

THE DOMINION AND THE EMPIRE.

"Pursuant to his Commission and the accompanying instructions, he becomes within the limits assigned to him the embodiment and expression of the monarchical element in the colonial polity, so far as that element can find a constitutional channel for its exercise under parliamentary government. The office of Governor is as much a constitutional part of the constitution in every colony, as is that of either of the other branches of the local legislature."

We are told (p. 3), that the three leading maxims of the British Constitution, in its modern form and developments, are: the personal irresponsibility of the King; the responsibility of his Ministers for all acts of the Crown; and the inquisitorial power and ultimate control of Parliament. What position then, what rightful authority or influence does such a system as this concede to the Sovereign, or to a colonial Governor? That the Sovereign has become a cipher in the State,—“a dumb and senseless idol,” Mr. Todd emphatically denies.

“Such an assumption,” he says (p. 4), “would transform the Queen’s Cabinet Ministers into an oligarchy, exercising an uncontrolled power over the prerogatives of the Crown, and the administration of public affairs, upon the sole condition that they are to secure and retain a majority in the popular branch of the legislature, to approve their policy and to justify their continuance in office. . . . It is not a true representation of the British Constitution, and should it ever unhappily prevail, would deprive us of one of the main securities upon which the liberties of England depend.”

But if the Sovereign cannot be rightfully considered a mere ornamental appendage to the constitution—a view which we fully sympathise with Mr. Todd in indignantly repudiating—still less can a Governor be considered such. For a Governor holds a dual position. As pointed out by Mr. Herman Merivale, in a passage in his famous *Lectures on Colonization and Colonies*, quoted by Mr. Todd (p. 577), as regards the internal administration of his government, he is merely a constitutional sovereign acting through his advisers, but whenever any

question is agitated touching the interests of the mother country his functions as an independent officer are called at once into play. And the same distinction is clearly pointed out by Mr. Todd (pp. 458-459), and by Lord Mulgrave in a despatch written by him when Lieutenant-Governor of Nova Scotia in 1860, and quoted by Mr. Todd at p. 537. The position, however, of a colonial Governor, is so strikingly set forth by Mr. Merivale in another part of his above-named work, and quoted by our author at p. 577, that we cannot refrain from giving it in full:

“Under responsible government a Governor becomes the image in little of a constitutional king, introducing measures to the legislature, conducting the executive, distributing patronage, in name only, while all these functions are in reality performed by his councillors. And it is a common supposition that his office is consequently become one of parade and sentiment only. There cannot be a greater error. The functions of a colonial Governor under responsible government are (occasionally) arduous and difficult in the extreme. Even in the domestic politics of the colony, his influence as a mediator between extreme parties and controller of extreme resolutions, as an independent and dispassionate adviser, is far from inconsiderable, however cautiously it may be exercised. But the really onerous part of his duty consists in watching that portion of colonial politics which touches on the connection with the mother country. Here he has to reconcile, as well as he can, his double function as Governor, responsible to the Crown, and as a constitutional head of an executive controlled by his advisers. He has to watch and control, as best he may, those attempted infringements of the recognised principles of the connection which carelessness or ignorance, or deliberate intention or mere love of popularity, may from time to time originate. And this duty of peculiar nicety, he must perform alone. . . . His responsible Ministers may (and probably will) entertain views quite different from his own. And the temptation to surround himself with a *camarilla* of special advisers, distinct from these Ministers, is one which a governor must carefully resist. It may, therefore, be readily inferred, that to execute the office well requires no common abilities, and I must add that the occasion has called forth these abilities.”

The lawful authority of the Crown in connection with parliamentary govern-