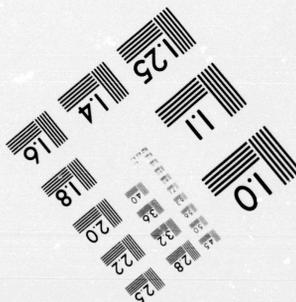
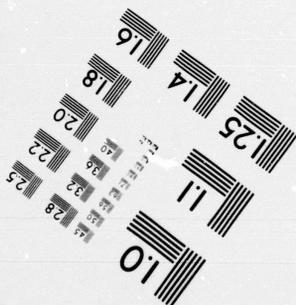
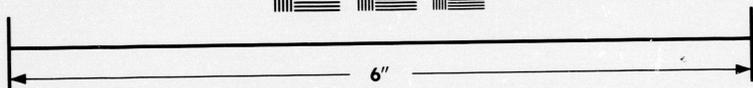
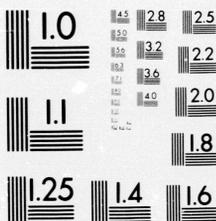


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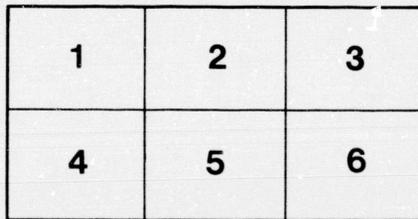
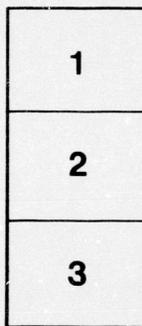
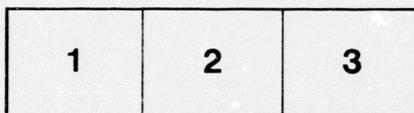
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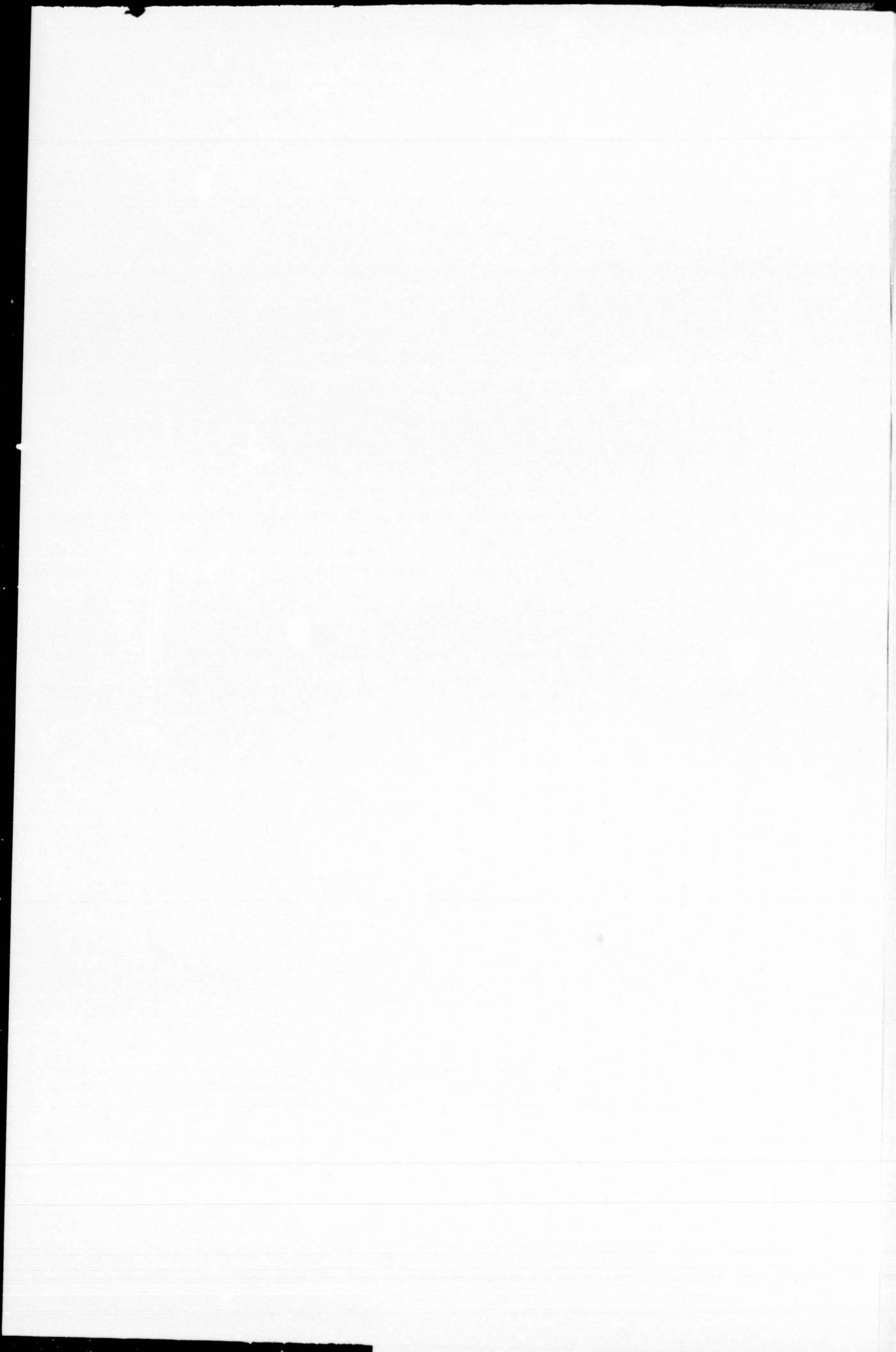
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*The Hon. Ed. Blake LL.D., M.P.
With the authors' best wishes for
Canada's success* *J. G. Bourinot*

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PARLIAMENTARY GOVERNMENT IN CANADA—A CON-
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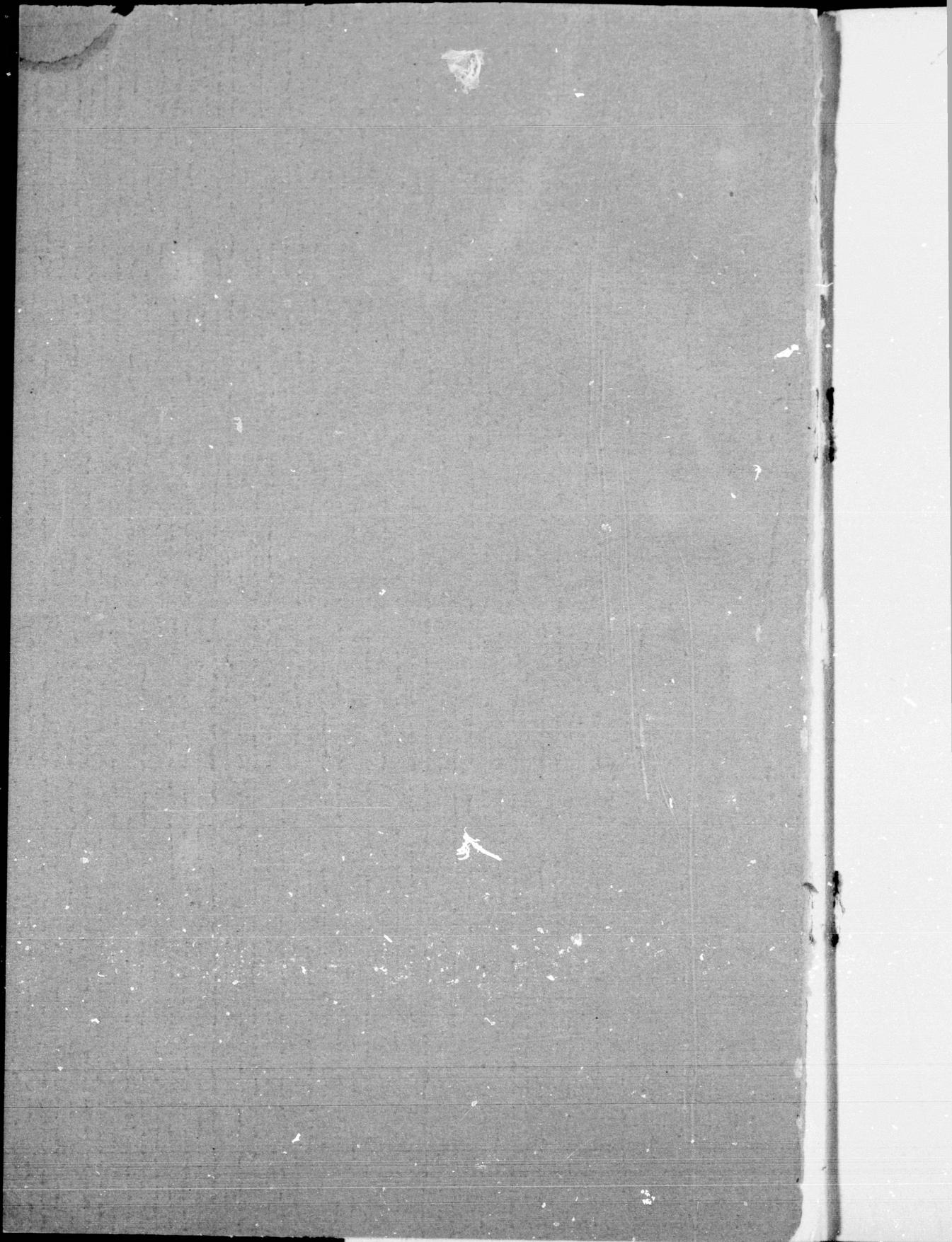
BY

J. G. BOURINOT, C.M.G., LL.D., D.C.L.,

Of Ottawa, Canada.

(From the Annual Report of the American Historical Association for 1891, pages 309-407.)

WASHINGTON :
GOVERNMENT PRINTING OFFICE.
1892.



*With Account from T. B. Higginson,
Christmas, 1861*

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XVII.—PARLIAMENTARY GOVERNMENT IN CANADA—A CON-
STITUTIONAL AND HISTORICAL STUDY.

BY J. G. BOURINOT, C.M.G., LL.D., D.C.L., OF OTTAWA,
CANADA.

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- I.—ORIGIN AND DEVELOPMENT OF RESPONSIBLE GOVERN-
MENT IN CANADA.
II.—CONSTITUTIONAL PRINCIPLES AND METHODS OF RESPON-
SIBLE GOVERNMENT IN CANADA.
III.—PARLIAMENTARY GOVERNMENT COMPARED WITH CON-
GRESSIONAL GOVERNMENT.
APPENDIX.—BIBLIOGRAPHICAL AND CRITICAL NOTES.

PREFATORY NOTE.

In this series of three papers the writer has attempted to give, first, a historical review of the evolution and effect of responsible or parliamentary government in the Dominion of Canada; next a summary of the constitutional methods and principles of that government; and thirdly, a comparison between the leading features of the Canadian and the United States systems. He has not pretended—for it does not fall within the legitimate scope of the monograph—to discuss the federal system of Canada. That has been already attempted by the author in one of the Historical and Political Studies of the Johns Hopkins University, to which the present essays may be considered in a measure supplementary.

HOUSE OF COMMONS, OTTAWA,

December 27, 1891.

PARLIAMENTARY GOVERNMENT IN CANADA. A CONSTITUTIONAL AND HISTORICAL STUDY.

By JOHN GEORGE BOURINOT, C.M.G., LL.D., D.C.L., of Ottawa, Canada.

I.—ORIGIN AND DEVELOPMENT OF RESPONSIBLE GOVERNMENT IN CANADA.

The constitution of Canada is not a purely artificial scheme of government, but, like that of England, is a systematical "balance of social and political forces which is a natural outcome of its history and development."* Responsible government is but another phrase for parliamentary government. It has happened in the history of Canada, as in that of the parent state, the principles which lie at the basis of the system were not formulated and adopted in a day or a week, but were slowly evolved as the natural sequence of representative institutions. We do not find in any of the statutes which have emanated from the Imperial Parliament, as the central legislature of the whole Empire, any express or authoritative enunciation of the principle, or any enactment of rules of law which should govern the formation of a cabinet. It is true the British North America act of 1867,† which is the fundamental law of the Dominion as a federation, contains a vague statement in the preamble that the provinces "expressed their desire to be federally united into one Dominion with a constitution similar in principle to that of the United Kingdom." Elsewhere in the act there are provisions for vesting the executive authority and government in the Queen, and for the appointment of a privy council to aid and advise the governor-general

* See Green, "History of the English People," vol. iv, p. 232.

† Imp. Stat., 30-31 Vict., chap. 3.

of Canada, and also for the appointment of a lieutenant-governor and an executive council in the several provinces; but as respects their respective powers and functions, there is nothing authoritative in our written constitution to confer upon a cabinet the great responsibilities which it possesses as the chief executive and administrative body of the Dominion and of each province by virtue of it possessing the confidence of the respective legislatures. In Canada that great body of unwritten conventions, usages, and understandings which have in the course of time grown up in the practical working of the English constitution form as important a part of the political system of Canada as the fundamental law itself which governs the federation. By ignoring this fact, as I have attempted to show on a previous occasion,* an eminent English publicist, Mr. A. V. Dicey, Vinerian professor of English law in the University of Oxford, has fallen into the error of describing the preamble of the British North America act of 1867 as a piece of "official mendacity."† This system of responsible government preceded the establishment of the Dominion by a quarter of a century, and was adopted or rather continued as indispensable to the efficient administration and harmonious operation of the government, not only of the confederation as a whole but of its provincial entities respectively. Its history must be traced through the various dispatches of the secretaries of state, the instructions to the governors-general and lieutenant-governors, and in the journals and debates of the legislative bodies of the provinces for half a century past.

Parliamentary institutions in any shape were unknown to Canada under the French régime, which lasted from 1608 to 1759. Its government during that period was in the hands of a governor, an intendant or minister of finance and police, and a council which possessed executive and judicial powers. Its functions and authority were carefully defined and restrained by the decrees and instructions of the French king, in conformity with the principle of centralization and absolutism that was the dominant feature of French government until the revolution. It was a paternal government, which regulated all the political, social, and even religious affairs of the country, for the Roman Catholic bishop made himself all-influential in coun-

* "Canadian Studies in Comparative Politics," p. 20.

† "The Law of the Constitution" (3d ed.), p. 155.

cil and the people were practically mere automatons to be directed and moved according to the king's sovereign will. When New France became a possession of England and the question arose how it was to be governed, provision was made in general terms for the establishment of representative institutions as in the old English colonies. The proclamation of George III, which was issued in 1763—a severely criticised document on account of its want of clearness*—quite naturally gave expression to the English idea that a representative system in some form or other was a natural consequence of British rule. "In the old [colonial] system," says Prof. Seeley,† "assemblies were not formally instituted, but grew up of themselves because it was the nature of Englishmen to assemble. Thus the old historian of the colonies, Hutchinson, writes under the year 1619 [twelve years after the foundation of Jamestown and eleven years later than Champlain's arrival at Quebec]: 'This year a house of burgesses broke out in Virginia.'" But the Frenchmen of Canada knew nothing of those institutions, so familiar and natural to Englishmen from the earliest days of their history, and even if they had been disposed to elect a representative house, the fact that all were Roman Catholics and still subject to certain political disabilities,‡ stood in the way of such a result. Then a few years later followed the Quebec act which removed these disabilities and established a system of government which restored the civil law of French Canada—if, indeed, it had ever been legally taken away—and gave the people a legislative council nominated by the Crown. In accordance with his instructions the governor also appointed a privy council to assist him in the administration of public affairs. Whilst the English settlers of Canada, then enlarged in area so as to include the present northwest of the United States, received with dismay and dissatisfaction a form of government which made French law prevail in civil matters and prevented the meeting of a legislative assembly, the French Canadians were naturally satisfied with the guarantees given them for the perpetuation of their old institutions, and, ignorant of an English representative system, accepted gratefully one which was far more liberal than that under which they had been so long governed. Fourteen years later the Imperial Parliament again in-

* Bourinot, "Manual of Constitutional History of Canada," p. 9, note.

† "Expansion of England," p. 67.

‡ The proclamation obliged them to take a test oath.

terfered in Canadian matters and passed the "constitutional act" of 1791, which constituted the two provinces of Upper Canada and Lower Canada and, by separating the English from the French Canadians, gave French Canada remarkable opportunities for establishing her language, civil law, and other institutions on a permanent basis. By the beginning of the present century, there were representative institutions in the five provinces of Upper Canada, Lower Canada, New Brunswick, Nova Scotia, and Prince Edward Island. It was asserted authoritatively that the object of the imperial government was to give the colonial peoples a system as like as possible to that of England. One lieutenant-governor* called it "an image and transcript of the British constitution." So far as having a permanent head of the executive and a council to advise the governors and a legislature composed of two houses, there was a similarity between the English and Canadian constitutions. The essential differences, however, lay in the absence of any responsibility on the part of the executive councils to the people's assemblies and to the little or no control allowed to the latter over the revenues, expenditures, and taxation of the country. It would have been more correct to state that the Canadian system of those early times bore a likeness to the old colonial system in its latest phases when the crown-appointed governors were constantly in collision with the representative bodies.† As a rule, in all the old colonies there had been a legislature of a bicameral character and certain councillors who were practically advisers of the governors. Up to 1838, when the constitution of Lower Canada was suspended on account of political difficulties, the government of the provinces was administered by the following authorities, their power being, generally speaking, in the order I have given them:

A secretary of state in England, who had the supervision of the colonial governments.

A governor-general of Canada, and lieutenant-governors in the other provinces, the latter being practically independent of

* Lieutenant-Governor Simcoe, in closing the first session of the legislature of Upper Canada. See Bourinot, "Manual of Constitutional History," p. 25, note.

† Writing of the perpetual antagonism between the legislative bodies and the royal governors, Fiske says ("Civil Government in the United States," p. 66) that it "was an excellent schooling in political liberty," a remark quite applicable to Canada.

the former, and acting directly under imperial instructions and commissions.

An executive council, appointed by the foregoing officials and owing responsibility to them alone.

A legislative council, composed for the most part of executive councillors appointed for life by the crown, that is to say, practically by the governors.

A legislative assembly, elected by the people on a restricted franchise, claiming but exercising little or no control over the government and finances of the provinces.

In the provinces by the sea there was no formal division between the executive and legislative councils as in the upper provinces, but the legislative council exercised at once legislative and executive functions. The governing body in all the provinces was the legislative council which was entirely out of sympathy with the great body of the people, and with their immediate representatives in the assembly, since it held its position by the exercise of the prerogative of the crown, and possessed a controlling influence with the governors, not only by virtue of its mode of appointment, but from the fact that its most influential members were also executive councillors.* In the contest that eventually arose in the working out of this political system between the governors and the assemblies for the control of the revenues and expenditures, and the independence of the judiciary, and other questions vitally affecting the freedom and efficiency of government, the legislative council in every province was arrayed as a unit on the side of prerogative, and at one time or other opposed every measure and principle in the direction of wider political liberty. It is easy, then, to understand that in all the provinces, and especially in Lower Canada to the very day of Papineau's outbreak, the efforts of the popular leaders were chiefly directed to break down the power of the legislative council and obtain a change in its constitution from the imperial authorities. The famous

* This system was modeled on that of a number of the old colonies. "The governor always had a council to advise with him and assist him in his executive duties, in imitation of the king's privy council in England, but in nearly all the colonies this council took part in the work of legislation, and thus sat as an upper house, with more or less power of reviewing and amending the acts of the assembly." Fiske, "Civil Government in the United States," p. 155. The system was in operation in the royal provincial colonies, to which class Nova Scotia also belonged. See Scott, "Development of Constitutional Liberty," p. 35, 36.

ninety-two resolutions of 1834, which embodied in emphatic phrases the grievances of the popular majority of French Canada, do not directly or indirectly refer to the English system of having in parliament a set of ministers responsible to and dependent on the majority of the popular house, but make a fierce onslaught on the upper chamber. Even in the provinces of Nova Scotia and New Brunswick the opinion of the leaders of the popular body appears to have hesitated for a while between a change in the constitution of the legislative council and the creation of a responsible ministry. A set of resolutions which were passed as late as 1837 by the assembly of Nova Scotia on the motion of Mr. Howe, confessedly the ablest and most eloquent exponent of responsible government in British North America, were aimed against the legislative council "combining legislative, judicial, and executive powers, holding their seats for life, and treating with contempt or indifference the wishes of the people and the representations of the Commons," and concluded with the proposition that, "as a remedy for the grievances his Majesty be implored to take such steps either by granting an elective legislative council or by such other reconstruction of the local government as will insure responsibility to the Commons.* No doubt none of the public men of Canada in those days comprehended more clearly than Mr. Howe, as the discussion on the political system then in vogue proceeded, the true scope and meaning of responsible government and that no mere compromise would meet the crucial difficulty. He like others eventually recognized the fact it was only by the adoption of the English system in its entirety that the public grievances could be redressed and the constant strain on the public mind removed. In Upper Canada, also settled by Englishmen imbued with the spirit of English institutions, public men gradually found that, unless the executive and legislative branches were brought into harmony by the adoption of such principles as had been broadly laid down after the revolution of 1688, and had been developing themselves in England ever since, no mere change in one branch of the legislature would suffice. Even as early as 1829, Mr. Stanley, afterwards the Earl of Derby, and father of the present governor-general of Canada, presented a petition from several thousand inhabitants of Toronto, praying that the judges might

* Howe, "Speeches and Public Letters" (Boston and Halifax, N. S., 1858), Vol. 1, pp. 93-96.

be placed on the same independent tenure that they occupied in England, and expressing the hope "that they might have a stable and responsible administration."*

Of course, when we look back at the history of this question we should bear in mind that responsible government, as Canadians now possess it, was necessarily a consequence of the political development of the people. In 1792 the people of French Canada were certainly not ripe for such a system, and the British Government might well hesitate before intrusting so large a measure of freedom to a French Canadian majority without experience of parliamentary government. But it could not have been a question at all under consideration in those days. Canadian writers entirely ignore the fact that the system had been only working itself out under many difficulties since 1688, and was not yet perfectly well understood even in the parent state, and certainly not by the people at large. Even writers like De Lolme and Blackstone, whose works were published a few years before 1792, never devoted even a footnote to a responsible cabinet or ministry; and no constitutional writers, until the last half of this century, attempted to formulate the rules and conventions which regulate this system of unwritten law.† The framers of the American constitution in 1787 never discussed it simply because they did not understand it.‡ The system of government established in the provinces was intended to be an improvement from the imperial point of view on the old colonial system, and to give as great a strength as possible to the executive authority. Sir James Craig, and many of his successors, until the arrival of Lord Gosford, were fitting representatives of an autocratic sovereign like George III, who attempted for years to govern through advisers perfectly willing to be mere ciphers in his hands and acknowledged their real responsibility was to him and not to parliament. It was not until the close of the eighteenth century, a

* MacMullen, "History of Canada" (Brockville, Ontario, 1868), p. 370.

† It is a fact of which Canadians should be proud that the late Dr. Todd, librarian of the parliament of Canada, wrote the fullest and ablest exposition of the principles and workings of parliamentary government that has yet appeared in any country.

