THE CANADIAN BAR REVIEW

VOL. XI. TORONTO, MAY, 1933. No. 5

PARLIAMENTARY STATUS AND PROVINCIAL LEGISLATURES.

Comment has recently appeared in the Press reviving old time contentions with regard to the jurisdiction and status of our Provincial Legislatures. Much of that comment shows that its sponsors have not gone very fully into the origin and development of our system of government in this country. Indeed, some of the discussion shows that, even in high places, there exist misapprehensions which a study of history and a working knowledge of our constitutional framework should readily dissolve.

It is so easy to throw abroad loose suggestions reflecting on the dignity and competence of the legislative bodies in our provinces that it has become a sort of game among those who, for one reason or another are in disagreement with some action of a Provincial Legislature, to cast doubts upon the autonomy of those bodies and to challenge some of the pomp and ceremony with which their legislative activities are surrounded.

A recent editorial in a Toronto newspaper even went so far as to suggest that the parliamentary status which the Provincial Legislatures have adopted was "illegal." At or about the same time one very lively critic in Ontario went further and maintained that Cabinet Ministers in our Provinces have only filched the title of "Honourable" and the Prime Minister of a province is not a Prime Minister at all. Just what rank is to be accorded to the gentlemen at the head of affairs in a province was not stated, nor was any helpful definition given to distinguish between Prime Minister and Premier.

These vague, unsupported assertions do not, of course, do much harm, and it is always well that our public bodies should be made conscious of any limitations they possess. When, however, solemn statements are made which may tend to prejudice the prestige of our institutions and to qualify the confidence in which they are held by the public, it is just as well that those who make the statements

should be able to substantiate them by authority. It will perhaps be interesting, therefore, to recall some of the early disputes with regard to these matters, and to trace the growth and development of precedent and authority until we arrive at the actual function of our constitutional system as we find it to-day.

It is rather remarkable that, with the noteworthy exception of the B.N.A. Act, the actual word "Parliament" is rarely used in our own legislation to define any particular body or group of bodies. In England the word does appear in statutes to embody the legislation effected by His Majesty, the Lords and Commons, in "Parliament" assembled. As lately as 1925, however, the Federal Parliament passed an Act with regard to the office of "the Clerk of the Parliaments" covering the custody of original documents emanating from the Legislatures of the late provinces of Upper and Lower Canada or the late province of Canada. Section 10 of that Act even uses the rather singular expression "the Members of the two Houses of Parliament" in reference to the Members of the Senate and Commons.

The word "parliament" has been defined "a national legislative, and in some cases, judicial, assembly, especially that of England, later of the United Kingdom." Another authority expresses it this way, "a meeting or assembly of persons for conference or deliberation . . . summoned by the Sovereign's authority to consult on the affairs of the nation and to enact and repeal laws."

A legislature is held to be "the body of men in a state or kingdom invested with power to make and repeal laws; the supreme legislating power of a state."

The word "legislature" is, of course, more widely used and may embody legislative bodies, singly, or combined with others, under all sorts of names—everything from the House of Lords, House of Commons, Senate, House of Assembly, Legislative Assembly, down to, (or up to), "Dail Eirann"—and a hundred variations of names of legislative chambers other countries may provide.

"Parliament" would therefore seem to be a term more generic in effect, to cover the resulting function of one or more legislative bodies, rather than, in its original sense, the specific nomenclature of any particular governmental chamber or group of chambers.

The relevant wording of our own B.N.A. Act is (sec. 17):

There shall be one Parliament for Canada consisting of the King, an Upper House styled the Senate, and the House of Commons.

With regard to the Provinces (Quebec) (sec. 71):

There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and of two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

And with regard to Ontario (sec. 69):

There shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of one House, styled the Legislative Assembly of Ontario.

The Constitution of the Legislatures of Nova Scotia and New Brunswick was preserved as it then existed.

