

free from all blame, but even then it would not have been unconstitutional for the Lieutenant-Governor to have changed his mind, if, during the course of the discussions in the Legislature, or from indications of public opinion throughout the Province, he had become convinced that the measure was an unwise one. Of course, on the assumption that before permitting the introduction of the bill he had remonstrated against it, and had finally given a reluctant consent, as was the case with George III. and the North and Fox administration regarding the India Bill, on which they were dismissed after carrying it through the Commons, he would be more excusable in withdrawing his consent, than if it had been freely given in the first instance. We are discussing the constitutional question alone, not the merits either of the railway or tax bills, and as we are told that Mr. Chapleau's authorities are "unanswerable," we shall venture to place before our readers a few extracts from Todd's Parliamentary Government which directly bear on the point really at issue, viz., the right of the Crown, or its representative exercising for the time its prerogatives, to full consultation on all matters, whether legislative or executive.

The official channel of intercourse between the Sovereign and the Cabinet Council was formerly a Secretary of State, but is now invariably the Prime Minister. It devolves upon this functionary to convey to the Sovereign for his approbation all the important conclusions of the Cabinet, and to him the Sovereign makes known his decisions thereon. Communications on affairs of State are constantly passing between the Sovereign and the Prime Minister.

But so soon as any particular project or line of policy has been agreed to, with a view either to legislative or administrative action, it becomes the duty of the Premier, as the minister in whom the Crown has placed the constitutional confidence, to take the royal pleasure thereupon, and to afford his Sovereign an opportunity for the exercise of that constitutional criticism in all departments of the State, which is the right and duty of the Crown, and which in its operation is confessedly most salutary and efficacious. A neglect of this rule, by Mr. Pitt, when, in the year 1800, his colleagues had coincided with him as to the expediency of a certain concession to the claims of the Roman Catholics, led to his loss of office, and to the withdrawal of the King's confidence from the ministry.

It may seem difficult to determine in every instance precisely what matters ought to receive the assent of the Crown beforehand, and what might be properly undertaken at the discretion and upon the responsibility of the several heads of executive departments. But this much at any rate is clear, that no important acts of government which would commit the Crown to a definite action or line of policy, which had not already received

the royal approbation, should be undertaken without the previous sanction of the Sovereign.

In all his communications with the Sovereign the Prime Minister is bound to afford the most frank and explicit information in regard to measures agreed upon by the Cabinet and submitted for the royal sanction. And it is not merely the right, but the duty, of the Sovereign to exercise his judgment in the advice they may tender to him. If the Sovereign should not approve of the advice of his ministers upon any particular measure they have then to choose whether they will abandon that measure or tender their resignation. Under such circumstances a minister is bound either to obey the direction of the Crown, or to leave to the Crown that full liberty which the Crown must possess of no longer continuing that minister in office. In order to supply the Crown with adequate means for exercising an independent judgment upon all affairs of State provision has been made by constitutional practice for the regular transmission to the Sovereign, ordinarily through the Prime Minister, or else through other official channels, of every despatch, report, or other paper, which it is material should be perused by the Sovereign, or which may be of use to enable the Sovereign to decide upon the merits of any measure submitted to him by ministers.

"The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case in order that the Queen may know as distinctly to what she is giving her royal sanction. Secondly, having once given her sanction to a measure that it be not arbitrarily altered or modified by the minister. Such an act she must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional right of dismissing that minister. She expects to be kept informed of what passes between him and the foreign minister before important decisions are taken based upon that intercourse; to receive the foreign despatches in good time; and to have the drafts for her approval sent to her in sufficient time to make herself acquainted with their contents before they must be sent off." This memorandum having been communicated to Lord Palmerston, he wrote to the Premier, stating that he had taken a copy of it and would not fail to attend to the directions it contained.

The last extract is specially interesting, because it was read by Lord John Russell in the House of Commons on the occasion of the subsequent dismissal of Lord Palmerston, and is said by the author of the Life of the Prince Consort to have embarrassed Lord Palmerston so much that he quite broke down in his defence. It is to be observed, that the actual cause of Lord Palmerston's dismissal was the expression of an opinion, in conversation with the French Ambassador, favorable to the *coup d'état* of Louis Napoleon, although the Government had, with the sanction of the Crown, decided on a position of neutrality. Lord Palmerston contended, and not without plausibility, that conversations were wholly

non-committal, and that it was neither possible nor desirable to avoid discussion of the kind. The case is interesting as showing how rigid are the rules in England as to frank and full communication on the part of ministers with the Crown. We shall, in addition to the very clear exposition of constitutional practice in Todd, cite from him the authority of English statesmen of high rank, and of opposite politics on the question at issue. In Lord Grey's essay on Parliamentary Government, he says:

"There is a further safeguard against abuse in its being requisite that the ministers of the Crown should obtain its direct sanction for all their most important measures. The Crown, it is true, seldom refuses to act upon the advice deliberately pressed upon it by its servants, nor could it do so frequently without creating great inconvenience. But the Sovereigns of this country may, and generally have exercised much influence over the conduct of the government; and in extreme cases the power of the Crown to refuse its consent to what is proposed by its servants may be used with the greatest benefit to the nation. A refusal on the part of the Sovereign to sanction measures which the ministers persist in recommending as indispensable is indeed a legitimate ground for their resignation, and if the question which leads to this is one on which they have the support of public opinion, they must in the end prevail. But if this high power is exercised with wisdom, and is reserved for great emergencies, the Crown may generally calculate on the support of the nation in refusing to sanction measures improperly pressed upon it by its ministers, especially where the measures so urged involve an abuse of the royal authority for their own party objects."

We shall now quote a passage from a speech of the late Lord Derby in his place in Parliament:

"The people of this country are under a great mistake if they suppose that the Sovereign does not exercise a real salutary and decided influence over the councils and government of the country. The Sovereign is not the mere automaton or puppet of the government of the day. She exercises a beneficial influence and control over the affairs of the State; and it is the duty of the minister, for the time being, in submitting any proposition for the assent of Her Majesty, to give satisfactory reasons that such propositions are called for by public policy and justified by the public interests. If the Sovereign is not satis-