‡ "In 1787," says Prof. Bryce, "when the constitutional convention met at Philadelphia, the cabinet system of government was in England still immature. It was so immature that its true nature had not been perceived." Bryce, "The American Commonwealth," Vol. 1, p. 273. See also Vol. 1, pp. 35, 36.

short time before the passage of the constitutional act of 1791, when the younger Pitt became the head of the administration, that the authority of the king diminished in the councils of the country, and responsible government was established on its proper basis. Public men in the United States, as well as in the colonies of Canada, might well believe that the king and the parliament were the supreme authorities, and that the ministry was an entirely subordinate body, apparently under the influence of the sovereign. As a matter of fact, parliamentary government in England itself was in those days virtually on its trial, and statesmen were from their experience year by year formulating for us in these later times those principles and rules which would bring the executive into entire harmony with the legislative authority.* According as the power of the house of commons increased ministers were less responsible to the king, and personal government, like that of the Stuarts and of George III, became an impossibility. The king gained in dignity according as his ministers assumed that full measure of responsibility for all affairs of state which is in accordance with the fundamental principles of the English constitution, and the permanency of the British system of government was more assured by the agreement between the three branches of the legislature. In the same way in Canada, the people had to work the system for themselves out of their own experiences. Until, however, the necessity of applying the system to the colonies became obvious even to the eyes of English statesmen, the governors of the provinces were from the very nature of things so many autocrats, constantly in collision with the popular element of the country. Sir James Craig berated the assemblage in no mincing language,† and although none of his successors ever attempted to go as far as he did, several of them more than once expressed their disapproval of the action of the popular house indirectly by praising without stint the council, which was, after all, the creature of their own will and pleasure. In some respects the governors of those days were to be pitied. Little versed, as many of them were,

* See Todd, "Parliamentary Government in England," Vol. II, pp. 163-171. And more particularly the first chapter in May's "Constitutional History" (Vol. I, pp. 15-104), where the influence of George III over his ministry and in the government of England is clearly stated.

† See Bourinot, "Canadian Studies in Comparative Politics," p. 17.

in political science, and more learned as they were in military than in constitutional law, they might quite naturally at times give expression to a little impatience under the working of a system which made them responsible to the imperial authorities who were ever vacillating in their policy, sometimes ill-disposed to sift grievances to the bottom, and too often dilatory in meeting urgent difficulties with prompt and effective remedial measures. The secretaries charged with colonial administration were constantly changing in those days, and little fame was to be won in England by the study and consideration of colonial questions. It is quite certain that until the time of Lord Durham, no governor-general or lieutenant-governor ever thoroughly appreciated the exact position of affairs in Canada, or even suggested in a dispatch a remedy that would meet the root of the evil and satisfy the public mind.

The necessary change was brought about with surprising rapidity when the difficulties of the long strained situation in the provinces culminated in uprisings of malcontents in two provinces only. Nova Scotia and New Brunswick had always pursued a constitutional agitation, and by the time of the arrival of Lord Durham in Canada Mr. Howe and his friends had succeeded in obtaining the redress of not a few grievances. That nobleman, and his chief adviser Charles Buller, immediately understood that an elective legislative council was not the true panacea that would cure the body politic of its grievous sores, and the result of their inquiries was a report which, in its clear and impartial statement of the political difficulties of the country, and in its far-reaching consequences, must take a place among the great charters and state documents that have molded the English constitution. If the authors* had written no other sentence than the one which I here quote they would have deserved the gratitude of the people of this country:

"I know not how it is possible to secure harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the crown; on the contrary, I believe that the interests of the

* No doubt Charles Buller must share the credit in all respects with Lord Durham for the authorship of the report, and indeed it is claimed that he wrote it in its entirety. Read Mr. Howe's just eulogy of Mr. Buller, an able writer and statesman, too soon lost to English public life. Howe, "Speeches and Public Letters," Vol. 1, pp. 566-567.

people of these provinces require the protection of prerogatives which have not hitherto been exercised. But the crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the government in union with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence."^{*}

The history of the concession of responsible government has its perplexities for the historical writer on account of the hesitation that marked the action of the imperial government and of the governors of some of the provinces when it was generally admitted that the time had come for adopting a new and liberal colonial policy. Before the appearance of Lord Durham's report, there is little doubt that the imperial government had no intention to introduce immediately the English system in its completeness into the provinces. Even in the provinces themselves there was much indecision in coming to a definite conclusion on the subject. Joseph Howe himself, with all his sagacity and knowledge, had not hesitated to say, in moving the resolutions before mentioned:

"You are aware, sir, that in Upper Canada an attempt was made to convert the executive council into the semblance of an English ministry, having its members in both branches of the legislature, and holding their positions while they retained the confidence of the country. I am afraid that these colonies, at all events this province, is scarcely prepared for the erection of such machinery. I doubt whether it would work well here; and the only other remedy that presents itself is to endeavor to make both branches of the legislature elective."[†]

But as I have already stated, Mr. Howe, like other public men in Canada, was gradually brought to demand responsible government in the full sense of the term. In fact, it is to him and to the advocates of responsible government in Upper Canada that the chief credit must be given for the eventual establishment of the system as we now possess it. In Lord John Russell's dispatches of 1839,—the sequence of Lord Durham's report—we can clearly see the doubt in the minds of the imperial authorities whether it was possible to work the system on the basis of a governor directly responsible to the parent state, and at the same time acting under the advice of ministers who would be responsible to a colonial legislature.[‡] But the colonial secre-

^{*} Page 106 of the Report.

[†] "Speeches and Public Letters," Vol. I, p. 108.

[‡] See his dispatches of 1839 in the Journals of Leg. Ass. of Canada, 1841, App. BB.

tary had obviously come to the opinion that it was necessary to make a radical change which would insure greater harmony between the executive and the popular bodies of the provinces. In these same dispatches, which were forwarded to all the governors, he laid down the principle that thereafter "the tenure of colonial offices held during her Majesty's pleasure will not be regarded as a tenure during good behavior," but that "such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure." Her Majesty, he stated emphatically, had "no desire to maintain any system of policy among her North American subjects which opinion condemns" and there was "no surer way of learning the approbation of the queen than by maintaining the harmony of the executive with the legislative authorities." Mr. Poulett Thomson was the governor-general expressly appointed to carry out this new policy. If he was extremely vain,* at all events he was also astute, practical, and well able to gauge the public sentiment by which he should be guided at so critical a period of Canadian history. The evidence is clear that he was not individually in favor of responsible government as it was understood by men like Mr. Baldwin and Mr. Howe when he arrived in Canada. He believed that the council should be one "for the governor to consult and no more," and voicing the doubts that existed in the minds of imperial statesmen he added, the governor "can not be responsible to the government at home" and also to the legislature of the province; if it were so, "then all colonial government becomes impossible." "The governor," in his opinion, "must therefore be the minister, in which case he can not be under control of men in the colony." Sir Francis Hincks, whose opinion in these matters is worthy of consideration, has expressed his belief that Lord Sydenham at the outset had hopes of "being able to find subordinates who would undertake to defend his policy in the house of assembly," and that his object was "to crush party connection."† Be that as it may, Lord Sydenham probably soon found after he had been for a while in the country, and had frequent opportunities of consult-

* This was Greville's opinion of him. See his Journals, under date of January 30, 1836. It is only necessary to read Scrope's Life of Lord Sydenham to find in every line the evidence of his intense egotism.

† See Hincks, "Reminiscences of his Public Life," pp. 41 *et seq.*

ing with the leaders of the popular party who well knew the temper of the country at large, that his policy was not workable at that juncture, and that if he wished to accomplish the union successfully, the principal object of his ambition, he would have to temporize, and disguise his own conception of the best way of carrying on the government of the country. This first council was a mere makeshift, composed of heterogeneous elements, and it is not surprising that Mr. Baldwin should have seized the earliest opportunity of leaving it. When the assembly met it was soon evident that the reformers in the body were determined to have a definite understanding on the all important question of responsible government, and the result was that the governor-general, a keen politician, immediately recognized the fact that, unless he yielded to the feeling of the majority, he would lose all his influence, and there is every reason to believe that the resolutions which were eventually passed in favor of responsible government in amendment to those moved by Mr. Baldwin had his approval before their introduction. The two sets of resolutions practically differed little from each other, and the inference to be drawn from the political situation of those times is that the governor's friends in the council thought it advisable to gain all the credit possible with the public for the passage of resolutions on the all absorbing questions of the day, since it was obvious that it had to be settled in some satisfactory and definite form.* The purport of the resolutions which form the first authoritative expression of the almost unanimous opinion of a colonial legislature on the question must be familiar to all Canadians, but then their importance is such that the material portions of the text should be quoted in full in a paper of this character:

(1) "That the head of the executive government of the province being within the limits of his government the representative of the sovereign is responsible to the imperial authority alone, but that, nevertheless, the management of our local affairs can only be conducted by him by and with the assistance, counsel, and information of subordinate officers in the province.

(2) "That in order to preserve between the different branches of the provincial parliament that harmony which is essential to the peace, welfare and good government of the province, the chief advisers of the representative of the sovereign, constituting a provincial administration under him,

* See Scrope's "Life of Lord Sydenham," 2nd. ed. Also Sir Francis Hincks's opinion on the same subject, "Reminiscences of his public life," p. 42.

ought to be men possessed of the confidence of the representatives of the people; thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious sovereign has declared shall be the rule of the provincial government, will on all occasions be faithfully represented and advocated.

(3) "That the people of this province have, moreover, the right to expect from such provincial administration, the exertion of their best endeavors that the imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well-understood wishes and interests."*

Mr. Baldwin also wished to obtain from the assembly a definite expression of opinion as to the constitutional right of the legislature to hold the provincial administration responsible for using their best exertions to procure from the imperial authorities, that their rightful action in matters affecting Canadian interests should be exercised with a similar regard to the wishes and interests of the Canadian people. No doubt, looking at the past political history of the province, and the language of Lord John Russell in his dispatches, and the concealed opinions of the governor himself, of which Mr. Baldwin had in all probability an inkling, he was quite justified in proposing the resolution in question; but it is also obvious that no such proposition could have any practical effect on the adjustment of those nice questions that might arise in the course of the relations between Canada and the parent state.† As set forth in later days by an able statesman of the Liberal party of Canada, "Imperial interests are, under our present system of government, to be secured in matters of Canadian executive policy, not by any clause in a governor's instructions (which would be practically inoperative, and if it can be supposed to be operative would be mischievous), but by mutual good feeling and by proper consideration for imperial interests on the part of her Majesty's Canadian advisers, the crown necessarily retaining all its constitutional rights and powers which would be exercisable in any emergency in which the indicated securities might be found to fail."‡

* That my readers may see that there is little or no difference between Mr. Baldwin's and Mr. Harrison's resolutions, I refer them to *Can. Leg. Ass. Journals of 1841, Sept. 3.*

† See Todd, "Parliamentary Government in the Colonies," p. 57.

‡ Hon. Edward Blake in a dispatch to the Secretary of State, *Can. Sess. Papers, 1887, No. 13.* See Bourinot, "Federal Government in Canada," *Johns Hopkins University Studies, Vol. 7, pp. 537, 538.*

The close of the first session of the first legislature of Canada after the union of 1841 saw responsible government virtually adopted as the fundamental basis of our political system, although for a few years its development was in a measure retarded by the ill-advised efforts of Lord Metcalfe (who came fresh from India, where English officials were so many mild despots in their respective spheres), to assert the prerogatives of the head of the executive in the spirit of times which had passed away, and to govern according to the ideas which it appears Lord Sydenham himself privately entertained when he first came to Canada. The critical period of responsible government in Canada, as well as in the maritime provinces, extended from 1839 to 1848. In New Brunswick, Sir John Harvey, the lieutenant-governor, at once recognized in Lord John Russell's dispatches "a new and improved constitution;" and by a circular memorandum informed the heads of departments that thenceforward their offices would be held by the tenure of public confidence. Unfortunately for Nova Scotia, there was at that time at the head of the government, a brave but obstinate old soldier, Sir Colin Campbell, who had petrified ideas on the sanctity of the prerogatives of the crown, and honestly believed that responsible government was fraught with peril to imperial interests. He steadily ignored the dispatches which had so much influence on the situation of affairs in the other provinces, until at last such a clamor was raised about his ears that the imperial government quietly removed him from a country where he was creating dangerous complications. Nova Scotia, from the time Mr. Howe moved his resolutions in the assembly,* had been making steady headway toward responsible government, as a result of the changes that were made by Lord Glenelg (truly described "as one of the most amiable and well disposed statesmen who ever presided over the colonial department")† in the position of the legislative council, which was at last separated from the executive authority. But the executive council was very far from being in accord with public opinion, and its members had no political sympathy with

* See Howe, "Speeches and Public Letters," Vol. 1, p. 220.

† This is a quotation from Howe's "Speeches and Public Letters," Vol. 1, p. 144, a work having on the title page the name of W. Armand, M. P. P., as editor, but well understood to have been written word for word by Mr. Howe himself.

each other. The governor's friends predominated and acknowledged no responsibility to the assembly. When Lord Falkland was appointed lieutenant-governor there was every expectation that the political agitation that had so long disturbed the province would disappear, at least as far as it could in a country where every man is a born politician; and indeed for awhile it seemed as if the new governor would exhibit that tact and judgment which were so essential at a time when a new system of government was in course of development, and it was necessary to respect the aspirations of the popular party without unduly wounding the feelings of the men who had for so long controlled the affairs of government, and acted as if they had a monopoly of them for all time.

But the choice of Lord Falkland was in many respects unfortunate. In the provinces, under the old régime, there were two classes of governors who did much harm in their way. First of all, there were the military governors, like Sir James Craig and Sir Colin Campbell, well-meaning and honest men, but holding extreme ideas of the importance of the prerogatives of the Crown, and too ready to apply the rules of the camp to the administration of public affairs; and then there were the gentlemen who wished to recruit narrow fortunes, had no very high opinion of "those fellows in the colonies,"* and in most cases obtained the position not from any high merit of their own, but as a result of family influence. Lord Falkland appears to have belonged to the latter class, and it did not reflect much on the sagacity of the government who chose at a critical period of provincial history a man who clearly had no very correct idea of the principles of the new system he had to administer. He quarreled with the leaders of the Liberal party in a most offensive way, and even descended into the field of political controversy. He used every possible effort to oppose the development of responsible government, and in doing so threw himself into the arms of the party that had so long ruled in social and political life in Nova Scotia. It is certainly a curious coincidence that at a time when responsible government was understood to be practically conceded, Lord Falkland and Lord Metcalfe should have been simultaneously appointed to preside over the provinces of Canada and Nova Scotia; but

* Lord Sydenham in one of his letters applies this contemptuous expression to the members of the legislature. (See Scrope's Life, p. 234.)

it is not at all probable that they were sent with any sinister instructions to impede the development of the new system.* They happened to be the two men whom the colonial office found most conveniently at hand, and like other appointments of the kind in those days they were dispatched without any special inquiry into their qualifications for the important responsibilities they had to discharge. The difficulties that occurred after their arrival were of their own making. One of them was unable by nature and the other by his education in India to understand the way in which their respective provinces should be governed since the adoption of the new colonial policy, which Lord John Russell was the first to inaugurate in general terms. Like Sir Francis Bond Head, the new lieutenant-governor of Nova Scotia was an example of a man who had greatness thrust upon him, for there were some people cruel enough to say at the time of the former's appointment that he received a position which was really intended for his certainly more able relative, Sir Edmund Head, who became in later times governor-general of Canada—another apt illustration, if it were true, of the blunders which colonial secretaries in those days were wont to make.† The history of the contest in Nova Scotia was much more interesting in some respects than that of Canada as soon as the governors began to develop their reactionary policy. Mr. Howe was a poet as well as an orator, and it is curious to note that Nova Scotia has given birth to the few humorists that Canada can claim. "Sam Slick" (Judge Halliburton) was a Nova Scotian, and Mr. Howe, who printed his books in the first place, had also a deep sense of humor which was constantly brightening up his speeches and writings. It must be admitted that his humor was rather that of Fielding and Smollett than of Hood and Lamb, and was not always suited to these more self-restrained times. Some of the most patriotic and soul-stirring verses ever written by a Canadian

* Mr. Howe in his collection of "Letters and Public Speeches" (Vol. 1, p. 393), traces "a mysterious connection" between the two governors; but he quotes in a subsequent page an extract from a speech in parliament of Lord Stanley, then secretary of state for the colonies, in which he stated that the "principle of responsible government had been fully and frankly conceded on the part of the government." (*Ibid.*, Vol. 1, p. 427.)

† See Sir Francis Hincks's "Reminiscences," p. 15. But Mr. Goldwin Smith ("The Canadian Question," p. 115, note) believes that this story of Sir Francis having been mistaken for Sir Edmund Head "can not be worthy of credence."

can be found in his collection of poems; but relatively very few persons nowadays recollect those once famous satirical attacks upon Lord Falkland, which gave great amusement to the people throughout the province, and made the life of that nobleman almost unbearable.*

In this way the political fighters of the maritime provinces diversified the furious contest that they fought with the lieu-

* These verses are too long, and contain too many local references to be appreciated by those who are not thoroughly conversant with the history of those times, and I shall content myself with a quotation from "The Lord of the Bedchamber," an allusion to one of the positions previously held by the lieutenant-governor. The verses are supposed to show his opinion of the troublesome house of assembly, and his way of conciliating some of its unruly elements. The lieutenant-governor is supposed to be waiting for a reply to a message to the Commons:

"No answer! The scoundrels, how dare they delay!
Do they think that a man who's a peer,
Can thus be kept feverish, day after day,
In the hope that their Speaker 'll appear?"

"How dare they delay, when a Peer of the Realm,
And a Lord of the Bedchamber, too,
To govern them all has been placed at the helm
And to order them just what to do?"

"Go D—dy, go D—dy, and tell them from me,
That like Oliver Crom. I'll come down,
My orderly sergeant mace-bearer shall be,
And kick them all out of the town."

These remarks are supposed to be addressed in the secrecy of his chamber to one of his pliant friends who ventured to hint that it might not, for him, be quite safe to repeat what was said:

"They've got some odd notions, the obstinate crew,
That we are their servants—and they
A sergeant have got, and a stout fellow, too,
Who their orders will strictly obey."

"Besides, though the leader and I have averred,
That justice they soon shall receive,
'Tis rather unlucky that never a word
That we say will the fellows believe."

"How now, cries his Lordship, deserted by you
I hope you don't mean 'to retire,'
Sit down, sir, and tell me at once what to do,
For my blood and my brain are on fire."

Then the governor's friend suggests a method of settling matters quite common in those old times:

"Suppose!" and his voice half recovered its tone,
"You ask them to dinner," he cried,
"And when you can get them aloof and alone,
Let threats and persuasion be tried."

tenant-governors, and it was certainly better that the people should be made to laugh than be hurried into such unfortunate and ill-timed uprisings as occurred in the other provinces. Happily such a style of controversy has also passed away with the causes of irritation, and no Lord Falkland could be found nowadays to step down into the arena of party strife, and make a personal issue of political controversies.

Lord Metcalfe left the country a disappointed and dying man, and Lord Falkland was stowed away in the East, in Bombay, where he could do little harm; and, with the appointment of Lord Elgin to Canada and of Sir John Harvey to Nova Scotia and with a clear enunciation on the part of Earl Grey of the rules that should govern the conduct of governors in the administration of colonial affairs, the political atmosphere cleared at last and responsible government became an accom-

"If you swear you'll dissolve, you might frighten a few,
You may wheedle and coax a few more,
If the old ones look knowing, stick close to the new,
And we yet opposition may floor."

This advice was palatable to his lordship:

"I'll do it, my D—dy; I'll do it this night,
Party government still I eschew;
But if a few parties will set you all right,
I'll give them, and you may come, too."

"The Romans of old, when to battle they press'd,
Consulted the entrails, 'tis said;
And arguments, if to the stomach addressed,
May do more than when aimed at the head."

The writer has often thought that a very interesting chapter might be written on the influence of dinners in the politics of Canada. Cabinets, no doubt, have been sometimes moulded and changed as a result of a dinner or two at the house of some astute statesman. I remember well the frequency of dinners about the time it was necessary to bring obstinate Nova Scotia into confederation, and Gen. Williams, of Kars, was sent to Halifax for the express purpose of accomplishing that object so much desired by the English and Canadian governments. I am quite sure that around that warrior's table, over the nuts and wine, more than one doubting member from the country felt his opposition to union waver, and the general was able to add a fresh chaplet to that he had won at the eastern fortress amid the thunder of cannon and the misery of famine. I often think that not a few Canadian members of parliament accustomed to early dinners, domestic habits, and early retirement attribute to the "bad ventilation of the Commons Chamber," what is probably the effect of the very elaborate *cuisine* which is now a well-established adjunct of our system of parliamentary government. In the course of time some of our high functionaries of state, like the famous Brillat-Savarin, may be best remembered, not for their knowledge of political economy, but for their skill in gastronomy.

plished fact. Since those days Canada has had a succession of governors who have endeavored to carry out honestly and discreetly the wise colonial policy which was inaugurated at the union of 1841, and the difficulties which Lord John Russell anticipated have disappeared or rather have never actually occurred in the practical operation of a system of government which has proved itself the best safeguard of imperial interests, since it brings the colony and the parent state more into sympathy with each other by establishing a feeling of mutual confidence and mutual respect, the absence of which marred the history of the old times and seemed more than once likely to weaken the ties that happily have always bound Canada to the parent state.

In the history of the past there is much to deplore: the blunders of English ministers, the want of judgment on the part of governors, the selfishness of "family compacts," and the recklessness of some Canadian politicians; but the very trials of the crisis through which Canada passed brought out the fact that, if English statesmen had mistaken the spirit of the Canadian people and had not always taken the best methods of removing grievances, it was not from any studied disposition to do these countries an injustice, but rather because they were unable to see until the very last moment that even in a colony a representative system must be worked in accordance with those principles that obtained in England, and that it was impossible to direct the internal affairs of dependencies many thousand miles distant through a colonial office generally managed by a few clerks. These very trials showed that the great body of the people had confidence in England, giving at last due heed to their complaints, and that the sound sentiment of the country was represented not by Mackenzie nor Papineau, who proved at the last that they were not of heroic mold, but rather by the men of cool judgment and rational policy, who, throughout the critical period of our history, believed that constitutional agitation would best bring about a solution of the difficulties which had so long agitated the provinces.

Of all the conspicuous figures of those memorable times, which already seem so far away from us who possess so many political rights, there are three who stand out more prominently than all others and represent the distinct types of politicians who influenced the public mind during the first part of this

century. These are Papineau, Baldwin, and Howe. Around the figure of the first there has always been a sort of glamor which has helped to conceal his vanity, his rashness, and his want of political sagacity, which would, under any circumstances, have prevented his success as a safe statesman, capable of guiding a people through a trying ordeal. His eloquence was fervid and had much influence over his impulsive countrymen, his sincerity was undoubted, and in all likelihood his very indiscretions made more palpable the defects of the political system against which he so persistently and so often justly declaimed. He lived to see his countrymen enjoy power and influence under the very union which they resented and to find himself no longer a leader among men, but isolated from the great majority of his own people and representing a past whose methods were antagonistic to the new régime that had grown up since 1837. The days of reckless agitation had passed and the time for astute statesmanship had come. Lafontaine and Morin were now safer political guides for their countrymen. He soon disappeared entirely from public view, and in the solitude of his picturesque chateau amid the groves that overhang the Ottawa River, only visited from time to time by some stanch friends or by a few curious tourists who found their way to that quiet spot, he passed the remainder of his days with a tranquillity in wondrous contrast to the stormy and eventful drama of his earlier life. The writer often, a few years ago, recognized his noble, dignified figure, erect even in age, passing unnoticed on the streets of Ottawa, when, perhaps, at the same time there were strangers walking through the lobbies of the Parliament house asking to see his portrait.