Prior to the time of Confederation there had been contention with regard to the full parliamentary status openly exercised by the Legislative Assemblies of Ontario and Quebec. Some of that contention was merely academic. Some of it, however, was actually aired on the floor of these Chambers. A persistent effort had been made to hold these bodies to the bare bones of the statutes which called them into being and to deny to them the "powers, privileges and immunities" said only to be exercisable by the Parliament of the United Kingdom. It was strongly urged that the Assemblies of Upper and Lower Canada, as creatures of statute, were confined to such powers as were therein provided; that these bodies were not "above the law" and were, therefore, unable to hold and exercise supreme, majestic authority such as that of the Parliament which passed the Constitutional Acts of 1791.

The views held in the early Legislative Assemblies were, no doubt, somewhat coloured by the recent struggle for responsible government which led to the legislation of 1791. The difference between a legislature and a parliament is, perhaps, none too well marked at the best of times and, in the light of things as we now see them, it is scarcely surprising that events took the course that history now records.

At Newark, September 17th, 1792, General John Graves Simcoe, first Lieutenant-Governor of Ontario, in opening the first Legislature spoke eloquently of "the image and transcript of the British Constitution." At the request of the Assembly, through the Speaker, he then and there accorded to its members the assurances customary in the English House of Commons, the absence of which, in the Statutes of 1791, was subsequently the cause of the contention under discussion. The Quebec Assembly, though Lieutenant-Governor Clarke was more cautious in his assurances, restricting them to those to which they were "by law entitled," proceeded upon similar assumptions, as the record of its first proceedings shows (17th December, 1792):—

At the *Provincial Parliament* begun and holden at Quebec, in pursuance of an Act passed in the Parliament of Great Britain.

Whatever may have been the strict interpretation of the Constitutional Acts of 1791, however correct the assurances thereupon given to the two Legislative Assemblies by His Majesty's duly appointed representatives, however wanting in authority the procedure and actions of these two bodies from 1792 to 1840, they simply began and continued on a parliamentary basis.

As one commentator on this subject aptly quotes:

> What was yesterday a fact, to-day is a doctrine; what was yesterday a precedent to be challenged, to-day is a law to be obeyed. (Junius.)

So it must be with our Provinces. The term Provincial Parliament was invented and it stuck. In the Legislative Assembly Act of every Province of Canada there are now, and have been these many years, the very rights, privileges and immunities so much debated in the past. If the United Kingdom intended in 1791 to retain to its own Parliament all "powers, privileges and immunities" not expressly conveyed to the Provincial Assemblies, it never made any serious attempt, for a period of fifty-eight years, to have the Colonial Office assert an official check upon the open and notorious exercise of those customs by the Provincial Assemblies. It even concluded that long period by actually using the term *"Provincial Parliament"* in the margin of its own Act of Union 1840. From 1840 to 1867, under that statute, the Legislature similarly continued to operate on full parliamentary status and no constitutional authority appears to have intervened or sought to effect appropriate correction.

Nothing more effective has been said on this subject than the recent admirable article by Professor Norman McL. Rogers, of Queen's University, published in the January 1933 issue of the CANADIAN BAR REVIEW. That learned author there traces the early difficulties and disputes with regard to parliamentary status for provincial legislatures, more particularly arising from the introduction of the Cabinet System into provincial government. It would be idle to attempt any embellishment or extension of the sound views expressed in that article. It is hoped, however, that a few quotations from it will be sufficient to indicate the firm foundation on which is based the procedure and authority of our present provincial Legislature. At p. 5,

> Such a task is rendered more difficult, though not less congenial to a student of constitutional history, by the fact that the growth of responsible government in the Colonies must be sought in the common fields of convention and precedent rather than in the restrictive enclosures of legal enactment.

and further

> The liberty of the subject might be protected by a Magna Charta, a Bill of Rights, or a Habeas Corpus Act, but the machinery of government

must be left as free as possible in its operation, subject only to the ever-watchful and all-powerful guidance of the elected representatives of the people.

