

the effect of permanently separating the community into distinct classes, the feudal Lords and their vassals; it crushed out every principle of popular freedom and ended in becoming an engine of oppression to the great mass of the people. Feudalism attained its highest development in France and at the time of the conquest in 1066, the French Feudalism was superimposed upon that of England which had its own characteristics. This superimposition of continental Feudalism completely changed the social and political condition of the English people and destroyed what rights they had possessed under the early Saxon Kings. Thus imposed on the nation it became an exceedingly difficult task for the people to free themselves from its grasp. "England owes her escape," says Macaulay, "to an event which historians have generally represented as disastrous. Her interest was so directly opposed to the interest of her rulers that she had no hope but in their errors and misfortunes. The talents and even the virtues of her six first French Kings were a curse to her. The follies and vices of the seventh were her salvation." But the great Charter won by the united efforts of the Barons was but the beginning of her release from tyrannical rule, the struggle was continued in after years with the Tudor and Stewart despotism. The strength of Feudalism roughly assailed in the 13th century did not finally yield its power until the middle of the 17th. In Scotland, it was not abolished by Statute until 1747.*

Feudalism as a national organization has long ceased to exist but having held sway for seven hundred years it is not surprising that the influences it created have never been wholly removed. The British Constitution has been cast in a feudal mould to impress upon it indelibly the form of its origin, and it is not difficult to trace remnants of this once powerful factor in our Parliamentary usages.

As an illustration of the influence of traditional usages, reference may be made to the practice which without sufficient cause has come to be regarded as almost an essential part of our unwritten constitution. The writer alludes to the organization known as the "parliamentary opposition." A standing opposition appears to have been inherited by transmission from the period when King and people were in continual conflict, when ruler and ruled were in a condition of chronic antagonism. The "Ministry" in its executive functions takes the place of the King or ruler, but in this relationship there is no ground of quarrel between the Ministry and the people. Indeed the Ministry is the constitutional servant of the people, being recognised as the executive committee of Parliament to carry out the people's will expressed by the assembled representatives. It is difficult in this stage of our history to find good reason for the existence of a permanent organization whose main object is to oppose every Ministerial effort and impugn every Ministerial act. Can wise legislation best be secured by continually impeding the constitutional means taken to effect that end? Is the business of Parliament best promoted by systematically interposing obstacles? Is it not a wasteful expenditure of time, energy and talent to appoint one set of men to carry out the wishes of Parliament and to organize an antagonistic set of men to thwart them in every possible manner, on every possible occasion?

Long anterior to feudalism we can discern a system of Government based on the true principles of popular institutions. Before the age when Frank and Engle migrated from their German forests to give in after years their distinctive names to the French and English peoples, the historian describes a state of political life of deep interest at the present moment to the Canadian observer. In the tribal gatherings of those Teutonic races with which so many of us can claim remote ancestry, we may trace the primordial germs of the true parliament of the people. Centuries before the term Parliament was given to national assemblies, before even Christianity had penetrated the forests of Schleswick the free tribal communities met regularly to consult on State affairs. According to their custom these people assembled to enact laws and impose taxes or their equivalent. Every freeman had the right to be present and take part in the proceedings.†

On such occasions they elected their chiefs and rulers, and precisely as modern Parliaments will displace a Ministry in which confidence is lost, they exercised the right of

* "The Norman and English races, each unfit to endure oppression, forgetting their animosities in a common interest, enforced by arms the concession of a great charter of liberties. Privileges wrested from one faithless monarch, are preserved with continual vigilance against the machinations of another; the rights of the people become more precise, and their spirit more magnanimous, during the long reign of Henry III. With greater ambition and greater abilities than his father, Edward I, attempts in vain to govern in an arbitrary manner, and has the mortification of seeing his prerogative fettered by still more important limitations. The great council of the nation is opened to the representatives of the commons. They proceed by slow and cautious steps to remonstrate against public grievances, to check the abuses of administration, and sometimes to chastise public delinquency in the officers of the crown. A number of remedial provisions are added to the statutes; every Englishman learns to remember that he is the citizen of a free state, and to claim the common law as his birthright, even though the violence of power should interrupt its enjoyment. It were a strange misrepresentation of history to assert that the constitution had attained anything like a perfect state in the fifteenth century &c." *Hallam's Middle Ages, Chap. VIII. p. 450.*

† "They had Kings elected out of particular families; and other chiefs, both for war and administration of justice, whom merit alone recommended to the public choice. But the power of each was greatly limited; and the decision of all leading questions though subject to the previous deliberation of the Chieftains, sprung from the free voice of a popular assembly." *Hallam's Middle Ages, Chap. II. p. 64.*

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