

These facts and considerations will enable us to estimate aright the important position which is occupied by the Sovereign of Great Britain, under Parliamentary Government.

Mr. Todd proceeds to narrate the introduction into Canada of Parliamentary Government, giving the views of the Earl of Elgin, the great statesman who really established that system on its sound constitutional basis.

In conclusion, it may not be out of place to remind those who peruse these pages, that the authority which is herein vindicated, is that of the ancient Monarchy of England; not as it used to be exercised of old, by Sovereigns who claimed to be above the law, and for whose actions no one was directly accountable to Parliament; but as it has been regulated and defined by those constitutional safeguards under which the liberties of the English people were secured, at the Revolution of 1688. That Revolution was no uprising of the democracy, to destroy existing institutions; it was a legal settlement of relative powers in the State, which bestowed upon the nation the inestimable advantages of a Monarchy, combined with the freedom, elasticity and responsibility, which appertain to a Parliamentary Government.

Wherever Englishmen colonise, it is said that they carry with them the political institutions which are their birthright at home. And in conferring upon her Colonies Responsible Government, it has been the aim of the Mother Country to secure to them the stability, impartiality, and intelligent supervision of a Governor, responsible only to the Crown, in co-operation with an Administration responsible to the people, through their representatives.

Lord Elgin, in his private correspondence from which I have already quoted, contends earnestly for the superiority of British institutions, over those of the United States; because of the indispensable advantages which accrue from the monarchical element in our constitutional system; and the useful purposes served by the Crown, notwithstanding its limited and unobtrusive functions. And he insists that "the executive and legislative departments of the State could not be made to work together, with a sufficient degree of harmony to give the maximum of strength and of mutual interdependence, to secure freedom and the rights of minorities, except under the presidency of Monarchy; the moral influence of which, so long as a nation is monarchical in its sentiments, cannot of course be measured merely by its recognized power."

As the Imperial Executive gradually withdraws from interference in colonial affairs, "the office of Governor tends to become,—in the most emphatic sense of the term,—the link which connects the Mother Country and the colony, and his influence the means by which harmony of action between the local and imperial authorities is to be preserved." From his independent and impartial position, the opinion of a Governor must needs have "great weight in the Colonial Councils; while he is free to constitute himself, in an especial manner, the patron of those larger and higher interests,—as, of education, and of moral and material progress, in all its branches,—which, unlike the contests of party, unite instead of dividing the members of the body politic." †

These wise words, which so admirably express the eminent services, to the state and to the people, which a Constitutional Governor is capable of rendering, form the closing sentences of the last official despatch which Lord Elgin wrote, on relinquishing the government of Canada; they were dated from Quebec, on December 18, 1854.

To the same effect, we are reminded by the Duke of Argyll, that the nomination of Gov-

ernors is almost the sole remaining bond of connection between the Mother Country and colonies possessing parliamentary institutions; and that this tie is retained solely in the interests of the Colonies themselves. It saves them from the evils of Presidential Elections, and places over them a Governor who is above all party contests, and who represents the dignity and impartiality of the British Crown.\*

Every true patriot, every friend of British connection, and every loyal subject of the Queen, should then cherish, respect, and uphold, the office of a Constitutional Governor, and abstain from all attempts to involve the Crown, in the person of its Representative, in a participation in the struggles of party warfare. A Governor should never be held accountable, within the sphere of his government, for the policy or conduct of public affairs; so long as he can find Ministers who are ready to assume responsibility for the same, to the local legislature. His personal responsibility is due only to the supreme power, from whence his authority is derived.

We do not discover throughout the pamphlet a single opinion from which we dissent, or which conflicts with what we have written with reference to the late crisis in Quebec. We would specially call attention to the "liberty to share in the initiation as well as in the maturing of public measures," to the statement that "in a modified but most real sense the Lieutenant-Governors of the Canadian Provinces are representatives of the Crown" and, with reference to the statement that the submission to the Lieutenant-Governor is a *mare form*, to his 4th and 5th "leading principles," deduced from the "authoritative documents" which it is quite out of our power to notice, although the Australian case enables us to judge of the view which will be taken in England by statesmen of all parties on our late crisis. In Canada it is of course impossible to obtain an impartial opinion from party politicians. Whatever they may think, the Conservative party must stand by the ex-ministers, even though their conduct in ignoring the constitutional position of the Lieutenant-Governor was the very reverse of true Conservatism. In the Australian case Mr. Cardwell dismissed Governor Sir Charles Darling for adhering to a ministry supported by the Commons; and in a debate in the Lords on that case "leading" statesmen on both sides of the House "adverted to the constitutional position" of a Colonial Governor, and to his duty "to protect the Crown, if need be, against" the proposals of his Ministers." Of course he may be unable, unsupported by the people, after a dissolution to, effect his object, but, in that case, as the action of the Crown is presumed to be intended for the benefit of the people, they will themselves be responsible for not sustaining the policy of those selected by the Crown as its advisers. The great mistake into which the ex-ministers and their

supporters have fallen is that they have forgotten altogether or ignored the fact that under the British Constitution there are three distinct estates; in the United Kingdom, King or Queen, Lords and Commons; in the Dominion, Governor General, Senate and Commons; in the Province of Quebec, Lieutenant-Governor, Legislative Council and Assembly. The Executive Council or Ministry is virtually a committee of the council and assembly, not to govern according to its will, but to confer with the Lieutenant-Governor or third estate, and to endeavor to maintain harmony between it and the Commons, which estate the ministry specially represents. It is certainly a remarkable circumstance that the class of politicians styling themselves Conservative should be the party to endeavor to reduce the monarchical element of our mixed constitution to what Lord Elgin termed "a *néant* of mock sovereignty," on the pretext that, because the Lieutenant-Governor is not appointed direct by the Crown he cannot exercise any of the Royal prerogatives, although expressly empowered to do so by an act of the Imperial Parliament. The old cry half a century ago was for a Constitution, "the very image and transcript of that of Great Britain." The reformers of those days insisted on having "the political institutions which are their birthright at home." They would have no "mutilated Constitution;" and it will be strange indeed if the party which in old days prided itself on assisting the Governors to override the Commons should in the present day support the claim of a committee of the Legislature to treat the Lieutenant-Governor as "a *néant* of mock sovereignty." Mr. Todd's valuable work will tend to prevent future complications such as we have had to deplore; and, if the party politicians were wise, they would abandon their absurd cry of a violation of the Constitution and their abuse of the Lieutenant-Governor, and consider the political questions at issue on their merits.

Since writing the foregoing we have read with great attention Mr. Kerr's speech on the Constitutional question. The speaker has carefully avoided the cause of the dismissal of the ex-ministers, viz.: their introduction of a bill into the Legislature, avowedly with the sanction of the Lieutenant-Governor, on which he had not been consulted. The defenders of the ex-ministers have admitted Mr. Todd's authority, but they have not published those portions of his pamphlet, in which he clearly recognizes not only the right of the Lieutenant-Governor to dismiss his ministers, but his right to *initiate* measures if he should see fit. Mr. Kerr, in

\* Walrond's Letters of Lord Elgin, pp. 123-124.

† *Ibid*, pp. 123-24.

\* Hans. Deb. vol. 191, p. 2001.