The learned author, after pointing out the important fact that even the principles of Cabinet Government have never found a place in the written chapters of the Constitution, makes appropriate allusion to a communication from Lord Elgin to Sir George Grey in 1854, in which His Excellency "makes this shrewd comment on the trend of events in Canada under responsible government" by recommending (p. 8)

the frank acceptance of the conditions of the Parliamentary System.

And (at p. 9) the author refers to this letter as

an excellent illustration in the colonial sphere of the manner in which custom and usage, operating within the structure of representative institutions, have forged the conventions of the Cabinet System.

One may be pardoned for expressing regret that those of our public men who throw out disjointed and uninformed statements in detraction of the dignity and authority of our provincial governments have not taken the time or trouble to study the many illuminating articles and text books that are available to assist in an appreciation of the subject for, if that were done, it is obvious that much of their recklessness and hardihood would disappear.

Indeed it is open to question if the mere reservation of certain powers in a statutory constitution can really alter or qualify the parliamentary status of any legislative body. In our B.N.A. Act, the Federal Authority is expressly termed "Parliament" yet we have always had the Colonial Laws Validity Act and the admitted fact that we were unable to amend our own Dominion Constitution. As recently as the 9th May, 1932, Rt. Hon. Mackenzie King, whose bitterest enemy will concede him some claim to authority on constitutional subjects, used these words:

The British Parliament, having no written constitution, might enact any measure, provided it could get approval from the majority. But that is not equally true of our Parliament, which has not the power constitutionally to go beyond the B.N.A. Act with respect to anything in which its powers were clearly defined therein. In the Act there is a distinct division between the legislative, executive and judicial powers and between the powers of the Government with respect to Federal and Provincial matters.

Thus, if we accept the most extravagant suggestions of those constitutional students, both past and present, who maintain that some restriction, either subjective or geographical, in the field of legislative authority is sufficient to preclude the assertion of parliamentary status, we have, to the contrary, a clear indication, in express word-

ing of a statute of the United Kingdom, in the language of our own Constitution, indeed in a 1925 statute of our own Federal House, which completely confounds that school of thought. The majestic term "Parliament" can and does include legislative bodies which suffer some restricted field of operation. Thus, it is submitted, the nomenclature used to describe a legislative body is really *"nihil ad rem"*—it is the function performed by that body that is the real test. If this is not so, then might it not be urged that since 1867, the language in Section 17 of the B.N.A. Act does not mean what it says, and "Parliament" at Ottawa has not been Parliament at all?

Special pleaders, of narrow reasoning, have sought to assert that, however all this may be with regard to Parliament at Ottawa, whatever may have been "custom and usage" in the provinces from 1792 to 1867, whatever may be the reservations and extensions in favour of the provinces in the B.N.A. Act, the clear distinction in terms between "there shall be one Parliament for Canada" (sec. 17) and (e.g.) "there shall be a Legislature . . . for Ontario" (sec. 69) is inevitable and unescapable, so that no matter how we argue, round and about, the Provincial Legislatures may not properly be called "Parliaments".

The first, and worst, of these was Fennings Taylor, *quondam* Deputy Clerk of the Senate who, in 1879, brought out a provocative brochure entitled "Are Legislatures Parliaments?" The way he seizes upon this distinction in wording between Sections 17 and Sections 69 of the B.N.A. Act and dashes off in great triumph to all sorts of wild conclusions reminds one of nothing so much as the football half who, pouncing on a loose ball, tears wildly down the field for a fancied touchdown, only to be called back by the referee as off-side.

Some idea of the lofty but highly remote reasoning of Fennings Taylor with regard to the operation and effect of the B.N.A. Act may be gathered from the effete quotation from Burke with which his little volume is prefaced.

