

Georges, William IV., Queen Victoria and the late Prince Consort.

Chap. V. treats of the Royal Prerogative in connection with Parliament.

It is impossible more than thus to give a faint outline of the subjects treated of in this volume. Let it suffice to say that they are of the most interesting nature, and that a variety of information is given which can no where else be found collected and arranged in an analytical and methodical shape. References are given to the writings and speeches of the most eminent statesmen, historians, and writers on constitutional law, to establish the various views and propositions laid down by the author.

We take at random some extracts from the volume, to show the style of the writer. In speaking of the constitutional position of the sovereign, he says:—

“We have already seen that, in a system of parliamentary government, as it is administered in England, the personal will of the monarch can only find public expression through official channels, or in the performance of acts of state which have been advised or agreed to by responsible ministers; and that the responsible servants of the crown are entitled to advise the sovereign in every instance wherein the royal authority is to be exercised. In other words, the public authority of the crown in England is exercised only in acts of representation, or through the medium of ministers, who are responsible to Parliament for every public act of their sovereign, as well as for the general policy of the government which they have been called upon to administer. This has been termed the theory of Royal Impersonality. But the impersonality of the crown only extends to direct acts of government. The sovereign retains full discretionary powers for deliberating and determining upon every recommendation which is tendered for the royal sanction by the ministers of the crown; and, as every important act of administration must be submitted for the approval of the crown, the sovereign, in criticising, confirming, or disallowing the same, is enabled to exercise an active and intelligent control over the government of the country.

“In the fulfilment of the functions of royalty, much must always depend upon the capacity and personal character of the reigning monarch. It has been well observed, by a sagacious political writer, that ‘a wise and able sovereign can exercise in the councils which he necessarily shares whatever authority belongs to his character, to his judgment, and, in the course of years, to his unequalled experience. A lifelong tenure of office ensuring an uninterrupted familiarity with public business, gives a king considerable advantage over even veteran ministers; and the undefinable influence of supreme rank is in itself a substantial basis of power.\*’ But in order to discharge his functions aright, it is indispensable that the sovereign should be ready and willing to labour, zealously and unremittingly, in his high vocation; otherwise he will be unable to cope with the multifarious and perplexing details of govern-

ment, or to exercise that controlling power over state affairs which properly appertains to the crown. On the other hand, a sovereign who, from whatever cause, is indifferent to the exercise of his kingly functions, may neglect the administrative part of his duties, and, if he be served by competent ministers, the commonwealth will suffer no immediate damage. But, in such a case, the legitimate influence of the monarchical element in the constitution is impaired, and is rendered liable to permanent deprivation.† Moreover, while a sovereign may forego the active control of the affairs of state without apparent public loss, provided his ministers are able and patriotic, the moment political power falls into the hands of self-seeking and unscrupulous men, the nation is deprived of the check which a vigilant monarch alone can maintain—a check no less valuable because unseen, but which may suffice, upon an emergency, to save the country from the effects of misgovernment. For the sovereign can always dismiss a ministry, and summon another to his councils, provided he does so, not for mere personal considerations, but for reasons of state policy, which the incoming administration can explain and justify to the satisfaction of Parliament. This branch of the royal prerogative will hereafter engage our attention more fully.”

Our author thus concludes his first volume:

“We have now passed under review the principal prerogatives of the British crown, and have endeavoured to point out, in the light of precedent, and with the help of recognized authority in the interpretation of constitutional questions, the proper functions of Parliament in relation thereto. We have shewn that the exercise of these prerogatives have been entrusted, by the usages of the Constitution, to the responsible ministers of the crown, to be wielded in the king's name and behalf, for the interests of the state; subject always to the royal approval, and to the general sanction and control of Parliament. Parliament itself, we have seen, is one of the councils of the crown, but a council of deliberation and advice, not a council of administration. Into the details of administration a parliamentary assembly is, essentially, unfit to enter; and any attempt to discharge such functions, under the specious pretext of reforming abuses, or of rectifying corrupt influences, would only lead to greater evils, and must inevitably result in the sway of a tyrannical and irresponsible democracy. ‘Instead of the function of governing, for which,’ says Mill,‡ ‘such an assembly is radically unfit, its proper office is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable, to censure them if found to merit condemnation; and if the men who compose the government abuse their trust, or fulfil it in a manner which conflicts with the deliberate sense of the nation, to expel them from office’—or, rather, compel them to retire, by an unmistakable expression of the will of Parliament. Instead of attempting to decide upon matters of administration by its own vote, the proper duty of a representative assembly is ‘to take care that the persons who have to decide them are the proper

\* *Saturday Review*, Nov. 8, 1862. And see some weighty remarks in the same journal, for June 4, 1864, in an article on “Foreign Influence.” See also, on the advantages derivable from the experience of a sagacious king: Bagehot, on the English Constitution, in the *Fortnightly Review* for October 15, 1865, pp. 605-609.

† See Bagehot's paper, above cited, pp. 610-612. Mill, *Rep. Govt.* p. 104.