One of the most admirable figures in the political history of Canada was undoubtedly Robert Baldwin. Compared with other popular leaders of his generation, he was calm in counsel, unselfish in motive, and moderate in opinion. If there is significance in the political phrase "Liberal Conservative," it could be applied with justice to him. He, too, lived for years after his retirement from political life almost forgotten by the people for whom he worked so fearlessly and sincerely.

Joseph Howe, too, died about the same time as Papineau, after the establishment of the federal union; but, unlike the majority of his compeers who struggled for popular rights, he was a prominent figure in public life until the very close of his career. All his days, even when his spirit was sorely tried by

the obstinacy and dullness of English ministers, he loved England, for he knew, after all, it was in her institutions his country could best find prosperity and happiness, and it is an interesting fact that, among the many able essays and addresses which the question of imperial federation has drawn forth, not one in its eloquence, breadth, and fervor can equal his great speech on the consolidation of the empire. The printer, poet, and politician died at last, at Halifax, the lieutenant-governor of his native province, in the famous old Government house, admittance to which had been denied him in the stormy times of Lord Falkland; a logical ending assuredly to the life of a statesman who, with eloquent pen and voice, in the days when the opinions he held were unpopular in the homes of governors and social leaders, ever urged the claims of his countrymen to exercise that direct control over the government of their country which should be theirs by birth, interest, and merit.

In the working out of responsible government for the last half century there stand out, clear and well defined, certain factors and principles which are at once a guarantee of efficient home government and of a harmonious coöperation between the dependency and the central authority of the empire.

1. The misunderstandings that so constantly occurred between the legislative bodies and the imperial authorities, and caused so much discontent throughout the provinces on account of the constant interference of the latter in matters which should have been left exclusively to the control of the people directly interested, have been entirely removed in conformity with the wise policy of making Canada a self-governed country in the full sense of the phrase. These provinces are as a consequence no longer a source of irritation and danger to the parent state, but, possessing full independence in all matters of local concern, are now among the chief glories of England and sources of her pride and greatness.

2. The governor-general, instead of being constantly brought into conflict with the political parties of the country and made immediately responsible for the continuance of public grievances, has gained in dignity and influence since he has been removed from the arena of public controversy. He now occupies a position in harmony with the principles that have given additional strength and prestige to the throne itself. As the legally accredited representative of the sovereign, as the recognized head of society, he represents what Bagehot has aptly

styled the dignified part of our constitution, which has much value in a country like ours, where we fortunately retain the permanent form of monarchy in harmony with the democratic machinery of our government. It would be a great mistake to suppose that the governor-general is a mere *roi fainéant*, a merely ornamental portion of our political system, to be set to work and kept in motion by the premier and his council. His influence, however, as Lord Elgin has shown, is wholly moral, an influence of suasion, sympathy, and moderation, which softens the temper while it elevates the aims of local politics. If the governor-general is a man of parliamentary experience and constitutional knowledge, possessing tact and judgment, and imbued with the true spirit of his high vocation—and these functionaries have been notably so since the commencement of confederation—they can sensibly influence the course of administration and benefit the country at critical periods of its history. Standing above all party, having the unity of the empire at heart, a governor-general at times can soothe the public mind and give additional confidence to the country when it is threatened with some national calamity or there is distrust abroad as to the future. As an imperial officer he has large responsibilities, of which the general public have naturally no very clear idea, and if it were possible to obtain access to the confidential and secret dispatches which seldom see the light in the colonial office, certainly not in the lifetime of the men who wrote them, it would be seen how much for a quarter of a century past the colonial department has gained by having had in the Dominion men no longer acting under the influence of personal feeling through being made personally responsible for the conduct of public affairs, but actuated simply by a desire to benefit the country over which they preside and to bring Canadian interests into unison with those of the empire itself.

The success of self-government in Canada can be seen by comparing the present condition of things with what existed fifty years ago, when the provinces that now constitute the Dominion were so many small, struggling communities, isolated from one another, having no direct interest in each other's industrial and political development, animated by no common aims and aspirations, and having no tie to bind them except that purely sentimental bond which unites communities of the same empire. The total population of all the British North American countries did not exceed 1,000,000 of souls, of whom

the majority were French Canadians, then sullen and discontented, believing that the union was a part of a sinister scheme to destroy their national institutions and place them in a position of inferiority to the English-speaking people. A feeling of unrest was still abroad and no one was ready to speak confidently of the future. If there was ever in this country a small number of men inclined to favor annexation to the United States, they might have been found at that time, when they compared the prosperity and enterprise of the neighboring Republic and its large measure of self-government with the condition of matters in the struggling communities of British North America. But then, as always, the great body of the people were true to themselves and to British connection, and the same spirit of devotion that had carried them through the miseries of war and dangerous political agitation gained strength when they saw that England at last recognized the errors of procrastination and negligence, which had too long been the features of colonial administration, and was ready to concede to the provinces those rights and privileges which they had every reason to expect as free, self-respecting communities animated by the spirit of English institutions. With a recognition of the right of Canada to self-government came a sense of large responsibility. Canadians had to prove themselves worthy of the trust at last reposed in them, and they did so in a manner which has frequently in later times evoked the praise of the wisest English statesmen and publicists. The quarter of a century that elapsed from 1842 to 1867 was the crucial period of Canadian political development; for then the principles of our present system of self-government were firmly established and a new, industrious population flowed steadily into the country, the original population became more self-reliant and pursued their vocations with renewed energy, and confidence increased on all sides in our ability to hold our own against the competition of a wonderfully enterprising neighbor. Cities, towns, and villages were built up with a rapidity not exceeded even on the other side of the border, and the ambition of our statesmen, even years before confederation, began to see in the northwest an opportunity for still greater expansion for the energy and enterprise of the people. The French Canadian learned that he was treated in a spirit of justice, and, instead of his influence diminishing under the régime of responsible government, he had become the potent factor in political affairs.

Then followed another change in the political position of the provinces. The political difficulties between the antagonistic elements in the parliament of old Canada certainly showed its statesmen that the union of 1841 had done its work; but, looking deeper into the causes of the movement that led to the federal union, we can see that the effect of responsible government had been to prepare the public mind for a wider sphere of political action. The time had come for placing the long isolated provinces on a broad basis which would give greater expansion to their energies and industries, and afford them that security for self-preservation on this continent which it was too evident was absolutely necessary in the presence of an aggressive and seldom generous neighbor. The result of this statesmanship was the establishment of a confederation possessing eventually a territory almost equal to that of the United States, and not inferior to them in those resources which form the substantial basis of a nation's greatness, and enjoying rights of self-government which, half a century ago, would have seemed a mere dream to those who were fighting to give Canada the control of her own local affairs, free from the interference of governors and officials in London. This measure gave to Canada many of the attributes of a sovereign independent state. England now has only the right to disallow such acts of the Canadian parliament as may interfere with matters of exclusively imperial jurisdiction. Canada can not directly enter into and perfect treaties with foreign powers—that being an act of national sovereignty—but her right to be consulted and represented in the negotiation of treaties immediately affecting her interests is now practically almost as much a part of our unwritten constitution as responsible government itself. The days of the weak diplomacy which lost Oregon and Maine to Canada have passed away. The public men of the United States must henceforth—as Mr. Blaine has learned to his surprise—consider the Dominion as an all-important factor in all negotiations affecting its territorial or other interests.

The government of Canada is supreme in all other matters of purely Dominion import, including the appointment of lieutenant-governors and the administration of territories out of which a great empire could be formed. Five millions of people now inhabit the old provinces of Canada alone, against the million of fifty years ago, and there is a cordon of cities, towns, and villages, surrounded by wheat

fields, stretching to the mountains of British Columbia, across those immense territories whose great capabilities for feeding the world were long steadily concealed by the studied policy of a gigantic corporation which valued the profits of the fur trade more than the blessings of colonization, and which itself was a relic of the old times when kings parceled out large regions with the same lavishness with which they gave jewels to their mistresses. It is in this great Northwest, with its enormous possibilities, that the future of Canada lies. The next two decades of years must see a remarkable change in the condition of Canada, if the hopes of her people now centered in that vast region are realized.*

The difficulties which the Dominion has to surmount in the working out of its political system are many, and are complicated at times by the conflict of sectional jealousies and rivalries, but these are the inevitable sequence of the government of a country possessing diverse interests, and having a people with a remarkable aptitude for political controversy. If we

* Mr. Barlow Chamberland, president of the Toronto National Club, in an introduction to a series of papers read before that institution, entitled "Maple leaves" (Toronto, 1891), writes with much force and knowledge: "In mid America nature has clearly marked three zones of growth. Far to the south, the torrid Cotton Zone; next to it the tepid Corn Zone, wherein the bulky maize or Indian corn attains to its maturity, both of these entirely within the confines of the United States; next to the north the temperate Wheat Zone, in which alternate winter cold and summer heat are needed to bring the wheat staple to its full perfection. Of this, the wheat zone of America, the United States themselves admit that but one-third is within their territories and two-thirds is within Canada. Seeing then that men eat wheat and do not live on maize or cotton, it is to this Canada of the future that Great Britain and Europe must look for food, and not to the United States. These facts of the isothermal warmth and wheat bearing capacity of the North are so novel to the stranger that the wonder then is, not that our population has developed with comparative slowness, but that it has increased so fast. * * * As we ourselves have only so lately discovered this fertile belt, locked up for centuries by the great fur company whose interest it was that it should be kept an undeveloped waste, why wonder it takes the people of foreign lands some time to believe in its existence? This wealth of Canadian wheat fields we have so far but barely touched, and only in chief by the migration of our own Canadian farmers and fishermen from their eastern homes, yet already in this land, where the length of sunny summer daylight gives eight days to each week, 'mid the rolling hills of Manitoba and by the interweaving waters of Saskatchewan,

"The valleys stand so thick with corn
That they laugh and sing."

compare our condition with that of the United States—for we naturally turn to our great competitor for such comparison—we will see that we have no greater difficulties to contend with than they had during the first century of their existence. For many years after the adoption of the constitution of 1787 there were men who doubted the stability of the union, and had no faith in the development of the West. It was impossible, in their opinion, to connect the East and West, while there was an immense desert between the Pacific and the old settled states. One speaker in the senate, depreciating the value of beautiful Oregon, said that “for 700 miles this side of the Rocky Mountains is uninhabitable,” and “the mountains totally impassable.” He ridiculed the idea of a railway through such a territory, “for which he would not give a pinch of snuff.”* Yet in this country, once described as the desert, there are now the states of Missouri, Kansas, Nebraska, Colorado, and Dakota. The “impassable” Rocky Mountains have been crossed by great lines of railway, and the East and West united by continuous communities of energetic people.

The Canadian people are only repeating in their Dominion under more favorable circumstances the history of their neighbors. The rocky country to the north of lake Superior is no more a barrier to Canadian continuity of development than the once fabulous Sahara of the United States, but will by its mineral wealth add largely to the prosperity of the Dominion. The evidences of national unity—of confidence in a Canadian federation from the Atlantic to the Pacific—are more encouraging than any afforded by the United States at any time in her history from 1787 to 1865, when the civil war closed, slavery and secession received a deathblow, and the cause of national unity triumphed. The people of French Canada and of all the provinces have gained steadily by the adoption of the federal constitution, and under no other system would it be possible to give due scope to the aims and aspirations of the respective nationalities and interests that compose the Dominion. It is a system which, having at its base respect for local and provincial rights, creates at the same time a spirit of common or national interest which binds diverse and otherwise isolated communities together in a union necessary to give them strength against the attacks of foes within and foes with-

* See “Oregon,” American Commonwealth series, by W. Barrows, pp. 194-201.

out. In countries peopled and governed like Canada, all history tells us, there are three great dangers always to be avoided. First of all, that Sectionalism which is narrow and selfish in its aspirations and is ever underrating the vital importance of national aims; secondly, that Sectarianism which represents the bigotry of old ages of religious feuds, and would judge all other faiths by its own canons and beliefs; thirdly, that Nationalism which Papineau represented, which wiser men in later times have repudiated, and which may be as dangerous in the English west as in the French east, should it ever again come to mean a "war of races"—English Canadian against French Canadian.

As long as the respective members of the federation observe faithfully the principles on which it necessarily rests—perfect equality among all its sections, a due consideration for local rights, a deep Canadian sentiment whenever the interests of the whole federation are at stake—the people of this Dominion need not fear failure in their efforts to accomplish the great work in which they have been so long engaged. Full of that confidence that the history of the past should give them, and of that energy and courage which are their natural heritage, and which have already achieved the most satisfactory results in the face of difficulties which, fifty years ago, would have seemed insurmountable; stimulated by their close neighborhood to a nation with whom they have always shown a desire to cultivate such relations as are compatible with their dignity, their security, and their self-interest as a separate and distinct community; adhering closely to those principles of government which are best calculated to give moral as well as political strength; determined to put down corruption in whatever form it may show itself, and to cultivate a sound public opinion, Canadians may tranquilly, patiently, and determinedly face the problem which that destiny that "shapes the ends" of communities, "rough hew them how we will," must eventually solve for a Dominion with such great possibilities before it, if the people are but true to themselves, and are not dismayed by the ill-timed utterances of gloomy thinkers.

When we review the trials and struggles of the past, that we may gain from them lessons of confidence for the future, let us not forget to pay a tribute to the men who have laid the foundations of these communities, still on the threshold of their development, and on whom the great burden fell; to the

French Canadians who, amid toil and privation, amid war and famine, built up a province which they have made their own by their patience and industry, and who should, differ as we may from them, evoke our respect for their fidelity to the institutions of their origin, and for their appreciation of the advantages of English self-government, and for their coöperation in all great measures essential to the unity of the federation; to the Loyalists of last century who left their homes for the sake of "king and country" and laid the foundations of prosperous and loyal English communities by the sea and by the great lakes, and whose descendants have ever stood true to the principles of the institutions which have made England free and great; to the unknown body of Pioneers, some of whose names, perhaps, still linger on a headland or river or on a neglected gravestone, who brought the sunlight year by year to the dense forests, and built up by their industry the large and thriving provinces of the Dominion; above all, to the men who laid deep and firm, beneath the political structure of this federation, those principles of self-government which give harmony to the constitutional system and bring out the best qualities of an intelligent people. To all these workers in the past, whether pioneers or statesmen, no more noble tribute was paid than the following verses by Joseph Howe:

" Not here? Oh! yes, our hearts their presence feel.
Viewless, not voiceless, from the deepest shells
On memory's shore harmonious echoes steal,
And names which in the days gone by were spells
Are blent with that soft music. If there dwells
The spirit here our country's fame to spread,
While every breast with joy and triumph swells,
And earth reverberates to our measured tread,
Banner and wreath will own our reverence for the dead.

" The Roman gathered in a stately urn
The dust he honor'd—while the sacred fire,
Nourish'd by vestal hands, was made to burn
From age to age. If fitly you'd aspire,
Honor the dead; and let the sounding lyre
Recount their virtues in your festal hours;
Gather their ashes—higher still, and higher
Nourish the patriot flame that history dow'rs;
And o'er the Old Men's graves, go strew your choicest flowers."*

* From a poem, "Our Fathers," written and recited by the Hon. Joseph Howe at the first industrial exhibition held at Halifax, N. S., 1853.

II.—THE CONSTITUTIONAL PRINCIPLES AND METHODS OF
PARLIAMENTARY GOVERNMENT IN CANADA.

While Canada has been able to attain so large a measure of legislative independence in all matters of internal concern, there still necessarily exist between her and the parent state those legal and constitutional relations which are compatible with the respective positions of the sovereign authority of the empire and of a dependency. If we come to recapitulate the various constitutional authorities which now govern the Dominion in its external and internal relations as a dependency of the crown, we find that they may be divided for general purposes as follows: (1) The Queen. (2) The Parliament of Great Britain. (3) The Judicial Committee of the Privy Council of England. (4) The Government of the Dominion. (5) The Governments of the Provinces. (6) The Courts of Canada.*

Before proceeding to explain the nature of the relations between the parent state and the dependency, it is necessary to refer to the various authorities under which the government of the Dominion itself is carried on. These may be briefly defined as follows:†

(1) The queen, in whom is legally vested the executive authority; in whose name all commissions to office are made out; by whose authority parliament is called together and dissolved; and in whose name bills are assented to or reserved. The sovereign is represented for all purposes of government by a governor-general, appointed by her majesty in council, and holding office during pleasure; responsible to the imperial government as an imperial officer; having the right of pardon for all offenses, but exercising this and all executive powers under the advice and consent of a responsible ministry.‡

(2) A ministry composed of thirteen or more members of a privy council; having seats in the two houses of parliament; holding office only whilst in a majority in the popular branch; acting as a council of advice to the governor-general; responsible to parliament for all legislation and administration.§

(3) A senate composed of seventy-eight members appointed

* See *Juridical Review* (Edinburgh), April, 1890.

† See *Juridical Review*, April, 1890; *Annals of the American Academy of Political Science* (Philadelphia), July, 1890.

‡ B. N. A. Act, 1867, secs. 9, 10-12, 13, 14, 15.

§ B. N. A. Act, 1867, sec. 11.

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by the crown for life, though removable by the senate itself for bankruptcy or crime; having coördinate powers of legislation with the house of commons, except in the case of money or tax bills, which it can neither initiate nor amend; having no power to try impeachments; having the same privileges, immunities, and powers as the English house of commons when defined by Dominion law.*

(4) A house of commons of two hundred and fifteen members, elected for five years on a very liberal Dominion franchise in electoral districts fixed by a Dominion law in each province; liable to be prorogued and dissolved at any time by the governor-general on the advice of the council; having alone the right to initiate money or tax bills; having the same privileges, immunities, and powers as the English house of commons when defined by Dominion law.†

(5) A Dominion judiciary, composed of a supreme court of five judges, acting as a court of appeal for all the provincial courts; subject to have its decisions reviewed on appeal by the judicial committee of the Queen's privy council in England; its judges being appointed by the Dominion government, but irremovable except for cause on the address of the two houses to the governor-general.‡

The several authorities of government in the provinces of the Federal Union may be briefly defined as follows:

(1) A lieutenant-governor, appointed by the governor-general in council practically for five years; removable by the same authority for cause; exercising all the powers and responsibilities of the head of an executive, under a system of parliamentary government; having no right to reprieve or pardon criminals.§

(2) An executive council in each province, composed of certain heads of departments, varying from five to twelve in number in a province, called to office by the lieutenant-governor; having seats in either branch of the local legislature; holding their positions as long as they retain the confidence of the majority of the people's representatives; responsible for and directing legislation; conducting generally the adminis-

* *Ibid.*, secs. 21-36.

† *Ibid.*, secs. 37-39, 44-52.

‡ *Ibid.*, secs. 96-101; Can. Stat., 38 Vict., c. 11.

§ B. N. A. Act, 1867, secs. 58-62, 66, 67.

tration of public affairs in accordance with the law and the conventions of the constitution.*

(3) A legislature composed of two houses—a legislative council and an elected assembly in four provinces and of only an elected house in the other three provinces. The legislative councillors are appointed for life by the lieutenant-governor in council, and are removable for the same reasons as are senators; must have a property qualification, except in Prince Edward Island (where the upper house is elective); can not initiate money or tax bills, but otherwise have all powers of legislation within the limits of the British North America act of 1867; cannot sit as courts of impeachment. The legislative assemblies are elected for four years in all cases except in Quebec, where the term is five; dissolved at any time by the lieutenant-governor, acting under the advice of his council; elected on manhood suffrage in Ontario and Prince Edward Island and a very liberal franchise in the other provinces.†

(4) A judiciary in each of the provinces, appointed by the governor-general in council, only removable on the address of the two houses of the Dominion parliament.‡

As regards the Territories of the Northwest, they are divided into districts for purposes of general and local government. These districts are represented in the senate and house of commons by two and four members respectively. The Northwest has a lieutenant-governor appointed by the governor-general in council, and an assembly for local purposes elected by the people; but responsible government, in the complete sense of the term, does not yet exist in the Territories.§

Coming now to review the general features of the government of Canada,|| we see that at the head of the executive power of the Dominion is the Queen of England, guided and advised by her privy council, whose history is coexistent with that of the regal authority itself. Through this privy council, of which the cabinet is only a committee, the sovereign exercises that control over Canada and every other colonial dependency which is necessary for the preservation of the

* *Ibid.*, secs. 63-66.

† B. N. A. Act, 1867, secs. 69-90.

‡ *Ibid.*, secs. 96-100.

§ Rev. Stat. of Can., chap. 50; Can. Stat. (1887), chaps. 3, 4.

|| The remainder of this chapter is largely an abridgment of a part of Bourinot's "Parliamentary Procedure in Canada," 2d ed.

unity of and the observance of the obligations that rest upon it as a whole. Every act of the parliament of Canada is subject to the review of the queen in council and may be carried from the Canadian courts under certain legal limitations to the judicial committee of the privy council, one of the committees which still represent the judicial powers of the ancient privy council of England. The parliament of Great Britain—a sovereign body limited by none of the constitutional or legal checks which restrict the legislative power of the United States congress—can still, and does actually, legislate from time to time for Canada and the other colonies of the empire. From a purely legal standpoint, the legislative authority of this great assembly has no limitation and might be carried so far as not merely to restrain any of the legal powers of the Dominion as set forth in the charter of its constitutional action, known as the British North America act of 1867, but even to repeal the provisions of that imperial statute in whole or in part.

But while the sovereign of Great Britain, acting with the advice of the privy council and of the great legislative council of the realm, is legally the paramount authority in Canada as in all other portions of the Empire, her prerogatives are practically restrained within certain well understood limits, so far as concerns those countries to which have been extended legislative institutions and a very liberal system of local self-government.* In any review of the legislative acts of the Dominion, the government of England has for many years past fully recognized those principles of self-government which form the basis of the political freedom of Canada. No act of the parliament of the Dominion can now be disallowed except it is in direct conflict with imperial treaties to which the pledge of England has been solemnly given, or with a statute of the imperial legislature which applies directly to the dependency. The imperial parliament may legislate in matters immediately affecting Canada,† but it is understood that it only does so as

* "It is therefore a fundamental maxim of parliamentary law that it is unconstitutional for the imperial parliament to legislate for the domestic affairs of a colony which has a legislature of its own." Hearn, *Government of England*, p. 598, Appendix, art. on "The Colonies and the Mother Country."

† "The general rule is that no act of the imperial parliament binds the colonies unless an intention so to bind them appears either by express words or necessary implication." Hearn, p. 596.

a rule in response to addresses of her people through their own parliament, in order to give validity to the acts of the latter in cases where the British North America act of 1867 is silent, or has to be supplemented by additional imperial legislation.

