

of Canada, and also for the appointment of a lieutenant-governor and an executive council in the several provinces; but as respects their respective powers and functions, there is nothing authoritative in our written constitution to confer upon a cabinet the great responsibilities which it possesses as the chief executive and administrative body of the Dominion and of each province by virtue of it possessing the confidence of the respective legislatures. In Canada that great body of unwritten conventions, usages, and understandings which have in the course of time grown up in the practical working of the English constitution form as important a part of the political system of Canada as the fundamental law itself which governs the federation. By ignoring this fact, as I have attempted to show on a previous occasion,* an eminent English publicist, Mr. A. V. Dicey, Vinerian professor of English law in the University of Oxford, has fallen into the error of describing the preamble of the British North America act of 1867 as a piece of "official mendacity."† This system of responsible government preceded the establishment of the Dominion by a quarter of a century, and was adopted or rather continued as indispensable to the efficient administration and harmonious operation of the government, not only of the confederation as a whole but of its provincial entities respectively. Its history must be traced through the various dispatches of the secretaries of state, the instructions to the governors-general and lieutenant-governors, and in the journals and debates of the legislative bodies of the provinces for half a century past.

Parliamentary institutions in any shape were unknown to Canada under the French régime, which lasted from 1608 to 1759. Its government during that period was in the hands of a governor, an intendant or minister of finance and police, and a council which possessed executive and judicial powers. Its functions and authority were carefully defined and restrained by the decrees and instructions of the French king, in conformity with the principle of centralization and absolutism that was the dominant feature of French government until the revolution. It was a paternal government, which regulated all the political, social, and even religious affairs of the country, for the Roman Catholic bishop made himself all-influential in coun-

* "Canadian Studies in Comparative Politics," p. 20.

† "The Law of the Constitution" (3d ed.), p. 155.