> For my part, I look upon the Imperial rights of Great Britain and the privileges which the Colonists ought to enjoy under those rights, to be just the most reconcilable things in the world. The parliament of Great Britain is at the head of her extensive empire in two capacities, one as the Local Legislature (*sic*) of this island, providing for all things at home immediately, and by no other instrument than the executive power; the other, and I think her nobler capacity, is what I may call her Imperial character, in which, as from the Throne of Heaven, she superintends all the several inferior legislatures, and guides and controls them all without annihilating any.

Let the most casual constitutional student endeavour to reconcile this grandiloquent extract with the proceedings of the Imperial Con-

ference of 1926 and its much vaunted, if somewhat redundant Statute of Westminster.

When, however, we recollect that Fennings Taylor wrote before the now hoary decision of the Judicial Committee of the Privy Council in *Hodge* v. *The Queen* (1884-9 Appeal Cases, p. 117), and the abundant stream of judicial precedent subsequently available, it is hardly even fair to sit in review of the rather coloured reasoning of that learned gentleman. In the light of authority now at our disposal there is really nothing to be done with his little volume except to consign it to some archaic, remoter shelf in the Constitutional Library.

If, therefore, these public men who seek to throw abroad reflections on the dignity and status of our Provincial Legislatures, would, as suggested, first consult authority, they would find much food for thought and, if they were able to reach any conclusion at all, it would probably be to say nothing whatever about it. A glance at the authorities will show that it is clearly laid down, until the proposition can no longer be questioned, that,

> Within those subjects allocated to the Provincial Legislatures, those bodies are *supreme* and *original* in their jurisdiction; that there is nothing *subsidiary* or *qualified* in their power; that in no sense do they *derive* any authority from the Dominion Parliament; that there is nothing in the nature of *delegated* authority in a provincial legislature as, for instance, there is in a Municipal Corporation. (See Canadian Encyclopaedic Digest (Ontario), vol. 2, p. 727.)

To quote the words of the Judicial Committee in one case, the power of a provincial legislature is—

> as *plenary* and *ample* within the limits prescribed as that at Ottawa or Westminster itself.

A few examples from our own Courts are also enlightening.

> The legislature within its jurisdiction can do anything that is not naturally impossible, and it is restrained by no rule, human or divine. (Riddell, J., in *Florence Mining Co.* v. *Cobalt Lake Mining Co.*, 1909, 18 O.L.R. 275.)

And in *Township of Sandwich East* v. *Union Natural Gas Co.* (1924), 56 O.L.R. 399—

> The powers of the Legislature of the Province are the same in *intention*, though not in *extension*, as those of the Imperial Parliament. The Legislature is limited in the territory in which it may legislate, and in the subjects; the Imperial Parliament is not—*that is the only difference.*

What with the benefit of these judicial interpretations, the assistance of "custom and usage" over an extended period in the working of our governmental system, and the advanced steps in the development of Empire relations since 1879, culminating in the Statute of

Westminster, it is scarcely to be wondered that Fennings Taylor's volume is now of little value save historical interest. While we cling, and rightly so, to terms such as "Legislative Assembly" accorded by the B.N.A. Act, it would take a hardy reasoning indeed, in view of precedent and authority now available, to deny to Provincial Legislatures their parliamentary status and the popular parlance which alludes to the Members of the Assembly as Members of Parliament has more substance to it than mere convenience or compliment.

It is often urged, however, that assuming in favour of the Provincial Legislatures, their claims to parliamentary status and whatever customs and privileges are associated with that status, that there really cannot be more than one Parliament in any one country, and, therefore, no Provincial Legislature may adopt for itself the term "Parliament." It is not known that any provincial body has ever sought to acquire that term for itself in any manner liable to cause confusion in the natural function of government in this country under the provisions of the B.N.A. Act. No one is known to contend that there is more than "one Parliament for the Dominion of Canada," (sec. 17). That the Federal House at Ottawa is alone entitled to hold "high converse on the affairs of State" relative to the national affairs of the Dominion of Canada no one has ever attempted to deny. Neither is it desirable or convenient that any Provincial Legislature should apply to itself the specific term Parliament.