That act itself was not a voluntary effort of imperial authority, but owes its origin to the solemn expression of the desire of the several legislatures of the provinces, as shown by addresses to the crown, asking for an extension of their political privileges.* Within the defined territorial limits of those powers which have been granted by the imperial parliament to the Dominion and the provinces, each legislative authority can exercise powers as plenary and ample as those of the imperial parliament itself acting within the sphere of its extended legislative authority.† Between the parent state and its Canadian dependency there is even now a loose system of federation under which each governmental authority exercises certain administrative and legislative functions within its own constitutional limits, while the central authority controls all the members of the federation so as to give that measure of unity and strength, without which the empire could not keep together. Each government acts within the limits of its defined legislative authority with respect to those matters which are of purely local concern, and it is only when the interests of the Empire are in direct antagonism with the privileges extended to the colonial dependency, the sovereign authority should prevail. This sovereign authority can never be exercised arbitrarily, but should be the result of discussion and deliberation, so that the interests of the parent state and the dependency may be brought as far as possible into harmony with one another. The written and unwritten law provides methods for agreement or compromise between the authorities of the parent

* See argument of Hon. Edward Blake before the judicial committee in case of *St. Catharine's Milling and Lumber Co. vs. The Queen*, published at Toronto in 1888.

† See *Hodge vs. The Queen*, Bourinot, p. 112. Also, correspondence on copyright act (Rev. Stat. of Canada, chap. 62), Can. Sess. P. 1890, No. 35, p. 10. For respective powers of Imperial and Canadian Governments, see report of committee of privy council of Canada relating to appeals in criminal cases to the judicial committee of the privy council of England, Can. Sess. P. 1889, No. 77; *Federal Government in Canada*, Johns Hopkins University Studies, pp. 38-34; Speech of Sir John Thompson, minister of justice, Can. Hans., March 27, 1889.

state and its dependencies. In matters of law the privy council is guided by various rules which wisely restrict appeals from the dependency within certain definite limits. In matters of legislation and administration, on which there may be a variance of opinion between the Canadian and the English government, the means of communication is the governor-general and the secretary of state for the colonies. The former as an imperial officer responsible to the crown for the performance of his high functions, as the representative of the sovereign in the dependency, will lay before the imperial government the opinions and suggestions of his advisers on every question which affects the interests of Canada, and requires much deliberation in order to arrive at a fair and satisfactory adjustment.*

It may be contended that there is no absolute written law to govern these relations—to restrain the imperial government in its consideration of Canadian questions—to give a positive legal independence to the Canadian government in any respect whatever; but in answer to this purely arbitrary contention it may be argued with obvious truth that when the imperial parliament gave the Canadians a complete system of local government and the right to legislate on certain subjects set forth in the fundamental law of the dependency (the British North America act), it gave them full jurisdiction over all such matters and constitutionally withdrew from all interference in the local concerns of the colony. More than that, in addition to the obvious intent and purpose of the written constitution of the Dominion, there are certain conventions and understandings which appear in the instructions laid down by the imperial authorities themselves from time to time for the self-government of these colonial communities since the concession of responsible government—conventions and understandings which have as much force as any written statute, and which practically control the relations between England and Canada so as to give the latter the unrestricted direction of every local matter and the right of legislating on every question sanctioned by the terms of the constitutional law.

The British North America act then recognizes in a practically unrestricted sense the right of Canada to govern herself, subject only to the general control of the sovereign authority

*"The matter is fought out between the colonial government and the colonial office." Hearn, p. 602.

of the Empire. This act establishes a federal system which gives control over dominion objects to the central executive and legislative authority, and permits the governments of the provinces to exercise certain defined municipal and local powers within provincial limits, compatible with the existence of the wide national authority entrusted to the Federal Government. Within its local statutory sphere each provincial entity can exercise powers as plenary and absolute as the Dominion itself within the wide area of its legislative jurisdiction. For the settlement of questions of doubtful jurisdiction the constitution provides a remedy in a reference to the courts on whose decision must always largely rest the security of a federal system,* and to a minor degree in the power possessed by the Dominion government of disallowing provincial acts—a power, however, as it is shown elsewhere, only to be exercised in cases of grave emergency or of positive conflict with the law and the constitution.†

If we study the constitution of Canada we find that its principles rest both on the written and the unwritten law. In the British North America act we have the written law which must direct and limit the legislative functions of the parliament and the legislatures of the Dominion. While this act provides for executive authority and for a division of legislative powers between the Dominion and the Provinces—as we have seen in the first chapter of this work—it does not attempt to give legal effect or definition to the flexible system of precedents, conventions, and understandings which so largely direct that system of administration and government which has grown up in the course of two centuries in England, and which has been gradually introduced into Canada during the past forty years, and now forms the guiding principles of parliamentary government in the two countries.‡

No doubt, strictly speaking, these conventions are not law in a technical sense, and a distinction must be drawn between the law of the constitution, that is the British North America act, and the understandings of the constitution. If these are of force it is mainly because they have in the course of time

* See Dicey, "The Law of the Constitution," pp. 163-168.

† See Bourinot, "Federal Government in Canada," pp. 58-65.

‡ "With reference to these conventions and understandings, see Freeman, *Growth of the English Constitution*," pp. 114, 115. Dicey, "Law of the Constitution." Bourinot, "Federal Government in Canada," pp. 33.

received the sanction of custom—of an understanding on the part of the people that they are necessary to the satisfactory operation of parliamentary government and to the security of the political privileges which Canada now possesses as a self-governing country. If a court were called upon to-morrow to consider the legality of an act of the Dominion Parliament, granting large sums of public money for certain public purposes, on the ground that it had not received the recommendation of the Crown at its initiation, in pursuance of a provision of the fundamental law, the judge could properly take cognizance of the objection and adjudicate thereon. If parliament were to exercise its legislative authority beyond the legal term of five years to which it is limited in express terms, its acts after the expiration of its legal existence might be called into question in the courts of Canada. On the other hand, if a ministry should refuse to resign when it is clearly shown that it has no majority in the popular body of the legislature, and can no longer direct and control the legislation of the country, the courts could not be called upon to take cognizance of the fact by any legal act of theirs, however excited public opinion might be on account of so flagrant a violation of a generally admitted convention of the constitution. Parliament, however, in the practical operation of the constitution, would have a remedy in its own hands—it could refuse supply to the ministry, which would eventually find itself unable to meet public expenditures except in the few instances where there would be statutory authority for permanent grants. The courts might be called upon, soon or late, to stop the levy of illegal taxes or otherwise refuse legal sanction to certain acts arising from a violation of those rules and maxims which govern the operation of parliamentary institutions.* But it would be only under such extraordinary circumstances—circumstances practically of a revolutionary character—that the courts could be

*See Dicey, Chap. xv, on the conventions of the constitution, in which he shows that "the breach of a purely conventional rule, of a maxim utterly unknown and indeed opposed to the theory of English law, ultimately entails upon those who break it direct conflict with the undoubted law of the land. We have therefore a right to assert that the force which in the last resort compels obedience to constitutional morality is nothing else than the power of the law itself. The conventions of the constitution are not law, but in so far as they really possess binding force they derive their sanction from the fact that whoever breaks them must finally break the law and incur the penalties of a law-breaker."

called upon to interpose in the working of the constitution. It is mainly in the good sense and the political instincts of the people at large that these conventions find that sanction which gives them a force akin to that given to the principles of the common law. A ministry that violates these rules and conventions, which have been long approved by the test of experience as necessary for good and effective government, must soon or late find itself subject to the verdict of the people under the written law which dissolves parliament every five years, and gives the legally qualified electors an opportunity of condemning or approving the acts of the men who have controlled the work of administration and legislation in the country. The strength of the Canadian system of government is the fact that it not only rests on the written law of the constitution, but possesses that flexibility which accompanies conventions and understandings.

In arranging the details of the federal system of Canada the framers of the British North America act had before them the experience of that great instrument of Federal Government—the Constitution of the United States—and endeavored to perfect their own system by avoiding what they considered to be inherent defects in the institutions of their neighbors. But while of necessity they were forced to turn to the political system of the United States for guidance in the construction of a federal system, they adhered steadily to those principles which give strength to that system of English parliamentary government, and which their own experience for forty years had shown them to be best adapted to the conditions of the confederation. But while the resolutions of the Quebec conference gave expression emphatically to the desire of the Canadian people “to follow the model of the British constitution so far as our circumstances will permit,” the written law or British North America act sets forth only in general terms in its enacting clauses the constitution of the executive authority and of the legislative bodies, where are reproduced essential features of the English system. While in the character of the executive and in the bicameral form of the general legislature we see an imitation of English institutions,* we detect actually a tendency to depart from the English model in the provinces

* “The true merit of the bicameral system is that by dividing a power that would otherwise have been beyond control it secures an essential guarantee for freedom.” Hearn, p. 553. See Guizot, *History of Representative Government*, p. 443; Mill, *Representative Government*, p. 233.

where the upper chamber in several instances has already been abolished. In this respect the Dominion is less English than the United States, where the congress of the federal union and all the state legislatures have rigidly adhered to two houses. When we come to consider the constitution of the executive authority in the Dominion and in the provinces we see that conventions and understandings mainly govern the methods of government throughout Canada. Nowhere do we find formally set forth in the fundamental law of Canada the rules and maxims which govern the cabinet or ministry or government, as the advisers of the governor-general or of the lieutenant-governors are indifferently called, in accordance with the old usage which Canadians have of reproducing old English phrases. We find simply stated in the British North America act that there shall be a council "to aid and advise the government of Canada," and the persons who form that council are "chosen and summoned by the governor-general and sworn in as privy councilors and members thereof." An executive council or ministry in Quebec and Ontario is composed of "such persons as the lieutenant-governor from time to time thinks fit." The constitution of the executive authority in the provinces of Nova Scotia and New Brunswick "continues as it existed at the time of the union until altered under the authority of this act."*

When the other provinces were added to the union their executive authority was defined in equally general terms. † Nothing is said of the principles by which ministers come into, retain, and retire from office. All those principles can be found only in the dispatches of secretaries of state, in the speeches of leading statesmen in England and Canada—especially of those in the former country who have done so much to mold the system in the past—in the rules and usages which have generally received public sanction as essential to the satisfactory operation of responsible government. At present this system of government exists in all its force in the dominion, and in the provinces as well. Canada consequently presents the first instance of a federation of provinces working out in harmony with a written system of federal law that great code of charters, usages, and understandings known as the English constitution. In the Dominion, however, the only advisory body known to the constitutional law is "the queen's privy council

* B. N. A. Act, 1867, secs. 11, 12, 13, 64, 65, 66.

† Bourinot, "Parliamentary Procedure in Canada" (2d ed.).

for Canada," which has its origin in the desire of the Canadian people to adapt as far as possible to their own circumstances the ancient institutions of the parent state.* But all privy councilors in Canada are not the advisers of the governor-general for the time being. At the present time there are in Canada over fifty gentlemen called privy councilors,† but of these only a small proportion, from twelve to fifteen, form the actual government of Canada. Following English precedent the governor-general has also conferred the distinction of privy councilor upon several distinguished gentlemen who have been speakers of the senate and house of commons. Continuing English analogy it may be argued that the fact that these gentlemen have been sworn to the privy council gives them a certain limited right to be consulted by the representative of the sovereign in cases of political emergency, but this is a privilege only to be exercised under exceptional circumstances while Canada enjoys responsible government.‡ For instance, on the resignation or dissolution of a ministry the crown has a right to consult any privy councilor with respect to the formation of a new administration. As a rule of strict constitutional practice, the sovereign should be guided only by the advice of men immediately responsible to parliament and to the crown for the advice they tender. The members of the cabinet or ministry which advises the governor-general must be sworn of the privy council, and then called upon to hold certain departmental offices of state. They are a committee of the privy council, chosen by the governor-general to conduct the administration of public affairs. They are strictly a political committee, since it is necessary that they should be members of the legislature. The political head of this cabinet or ministry

* In Ireland there is also a privy council. In the proposed federal constitution for Australia, the name suggested is "Federal executive council."

† See Col. Office List, 1891, pp. 70, 71.

‡ "The king, moreover, is at liberty to summon whom he will to his privy council; and every privy councilor has in the eye of the law a right to confer with the sovereign upon matters of public policy. The position and privileges of cabinet ministers are in fact derived from their being sworn members of the privy council. It is true that by the usages of the constitution cabinet ministers are alone empowered to advise upon affairs of state, and that they alone are ordinarily held responsible to their sovereign and to parliament for the government of the country. Yet it is quite conceivable that circumstances might arise which would render it expedient for the king, in the interests of the constitution itself, to seek for aid and counsel apart from his cabinet." Todd, Vol. 1, p. 116. Also *Ibid.*, p. 334.

is known as the prime minister or premier—a title totally unknown to the written law, and only recognized by the conventions of the constitution.* It is he who is first called upon by the governor-general to form the advisory body known as the ministry. His death, dismissal, or resignation dissolves *ipso facto* the ministry,† and it is necessary that the representative of the sovereign should choose another public man to fill his place and form a new administration. The premier is essentially the choice of the governor-general—a choice described by a great English statesman as “the personal act of the sovereign,” since it is for her alone “to determine in whom her confidence shall be placed.”‡ A retiring premier may, in his capacity of privy counselor, suggest some statesman to take his place, but such advice can not be given unsolicited, but only at the request of the crown itself.§

But this personal choice of the representative of the sovereign has its limitations, since the governor-general must be guided by existing political conditions. He must choose a man who is able to form a ministry likely to possess the confidence of parliament. If a ministry is defeated in parliament, it would be his duty to call upon the most prominent member of the party which has defeated the administration to form a new government. It is quite competent for the governor-general to consult with some influential member of the dominant political party, or with a privy counselor,|| with the object of eventually

* Hearn, “Government of England,” p. 223. See Gladstone, “Gleanings,” Vol. I, p. 244.

† Gladstone, “Gleanings,” Vol. I, p. 243.

‡ Sir Robert Peel, p. 83 Eng. Hans. (3), 1004. Also Lord Derby, p. 123; *Ibid.*, p. 11701; Disraeli, p. 214; *Ibid.*, p. 1943.

§ Todd, Vol. I, pp. 116, 328.

|| It is not essential that the person selected to bring about the construction of a new cabinet should be the intended prime minister. See case of Lord Moira in 1812; 17 E. Hans. (3), p. 464; Wellington Desp., 3d ser., Vol. III, pp., 636-642; *Ibid.*, Vol. IV, pp. 3, 17, 22. In 1851, after the resignation of the Russell administration, the Duke of Wellington was consulted, 114 E. Hans. (3), 1033, 1075. In 1855, after the resignation of Lord Aberdeen, among those consulted with respect to the formation of a new administration was the Marquis of Lansdowne, 123 E. Hans. (3), p. 1702; Greville's Memoirs, Reign of Queen Victoria, Vol. III, pp. 203, 207. In 1891, on the death of Sir John Macdonald, Sir John Thompson, minister of justice in the administration then dissolved, was called upon by Lord Stanley, governor-general of Canada, “for his advice with respect to the steps which should be taken for the formation of a new government.” Can. Hans., June 16. It appears he was asked to form an administration, but he declined the responsibility. *Ibid.*, June 23.

making such a choice of prime minister as will insure what the crown must always keep in view—a strong and durable administration capable of carrying on the queen's government with efficiency and a due regard to those principles which the sovereign's representative thinks absolutely essential to the interests of the dependency and the integrity of the Empire. Once the statesman called upon by the Crown has accepted the responsibility of premier, it is for him to select the members of his cabinet and submit their names to the governor-general. The premier, in short, is the choice of the governor-general; the members of the cabinet are practically the choice of the prime minister.* The governor-general may constitutionally intimate his desire that one or more of the members of the previous administration, in case of a reconstructed ministry, or of the political party in power in case of an entirely new cabinet, should remain in or enter the government, but while that may be a matter of conversation between himself and the premier, the crown should never so press its views as to hamper the chief minister in his effort to form a strong administration.† As the leader of the government in parliament, and a chief of the dominant political party for the time being, he is in the best position to select the materials out of which to construct a strong administration, and his freedom of choice should not be unduly restrained by the representative of the sovereign, except in cases where it is clear that imperial interests or the dignity or the honor of the crown might be impaired, conditions almost impossible to arise in the formation of a ministry. The premier is the constitutional medium of communication between the governor-general and the cabinet; it is for him to inform his excellency of the policy of the government on every important public question, to acquaint him with all proposed changes or resignations in the administration. It is always allowable for a minister to communicate directly with the governor-general on matters of purely administrative or departmental concern; every minister is a privy councilor, and as such is an advisor of the crown, whom the governor-general

* When Sir Robert Peel took office in 1834, the principle was for the first time established that the premier should have the free choice of his colleagues. Peel, Mem., Vol. II, pp. 17, 27, 35.

† See Torrens, "Life of Lord Melbourne," Vol. I, p. 233. Colchester's Diary, Vol. III, p. 501.

may consult if he thinks proper; but all matters of ministerial action, all conclusions on questions of ministerial policy, can only be constitutionally communicated to him by his prime minister. It is for the latter to keep the crown informed on every matter of executive action.* It is not necessary that he should be told of the discussions and arguments that may take place in the cabinet while a question of policy is under its consideration, but the moment a conclusion is reached the governor-general must be made aware of the fact and his approval formally asked. All minutes and orders in council must be submitted for his approval or signature, and the fullest information given him on every question in which the crown is interested and which may sooner or later demand his official recognition as the constitutional head of the executive.

When a new administration is formed—whether it is a mere reconstruction of an old cabinet under a new premier, or an entirely new government—there must be a thorough understanding between the prime minister and his colleagues on all questions of public policy which at the time are demanding executive and legislative action. The cabinet must be prepared to act as a unit on all questions that may arise in the legislature or in connection with the administration of public affairs, and if there be a difference of opinion between the premier and any of his colleagues, which is not susceptible of compromise, the latter must resign and give place to another minister who will act in harmony with the head of the cabinet.† While each minister is charged with the administration of the ordinary affairs of his own department, he must lay all questions involving principle or policy before the whole cabinet, and obtain its sanction before submitting it to the legislature. Once agreed to in this way, the measure of one department becomes the measure of the whole ministry, to be supported with its whole influence in parliament. The ministry is responsible for the action of every one of its members on every question of policy, and the moment a minister brings up a measure and places it on the government orders it is no longer his, but their own act, which they must use every effort to pass, or make up their minds to drop in case it does not meet with the approval

* Hearn, p. 223.

† *Ibid.*, p. 218.

of the legislature.* The responsibility of the cabinet for each of its members must cease when a particular member of the cabinet assumes to himself the blame of any acts and quits the government in consequence; and while by remaining in office and acting together, all the members take upon themselves a retrospective responsibility for what any colleague has done, it ceases if they disavow and disapprove of the particular act upon the first occasion that it is publicly called in question.† If a government feels that it is compromised by the misconduct of a colleague, he must be immediately removed.‡

A government once formed is immediately responsible for the work of administration and legislation. As a rule, parliament should be reluctant to interfere with those details of administration which properly and conveniently appertain to a department, and it is only in cases where there is believed to be some infraction of the law or of the constitution or some violation of a public trust, that the house will interfere and inquire closely into administrative matters.§ It must always be remembered that parliament is the court of the people, their grand inquest, to which all matters relating to the public conduct of a ministry or of any of its members as heads of departments, must be submitted for review under the rules of constitutional procedure that govern such cases. By means of its committees parliament has all the machinery necessary for making complete inquiry, when necessary, into the management of a public department. Especially in relation to the public expenditures has the house of commons the responsibility devolved upon it to see that every payment is made in accordance with law and economy, and that no suspicion of wrongdoing rests on the department having the disposition of any public funds.||

* "The essence of responsible government is that mutual bond of responsibility one for another, wherein a government, acting by party, go together and frame their measures in concert." Earl of Derby, 134 E. Hans. (3), p. 834. See also remarks of Lord Palmerston, *Mirror of P.*, 1838, p. 2429. Also of Mr. Disraeli, 111 E. Hans. (3), p. 1332.

† Lord Derby, 150 E. Hans., pp. 579-670. A new ministry can not be held responsible for the misconduct of one of their members under a previous administration. Todd, Vol. II, p. 481. Also *Ibid.*, Vol. I, pp. 540-543.

‡ Hearn, p. 198.

§ May, *Const. Hist.*, Vol. II, p. 85. Todd, Vol. I, pp. 418, 465-468.

|| See the reports of the committee of public accounts in the Canadian Commons Journals from 1867 to 1891—especially in the latter year—which

Every act done by a responsible minister of the crown, having any political significance, is a fitting subject for comment, and, if necessary, for censure in either house.* But it is an admitted principle of sound constitutional government that the functions of parliament are, strictly speaking, those of control and not of administration, and undue interference with executive authority is most inexpedient, and an infraction of the Crown's prerogative.† Ministers are primarily and always responsible for the administration of their respective departments, and it is for them to stand between the permanent non-political officials and the censure of the houses when the latter are acting strictly within their functions as advisers and assistants of their political heads immediately answerable to the parliament and the country for the efficient administration of public affairs.‡

A government, however, will itself agree to submit to special parliamentary committees the investigation of certain questions of administration on which it may itself desire to elicit a full expression of opinion, and all the facts possible, but it is not the constitutional duty of such committee to lay down a public policy on any question of gravity. That is a duty of the responsible ministry itself, which should not be shifted on another body. The legislative and executive authorities should act as far as possible within their respective spheres. It is true the house acts, in a measure, in an executive capacity; it does so, not as a whole, but only through the agency of a committee of its own members—the government or ministry—and while it may properly exercise control and supervision over the acts of its own servants, it should not usurp their functions and impede unnecessarily the executive action of the men to whom

illustrate the important functions assumed by this committee in Canada since its formation in 1867. Also *Can. Hans.*, August 19, 1891. Also in the same session, proceedings and reports of the committee of privileges and elections, called upon to inquire into various allegations relating to certain tenders and contracts for public works in Canada.

* Earls Derby and Russell, 171 *E. Hans.* (3), 1720, 1728. Grey, *Parl. Govt.*, p. 20.

† 11 May, *Constitutional History*, Vol. II, pp. 85, 86. See also Macaulay, *History of England*, Vol. II, p. 436.

‡ Todd, Vol. I, pp. 628, 629. Also *Ibid.*, Vol. II, p. 217; 174 *E. Hans.* (3), p. 416, 184 *Ibid.*, p. 2164; 217 *Ibid.*, p. 1229; 219 *Ibid.*, p. 623; Grey, *Parl. Govt. new ed.*, p. 300.

it has, from the necessity of things, constitutionally intrusted the management of administrative matters.*

Such questions can only be effectively administered by a body chosen expressly for that purpose. If it is clear that the ministry or any of its members are incompetent to discharge their functions, parliament then must evince its desire to recall the authority it had delegated to them, and the crown, recognizing the right of that body to control its own committee, will select from the two houses another set of men who appear to have its confidence and to whom it is willing to intrust the administration of public affairs.

Besides availing itself of the assistance of select parliamentary committees in special cases requiring the collection of evidence bearing on a question, the government may also, by the exercise of the prerogative† or in pursuance of statutory authority,‡ appoint a royal commission to make inquiry into matters on which the crown or the country requires accurate and full information. In this way a great number of valuable facts preliminary to executive and legislative action may be elicited with respect to questions which are agitating the public mind. Questions affecting the relations of capital and labor,§ the improvement and enlargement of the canal or railway system,|| the employment of Chinese labor,¶ the collection of facts as to the practicability of a prohibitory liquor law,** are among the matters that can legitimately be referred to such royal commissions with the view of assisting the government and parliament in coming to a sound decision before agreeing to the passage of legislation on such subjects. Questions even affecting the honor of the government itself have been referred

* See remarks of Lord Palmerston. 150 E. Hans. (3), p. 1357; 164 *Ibid.*, p. 99. Also Austin, "Plea for the Constitution," p. 24.

