



Responsible Government

Representative and responsible government for the foundations of our democratic system today. Representative government had been won in Upper and Lower Canada and the Maritime provinces by 1791. The next battle, for responsible government, was fought and won over the next 57 years.

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Definition

Responsible government, in general terms, refers to a system in which the government is responsible to the electorate. In Canadian terms, however, it has a specific context and meaning. The term gained popularity in Upper Canada early in the 19th century and came to mean a government responsible to the elected representatives of the House of Assembly.

Under responsible government, members of the Cabinet are collectively responsible to the elected House (today, the House of Commons). If they lose the confidence of the House, it is an important unwritten constitutional convention that the government resign or call an election to win a new mandate.

Principles

The principles of responsible government are fundamental to the functioning of our constitution. As used in Canada, the term refers to a government responsible to the elected representatives of the people.

This has its roots in British government, but was not the practice in Canada until after 1840s.

- According to the principles of responsible government, the powers of the governor general are limited – a fundamental concept which exists nowhere in any legal document.
- Responsible government is based on the notion that the executive is accountable to the House of Commons.
- Those who exercise executive power must obtain the support of the House for the use of that power.

For responsible government to be achieved, certain rules must be adopted:

1. Title to executive power rests with the Crown.
2. The Crown will only appoint Ministers who as members have the confidence of the House.
3. The Crown will only act on the advice of its ministers.
4. Ministers will act as a team or ministry.
5. If the ministry loses the confidence of the House it must resign or seek new elections.

These conventions severely constrain the legal powers of the Crown to the point where the Crown's power is exercised, almost exclusively, on the advice of its ministers.

Did you know...?

Even today members of the Cabinet need not be – and usually are not – all members of the House of Commons. For example, the house leader of the Senate is usually in the Cabinet. In theory, none of the members of the Cabinet need be members of the House of Commons: they only need to have its “confidence.”

To learn more about responsible government:

- Visit the Canadian Encyclopedia.
[link: http://www.thecanadianencyclopedia.com/index.cfm?TCE_Version=A]

The Struggle for Responsible Government

The Status Quo

Before responsible government was granted, the Legislative Council of each of the British North American colonies was appointed and reported to the governor. The elected assemblies had little or no say in who was appointed.

In Upper Canada a ruling elite formed that was called the Family Compact by its critics. A similar group was called the Château Clique in Lower Canada. These groups ensured that important positions went to members of the same social, political and economic circles. Because they benefited from the status quo, they resisted change.

Supporting documents in Early Canadiana Online:

Lord John Russell's Ten Resolutions, March 6, 1837

(Gives reasons why the legislative council cannot be elective.)

Increasing Frustration

As the colonies matured, many people – and especially those in the houses of assembly – became increasingly frustrated. Some sought radical changes that would lead to a republican government as in the United States. Louis-Joseph Papineau was not quite so radical: he sought change through constitutional means, and drew up a list of demands called the Ninety-Two Resolutions. These were rejected by the colonial authorities, which contributed to his views becoming more extreme and his leadership in the rebellions of 1837 and 1838.

Others, notably reformers such as William Warren Baldwin, his son Robert Baldwin, and Louis Lafontaine, sought moderate changes that followed the British model and that would make the councils responsible to the elected assemblies.

Supporting documents in Early Canadiana Online:

Joseph Howe to Lord John Russell, September 1839

(Howe responds to Russell’s objections to responsible government.)

***First report on the state of the representation of the people of Upper Canada
16th March, 1831***

(Notes the negative effects of “an imperfect state of representation.”)

The Ninety-two Resolutions, 21 February, 1834

(Demands of Papineau and his colleagues in the Lower Canada House of Assembly.)

Baldwin to Glelelg, July 13, 1836

(Argument for responsible government.)

Rebellion and Lord Durham’s Report

The rebellions of 1837 and 1838 were fought in part because of the frustration caused by the resistance of the ruling elites to change. The British government dispatched Lord Durham to investigate and report on the 1837 rebellions. The report which he produced made four main recommendations:

- A union of Upper and Lower Canada.
- Responsible government, dominated by the English inhabitants of the Canadas.
- Colonial control of internal affairs (but in a very limited way).
- Assimilation of the French-speaking population.

Supporting documents in Early Canadiana Online:

Report on the affairs of British North America

A Constitutional Difficulty Prevents Change

A constitutional difficulty, however, stood in the way of change: what was a colonial governor to do when he received conflicting advice from his superiors in the Britain and his subjects in the colonies? The solution some suggested was to retain a few important matters – including external relations and constitutional change – in the hands of the British, and for all the rest require the colonial governors to take their advice from an executive that was responsible to – and that had the confidence of – the elected assembly.

The British colonial authorities were not ready to do this, however, and so the *Union Act, 1840*, did nothing to advance responsible government.

Responsible Government Won

In 1846 a change in government in Britain appointed a more reform-minded governor to British North America: Lord Elgin. Earl Grey, the new secretary of state for war and the colonies, made it clear to Elgin that Britain had no interest in exercising any more influence in the colonies than was necessary to prevent one colony from injuring another or the empire as a whole.

Supporting documents in Early Canadiana Online:

Earl Grey to Lieut.-Governor Sir John Harvey, November 3, 1846
(Makes it clear that Earl Grey supports responsible government.)

The First Cabinet Governments

Nova Scotia was the first to take advantage of this new policy. In 1847, the government was defeated and a new one, led by Joseph Howe, formed in February 1848. In Canada, reformers Robert Baldwin and Louis Lafontaine formed a new council in March, 1848.

Supporting documents in Early Canadiana Online:

Elgin to Earl Grey, July 13, 1847
(Elgin gives his vision of the powers of the governor in responsible cabinet government.)

Responsible Cabinet Government Tested and Proven

The first serious test of the new system came in 1849. The *Rebellion Losses Bill* sought to compensate those in what had been Lower Canada for damages that resulted from the rebellions. It was controversial because the Tories objected that many of the claimants were former rebels. Lord Elgin opposed it personally, but passed it on the advice of his cabinet. French Canadians were pleased, but British elements of the population were so outraged that they attacked Elgin and burned down the parliament building (which was in Montreal at the time).

Supporting documents in Early Canadiana Online:

Rebellion Losses Bill, 1849

Letter: Elgin to Earl Grey, April 30, 1849

(Elgin describes differences in opinion on *Rebellion Losses Bill*, and the violence following its passage.)

Responsible government was again tested, and proven, in 1859, when a proposed protectionist duty passed in Canada threatened British commercial interests. It was allowed to pass.

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