In view, however, of these recurrent attempts to belittle the prestige and authority of the Provincial Legislatures, those who raise that criticism might well be asked to bear in mind the established claim which the Provincial Legislatures now have towards parliamentary status. It will be borne in mind, too, that some of the "custom and usage" in the Parliament at Westminster has become established and recognized as authentic only after a period of years far short of that period to which the Provincial Legislatures can point in support of any additional powers acquired and used beyond the bare letter of the statutes by which they were brought into being. A review of the whole situation should readily convince a dispassionate observer that the school of thought directed towards minimizing or restricting the ambit of authority exercisable by the Provincial Legislatures was originally based upon a rather strict reading of the B.N.A. Act, and that, in the course of events since Confederation, and in the development of the great body of constitutional precept and authority now at our disposal, the situation has become reversed. Amongst the many learned authors who have written with regard to the

nature and function of the Constitution of this Dominion, most seem inclined to agree that the stress of legislative dominance and authority is now in the provincial rather than the federal field. It is suggested, therefore, that it would be more helpful towards the smooth operation of the excellent constitutional framework designed at Confederation if this situation were faced with greater candour by those holding the pro-federal view-point.

Having before us the definitions of "legislature" with which we began, it will be seen that, although it is specifically termed "Parliament," Ottawa is really a Legislature, just the same as in England "Parliament" is a Legislature. Indeed, in their references towards the correction of legislation, a reading of the English law-reports shows that it is the almost invariable practice of the judges of the High Court in England to refer to what should be done or what has been done by "the Legislature"—referring to Westminster. In our own Courts, too, it is customary to mention what should or should not be done "by the Legislature" in reference to correction of legislation—and the expression is not necessarily referrable to any provincial House or to Ottawa, for here, as elsewhere, it must be recognized that, in British countries at least, every Parliament is a Legislature, and that no actual term applied to the body which performs that function can alter or affect this conclusion.

Following this reasoning further, we must endeavour to ascertain whether or not every Legislature is a Parliament. We have already reviewed much of the early discussion on this subject in the Dominion of Canada, and enough has perhaps been said to show that the earlier views of what might be termed the "restrictive" writers must now be set aside and the question faced on the situation as we find it to-day. It must not be forgotten that in addition to whatever rights were acquired by the Legislatures of Ontario and Quebec in 1792, together with the developments which we have followed from that date to Confederation, we find that by Sections 67 and 129 of the B.N.A. Act many of the additional "powers, authorities and functions" formerly exercised by those Legislatures were preserved to the Province, and indeed Section 129 makes it specific that, except as otherwise provided by the B.N.A. Act, the *laws* in force in Canada, Nova Scotia or New Brunswick . . . shall continue in Ontario, Quebec, Nova Scotia and New Brunswick as if the Union had not been made. These sections further make it clear that in respect to these matters only the Provincial Legislature has the authority to abolish or alter. Finally we have the actual provisions of Section 92 of the Act itself which gives the Province very wide powers over its own Constitution, an authority which has been exercised by more than one Prov-

ince on several occasions—as, for instance, extension of the period of the life of any one Legislature.

Thus, from an authority based on "custom and usage," ample judicial precedent and also statutory authority, the position of the Provincial Legislature should surely not be open to these attacks. Summoned at the call of the Sovereign, supreme in legislative power, meeting for conference and deliberation, reinforced by the authority just mentioned, it should now be apparent that, certainly among the older Provinces of the Dominion, and probably among them all, the Provincial Legislature is properly termed a "Parliament." On this conclusion we must also find that the prestige and rank of those at the head of provincial governments are based on sound foundations which no informed comment would attempt to qualify or destroy. Possessed of a happy system of responsible government, with the added dignity and strength of monarchial institutions, the machinery so ably designed at Confederation for the government of the provinces functions smoothly and effectively and is a source of gratification and pride to all those who have at heart the good government of a country so wide in extent, so diversified in problems, as the Dominion of Canada. It is submitted, therefore, that, rather than to resurrect these skeletons in the constitutional cupboard, our public men should point with satisfaction to the admirable working of a dual parliamentary system in the respective fields of authority within this country—and leave well enough alone.