† Todd, Vol. II, p. 432. See Pacific Railway Committee of 1873, 2d sess., Can. Com. Jour.

‡ See Rev. Stat. of Can., chap. 10. By chap. 114, Rev. Stat. of Canada, whenever the governor-in-council deems it expedient to cause an inquiry to be made into and concerning any matter connected with the good government of Canada, or the conduct of any part of the public business thereof, the commission may summon and enforce attendance of witnesses, who may be examined under oath.

§ Can. Sess. P., 1889, No. A.

|| *Ibid.*, 1871, No. 54.

¶ *Ibid.*, 1885, No. 54.

** See resolution passed in Canadian Commons, June 24, 1891.

to a royal commission in the interest of good government when a parliamentary committee has been unable to attain the object desired by the house of commons.* While it may be sometimes decidedly for the public advantage that the crown should itself appoint a commission to make full and impartial inquiry into such questions, it should in no wise interfere with the privileges and duties of parliament as the great political court of the country.

In the evolution of parliamentary government ministers have become responsible not only for the legislation which they themselves initiate, but for the control and supervision of all legislation which is introduced by private members in either house. In the speech with which parliament is opened there is generally a reference to the leading measures which the government propose to present during the session. This speech, however, does not do more than indicate in almost abstract terms—terms intended to make the document unobjectionable from a political point of view—the intended legislation on matters of public interest. It is generally expected that the measures outlined in the speech will be introduced during the session; but it is admitted by authorities that “ministers are not absolutely bound to introduce particular measures commended to the consideration of parliament in the royal speech at the opening of the session. Sometimes the press of public business will necessitate the postponement of intended legislation to a future session.” For instance, in 1870, the queen’s speech to the English parliament promised a licensing bill, a trade union bill, and a legal taxation bill, none of which measures were brought down that session.

It is the duty of the government to initiate or promote legislation on every question of public policy which requires attention at the hands of the legislature.

No feature of the English system of parliamentary government stands out in such marked contrast with the irresponsible

* Charges in connection with the contemplated Canadian Pacific Railroad. See dispatches of Lord Dufferin, *Can. Com. J.*, 1873 (2d sess.). Exception was, however, taken to the appointment of the commission as an interference with the right of the Commons to inquire into high political offenses, pp. 226, 227. The commissioners in this trying case simply reported the evidence they had taken, and stated no conclusion, on the ground that the execution of their functions should not in any way “prejudice whatever proceedings parliament might desire to take.”

system that prevails in the congress of the United States as that which requires that there shall be a body of men specially chosen from the majority to lead parliament, and made immediately responsible, not only for the initiation and supervision of public legislation,* but for the control of private measures so far as they may concern the public at large.

While private members have a perfect right to present bills on every subject except for the imposition of taxes and the expenditure of public money, they do not act under that sense of responsibility which naturally influences ministers who are the leaders of the house and amenable to parliament and the crown for their policy on all matters of public legislation. Ministers alone can initiate measures of public taxation and expenditure under the constitutional law, which gives control of such matters to the crown and its advisers, while the conventions and understandings of the constitution have gradually intrusted them also with the direction and supervision of every matter which demands legislative enactment. In the ordinary nature of things no measure introduced by a private member can become law unless the ministry gives facilities for its passage. If the house should press on their attention a particular measure they must be prepared to give it consideration and assume full ministerial responsibility for its passage or rejection. They must on all occasions have a policy on every question of public interest, and can not evade it if they wish to retain the confidence of parliament and of the country. As a rule private members perform a useful public duty in bringing up measures which illustrate public sentiment in various directions. Parliament is essentially a deliberative body, and its not least important function is to prepare the public mind for useful legislation and to give it effect at the earliest possible

* Todd, Vol. II, p. 394. Hearn, p. 536. Mr. Gladstone, p. 192. E. Hans (3), pp. 1190-1194. A select committee on the public business of the English Commons has set forth that "although it is expedient to preserve for individual members ample opportunity for the introduction and passage of legislative measures, yet it is the primary duty of the advisers of the crown to lay before parliament such changes in the law as in their judgment are necessary; and while they possess the confidence of the house of commons and remain responsible for good government and for the safety of the state, it would seem reasonable that a preference should be yielded to them, not only in the introduction of their bills, but in the opportunity of pressing them on the consideration of the house." E. Coms. Pap., 1861, Vol. XI, p. 436.

moment. Private members consequently can materially assist the government by their suggestions for the amendment of the law. It would, however, be an evasion of the sound principle of ministerial responsibility if a government should attempt, by means of purely abstract resolutions or by the agency of select committees, to obtain from parliament the enunciation of the principles that should guide them in maturing a measure which imperatively demands legislation at their hands.* It is their duty to gauge public opinion on every subject from the utterances of public men and of the public press, and lay down the main features of the policy that should be adopted. Having submitted a measure to the consideration of parliament, they should be ready to perfect it by the assistance of the houses.

The rules of parliament are framed for the special purpose of giving every opportunity to the house itself to consider a measure and amend it at various stages. Ministers should always be ready to adopt such amendments as are compatible with the general principles of the measure, and should they feel compelled to recede from any position which they have taken, it is a proper concession to the superior wisdom of a deliberate body, and no admission necessarily that they have lost the confidence of the legislature. It is for them to press, as far as reason and consistency dictate, their own views as to details and endeavor as a rule to arrive at a compromise rather than ultimately lose a measure.

A distinguished English statesman, whose judicial fairness in matters of constitutional procedure is admitted by all students of political science, has well said that he "did not think it would be for the public advantage if a government should consider itself bound to carry every measure in the house exactly in the shape they had proposed it, but he hoped that, with respect to questions of legislation affecting the whole body of the people, of whose feelings so many members must be cognizant, the house would retain some of its legislative authority."† Another eminent statesman has admitted that "with

* See remarks of Mr. Lowe on a proposition of Mr. Disraeli to go into committee of the whole to consider the question of a reform act; 185 E. Hans. (3), p. 960. Also Earl Grey, pp. 1294, 1288. Mr. Gladstone's proposed motion; *Ibid.*, pp. 1021, 1022. See, also, 233 *Ibid.*, pp. 1753, 1825.

† Lord John Russell, 73 E. Hans. (3), p. 1638.

respect to many great measures, the sense of the legislature ought to prevail; and that if no great principle be involved and very dangerous consequences are not expected to result, the government ought not to declare to parliament that they stake their existence as a government on any particular measure, but are bound on certain occasions to pay proper deference to the expressed opinions of their supporters.”* But it must be added, if the measure under consideration embodies a policy to which the political faith of the ministers is pledged, which they consider indissolubly connected with their own existence as a government, chosen from a particular party, and from which they can not recede without a sacrifice of principle and dignity, they must at once assume the ground that its defeat or material amendment means their resignation or an appeal to the people in case they believe the house does not represent the sentiment of the country on the question at issue.

Isolated defeats of a government possessing the confidence of parliament do not necessarily demand a resignation, but when the people's house continues to refuse its confidence to them, it is impossible for them to remain in office.†

Although it is not usual for a minister of the crown to take charge of a private bill, it is the special duty of the government, as the responsible leaders of legislation, and the chosen guardians of the public interests in parliament, to watch carefully the progress of private legislation in the house and its committees, and see that it does not in any way interfere with the policy of the ministry or the statutory law in reference to the public lands, railways, canals, public works, and such other interests as are intrusted to the Dominion authorities. It is in the standing committees of the house that the supervision of private bill legislation is chiefly exercised. One of the most important committees of the commons, that of railways, canals, and telegraph lines, has frequently for its chairman one of the ministers of the crown, and the minister in charge of railways is also one of its members, whose special duty it is to watch closely all legislation that may affect the policy of the government.

In a country like Canada, stretching over such a wide area

* Sir R. Peel, *Ibid.*, pp. 1639, 1640.

† Lord John Russell, *Mirror of P.*, 1841, pp. 2119, 2120.

of territory, having so many diversified interests and resources, requiring to be developed by public and private legislation, the committees of this class have great responsibilities resting upon them. The federal system divides jurisdiction over a great variety of subjects between the Dominion and the Provinces, and it is therefore the special duty of each government to see that questions of conflict are avoided and each legislative authority acts within the fundamental law.

When a ministry is defeated in parliament its members must resign their respective offices of state unless the political conditions are such as to justify the governor-general to grant them an appeal to the people. When, however, they are prepared to give way to a new government, they only remain in office until their successors are appointed. Up to that time they should carry on the work of their departments. If the political body, known as the cabinet or ministry is dissolved *ipso facto* by the death, resignation, or dismissal of the chief minister, the heads of departments continue to hold office until they are asked to retire or continue in office by the new premier.* It is always understood that in such an event it is for the premier to intimate his wishes in the matter. In this case, however, it is the understandings and conventions of the constitution that control the formation of the ministry.

From a legal point of view the heads of departments, such as the minister of railways, the minister of finance, or the minister of public works, hold their office by statutory enactment regulating their respective departments. Their offices are held "during pleasure" and they must either formally resign or be formally dismissed when the cabinet is dissolved in accordance with constitutional understanding. The premier, in the case of dismissal or resignation, is the usual medium of communication by whom the representative of the sovereign expresses the wishes of the crown.† In case an entirely new ministry is formed by the premier, and all the members of the former administration have resigned, those members of the

* 16 Parl. Deb., p. 735; 195 E. Hans. (3), p. 734. Mirror of P. 1830, pp. 273, 536, 541; *Ibid.*, 1834, p. 2720. Todd, Vol. II, p. 513.

† 205 E. Hans. (3), p. 1290; Wellington Dispatches, 3d ser., Vol. IV, pp. 210, 213, 215. It is competent, however, for a minister to resign his office at a formal interview with the sovereign or her representative. Lewis, Administrations, p. 418, note. Walpole, Life of Perceval, Vol. II, p. 234.

privy council who accept a departmental office in the government must seek reëlection in conformity with the statute regulating the independence of parliament. The fact that a man is sworn to the privy council, and is a member of the political body, known as the cabinet or ministry for the time being, does not vacate a seat in parliament and demand a reëlection by the people, but the fact that a privy councilor is appointed to a certain salaried office mentioned in the statute is in question. When there is a reconstruction of a cabinet, on the death or resignation of a premier, no reëlection is necessary in the case of those departmental heads who continue to hold office in the government, though it may be a new government in a political sense.* Even if a minister should resign his former office and take another in the new administration no reëlection is necessary in his case. It is not necessary either under the English or the Canadian law for a minister to vacate his seat in case he is reappointed to an office he had resigned upon a change of ministry unless some one else had been appointed and held the office in the interim. As stated by high authority "ministerial offices are not vacated by a mere resignation, but only on the appointment of a successor."† The Canadian law, as shown elsewhere, provides only for a reëlection in the case of a minister resuming office after he has resigned and a successor in a new administration has occupied the same office.‡ Members of a government are sworn in as privy councilors, and consequently when a new cabinet is formed those men who have been previous to that event sworn in as members of the queen's privy council for Canada

* For instance, on the death of Sir E. Taché in 1865, Sir Narcisse Belleau was made premier. The former members of the cabinet remained in office. See Turcotte, *Canada, Sous l'Union*, Vol. II, pp. 565, 566. On the death of Sir John Macdonald, in 1891, Mr. Abbott, a member of the privy council and leader of the senate, was appointed premier, and all members of the former administration retained their offices. See *Can. Hans. commencement of volumes for 1890 and 1891*, where there are lists of ministers of each cabinet. For English cases: Liverpool administration on assassination of Mr. Perceval in 1812; Twiss, *Life of Lord Eldon*, Vol. I, pp. 493, 497; Russell administration on death of Viscount Palmerston in 1865; *Ann. Reg.* (1865) p. 159; Disraeli administration on retirement of Earl of Derby in 1868; Todd, Vol. I, p. 240.

† See 2 Hatsell, 45 note, p. 394.

‡ Bourinot's "Procedure and Practice," p. 177.

need not again take the oath of office which binds them to secrecy,* while acting in that capacity. Once privy councillors, they remain so until formally dismissed for good and sufficient

* "The obligation of keeping the king's counsel inviolably secret is one that rests upon all cabinet ministers and other responsible advisers of the crown, by virtue of the oath which they take when they are made members of the privy council." Todd, Vol. II, p. 84. See *Ibid*, pp. 83, 84. The oaths taken in Canada by a privy councillor, and a member of a cabinet on acceptance of a departmental office, are as follows:

THE OATH OF THE MEMBERS OF THE PRIVY COUNCIL.

You, ———, do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the place of her council in this Her Majesty's Dominion of Canada; you will keep close and secret all such matters as shall be treated, debated, and resolved on in privy council, without publishing or disclosing the same or any part thereof, by word, writing, or any otherwise to any person out of the same council, but to such only as be of the council, and yet if any matter so propounded, treated, and debated in any such privy council, shall touch any particular person, sworn of the same council, upon any such matter as shall in anywise concern his loyalty and fidelity to the Queen's Majesty, you will in nowise open the same to him, but keep it secret, as you would from any person, until the Queen's Majesty's pleasure be known in that behalf. You will in all things to be moved, treated, and debated in any such privy council, faithfully, honestly, and truly declare your mind and opinion to the honor and benefit of the Queen's Majesty, and the good of her subjects without partiality or exception of persons, in nowise forbearing so to do from any manner of respect, favor, love, meed, displeasure, or dread of any person or persons whatsoever. In general you will be vigilant, diligent, and circumspect in all your doings touching the Queen's Majesty's affairs; all which matters and things you will faithfully observe and keep, as a good counselor ought to do, to the utmost of your power, will, and discretion. So help me God.

OATH OF ALLEGIANCE.

I, ———, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful sovereign of the United Kingdom of Great Britain and Ireland and of this Dominion of Canada, dependent on and belonging to the said kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against her person, crown, and dignity, and that I will do my utmost endeavor to disclose and make known to Her Majesty, her heirs, and successors, all treasons or traitorous conspiracies and attempts which I shall know to be against her or any of them; and all this I do swear without any equivocation, mental evasion or secret reservation. So help me God.

cause by the crown. If reinstated then they must again be sworn in as privy councillors.*

It will be seen from the foregoing brief review how largely the precedents and conventions of the political constitution of England mould and direct the parliamentary government of Canada. The written or fundamental law lays down only a few distinct rules with reference to the executive and legislative authority in the Dominion and the provinces, and leaves sufficient opportunity for the play and operation of those flexible principles which have made the parliamentary government of England and of her dependencies so admirably suited to the development of the best energies and abilities of a people.

Like the common law of England itself the system of parliamentary government which Canadians now possess—to apply the language of an eminent American publicist with respect to the common law—“is the outgrowth of the habits of thought and action of the people. Its maxims are those of a sturdy and independent race, accustomed in an unusual degree to freedom of thought and action, and to a share in the administration of public affairs; and arbitrary power and uncontrolled authority are not recognized in its principles.”†

III.—PARLIAMENTARY GOVERNMENT COMPARED WITH CONGRESSIONAL GOVERNMENT.

We see both in the political and legal systems of the United States and of the Canadian Dominion the fundamental principles of the parliamentary government and the common law of England; but necessarily, in the course of time, very important divergencies have grown up in the two countries in

OATH OF MINISTERS ON TAKING PORTFOLIO.

MINISTER OF ————.

I, ————, do solemnly promise and swear that I will duly and faithfully do to the best of my skill and knowledge execute the powers and trusts reposed in me as minister of ————. So help me God.

The foregoing oath was taken and subscribed by ————, the ———— as minister of ———— before me, being duly empowered under a commission from his excellency the governor-general to administer the said oath at Ottawa, this ———— day of ————.

* Case of Mr. Fox, dismissed in 1798, and reinstated in 1866, Jesse, *Geo.* III, Vol. III, pp. 361, 472. Also of Lord Melville, resworn of the council, after his dismissal for alleged malfeasance in office. Haydn, “*Book of Dignitaries*,” p. 135.

† Cooley, “*Constitutional Limitations*,” pp. 32, 33.

the operation of those principles. Canada, closely adhering to the example and practice of the parent state, has followed in their integrity all those principles of parliamentary government which makes the cabinet or ministry responsible for every act of administration and legislation. The Queen or her representative acts under the advice of a responsible ministry, which holds its position as long as it retains the confidence of the crown, and the majority of the people's representatives in the legislature. In the United States the President and his cabinet have no direct responsibility to congress. Parliamentary government, in a few words, is a system of responsibility to the crown or its representative, and to the legislature, which is practically supreme during its legal existence, only controlled by the prerogative right of the crown to dismiss its advisers and dissolve the parliament on occasions of grave public necessity. Congressional government is a system under which congress controls legislation, and the work of administration in all essential respects, by means of its numerous committees, without the enormous advantage of having advisers of the executive present to direct legislation and otherwise control the practical operation of government.

In the United States a discussion has quite recently grown up among thoughtful men—among those men who are always in advance of the purely practical politician and ambitious statesman too ready to meet only the political exigency of the moment and the mere demands of party—whether the English or Canadian system has not many decided advantages over the system that prevails in the United States—a system which divides all the powers of government among so many authorities, and places so many checks on each that responsibility is weakened, and the unity and effective operation of government seriously impaired. On the other hand, perhaps among Canadians themselves, at times when the political difficulties of Canada are intensified by the rivalry of parties and the unscrupulous methods of party managers, men will be found to question the advantages of responsible government itself. It may be asked whether as the country grows older we shall continue to adhere to those principles of parliamentary or responsible government which notably distinguish Canada from her neighbors, or whether there is any appearance of a gravitation towards the political institutions of the Federal Republic. In the opinion of the writer there is no tendency

whatever in Canada to change the system of responsible government for the relatively irresponsible system which exists in the United States at Washington as well as in every state of the union; and, indeed, if there was any such tendency, I think a little reflection will show that any such change would not be in the direction of popular liberty, of popular sovereignty, of political morality, or of efficient government.

Although some Canadians may, according to their political proclivities, doubt if their country is always well governed, none of them can raise the issue that it is not governed enough. If there is safety in a multitude of counsellors, then Canada need assuredly have no fears of the future. One most important result so far of the contest for a complete system of parliamentary government that was fought by the people of the British North American provinces during the century now at its close, and that reached its logical and successful conclusion with the establishment of the federal system that unites all the provinces, has been the formation of a strong central government to deal with the national or general affairs of the Dominion, and of seven separate governments having distinct authority to deal with the local and municipal affairs of the several provinces that constitute the federation.* So it happens that the Dominion, with a population of about 5,000,000 souls, finds presiding over the administration of its public affairs a body of men, constitutionally known as the queen's privy council of Canada, but commonly called a ministry, or cabinet, or government, consisting at the present time of fifteen ministers, of whom one has a seat in the council without office. Coming now to the provinces and commencing with the east, we find that Prince Edward Island, with a population of 110,000 people, has an executive council, a name generally given to the local cabinets or ministries, of nine members, of whom six are without office. Nova Scotia, with a population of less than half a million, the province, too, where representative institutions were first established in the Dominion, has an executive council of seven members, of whom four are without office.† New

*The territories of Canada have also a system of representative government, and the right to manage their purely local affairs, but they have not yet been organized into provinces with responsible government. See Bourinot's "Parliamentary Practice," etc. (Montreal, 1892), pp. 76, 77.

†A legislative assembly met at Halifax in October, 1758, or one year before the fall of Quebec. See Bourinot, "Manual of the Constitutional History of Canada," pp. 96, 97.

Brunswick, which was separated from Nova Scotia in 1873, with a population now of 320,000 souls, has an executive council of seven members, of whom only two are without office. In the French-Canadian province of Quebec, with a population of 1,500,000, of whom the English Canadians form a small minority, the ministry consists of nine councillors, of whom only one is without portfolio. The province of Ontario, with a population of over 2,000,000 souls, a province always ably and economically governed, had until quite recently an executive council of only seven members, all of whom had charge of some department, but now it has been decided to adopt the luxury in vogue in the other provinces and bring in an executive councillor without office. The new province of Manitoba, with a population of 150,000 souls, has an executive council of five members, all of whom hold some office of state. Passing by the great territories of the Northwest, with a whole population of 70,000 souls, still without responsible government, although the lieutenant-governor possesses a small advisory body with limited powers, composed of members of the legislative assembly, we come to the mountain province of British Columbia, with a population of less than 100,000 people, and an executive council of five members, of whom one is called the president. So we see that the Canadian people in their wide country have altogether eight cabinets, composed in the aggregate of sixty-five councillors, with the power in the respective executive heads, that is to say, in the governor-general and the lieutenant-governors, to increase the number *ad libitum*. Of course any political student on reading these figures will be naturally inclined to make comparisons with the great country on the borders of Canada, which is also a federation of different communities with separate governments. At Washington there is a body of eight men, commonly called a cabinet, appointed by the President to preside over certain public Departments. In all the states* there are governors, who in certain respects may be considered equivalent to the lieutenant-governors of the provinces; in the majority, there are lieutenant-governors who do not exist in Canada; in all, there are secretaries of state; in almost all, attorneys-general; in some comptrollers; in many, auditors. The executive officials of Ohio, for instance, consist of a governor, a lieutenant-governor, a secretary of state, a state auditor, a state treasurer, a state

* See Woodrow Wilson, "The State," sec. 965.

attorney-general, a state commissioner of common schools, three members of a board of public works, or nine executive officers in all, who may be compared with the nine members of the executive government of Ontario.

No doubt Canada could be governed with a smaller number of councillors at Ottawa, but it is obvious to those who follow closely the constitutional and political history of the Dominion, that in forming a cabinet, party or sectional considerations must necessarily often prevail, and no one can fairly take any exception to the principle that the crown should have full liberty in the choice of its councillors, and that men may be properly appointed to seats in the government without office, when they can give additional strength to the body and represent therein special interests. But, as a matter of fact, comparisons in this particular with the central government at Washington,* or with the governments in the several states of the union, whether large or small, are somewhat fallacious since the political system in the two countries is based on diametrically opposite principles, which naturally affect the positions, functions, and number of the executive or administrative heads in both countries. The United States has a federal government which makes the president the chief executive officer, and an active functionary in the working of the administration; which even confers on the Senate certain executive functions in the ratification of treaties and appointments made by the chief magistrate. Although the president has the benefit of the advice and assistance of eight heads of departments, there is no cabinet in the English or Canadian sense, and while the term is used in the United States with reference to the chief officers of state at Washington, it has no place in the fundamental law or in the statutes of the country. Congress, with the aid of its numerous committees, exercises the sovereign power of legislation within the limits of the constitution, and is the real governing body of the union; and the president himself, to whom the constitution gives the right of vetoing its enactments, is powerless in the face of a two-thirds majority in the senate and house of representatives. In each state of the union the governor is an active officer, having considerable responsibilities which afford him constant occupation. In none of the states is there an executive council bearing an exact analogy to the ministers of the provinces, but

* See Bryce, "The American Commonwealth," II. 108, 109.

there are simply so many departmental officers, who have not in any state even those responsibilities which have in the course of time devolved upon the so-called cabinet at Washington in consequence of having become an advisory or consultative board, summoned at the mere will or motion of the president, but without the power of controlling legislation in congress. "Under our system of state law," says a careful critic of institutions, "the executive officers of a state government are neither the servants of the legislature, as in Switzerland, nor the responsible guides of the legislature, as in England, nor the real controlling authority in the execution of the laws, as under our federal system. The executive of a state has an important representative place, as a type of the state's legal unity, but it can not be said to have any place or function of guiding power.* On the other hand, the privy council and executive councils govern a dominion of seven provinces and immense territories, stretching from the Atlantic to the Pacific, and covering an area of territory not inferior to that of the Federal Republic. They exercise functions of large responsibility, political as well as administrative, as the chosen committees of the different legislatures of the union, in whose hands rests the fate of the ministries, and, practically, of the government of the whole country. These committees perform all the duties which devolve, in the United States, on the president, the governors, and the respective departmental officers; and in addition, initiate and direct all important legislation, or in other words practically perform the functions of the chairmen of congressional committees.

