in such a way that his office combines the peculiar advantages of the premiership as it exists in Great Britain with many of the powers of the American boss. Mr. Balfour occupies a position of splendour and of great practical influence. But he holds office purely by virtue of the skill with which he handles the emergencies of the day. He has few means of cementing his hold upon public office and the adhesion of his followers denied to the Leader of the Opposition. His management of public affairs, his handling of the House of Commons, are subject to the frankest scrutiny and his credit rises or falls with his performances, in so far as a public which includes the mass of his own party can judge.

Contrast with that the autocratic position of a Canadian Premier after a few years of success. Recollect the manner in which Sir Wilfrid Laurier has shed his colleagues right and left—ten of them in nine years. Recall the brusque assertion of authority with which he flung his autonomy policy before the English-speaking Liberals. Controlling an enormous patronage, able to influence the fortunes of almost every legislator in his following, concentrating in his hands executive and legislative power, the Premier exercises a real authority which is greater than that of the President of the United States or any modern King. His supremacy, unlike that of a British Premier, is almost independent of his general policy and of his parliamentary performances. Sir Wilfrid Laurier managed the last session very ill—probably because it was not necessary for him to take pains to manage it well. Moreover, his followers did not seem to know that he mismanaged the session. A premiership legend springs up, just as does a royalty legend. Liberals constantly repeat that Sir Wilfrid Laurier is a consummate orator and a great parliamentarian, and assume that all his speeches are excellent and all his tactics admirable; when a cool examination, unbiased by personal interest, often would show his speeches to be far from powerful and his parliamentary line unsound. These considerations do not apply to Sir Wilfrid Laurier alone. They will apply to his successor as soon as he is in the saddle. Our Premier is really a species of absolute monarch of the medieval type. He fights his way to his throne. He has to contend against one or more pretenders, the Leader of the Opposition being the more conspicuous of these. He occasionally profits by or suffers from a palace revolution; Sir Mackenzie Bowell and Mr. Tarte could write instructively on this aspect of the parallel. His reign often ends in a catastrophe. He must succeed and if successful can do nearly everything he wishes; still, like any other leader, he must watch popular forces and avail himself of their trend. There is this difference, that in old times every person knew that the King was the ruler and laid the responsibility upon him, whereas now an elaborate system of mystification conceals the real state of affairs and relieves the modern despot of much of his responsibility. There is this further difference,

that the medieval king after all was interested, in a rough and ready way, in his kingdom as a whole, whereas our modern Canadian despot administers half the nation and guides public affairs only as an incident.

The Cabinet is our real legislature. In it all the real debates take place, and all decisions are arrived at. The Despot—that is, the Premier—nominates the members of this legislature. It deliberates in secret, as the House of Commons did when the House of Commons really did rule Britain. It is, in short, the great council of the real ruler, and is very much where our Parliament began, except that the people have less to do with its selection, and are kept in more profound ignorance of its deliberations than was the case in early England. When the Cabinet comes to a decision, it instructs the Senate and the House of Commons to register its will, and avails itself of these time-honoured institutions to make such explanations and announcements as are deemed advisable.

The caucus of Government members forms the Lower House of our real constitution. It is emphatically a lower branch, and as long as patronage remains the power it now is will exert less rather than more influence. The caucus, indeed, is ill defined, and has not assumed a set form. There is a Senate caucus and a Commons caucus; there is the French-speaking caucus, the English-speaking caucus, the caucus of the Provinces, and so forth. It clings jealously to the principle of secrecy—again like the House of Commons of old—and it is difficult to learn the nature of the discussions. Real debating occurs in it, and speeches are made which are meant to convince and which turn votes. As a rule the Upper House, the Cabinet, succeeds in carrying its will. To change the parallel a little, it is as if the nobles of the medieval House of Lords were feudal lords of the members of the House of Commons, and the two Houses occasionally held joint sittings, at which the nobles asserted their authority over their tenants. The position of the Cabinet is strengthened by the fact that, thanks to the patronage system—always the patronage system!—many members of it have personal followings in the caucus. At present Mr. Fielding, with Sir Frederick Borden as his lieutenant, is chieftain of the Nova Scotia members. Mr. Emmerson is the lord to whom six or seven New Brunswickers owe fealty. Sir Wilfrid Laurier himself is Master of Quebec, just as the Kings of France held the feudal lordship of their private estates, in addition to their royal rank. Mr. Sifton was lord of the West, and Mr. Oliver is now trying to assert his title to that honour. There is no lord of Ontario at present, a circumstance which shows why Ontario has so little influence.