It is difficult to leave this discussion without pausing to consider why we do not reach some more definite and satisfactory method of address or addition to be applied to the members of the Provincial Legislatures. In view of the subject under review, it is open to question how far it is really logical to assert some contra-distinction in rank between those in the Provincial and those in the Federal field of authority. If contra-distinction is convenient or necessary, it should be possible to arrive at appendages or additions which would avoid imputing a qualified or inferior status which we know does not exist. Rather than to saddle those who perform their legislative function in the Provincial field with something which purports to attach a limitation rather than a distinction, it would surely be better to have no titular additions for them at all.

The normal practice seems to be to add after the names of Provincial Members either "M.P.P." or "M.L.A." Pope in his work on "Methods of Address for Distinguished Persons" says either practice is correct. Arthur Beauchesne, Esq., K.C., Clerk of the House of Commons, who has, no doubt, made a careful study of many of these questions, apparently rules that "M.L.A." is correct. The practice

in either lettering seems lacking in reason or authority, and to many people it is unattractive. While it may neither be desirable nor convenient to enlarge the number of people to whom is applied the term "M.P.," it is perhaps no more undesirable or inconvenient than having a large number of people with additions after their names which do not appear to be authentic and which cannot really be said to be recognized in ordinary spheres of life.

If, for instance, parliamentary status is correctly asserted for a Provincial Legislature, then is it not logical to suggest that its members might well be accorded any distinction which ordinarily accompanies the position of a Member of Parliament? We do not distinguish between one Parliament and another throughout the Empire. Westminster does not try to whittle down the prestige of "M.P." for Members of Parliament at Ottawa. We do not use terms like "M.D.P." to assert Dominion status as apart from United Kingdom members. We do not becloud the names of Members of Parliament from Australia or South Africa. Such distinctions, indeed, were never invented for the use of postmen. Those letters were invented to ascribe to an individual a certain status in the public life of the country. If the different mode of address was thought to create a ready method of distinguishing between those who hold that position in the Dominion field as compared with those in the Provincial, the thing seems hardly to be necessary in actual fact, and on the question of jurisdiction or status it seems far from logical. Constituents do not necessarily confuse the identity of their Member in the Dominion House with that of their representative in the Provincial House. Indeed, the average person is not unduly impressed with such distinctions, for, as far as immediate results in the private or business life of any ordinary subject are concerned, he is as intimately affected by the business of the one House as by the other.

The further we search, therefore, the less we are able to account for the curious outcome in regard to these additions. Of the two from which to choose "M.P.P." corresponds more closely to the steps in our constitutional development and, if any distinction has to be made, would seem to be preferable. While in foreign countries they do not seem to have many of these additions, the British term of "M.P." is universally recognized. The travelling provincial member may, or may not, receive, amidst foreigners, recognition under "M.P.P." In other parts of the Empire that addition arouses only amused curiosity. The term "M.L.A.," in foreign countries, is simply meaningless; even in Canada it is sometimes regarded as a joke; while in the United Kingdom, except among a few of the Civil Service personnel, it is regarded as just another of these weird appen-

dages from the American Continent such as "C.L.U."; or "M.A.I.A." In the eyes of the bewildered Englishman "M.L.A." might cover anything from a judge under the Mechanics Lien Act to a Member of a Literary (or possibly lumber) Association—or even a Ladies' Auxiliary. In sum, "M.P.P." is redundant but defensible; "M.L.A." should be relegated to oblivion.