The advantages of the system of responsible government can be best understood by stating a few facts and arguments which naturally suggest themselves when we compare it with the system of divided responsibility that exists in the United States.

It is especially important to Canadians to study the development of the institutions of the United States, with the view of taking advantage of their useful experiences, and avoiding the defects that have grown up under their system. All institutions are more or less on trial in a country like Canada, which is working out great problems of political science under decided advantages, since the ground is relatively new, and the people have before them all the experiences of the world, especially of England and the United States, in whose systems Canadi-

*See Woodrow Wilson, "The State," sec. 964.

ans have naturally the deepest interest. The history of responsible government affords another illustration of a truth which stands out clear in the history of nations, that those constitutions which are of a flexible character, and the natural growth of the experiences of centuries, and which have been created by the necessities and conditions of the times, possess the elements of real stability, and best insure the prosperity of a people. The great source of the strength of the institutions of the United States lies in the fact that they have worked out their government in accordance with certain principles, which are essentially English in their origin, and have been naturally developed since their foundation as colonial settlements, and what weaknesses their system shows have chiefly arisen from new methods, and from the rigidity of their constitutional rules of law, which separate too closely the executive and the legislative branches of government. Like their neighbors, the Canadian people have based their system on English principles, but they have at the same time been able to keep pace with the progress of the unwritten constitution of England, to adapt it to their own political conditions, and bring the executive and legislative authorities so as to assist and harmonize with one another. Each country has its "cabinet council," but the one is essentially different from the other in its character and functions.

This term, the historical student will remember, was first used in the days of the Stuarts as one of derision and obloquy. It was frequently called "junto" or "cabal," and during the days of conflict between the commons and the king it was regarded with great disfavor by the parliament of England. Its unpopularity arose from the fact that it did not consist of men in whom parliament had confidence, and its proceedings were conducted with such secrecy that it was impossible to decide upon whom to fix responsibility for any obnoxious measure. When the constitution of England was brought back to its original principles, and harmony was restored between the crown and the parliament, the cabinet became no longer a term of reproach, but a position therein was regarded as the highest honor in the country, and was associated with the efficient administration of public affairs, since it meant a body of men responsible to parliament for every act of government.* The old executive councils of Canada were obnoxious

* See Todd, II, p. 101.

to the people for the same reason that the councils of the Stuarts and even of George III, with the exception of the régime of the two Pitts, became unpopular. Not only do we in Canada, in accordance with our desire to perpetuate the names of English institutions, use the name "Cabinet," which was applied to an institution that gradually grew out of the old privy council of England, but we have even incorporated in our fundamental law the older name of "privy council,"* which itself sprung from the original "permanent" or "continual" council of the Norman kings.† Following English precedent the Canadian cabinet or ministry is formed out of the privy councillors, chosen under the law by the governor-general, and when they retire from office they still retain the purely honorary distinction. In the United States the use of the term "Cabinet" has none of the significance it has with us, and if it can be compared at all to any English institutions it might be to the old cabinets who acknowledged responsibility to the king, and were only so many heads of department in the king's government. As a matter of fact, the comparison would be closer if we said that the administration resembles the cabinets of the old French kings, or to quote Prof. Bryce, "the group of ministers who surround the Czar or the Sultan, or who executed the bidding of a Roman emperor like Constantine or Justinian." Such ministers, like the old executive councils of Canada, "are severally responsible to their master, and are severally called in to counsel him, but they have not necessarily any relations with one another, nor any duty or collective action."‡ Not only is the administration constructed on the

* The name of "privy council" was applied to the council formed under the Quebec act in 1776 (Bourinot's Manual, p. 16). Delaware was the only one of the old colonies which used the title in its original constitution. (See Bryce, I. 124, note.) In the debates of the constitutional convention of 1787 it was suggested that the president be provided with a privy council, but none of the propositions to that effect obtained any favor with the majority. (See Jamieson, "Essays on the Constitutional History of the United States," pp. 173, 174.) The title still exists in the little colonies of Bermuda and Jamaica, where there is no responsible government.

† "The nobles assembled on special occasions, by special writs, formed, in combination with the officers of the court, the 'past council' or 'common council' of the realm. The chief advisers of the crown, who were permanently about the king, constituted the 'permanent' or 'continual' council thence, in later times, rose the privy council." (See the Privy Council, by A. V. Dicey, pp. 5, 6.

Bryce, I, p. 123.

principle of responsibility to the president alone, in this respect the English king in old irresponsible days, but the legislative department is itself "constructed after the English model as it existed a century ago,"* and a general system of government is established, lacking in that unity and that elasticity which are essential to its effective working. On the other hand the Canadian cabinet is the cabinet of the English system of this century, and is formed so as to work in harmony with the legislative department, which is a copy, so far as possible, of the English legislature of these modern times.

The special advantages of the Canadian or English system of parliamentary government, compared with Congressional government, may be briefly summed up as follows:†

(a) The governor-general, his cabinet, and the popular branch of the legislature are governed in Canada as in England by a system of rules, conventions, and understandings which enable them to work in harmony with one another. The crown, the cabinet, the legislature, and the people have respectively certain rights and powers which, when properly and constitutionally brought into operation, give strength and elasticity to our system of government. Dismissal of a ministry by the crown under conditions of gravity, or resignation of a ministry defeated in the popular house, bring into play the prerogatives of the crown. In all cases there must be a ministry to advise the crown, assume responsibility for its acts, and obtain the support of the people and their representatives in parliament. As a last resort to bring into harmony the people, the legislature, and the crown, there is the exercise of the supreme prerogative of dissolution. A governor, acting always under the advice of responsible ministers may, at any time, generally speaking, grant an appeal to the people to test their opinion on vital public questions and bring the legislature into accord with the public mind. In short the fundamental principle of popular sovereignty lies at the very basis of the Canadian system.

On the other hand, in the United States the president and

* Hannis Taylor, *Atlantic Monthly* for June, 1890, p. 769, "The National House of Representatives."

† These and following remarks relating to the rules and conventions of responsible government, of course apply with the same force to a lieutenant-governor in a province that they do to a governor-general.

his cabinet may be in constant conflict with the two houses of congress during the four years of his term of office. His cabinet has no direct influence with the legislative bodies, inasmuch as they have no seats therein. The political complexion of congress does not affect their tenure of office, since they depend only on the favor and approval of the executive; dissolution, which is the safety valve of the English or Canadian system—"in its essence an appeal from the legal to the political sovereign"—is not practicable under the United States constitution. In a political crisis the Constitution provides no adequate solution of the difficulty during the presidential term. In this respect the people in the United States are not sovereign as they are in Canada under the conditions just briefly stated.*

(b) The governor-general is not personally brought into collision with the legislature by the direct exercise of a veto of its legislative acts, since the ministry are responsible for all legislation and must stand or fall by their important measures. The passage of a measure of which they disapproved as a

* In these times the right of the crown to dismiss its advisers and to dissolve the legislature is a prerogative which, constitutionally exercised, is in the interests of the people themselves. On the dismissal of a ministry the crown must at once obtain the aid of a new body of advisers, who must assume full responsibility for its action before the legislature and before the people as the ultimate resort. Dissolution immediately brings all the issues which have to be settled for the time being under the purview of the sovereign people for their final verdict. Prof. Dicey ("The Law of the Constitution," 3d ed., p. 356) says with respect to the dismissal of the ministry and dissolution "that there are certainly combinations of circumstances under which the crown has a right to dismiss a ministry who command a parliamentary majority and to dissolve the parliament by which the ministry are supported. The prerogative, in short, of dissolution may constitutionally be so employed as to override the will of the representative body, or, as it is popularly called, 'The People's House of Parliament.' This looks at first sight like saying that in certain cases the prerogative can be so used as to set at nought the will of the nation; but in reality it is far otherwise. The discretionary power of the crown occasionally may be and according to constitutional precedents sometimes ought to be used to strip an existing house of commons of its authority. But the reason why the house can in accordance with the Constitution be deprived of power and of existence is that an occasion has arisen on which there is fair reason to suppose that the opinion of the house is not the opinion of the electors. A dissolution is in its essence an appeal from the legal to the political sovereign. A dissolution is allowable or necessary whenever the wishes of the legislature are or may fairly be presumed to be different from the wishes of the nation. (See, on the same subject of dismissal, Todd, "Parliamentary Government in the Colonies," pp. 584-590.)

ministry would mean in the majority of cases their resignation, and it is not possible to suppose that they would ask the governor to exercise a prerogative of the crown which has been in disuse since the establishment of responsible government and would now be a revolutionary measure even in Canada.*

In the United States there is danger of frequent collision between the president and the two legislative branches, should a very critical exercise of the veto, as in President Johnson's time, occur when the public mind would be deeply agitated. The chief magistrate loses in dignity and influence whenever the legislature overrides the veto, and congress becomes a despotic master for the time being.

(c) The Canadian ministry, having control of the finances and taxes and of all matters of administration, are directly responsible to parliament and sooner or later to the people for the manner in which they have discharged their public functions. All important measures are initiated by them, and on every question of public interest they are bound to have a definite policy if they wish to retain the confidence of the legislature. Even in the case of private legislation they are also the guardians of the public interests and are responsible to parliament and the people for any neglect in this particular.

On the other hand, in the United States the financial and general legislation of congress is left to the control of committees, over which the president and his cabinet have no direct influence, and the chairman of which may have ambitious objects in direct antagonism to the men in office.

(d) In the Canadian system the speaker is a functionary who certainly has his party proclivities, but it is felt as long as he occupies the chair all political parties can depend on his justice and impartiality. Responsible government makes the premier and his ministers responsible for the constitution of the committees and for the opinions and decisions that may emanate from them. A government that would constantly endeavor to shift its responsibilities on committees, even of

* In matters affecting Imperial interests the governor-general does not directly exercise the veto he has under the B. N. A. act of 1867—only a continuation of a veto always given to governors-general since 1792—but the general power of disallowance possessed by the imperial government is considered adequate to meet all such cases. A bill may be reserved under exceptional circumstances, but as a rule the power just mentioned is used. (See Bourinot's "Parliamentary Procedure in Canada," 2d ed.)

their own selection, would soon disappear from the treasury benches. Responsibility in legislation is accordingly insured, financial measures prevented from being made the footballs of ambitious and irresponsible politicians, and the impartiality and dignity of the speakership guaranteed by the presence in parliament of a cabinet having the direction and supervision of business.

On the other hand, in the United States, the speaker of the house of representatives becomes, from the very force of circumstances, a political leader, and the spectacle is presented—in fact from the time of Henry Clay—so strange to us familiar with English methods, of decisions given by him with clearly party objects, and of committees formed by him with purely political aims, as likely as not with a view to thwart the ambition either of a president who is looking to a second term or of some prominent member of the cabinet who has presidential aspirations. And all this lowering of the dignity of the chair is due to the absence of a responsible minister to lead the house. The very position which the speaker is forced to take from time to time—notably in the case of last congress—is clearly the result of the defects of the constitutional system of the United States and is so much evidence that a responsible party leader is an absolute necessity in congress. A legislature must be led, and congress has been attempting to get out of a crucial difficulty by all sorts of questionable shifts which only show the inherent weakness of the existing system.

In the absence of any provision for unity of policy between the executive and the legislative authorities of the United States, it is impossible for any nation to have a positive guarantee that a treaty it may negotiate with the former can be ratified. The sovereign of Great Britain enters into treaties with foreign powers with the advice and assistance of her constitutional advisers, who are immediately responsible to parliament for their counsel in such matters. In theory it is the prerogative of the crown to make a treaty; in practice it is the ministry. It is not constitutionally imperative to refer such treaties to parliament for its approval—the consent of the crown is sufficient; but it is sometimes done under exceptional circumstances, as in the case of the cession of Heligoland. In any event, the action of the ministry in the matter is invariably open to the review of parliament, and they may be censured by an adverse vote for the advice they gave the sovereign and forced to retire from office. In the United

States the Senate must ratify all treaties by a two-thirds vote, but unless there is a majority in that house of the same political complexion as the president the treaty may be refused. No cabinet minister is present, leads the house, as in England, and assumes all the responsibility of the president's action. It is almost impossible to suppose that an English ministry would consent to a treaty that would be unpopular in parliament and in the country. Their existence as a government would depend on their action. In the United States both president and senate have divided responsibilities. The constitution makes no provision for unity in such important matters of national obligation.

A thoughtful writer,* not long since, contributed a somewhat elaborate defense of the present irresponsible system of the United States, whose defects have been so clearly pointed out for some years past by a number of acute students of institutions, of whom Professors Bryce and Woodrow Wilson are generally admitted to stand at the head. Several of Dr. Freeman Snow's arguments have been already met in the course of the comparisons I have drawn between the respective systems of the two countries, but there are some points to which I may make special reference, since he appears to attach much importance to them.

Dr. Snow, like Mr. Lawrence Lowell,† appears to think that responsible government is not adapted to a federal system, governed by a written constitution or fundamental law, for he commences his paper with the following remark:

"In the English system the government of the state, in all its breadth and details from foundation up, is intrusted to the majority of the people, to be changed or modified at pleasure. In the American [he means, of course, the United States] system, on the other hand, a limit is set to the power of the majority by establishing certain fundamental laws, which can be changed only by a more general assent of the people and after a most mature deliberation."

Dr. Snow ignores throughout his paper the example of Canada, which completely refutes the argument he bases on the foregoing proposition, and Mr. Lowell practically does the same thing, for after devoting a number of pages to the contention that a federal system can not be effectively worked

* Dr. Freeman Snow, in the Papers of the American Historical Association, July, 1890.

† See, in his "Essays on Government," his remarks on "Cabinet Responsibility," pp. 20-59.

under English responsible government, the latter suddenly remembers that Canada has a federal constitution or fundamental law, not changeable by the caprice of a majority in the Dominion legislatures, and condescends to devote a short footnote to the mention of the fact at the close of the chapter, which is simply remarkable for its absence of any argument bearing on the point at issue. The parliament of Canada can not change the fundamental basis of the federal constitution, which can be amended or revoked only by the same authority that gave it existence, the imperial parliament. The legislatures of the provinces can amend their own constitutions, but only within certain limitations. Neither the general parliament nor the provincial legislatures can touch the division of powers between the central and provincial governments or other fundamental parts of the federal scheme.

Only three relatively unimportant amendments, to relieve doubts respecting the establishment of provinces in the territories and to define the privileges and powers of Parliament, have been made in the British North America act since 1867, when it was passed.* If a change is at any time necessary in the constitution it must be brought forward in the shape of an address and agreed to by the two branches of the parliament of Canada, under the direction of a responsible ministry. This address would then have to pass through the ordeal of the imperial parliament, which in this important particular is not likely to act hastily. Consequently there are checks imposed upon the will of the majority in the Canadian parliament, not only in the case of a proposed amendment of the constitution, but in all matters of legislation affecting the federation. The courts can at any moment pass upon the constitutionality of any act of the several legislative bodies of the Dominion. In the provinces, as well as in the Dominion itself, there are ministries responsible for every act of legislation and administration, and consequently in the working of the various parts of the federal government there is provision

* Imp. Stat., 34-35 Vict., chap. 28: "An act respecting the establishment of provinces in the Dominion of Canada;" and 38-39 Vict., chap. 38: "An act to remove certain doubts with respect to the powers of the Parliament of Canada under section 18 of the B. N. A. act, 1867." Also 49-50 Vict., chap. 35: "An act respecting the representation in the Parliament of Canada of territories which for the time being form part of the Dominion of Canada, but are not included in any province."

made for unity and harmony. Each ministry is responsible to the people of its own province, and it is quite possible that the men directing provincial affairs, as in the majority of the provinces at present, hold views on Dominion affairs antagonistic to those of the general government. But experience has shown that, as one of the results of responsible government, Dominion and provinces can safely administer public affairs within their respective political spheres without having any immediate party connection with one another. While every province has its distinct party issues, there is overshadowing each and all a Dominion or National sentiment, or, in other words, Dominion or National issues which govern the tenure in office of the general government. The people, having in their hands at certain intervals the fate of each of these eight ministries, necessarily feel they have to discharge important obligations and responsibilities which do not devolve upon the people of the United States.

“But something more than mere checks upon the power of the majority [continues Dr. Snow] is essential to the successful working of popular government; there must be in the people a capacity for self government. And perhaps the most important difference between the two systems under consideration is the different degrees in which the people take part in the conduct of their respective governments. This question involves the relative merits of so-called congressional and cabinet or parliamentary government.”

Every authority who has studied the effects of the two systems and given his opinion on the subject is at direct variance with these remarks of Dr. Snow, and indeed no one at all conversant with the practical working of institutions would deny that the great advantages of the English or Canadian system lie in the interest created among all classes of the people by the discussions of the different legislative bodies. Parliamentary debate involves the fate of cabinets, and the public mind is consequently led to study all issues of importance. The people know and feel that they must be called upon sooner or later to decide between the parties contending on the floors of the legislatures, and consequently are obliged to give an intelligent consideration of public affairs. Let us see what Bagehot,* ablest of critics, says on this point:

“At present there is business in their attention [that is to say, of the English or Canadian people]. They assist at the determining crisis; they

* “The English Constitution,” pp. 89, 90.

assist or help it. Whether the government will go out or remain is determined by the debate and by the division in parliament. And the opinion out of doors, the secret-pervading disposition of society, has a great influence on that division. The nation feels that its judgment is important, and it strives to judge. It succeeds in deciding because the debates and the discussions give it the facts and the arguments. But under the presidential government a nation has, except at the electing moment, no influence; it has not the ballot box before it; its virtue is gone and it must wait till its instant of despotism again returns. There are doubtless debates in the legislature, but they are prologues without a play. The prize of power is not in the gift of the legislature. No presidential country needs to form daily delicate opinions, or is helped in forming them."

Then when the people do go to the ballot box, they can not intelligently influence the policy of the government. If they vote for a president, then congress may have a policy quite different from his; if they vote for members of Congress they can not change the opinions of the president. If the president changes his cabinet at any time they have nothing to say about it, for its members are not important as wheels in the legislative machinery. Congress may pass a bill, of which the people express their disapproval at the first opportunity when they choose a new congress, but still it may remain on the statute book because the senate holds views different from the newly elected house, and can not be politically changed until after a long series of legislative elections. As Prof. Woodrow Wilson well puts it:*

"Public opinion has no easy vehicle for its judgments, no quick channels for its action. Nothing about the system is direct and simple. Authority is perplexingly subdivided and distributed, and responsibility has to be hunted down in out-of-the-way corners. So that the sum of the whole matter is that the means of working for the fruits of good government are not readily to be found. The average citizen may be excused for esteeming government at best but a haphazard affair upon which his vote and all his influence can have but little effect. How is his choice of representative in congress to affect the policy of the country as regards the questions in which he is most interested if the man for whom he votes has no chance of getting on the standing committee which has virtual charge of those questions? How is it to make any difference who is chosen president? Has the president any great authority in matters of vital policy? It seems a thing of despair to get any assurance that any vote he may cast will even in an infinitesimal degree affect the essential courses of administration. There are so many cooks mixing their ingredients in the national broth that it seems hopeless, this thing of changing one cook at a time."

* Congressional Government, pp. 301, 332.

Under such a system it can not be expected that the people will take the same deep interest in elections and feel as directly responsible for the character of the government as when they can at one election and by one verdict decide the fate of a government, whose policy on great issues must be thoroughly explained to them at the polls. This method of popular government is more real and substantial than a system which does not allow the people to influence congressional legislation and administrative action through a set of men, sitting in congress and having a common policy.

Then we are told by Dr. Snow: That the system of government by responsible leaders "fails to call out, indeed it seeks to repress, that mental activity, in political matters, of the great body of legislators which is found in the system of congressional government." That the peoples' representatives "take a more active part in the affairs of government and retain to a greater degree the feeling and the reality of political responsibility." That cabinet government "develops leaders at the expense of the real strength of democracy;" that "the greater harmony and greater efficiency in legislation" which he admits are the results of the Canadian or English system, are "bought at the expense of the real strength of democracy—the independence and general political training of the many."

I think it does not require any very elaborate argument to show that when men feel and know that the ability they show in parliament may be sooner or later rewarded by a seat on the treasury benches, and that they will then have a determining voice in the government of the country, be it dominion or province, they must be stimulated by a keener aptitude for public life, a closer watchfulness over legislation and administration, a great readiness for discussing all public questions, and a more studied appreciation of public opinion outside the legislative halls. Every man in parliament is a premier *in posse*. While asking my hearers to recall what I have already said as to the effect of responsible government on the public men and people of Canada, I shall also here refer them to some authorities, worthy of all respect, who have expressed opinions directly contrary to those of Dr. Snow with reference to the points in question.

Bagehot says with his usual clearness:*

"To belong to a debating society adhering to an executive (and this is no apt description of a congress under a presidential constitutional) is not an object to stir a noble ambition, and is a position to encourage idleness. The members of a parliament excluded from office can never be comparable, much less equal, to those of a parliament not excluded from office. The presidential government, by its nature, divides political life into two halves, an executive half and a legislative half, and, by so dividing it, makes neither half worth a man's having—worth his making it a continuous career—worthy to absorb, as cabinet government absorbs, his whole soul. The statesmen from whom a nation chooses under a presidential system are much inferior to those from whom it chooses under a cabinet system, while the selecting apparatus is also far less discerning."

Another writer, Prof. Denslow,† does not hesitate to express the opinion very emphatically that "as it is, in no country do the people feel such an overwhelming sense of the littleness of the men in charge of public affairs" as in the United States. And in another place he dwells on the fact that "responsible government educates officeholders into a high and honorable sense of their accountability to the people," and makes "statesmanship a permanent pursuit followed by a skilled class of men."

Prof. Woodrow Wilson says so far from men being trained to legislation by congressional government, "independence and ability are repressed under the tyranny of the rules, and practically the favor of the popular branch of congress is concentrated in the speaker and a few—very few—expert parliamentarians." Elsewhere he shows that "responsibility is spread thin, and no vote or debate can gather it."‡ As a matter of fact and experience, he comes to the conclusion"§ the more power is divided the more irresponsible it becomes and the petty character of the leadership of each committee contributes towards making its despotism sure by making its duties interesting."

Prof. Bryce, it will be admitted, is one of the fairest of critics in his review of the institutions of the "American Commonwealth;" but he, too, comes to the conclusion§ that the system of congressional government—

Destroys the unity of the house [of representatives] as a legislative body.