That is the real system under which Canada is governed. There are modifying influences which prevent this picture from being absolutely exact. There is, for example, the influence, rather than

the power, of the Governor-General. This is a matter upon which the utmost reticence is maintained, but it may in general terms be said that it probably is greater than the general public suspects and that it is almost wholly beneficial. It is almost our only check upon the supremacy of the Premier, and the Governor-General after all is interested in the whole body of the people, while the Premier is interested almost exclusively in his party.

That venerable relic, the House of Commons, checks the real legislature to some extent by affording a means of extorting some publicity. It is a place where the Opposition may question the despot, and the actual Upper House. If the questions are too searching answers can be refused, but it is part of the whole convention of mystification to treat the House of Commons with great respect. Moreover, it is also the custom to communicate to the House all information on public subjects, and as a channel for information to the public, a species of sublimated newspaper, it possesses considerable usefulness.

The pretence that the House of Commons exercises real legislative powers is worn very thin. It is a body of instructed delegates, sent to its precincts on Parliament Hill to obey the Premier, and, occasionally, to take part in debates in caucus. Moreover, the House has no prospect of regaining its ancient position as the centre of authority. That is gone; authority, a very shy bird, has fled from the glaring publicity, the machine nominations, the control by patronage, which have circumscribed the freedom of action of the House. The whole Dominion is organized into two parties; each candidate in each riding is simply a cog of the machine.

At present the Senate has sunk into an almost incredible lassitude. It is simply part of the patronage which is the Premier's principal weapon, and the independence for which the fathers of confederation laboured so anxiously is a mockery. As at present, it simply wastes a huge sum of money every year, its sole return for the outlay being its services as a divorce court, and the help it gives to working the spectacular side of the Constitution. And yet, one cannot help thinking that there is more hope of the Senate than of the House of Commons. If the method of appointment was altered so as to secure responsibility to some power other than the systematized party management which now unifies our whole system, it might assert its formal powers and check the authority of Premier, Cabinet, and its Government caucus, now unrestricted. We are back to the need for checks and balances, which perplexed the framers of the American Constitution. The standing evil of our system now is the absolute and concentrated control of the fortunes of the whole people by the leader of one of the two parties, into which the nation is very evenly divided. If, for example, the nomination lay with the provincial legislatures, those provinces which were controlled by the party in

Opposition in Central Affairs would send Senators in sympathy, and the Senate might actually be opposed to the Government of the day. For example, during Sir John Macdonald's reign the Ontario delegation to the Senate would have been Liberal, and with the aid of occasional Ministries in the other provinces, the Liberals might have secured a majority. The check upon the Conservatives would perhaps have been salutary.

Of course, the Government may be relied upon to oppose any such change. To put the Senate on a basis of real independence would assail it in two ways. It would lessen its patronage and would curtail its authority. Only a real and sustained outburst of public feeling will effect such a measure.

B. THE FUNCTIONS OF THE PRIME MINISTER

(P. C. 1639, July 19, 1920.)

CERTIFIED to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 19th July, 1920.

The Committee of the Privy Council, on the recommendation of the Honourable Arthur Meighen, the Prime Minister, submit the following memorandum regarding certain of the functions of the Prime Minister:

1. A meeting of a Committee of the Privy Council is at the call of the Prime Minister and, in his absence, of that of the senior Privy Councillor, if the President of the Council be absent.
2. The quorum of the Council being four, no submission, for approval to the Governor-General, can be made with a less number than the quorum.
3. A Minister cannot make recommendations to Council affecting the discipline of the Department of another Minister.
4. The following recommendations are the special prerogative of the Prime Minister:
 - Dissolution and Convocation of Parliament.
 - Appointment of—
 - Privy Councillors
 - Cabinet Ministers
 - Lieutenant-Governors (including leave of absence to same)
 - Provincial Administrators
 - Speaker of the Senate
 - Chief Justices of all Courts
 - Senators
 - Sub-Committees of Council
 - Treasury Board
 - Committee of Internal Economy, House of Commons
 - Deputy Heads of Departments