The Secretary of State for Canada is said to hold that the term "M.L.A." was officially adopted in the Guides to Precedence following a certain Table of Precedence "the form of which was settled by the Home authorities acting with the advice of the Dominion Government." That Department feels itself "bound, in publishing a list of those on the Table of Precedence" to record provincial members as "M.L.A."

If this is so, it will be observed that this Table of Precedence, including as it does the names of all the Members of the Provincial Legislatures, has apparently been settled and promulgated without any known effort to consult with or to obtain the view of any provincial authority. It would thus appear that members of a parliamentary body, having the jurisdiction, powers and status hereinbefore defined, are to accept a listing and addition with regard to which they presumably have no say whatever and which, apart from its questionable authenticity, is so inept and unrecognized as to constitute something in the nature of a nuisance rather than a benefit of precedence.

It may be that, to the officials of the "Colonial" Office or other "Home" authority, the term "M.L.A." is defensible and attractive. To some of those affected, who perhaps do not desire any additions or distinctions at all, those letters are confusing and unwelcome. If the idea is to distinguish between Members of Legislative Council and those of the Assembly the procedure is not easy to follow. We do not distinguish between the various component parts of Parliament when we record an "M.P." We do not say M.H.C. for House of Commons or M.H.L. for House of Lords or "M.S." for the Senate. If the preceding "Honourable" is any answer to this reasoning, then, as that prefix applies equally to those in a Provincial Legislative Council, "M.L.A." is all the more unnecessary. It would apply, in any event, on that basis, only in Legislatures possessing a second Chamber which are few, and those gradually disappearing. Looking over the recorded list prepared by officials of the Empire Parliamentary Association, alluding to Members of the Legislature in various parts of the Empire, we find all sorts of methods of address (all settled presumably by the "Home" authorities). Newfoundland achieves something unique in "M.H.A." for the Members of its House

of Assembly. Ceylon is original, too, in its "M.S.C."—Member of State Council. The Irish Free State, with surprising and becoming dignity apparently refuses to have anything recorded at all. That may be, of course, because of the strange names given to its legislative bodies, the mere spelling of which would seem to dumfound the most ardent precedent-setter in the Home Office. In every case, however, the heading is (e.g.) "The Parliament of Newfoundland; "The Parliament of Ceylon"—even the "Parliament" of the Irish Free State. Strangely enough in only one of these cases is there an addition which, on reason and authority, and in all consonance with the constitution of self-governing Dominions, seems to deal with things as they are—that of South Australia where Members of the House of Assembly are openly, and, it is submitted, correctly recorded with the letters "M.P." after each name.

In conclusion a plea is submitted to those in authority, or to those who think they are, for a complete review of the listing, in Tables of Precedence and Distinction, of Members of Provincial Legislatures.

In the recollection of our country's long struggle for responsible government, in the enjoyment of our autonomous position among the self-governing Dominions of our Empire, in the every-day appreciation of the happy functioning of the respective spheres of provincial and federal authority in this Dominion, it seems preferable not to assert an anomaly, an inferiority, or a distinction which does not exist. If for instance, one of our Provincial Legislatures were to pass an Act declining to adopt, with regard to its own members, such titular distinctions as "M.P.P." or "M.L.A." and directing that any Table of Precedence set out by the officials at Ottawa in that behalf should be disregarded, the validity of the measure could hardly be contested. Such a proceeding might be unfortunate, perhaps in questionable taste, but it could not be set aside. At that it would incur no greater resentment than the provincial authorities might feel, if they bothered about it at all, at having their status settled in these things in a manner and by a procedure in which their views are not asked or considered. Whatever authority may assume the task, and it is submitted the Privy Council or the Supreme Court of Canada are about the only bodies that could bring to bear the necessary detachment and binding authority, it is fondly to be hoped that, if something better than the present method of address cannot be found, there will not be, as now, some unimpressive palliative, but rather that it shall be formally and finally decreed that members of provincial legislatures are persons of "no distinction" at all.

WILFRID HEIGHINGTON.