* The English Constitution, pp. 95, 96.

† In the International Review, March, 1877.

‡ "Congressional Government," p. 94.

§ "The American Commonwealth," i. 210, *et seq.*

Prevents the capacity of the best members from being brought to bear upon any one piece of legislation, however important.

Cramps debate.

Lessens the cohesion and harmony of legislation.

Gives facilities for the exercise of underhand and even corrupt influence.

Reduces responsibility.

Lowers the interest of the nation in the proceedings of congress.

In another place,* after considering the relations between the executive and the legislature, he expresses his opinion that the framers of the constitution have "so narrowed the sphere of the executive as to prevent it from leading the country, or even its own party in the country." They endeavored "to make members of congress independent, but in doing so they deprived them of some of the means which European legislators enjoy of learning how to administer, of learning even how to legislate in administrative topics. They condemned them to be architects without science, critics without experience, censors without responsibility."

And further on, when discussing the faults of democratic government in the United States—and Prof. Bryce, we must remember, is on the whole most hopeful of its future—he detects as amongst its characteristics "a certain commonness of mind and tone, a want of dignity and elevation in and about the conduct of public affairs, and insensibility to the nobler aspects and finer responsibilities of national life." Then he goes on to say† that a representative and parliamentary system "provides the means of mitigating the evils to be feared from ignorance or haste, for it vests the actual conduct of affairs in a body of specially chosen and presumably qualified men, who may themselves intrust such of their functions as need peculiar knowledge or skill to a smaller governing body or bodies selected in respect of their more eminent fitness. By this method the defects of democracy are remedied while its strength is retained." The members of American legislatures, being disjoined from the administrative offices, "are not chosen for their ability or experience; they are not much respected or trusted, and finding nothing exceptional expected from them, they behave as ordinary men."

I give these short citations, so different in their conclusions from those of Dr. Snow, in preference to any opinions of my own, because they are the criticisms of men who have given

* *Ibid.*, 304, 305.

† *Ibid.*, Chap. 95, Vol. III.

the closest study to the practical working of the institutions of our neighbors, and who can have no political bias or prejudice in the matter. But Dr. Snow practically gives away his whole case when, at the close of his ably argued paper, he admits that "party government, as carried on in the United States during the last sixty years, has undoubtedly tended to the corruption of the political morality of the people." And this unfortunate condition of things was predicted, and its cause stated, more than fifty years ago by the ablest constitutional writer that the United States has produced—one of those eminent men who, by their great learning and remarkable judgment, have done so much to elucidate and strengthen the constitution.

"If corruption," wrote Judge Story, "ever silently eats its way into the vitals of this Republic, it will be because the people are unable to bring responsibility home to the executive through his chosen ministers."*

But Dr. Snow looks hopefully to the future of his country, because there has been going on for some time past a steady movement "for reform in the civil service and the ballot," but at the same time he refuses to see that in all probability these much-needed reforms would have been brought about long ere this had there been responsible leaders to guide congress and the legislatures of the states.†

At all events, in Canada the permanency of the tenure of public officials and the introduction of the secret ballot have been among the results of responsible government. Through

* "Commentaries," sec. 869.

† A writer in the *Annals of the American Academy of Political and Social Science* well observes on this point: "It is beyond question that precisely this public and personal responsibility has converted both parliament and ministers from the corrupt condition of Walpole's time, and half a century later gradually and steadily to the purified condition of the present day, has extinguished bribery at elections, and to that end has led the house of commons to surrender its control, in the case of disputed elections, into the hands of the courts. It is this personal responsibility which has been the instrument of carrying into effect more extensive and at the same time peaceful reforms in the interest of the masses of the people at large than have been achieved in the same time by any other nation in the world." On the other hand, the same writer says of the irresponsible United States system of congressional committees that "this is an arrangement so fruitful of corruption and jobbery that it would drag down and corrupt the purest and ablest body of men in the world." (See article on "Congress and the Cabinet," November, 1891.)

the influence and agency of the same system, valuable reforms have been made in Canada in the election laws, and the trial of controverted elections has been taken away from partisan election committees and given to a judiciary independent of political influences. In these matters the irresponsible system of the United States has not been able to effect any needful reforms. Such measures can be best carried by ministers having the initiation and direction of legislation, and must necessarily be retarded when power is divided among several authorities having no unity of policy on any question.

In making these comparisons between the very diverse systems of Canada and the United States I have attempted simply to give, as far as possible within the limits of a single paper, some of the leading arguments that can be adduced in favor of responsible government. I must not be understood to say that its principles can be fully and easily applied to the federal government of the United States; on the contrary, I agree with Dr. Snow that it would require a radical change in the written constitution, and in the whole machinery of government, were the responsible government of Canada and England applied in its entirety to the administration of the affairs of the union of the states. In preference to such a radical amendment of the whole constitutional system, various methods are proposed from time to time to bring the executive and legislative authorities into closer relations, with the view of insuring some unity of policy in administration and legislation. The Swiss system, it is pointed out, would enable the members of the cabinet to assist in the work of legislation, and, no doubt, would have its advantages over the present defective system, which leaves the administration practically powerless in legislation.

The Swiss cabinet is not chosen on a party basis. Its members are elected for a fixed term of three years by the federal assembly; they can not vote, and do not go out of office if the legislation they support is rejected by the majority of the house. The system works well in the Swiss Republic,* and could be easily introduced into the United States. A thoughtful writer, however,† believes that "to vest in the cabinet the right to appear in both houses, initiate legislation and then

* See Bourinot, "Canadian Studies in Comparative Politics."

† Hannis Taylor, author of "The Origin and Growth of the English Constitution," in the *Atlantic Monthly* for June, 1890.

debate it, would be simply to make of them a dumb show," and it is necessary "the cabinet should represent, in its corporate person, the political force which alone can make its presence effective." He suggests that each of the great political parties by a resolution of its national convention should "vest in its presidential candidate and his cabinet, in the event of success, the official party leadership, according to the English practice." But this cabinet would be in no sense an English or Canadian ministry, for it would not be chosen from a committee of the governing body, the essential feature of responsible government. Such a body of men would have no direct influence on congress, not as much as the Swiss officials, who are at all events the nominees of the legislature. Difficulties would constantly arise from the fluctuating character of majorities in congress. During the presidential term the complexion of congress might change, and this cabinet would find its usefulness practically gone. The fact is, the whole constitutional system of the United States is, one of checks and balances, so arranged as to prevent unity and harmony at some time or other in the various branches of government, and the only practicable improvement that can be adopted without a revolution in the whole machinery of the federal fabric seems to be the adoption of the Swiss system in some form or other. It would not by any means remove all the dangers and difficulties inherent in the present system, but it would probably aid congress, the real governing body of the country, in legislation, and throw greater light upon the administration of public affairs. In the meantime, while the United States are working out this difficult problem for themselves, Canadians find satisfaction in knowing that responsible government provides all the machinery necessary to give expansion to their national energies, mature efficient legislation, and keep the administration of public affairs in unison with public opinion.

Party government undoubtedly has its dangers arising from personal ambition and unscrupulous partisanship, but as long as men must range themselves in opposing camps on every subject there is no other system practicable by which great questions can be carried and the working of representative government efficiently conducted. The framers of the constitution of the United States no doubt thought they had succeeded in placing the president and his departmental offi-

cers above party when they instituted the method of electing the former by a body of select electors chosen for that purpose in each state, who were expected to act irrespective of all political considerations. A president so selected would probably choose his officers also on the same basis. The practical results, however, have been to prove that in every country of popular and representative institutions party government must prevail. Party elects men to the presidency and to the floor of the senate and house of representatives, and the election to those important positions is directed and controlled by a political machinery far exceeding in its completeness any party organization in England or in Canada. The party convention is now the all-important portion of the machinery for the election of the president, and the safeguard provided by the constitution for the choice of the best man is a mere nullity. One thing is quite certain, that party government under the direction of a responsible ministry, responsible to parliament and the people for every act of administration and legislation, can have far less dangerous tendencies than a party system which elects an executive not amenable to public opinion for four years, divides the responsibilities of government among several authorities, prevents harmony among party leaders, does not give the executive that control over legislation necessary to the efficient administration of public affairs, and in short offers a direct premium to conflict among all the authorities of the state—a conflict, not so much avoided by the checks and balances of the constitution as by the patience, common sense, prudence, and respect for law which presidents and their cabinets have as a rule shown at national crises. But we can clearly see that, while the executive has lost in influence, congress has gained steadily to an extent never contemplated by the founders of the constitution, and there are thoughtful men who say that the true interests of the country have not always been promoted by the change. Party government, in Canada, insures unity of policy, since the premier of the cabinet becomes the controlling part of the political machinery of the state; no such thing as unity of policy is possible under a system which gives the president neither the dignity of a governor-general, nor the strength of a premier, and splits up political power among any number of would-be party leaders, who adopt or defeat measures by

private intrigues, make irresponsible recommendations, and form political combinations for purely selfish ends.*

It seems quite clear then that the system of responsible ministers makes the people more immediately responsible for the efficient administration of public affairs than is possible in the United States. The fact of having the president and the members of congress elected for different terms, and of dividing the responsibilities of government among these authorities, does not allow the people to exercise that direct influence which is insured, as the experience of Canada and of England proves, by making one body of men immediately responsible to the electors for the conduct of public affairs at frequently recurring periods, arranged by well-understood rules, so as to insure a correct expression of public opinion on all important issues. The committees which govern this country are the choice of the people's representatives assembled in parliament, and every four or five years and sometimes even sooner in case of a political crisis, the people have to decide on the wisdom of the choice. The system has assuredly its drawbacks like all systems of government that have been devised and worked out by the brain of man.† In all frankness, I confess that this review would be incomplete were I not to refer to certain features of the Canadian system of government which seem to me on the surface fraught with inherent danger at some time or other to independent legislative judgment. Any one who has closely watched the evolution of this system for years past must admit that there is a dangerous tendency in the Dominion to give the executive—I mean the ministry as a body—too superior a control over the legislative authority. When a ministry has in its gift the appointment not only of the heads of the executive government in the provinces, that is to say, of the lieutenant-governors, who can be dismissed by the same power at any moment, but also of the members of the upper house of the parliament itself, besides the judiciary and numerous collectorships and other valuable offices, it is quite

* See Story, "Commentaries" (Cooley's 3d. ed.), sec. 869.

† For a clear and practical exposition of the superiority of the Canadian over the United States system of government the reader is referred to an address issued to the Liberal Party of Canada by the Hon. Oliver Mowat, premier of Ontario, who is specially qualified by his great constitutional knowledge and his statesmanlike qualities to speak authoritatively on such questions. (See Toronto Globe, December 14, 1891.)

obvious that the element of human ambition and selfishness has abundant room for operation on the floor of the legislature, and a bold and skillful cabinet is able to wield a machinery very potent under a system of party government. In this respect the house of representatives may be less liable to insidious influences than a house of commons at critical junctures when individual conscience or independent judgment appears on the point of asserting itself. The house of commons may be made by skillful party management a mere recording or registering body of an able and determined cabinet. I see less liability to such silent though potent influences in a system which makes the president and a house of representatives to a large degree independent of each other, and leaves his important nominations to office under the control of the senate, a body which has no analogy whatever with the relatively weak branch of the Canadian parliament, essentially weak while its membership depends on the government itself. I admit at once that in the financial dependence of the provinces on the central federal authority, in the tenure of the office of the chief magistrates of the provinces, in the control exercised by the ministry over the highest legislative body of Canada, that is, highest in point of dignity and precedence, there are elements of weakness, but at the same time it must be remembered that, while the influence and power of the Canadian government may be largely increased by the exercise of its great patronage in the hypothetical cases I have suggested, its action is always open to the approval or disapproval of parliament and it has to meet an Opposition face to face. Its acts are open to legislative criticism, and it may at any moment be forced to retire by public opinion operating upon the house of commons.

On the other hand, the executive in the United States for four years may be dominant over congress by skillful management. A strong executive by means of party wields a power which may be used for purposes of mere personal ambition, and may by clever management of the party machine and with the aid of an unscrupulous majority retain power for a time even when it is not in accord with the true sentiment of the country, but under a system like that of Canada, where every defect in the body politic is probed to the bottom in the debates of parliament, which are given with a fullness by the

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press* that is not the practice in the neighboring republic, the people have a better opportunity of forming a correct judgment on every matter and giving an immediate verdict when the proper time comes for an appeal to them, the sovereign power. Sometimes this judgment is too often influenced by party prejudices and the real issue is too often obscured by skillful party management, but this is inevitable under every system of popular government; and happily, should it come to the worst, there is always in the country that saving remnant of intelligent, independent men of whom Matthew Arnold has written, who can come forward and by their fearless and bold criticism help the people in any crisis when truth, honor, and justice are at stake and the great mass of electors fail to appreciate the true situation of affairs. But I have learned to have confidence in the good sense and judgment of the people as a whole when time is given them to consider the situation of affairs. Should men in power be unfaithful to their public obligations they will eventually be forced by the conditions of public life to yield their positions to those who merit public confidence. If it should ever happen in Canada that public opinion has become so low that public men feel that they can, whenever they choose, divert it to their own selfish ends by the unscrupulous use of partisan agencies and corrupt methods, and that the highest motives of public life are forgotten in a mere scramble for office and power, then thoughtful Canadians might well despair of the future of their country; but, whatever may be the blots at times on the surface of the body politic, there is yet no reason to believe that the public conscience of Canada is weak or indifferent to character and integrity in active politics. The instincts of an English people are always in the direction of the pure administration of justice and the efficient and honest government of the country, and though it may sometimes happen that unscrupulous politicians and demagogues will for a while dominate in the party arena, the time of retribution and purification must come sooner or later. English methods must prevail in countries governed by an English people and English institutions.

*The debates of the senate and house of commons are very fully reported by an official staff; but the newspapers in Toronto and Montreal give remarkably long reports of all important discussions. The official debates of the commons are given in French and English.

It is sometimes said that it is vain to expect a high ideal in public life, that the same principles that apply to social and private life can not always be applied to the political arena if party government is to succeed; but this is the doctrine of the mere party manager, who is already too influential in Canada as in the United States, and not of the true patriotic statesman. For one I still believe that the nobler the object the greater the inspiration, and, at all events, it is better to aim high than to sink low. It is all important, then, that the body politic should be kept pure and that public life should be considered a public trust. Canada is still young in its political development, and the fact that her population has been as a rule a steady, fixed population, free from those dangerous elements which have come into the United States with such rapidity of late years, has kept her relatively free from many serious social and political dangers which have afflicted her neighbors, and to which I believe they themselves, having inherited English institutions, and imbued with the spirit of English law, will always in the end rise superior. Great responsibility therefore rests in the first instance upon the people of Canada, who must select the best and purest among them to serve the country, and, secondly, upon the men whom the legislature chooses to discharge the trust of carrying on the government. No system of government or of laws can of itself make a people virtuous and happy unless their rulers recognize in the fullest sense their obligations to the state and exercise their powers with prudence and unselfishness, and endeavor to elevate and not degrade public opinion by the insidious acts and methods of the lowest political ethics. A constitution may be as perfect as human agencies can make it, and yet be relatively worthless while the large responsibilities and powers intrusted to the governing body—responsibilities and powers not embodied in acts of parliament—are forgotten in view of party triumph, personal ambition, or pecuniary gain. "The laws," says Burke, "reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of powers which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depend upon them. Without them your commonwealth is no better than a scheme upon paper, and not a living, active, effective organization."

In Canada, to quote the words of a Canadian poet—

“As yet the waxen mould is soft, the opening page is fair;
It's left for those who rule us now to leave their impress there—
The stamp of true nobility, high honor, stainless truth;
The earnest quest of noble ends; the generous heart of youth;
The love of country, soaring far above dull party strife;
The love of learning, art, and song—the crowning grace of life;
The love of science, soaring far through nature's hidden ways;
The love and fear of nature's God—a nation's highest praise.
So in the long hereafter this Canada shall be—
The worthy heir of British power and British liberty.”

APPENDIX.—BIBLIOGRAPHICAL AND CRITICAL NOTES.

In the following bibliography the writer has attempted only to note those special works and essays which relate to the evolution of parliamentary government in the provinces of the Dominion of Canada, explain the nature and operation of its conventions, understandings, and rules, and enable the student of political institutions to make comparisons between the Canadian system of responsible government, as briefly set forth in the foregoing pages, and the very divergent system of congressional government that prevails in the United States. With the view of making this review as complete as possible, it has also been thought useful to give such references to leading Canadian authorities on the French régime as will enable the reader to trace more clearly the evolution in the political development of the Dominion from the beginning of the seventeenth to the closing years of the nineteenth century.

I.—THE FRENCH RULE.

Edits, Ordonnances Royaux, Déclarations et Arrêts du Conseil d'Etat du Roi, Concernant le Canada. Imprimés sur une adresse de l'Assemblée législative du Canada. Revus et Corrigés d'après les Pièces originales déposées aux archives provinciales. Quebec: E. R. Fréchette, 1854. pp. 648.

In the foregoing and following collections of documents we see clearly the nature of the absolute government established in Canada during the days of French rule, when the king and his supreme or superior council regulated all the affairs of the council, even the sale and price of bread. It was a parental control, which kept the people in the condition of children.

Arrêts et Règlements du Conseil Supérieur de Quebec, et Ordonnances et Jugements des Intendants du Canada. Quebec: E. R. Fréchette, 1855.

Complément des Ordonnances et Jugements des Gouverneurs et Intendants du Canada, précédé des Commissions des dits Gouverneurs et Intendants et des différents officiers civils et de justice, avec une table alphabétique de toutes les matières contenues tant dans ce volume que dans les deux volumes précédents. Quebec: E. R. Fréchette, 1856. 8vo, pp. 776.

Jugements et Délibérations du Conseil Souverain [Supérieur] de la Nouvelle France; Publiés sous les auspices de la législature de Quebec. Quebec: A. Coté et Cie., 1885, 1886, 1887, 1888; Joseph Dussault, 1889, 1891. 6 vols. in 4to, pp. lxi, 1084, 1142, 1163, 1194, 1110, 1276.

The introduction (i-lxi) on the constitution of the supreme or superior council of Quebec was written by one of the ablest French Canadian publicists and scholars, the late Hon. P. J. O. Chaveau, F.R.S., Can.

Cours d'Histoire du Canada, par J. B. A. Ferland, Prêtre, professeur d'histoire à l'Université Laval, 1534-1759. Quebec: Augustin Coté, 1861, 1865. 2 vols., 8vo, pp. xi+522; vi+618.

A scholarly work, in which an impartial narrative of the French régime is presented; but its account of the system of administration is not as full as that of Garneau. The Abbé Laverdière revised the proofs of the greater part of the second volume, as the author died before his manuscript was all in print.

Histoire du Canada, depuis sa découverte jusqu'à nos jours. Par F.-X. Garneau. Quatrième édition. 4 vols. Montréal: Beauchemin et Valois, 1882. 8vo, pp. xxii+396, 467, 407, cccxviii; the fourth volume containing a biographical notice by M. Chaveau, an analytical table by M. B. Sulte, and a poem on French Canadian history by M. Louis Fréchette.

This is, in some respects, the ablest Canadian history of the French régime and of the French province of Quebec from the discovery of Canada until the union of the provinces of Upper and Lower Canada in 1841. It is, however, largely influenced by French Canadian ideas and is in no sense Canadian in the large sense of the word, which should include all nationalities and interests. It gives a clear account of the government under the French régime and a very favorable review of the effort of Papineau and his friends to obtain a more popular system of government. Papineau is the hero of the book.

The Old Régime in Canada. By Francis Parkman. Boston: Little, Brown & Co., 1874. 8vo, pp. xvi+448.

No work that has yet been published gives a more accurate or interesting view of the actual condition of affairs in Canada under the system of feudalism and absolutism that governed the province during the days of French rule. Chapter XVI describes the nature of the government and its defects and abuses. The concluding chapter is a powerful summing up of the effects of Canadian absolutism on the formation of Canadian character and of the radical differences between the New England and the French colonists.

The History of Canada. By W. Kingsford, LL.D., F.R.S., Can. Toronto: Roswell & Hutchison, 1887-1890. 4 vols., 8vo, pp., xi+488, xi+564, xviii+580, xix+584.

This latest contribution to the history of Canada—completed, so far, to 1763—is written from an English-Canadian point of view and is on the whole a dispassionate narrative of the French régime; but the author does not attempt like Garneau to give an extended account of the fabric of government as it existed from the conquest.

The History of Canada under French Régime, 1535-1763. By H. H. Miles, LL.D., D.C.L., Secretary of the Quebec Council of Public Instruction.

Montreal: Dawson Bros., 1881. 12mo, pp. xvi+521, with maps, plans, and illustrations.

Written from an impartial standpoint and giving an authentic review of the governmental institutions of French Canada in the course of the narrative.

Le Droit Civil Canadien suivant l'ordre établi par les codes. Précédé d'une histoire générale du droit Canadien par Gonzalve Doutre, B.C.L.; et Edmond Lareau, LL.B. Montreal: Doutre & Cie., 1872. Large 8vo, pp. xvii+784.

This work gives a carefully prepared résumé of the political and legal institutions of Canada from 1608-1791. The second volume, on the period from 1791 to 1867, never appeared, as the principal author, M. Doutre, died without completing it.

Histoire du Droit Canadien depuis les Origines de la Colonie jusqu'à nos jours. Par Edmond Lareau, avocat, docteur en droit, professeur à la faculté de droit de l'université McGill. Montreal: A. Periard, 1888. 2 vols., 8vo, pp. x+518, 544.

This treatise gives an excellent exposition of the civil, legal, and political institutions of French Canada from its settlement until the present time. The author was engaged with M. Doutre in the preparation of the work just mentioned, which was never completed in accordance with its original design on account of the death of the latter. This book practically meets the want which Messrs. Lareau and Doutre intended to supply when they brought out the former book conjointly.

II. ESTABLISHMENT OF REPRESENTATIVE INSTITUTIONS—EVOLUTION OF RESPONSIBLE GOVERNMENT.

Debates of the House of Commons in the year 1774 on the bill for making more effectual provision for the government of the province of Quebec. Drawn up from the notes of the Rt. Hon. Sir H. Cavendish, Bart. London: Ridgway, 1839. 8vo, pp. vii+303, with a copy of Mitchell's map of Canada.

Invaluable to students of the dawn of the legislative history of Canada.

The Quebec act, 1774. By Gerald E. Hart. Limited edition. Montreal: 1891. 8vo, pp. 44. Reprinted from *Canadiana*, Vol. II, No. 10.

This is a paper read before the Society for Historical Studies, Montreal, 1890, and attempts to show that the Quebec act was unpopular among some French Canadians, for whose benefit it was specially framed. The appendix contains extracts from Cavendish's Debates. It has an illustration of the bust of George III, which was defaced in Montreal by some enemies of the Quebec act.

Nine Lectures on the Earlier Constitutional History of Canada, delivered before the University of Toronto, in Easter term, 1889. By W. J. Ashley, M. A., professor of political economy and constitutional history. Toronto: Rowsell & Hutchinson, 1889. 8vo, pp. 100.

This series of lectures, which do not profess to throw any additional light on the period of which they treat, has an interesting sketch "of the beginnings of representative government in Nova Scotia." The author also dwells on the system of government introduced in 1663 in Canada, and concludes with a review of the Quebec act and its effects.

Selections from the Public Documents of the Province of Nova Scotia. Edited by T. B. Akins, D.C.L., commissioner of public records. Halifax, Nova Scotia: C. Annand, 1869. 8vo, pp. 755.

This useful compilation contains a number of original documents relating to the establishment of representative government in Nova Scotia.

PARLIAMENTARY GOVERNMENT IN CANADA—BOURINOT. 393

Reports on Canadian Archives, 1883-1891. By Douglas Brymner, archivist. Ottawa: Government printer.

Throughout these useful volumes references are given to valuable state papers bearing on the civil government of Canada. The volume for 1890 has citations from documents relating to the constitutional act of 1791 and the establishment of representative institutions in Upper and Lower Canada.

The Life and Times of General John Graves Simcoe. By D. B. Read, q. c. Toronto: George Virtue. 1890. 8vo, pp. xv+305, with a portrait of Simcoe, and other illustrations.

This is a well-written life of the first governor of the province of Upper Canada (Ontario), when it was established in 1792. It gives a brief narrative of the inauguration of representative government in that section.

A history of the late province of Lower Canada, parliamentary and political, from the commencement to the close of its existence as a separate province, embracing a period of fifty years; that is to say, from the erection of the province in 1791 to the extinguishment thereof in 1841 and its reunion with Upper Canada by act of the Imperial Parliament, in consequence of the pretensions of the representative assembly of the province, and its repudiation in 1837 of the constitution as by law established, and of the rebellions to which these gave rise in that and the following year, with a variety of interesting notices, financial, statistical, historical, etc., available to the future historian of North America, including a prefatory sketch of the province of Quebec, from the conquest to the passing of the Quebec act in 1774 and thence to its division in 1791 into the provinces of Upper and Lower Canada; with details of the military and naval operations therein during the late war with the United States, fully explaining also the difficulties with respect to the civil list and other matters; tracing from origin to outbreak the disturbances which led to the reunion of the two provinces. By Robert Christie. Quebec: T. Cary & Co., 1848-1850; John Lovell, 1853-1854. 5 vols., 12mo, pp. xiv+360; i+396; xi+564; iv+540; vi+424.

Interesting Public Documents and Official Correspondence, Illustrative of and Supplementary to the History of Lower Canada. Published by Robert Christie. Montreal: John Lovell, 1855. 12mo, pp. xii+468.

The title pages of these six volumes sufficiently indicate the scope of a work which is invaluable to the student of representative and parliamentary government in Canada. The author was for years a member of the Lower Canada legislature, and has given us a review of public events remarkable for its fairness and accuracy, and doubly valuable from the fact that he quotes very many official documents in whole or in part. Garneau's History, mentioned above, must be read in connection with this work.

Histoire du Canada sous la Domination Française, Montreal (1837 et 1843). Histoire du Canada et des Canadiens sous la Domination Anglaise (*Ibid.*, 1844 et 1878.) Par Michael Bibaud. 12mo.

These works show industry, and are distinguished for impartiality on the whole in the review of the period from 1763 to 1837, when the work closes. Its literary merit, however, is inferior to that of Ferland or of Garneau. It is now practically forgotten.

The Life and Times of W. Lyon Mackenzie, with an account of the Canadian Rebellion of 1837, and the subsequent frontier disturbances, chiefly

from unpublished documents. By Charles Lindsey. Toronto: Samuel Pike, 1863. 2 vols., 8vo., pp. 401, 400, with portraits of W. L. MacKenzie and Sir Francis Head.

The author was a son-in-law of the old Canadian "patriot," and has not been able always to give a perfectly impartial opinion on the events of the exciting period of which he writes. On the whole, however, it is a valuable contribution to the history of the momentous struggle for free government.

The story of the Upper Canadian Rebellion, largely derived from original sources and documents. By John Charles Dent, author of "The Last Forty Years." Toronto: C. Blackett Robinson, 1885. 2 vols., 4to, pp. viii+384; vii+382, with excellent portraits of Dr. Rolph and W. Lyon MacKenzie.

This work is written from a point of view very different from that of the work just cited. It is characterized by Mr. Dent's lucidity of style, and is in many respects a severe arraignment of MacKenzie's recklessness as a public man, while making full allowance for the public grievances under which the province labored before 1839.

A Narrative. By Sir Francis Bond Head, Bart. London: John Murray, 1839. 8vo., pp. viii+448, with an appendix, pp. 38.

This is a defense of the injudicious administration of Lieutenant-Governor Sir Francis Head, during the trying times in Upper Canada which culminated in the futile efforts of W. Lyon Mackenzie and a few others to raise a rebellion in that province. It contains the most important of his dispatches to the imperial government.

Report on the Affairs of British North America, from the Earl of Durham, Her Majesty's high commissioner for the adjustment of certain important questions depending in the provinces of Upper and Lower Canada, respecting the form and future government of the said provinces. Submitted to Parliament, 1839.

A remarkable exposition of the defects that until 1840 prevented the effective operation of representative institutions in British North America. It laid the foundation of responsible government in Canada, and on that account must always be cited as among the great state papers of the world influencing the destinies of peoples.

The Last Forty Years: Canada since the Union of 1841. By John Charles Dent. Toronto: George Virtue, circa 1880-1881. 2 vols., 4to, pp. 392, 648.

This is the best history of the period when responsible government was being firmly established in the two Canadas. It has portraits of Lord Durham, Lord Sydenham, Louis Joseph Papineau, W. Lyon Mackenzie, Robert Baldwin, Sir H. L. Larontaine, Sir Charles Bagot, Sir Francis Hincks, Lord Metcalfe, and Lord Elgin, whose names are indissolubly connected with the political history of Canada. Strange to say, Mr. Howe's portrait is omitted, though we see the faces of other public men much inferior to him in ability, reputation, and influence.

"Les Quarante dernières Années, Le Canada depuis l'Union. Par J. C. Dent." Etude critique, par l'Abbé Casgrain. Trans. of Roy. Soc. of Can., Sec. I, 1884.

The Abbé Casgrain, a well known French Canadian *littérateur*, here takes exception to some of Mr. Dent's comments on the history of the times of which he treats. The Abbé is always *ultra* French Canadian.

Le Canada? sous l'Union. 1841-1867. Par Louis Turcotte. Quebec: Des Presses du Canadien, 1871. 2 vols., 12mo, pp. 225, 613.

The author was, until his death, one of the officers of the legislative library of

Quebec, and employed his leisure in writing a narrative of that important period of the history of Canada when responsible government was firmly established in that province. It is readable and accurate.

Dix Ans au Canada, de 1840 to 1850. Histoire de l'établissement du gouvernement responsable. Par A. Gerin-Lajoie. Quebec: Demers et Frère, 1888. Large 8vo, pp. 618.

This work was left in manuscript by a former assistant librarian of the parliament of Canada, a well-known French-Canadian *littérateur*, and was only printed some years after his death, mainly owing to the efforts of the Abbé Casgrain. It gives a narrative of the most important period in the history of responsible government in Canada, from 1840 to 1850, from Lord Sydenham to Lord Elgin. It is written from a strongly French-Canadian point of view, and may be read in connection with Dent's valuable history, which is more English in spirit; in fact, more Canadian in the large sense. This work first appeared in *Le Canada Français* (1888), a literary periodical published at Quebec under the auspices of Laval University.

Memoir of the life of the Rt. Hon. Charles Lord Sydenham, G. C. B., with a narrative of his administration in Canada. Edited by his brother, G. Poulett Scrope, M. P. London: John Murray, 1843. 8vo, xii+498, with a portrait of Lord Sydenham.

An impartial account of the life of an English statesman who, during his short administration in Canada, assisted in laying the foundation of the liberal system of government the country now enjoys. It contains all his speeches and letters bearing on this interesting and important epoch of Canadian political history.

The life and correspondence of Charles Lord Metcalfe. By John W. Kaye. A new and revised edition. London: Smith, Elder & Co., 1858. 2 vols., 12mo, pp. xxiv+453, viii+480.

Lord Metcalfe's career in Canada was remarkable for its tendency to impede the progress of responsible government, and this work, which is strongly partisan, endeavors to place the most favorable construction on his political action in this trying period of Canada's political development.

Letters and Journals of James, eighth Earl of Elgin, Governor of Jamaica, Governor-General of Canada, etc. Edited by T. Walrond, C. B., with a preface by Arthur Penryhn Stanley, D. D., Dean of Westminster. London: John Murray, 1872. 8vo, pp. xii+467.

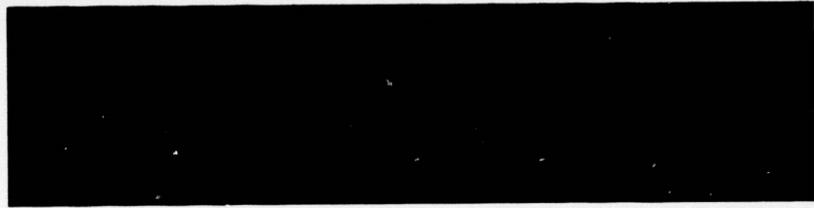
Chapters III-VI, inclusive, are devoted to a review of Lord Elgin's remarkably able administration of public affairs in Canada, where with consummate tact he established responsible government on stable foundations.

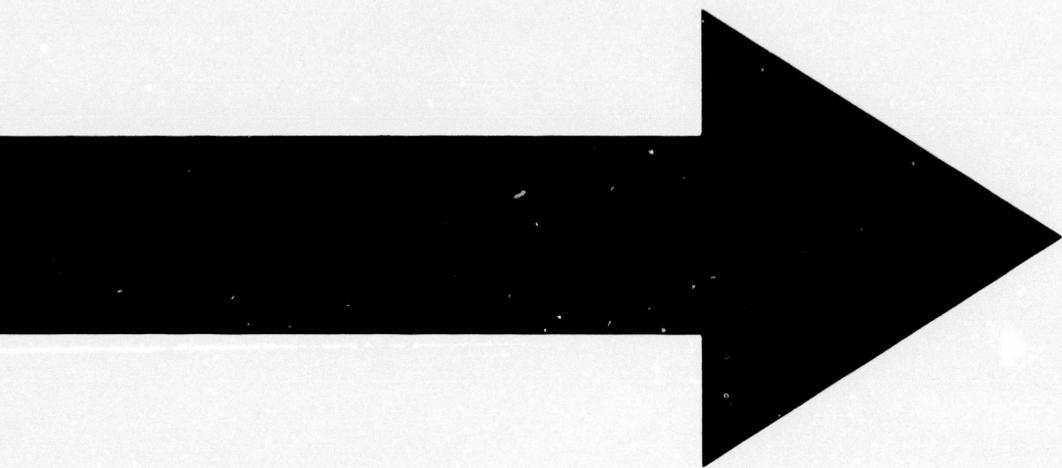
The Colonial Policy of Lord John Russell's Administration. By Earl Grey. 2d ed., with additions. London: Richard Bently, 1853. 2 vols., 8vo, xxviii+446, xii+508.

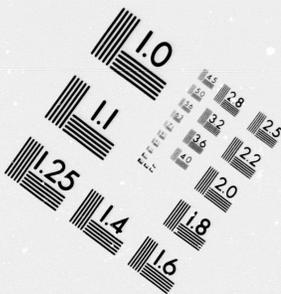
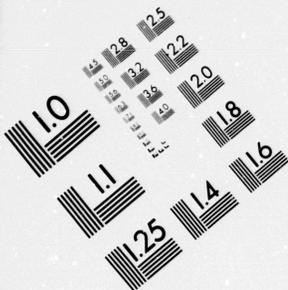
Lord Grey was colonial secretary when responsible government was finally established under the administration of Lord Elgin in Canada. In this work he informs us of the general tenor of the instructions given to that able governor-general, and of the successful result of his policy and conduct.

Review of the Colonial Policy of Lord J. Russell's Administration, by Earl Grey, 1853, and of subsequent colonial history, by Rt. Hon. Sir C. B. Adderley, K.C.M.G., M.P. London: Edward Stanford, 1869. 8vo viii+423.

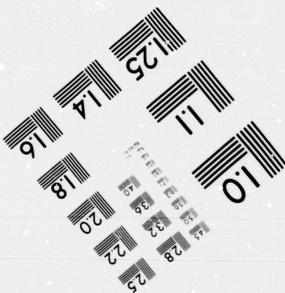
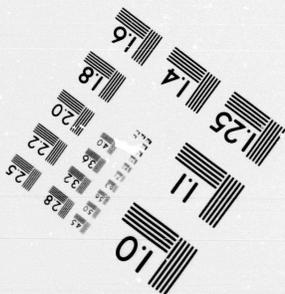
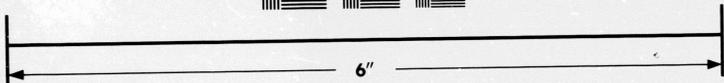
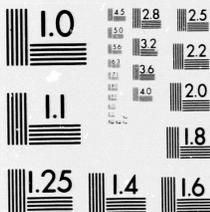
The author entertains a view of the theory of colonial government different from that put forth in Lord Grey's work. The latter was an advocate of large parental control over dependencies by the sovereign, "as the constitutional head of the executive and final constituent of legislature;" but in the opinion of the former "such control distance must, make more galling and of which the more benevolent and







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conscientious its exercise the more fatal must be the effects upon the vigor and prosperity of its subjects, which not only deprives them of the exercise of self-administration, but exposes them to having their affairs treated as the materials of party struggles in England, with which they have no concern." As in the case of Canada, eventually "a minister must yield the freedom which will not wait to be trained by him." The part of the work devoted to Canada is a judicious and correct résumé of the political affairs of Canada and of the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia, until Confederation. Mr. Adderley, then under-secretary for the colonies, had charge of the union act in the commons, and was one of its most earnest and able advocates.

The Constitutional History of England Since the Accession of George the Third, 1760-1860. By Sir Thomas Erskine May, K. C. B., D. C. L., with a new supplementary chapter, 1861-'71. Sixth edition. 3 vols. London: Longmans, Green & Co., 1878. 12mo, pp. xix+459, xi+420, xiv+499.

In the third volume of this well-known work by the late clerk of the English Commons we have a chapter (XVII) devoted to a historical review of colonial constitutions and the development of constitutional liberty in Canada and other dependencies of the empire.

How British Colonies got Responsible Government. By Sir Gavan Duffy, K.C.M.G. Contemporary Review for May and June, 1890.

An important contribution to the history of responsible government by an able public statesman, who was a member of the first administration formed under that system in the colony of Victoria, Australia. He does not exaggerate the abuses of the old system in Canada or the value of Lord Durham's report. He is also correct when he says that "the birth and parentage of colonial rights are traceable to the soil of Canada," for her success in obtaining free government led to its establishment among all the important dependencies of the Crown.

The Speeches and Public Letters of the Hon. Joseph Howe. Edited by W. Annand, M.P. Boston: J. P. Jewett & Co., 1858. 2 vols., 8vo, pp. ix+642, iv+558.

In this collection of the best speeches and letters of the ablest exponent of responsible government we see clearly laid down its principles and doctrines, as urged on the public platform, in the legislative halls, and in the press in the times when Canadian statesmen and people were earnestly contending for an extension of their political liberties.

Reminiscences of His Public Life. By Sir Francis Hincks, K.C.M.G., C.B. Montreal: W. Drysdale & Co., 1884. 8vo, pp. 450.

The author of this work was one of the most prominent public men of the old province of Canada, and took part in the exciting decisive struggle that preceded and followed the introduction of responsible government. In Chapter IV he gives his version of the action of Lord Sydenham (Poulett Thomson), who assisted in the establishment of the union of 1841 and in the laying of the foundation of a responsible system. It is valuable as a personal contribution to the literature of those times by an actor who did much to mold the political constitution of Canada. He was no admirer of Lord Sydenham.

Canada During the Victorian Era; A Short Historical Review. By J. G. Bourinot, LL.D. Magazine of American History (New York), May and June, 1887.

Intended mainly to show the political development of Canada since the concession of responsible government, which was inaugurated during the first years of the reign of the Queen.

Canada: Its Political Development. By J. G. Bourinot, LL. D. The Scottish Review (Paisley & London) for July, 1885.

A brief review of the leading features of the constitutional progress of Canada for a century.

A History of Our Own Times from the Accession of Queen Victoria to the Berlin Congress. By Justin McCarthy, M.P. New York: Harper Bros., 1880. 2 vols., 8vo, pp. 559, 682.

Contains two chapters which are readable accounts of the political development of the Canadas and of the birth of the Dominion, viz, chapter 3, on Canada and Lord Durham, and chapter 55, on "The example of The New Dominion." This work is now justly considered as an effort of a skillful and superficial journalist rather than of a deep political thinker. Be that as it may, the writer forms a fair estimate of the service Lord Durham performed for Canada.

The History of Canada from its First Discovery to the Present Time. By John MacMullen. Second edition, revised and improved. Brockville, McMullen & Co., 1868. 8vo, pp. xviii+613.

A readable historical narrative, imbued with strong English Canadian ideas, and not always accurate, probably on account of the author not having access to many original sources of information. It gives on the whole, however, an impartial account of the development and establishment of responsible government in the old provinces of Upper and Lower Canada.

History of the Dominion of Canada. By Rev. W. P. Greswell, M.A. (*Oxon.*). Under the auspices of the Royal Colonial Institute. Oxford: At the Clarendon Press, 1890. 12mo, pp. xxxii+339.

This little school history has a generally accurate sketch of the evolution of responsible government from Papineau's Rebellion until Confederation, and gives also in the Appendix a summary of the Quebec act of 1774, of the constitutional act of 1891, of Lord Durham's Report of the Union act of 1840, and of the British North America act of 1867.

A popular history of the Dominion of Canada from the discovery of America to the present time. Including a history of the provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, British Columbia, and Manitoba; of the Northwest Territory and of the Island of Newfoundland. Revised and extended edition brought down to 1888. By W. A. Withrow, D.D., F.R.S., Can. Toronto: W. Briggs, 1888. Large 8vo, pp. 680, with maps and portraits of the Queen, Lord Dufferin, etc.

This is the only Canadian work that gives a readable and generally accurate history of the several countries comprising the Dominion from their settlement to the present time. The author gives an account of the growth of the principles of civil liberty in the provinces and of the development of the present Canadian constitution, with judicial impartiality, though there is no evidence in the work of original research or any attempt made to throw new light on controverted points of Canadian constitutional history. The author has written a successful popular history and has not promised or attempted more.

History of Prince Edward Island. By Duncan Campbell. Charlottetown: Brenner Bros., 1875. 12mo, pp. 224.

A short history, accurately narrating the struggles for responsible government in the little island.

In addition to the works cited above the writer may also refer to a chapter on responsible government, sketchy but readable, in the second volume (chap. xii, pp. 369-391) "Exodus of the Western Nations," by Lord Bury (2 vols., 8vo., London, 1865).

Numerous references are made to the events that preceded and followed the Upper Canadian rebellion of 1837, and to the support given by Rev. Dr. Ryeison to Lord Metcalfe in opposing political appointments, in "The

Story of My Life," by Rev. Dr. Ryerson (Toronto, 8vo, 1883). The histories of the maritime provinces of Canada are defective, in so far as they do not contain any coherent and valuable narrative of the struggles for responsible government. Murdoch's History of Nova Scotia (3 vols., 8vo, Halifax, N. S., 1865-1867) is brought down only to 1827, and while it marks the establishment of representative institutions in Nova Scotia in 1758, and follows the political development of the province for seventy years later, we have at the best only a meager chronicle of facts, without a single comment on their influence on the condition of the people. In the second volume of Judge Haliburton's readable History of Nova Scotia (2 vols., 8vo, Halifax, N. S., 1829) there is a chapter on colonial government, but it is only "a brief outline," as the author himself admits. The later history of responsible government in the provinces by the sea has yet to be written for the student and people. Campbell's History of Nova Scotia (8vo, Halifax, N. S., and Montreal, 1873) is not much more than a dull narrative of material development. Some valuable observations on the political progress of Canada under responsible government are made throughout the first volume—the second was never published—of "Confederation, or the Political and Parliamentary History of Canada, from the conference at Quebec in October, 1864, to the admission of British Columbia in July, 1871," by Hon. J. H. Gray, M. P., who was himself a member of the conference.

III.—CONSTITUTION OF CANADA SINCE CONCESSION OF RESPONSIBLE GOVERNMENT.

Parliamentary Debates on the subject of the Confederation of the British North American Provinces, third session, eighth Provincial Parliament of Canada. Printed by order of the legislature. Quebec: Hunter, Rose & Co., Parliamentary Printers, 1865. Large 8vo, pp. ix + 1031.

This volume contains the official report of the debates in the old legislature of Canada that preceded the final adoption of the federal resolutions of the Quebec Conference of 1864. We have here the speeches of the leading men of that province in relation to the scheme of union, and are able to gather their opinions as to the practical operation of that system of responsible government of which confederation was the capstone.

Constitution of Canada: the British North America Act, 1867; its interpretation, gathered from the decisions of courts, the dicta of Judges and the opinions of Statesmen and others; to which are added the Quebec Resolutions of 1864 and the Constitution of the United States. By Joseph Doutre, Q. C., of the Montreal Bar. Montreal, John Lovell & Son, 1880. 8vo + pp. 414.

This work is now of little value; at the best it was a hasty collection of legal decisions bearing on certain sections of the British North America Act. The appearance of later works on the same line has necessarily made it out of date.

The Powers of Canadian Parliaments. By S. J. Watson, Librarian of the Parliament of Ontario. Toronto: Carswell & Co., 1880. 12mo, pp. xii + 160.

This treatise is intended to show that the present legislatures of Ontario and Quebec "are the political heirs-at-law of the old historical parliaments of Upper and Lower Canada, and of the late province of United Canada."

Are Legislatures Parliaments? A Study and Review. By Fennings Taylor, Deputy Clerk of the Senate of Canada. Montreal: John Lovell, 1879. 12mo, pp. 208.

This volume is written from a point of view quite different from that of the foregoing book. It is intended to minimize the powers and functions of the local legislatures in the Canadian federation. It is largely based on fallacious or purely theoretical premises.

Parliamentary Government in Canada. A lecture read before the Law School of Bishop's College, Sherbrooke. By C. C. Colby, M. P. Montreal: Dawson Bros., 1886. 12mo, pp. 57.

This lecture is a lucid exposition, in small compass, of the leading principles that guide the operation of responsible government. The author was, for many years, in the Canadian parliament, and was exceptionally qualified to write intelligently on the subject.

Parliamentary procedure and practice, with a review of the origin, growth, and operation of parliamentary institutions in the Dominion of Canada, and an appendix containing the British North America act of 1867, and amending acts, governor-general's commission and instructions, forms of proceedings in the Senate and House of Commons, etc. By John George Bourinot, C.M.G., LL.D., D.C.L., Clerk of the House of Commons in Canada. Second edition, revised and enlarged. Montreal: Dawson Bros., 1892. 8vo, pp. xx+929.

The title of this work sufficiently shows its scope. Besides giving a short historical review of constitutional government in British North America, it closes with a chapter on the practical operation of the Canadian system which has been for the most part reproduced in the second part of this monograph.

A manual of the constitutional history of Canada from the earliest period to the year 1888, including the British North America act, 1867, and a digest of judicial decisions on questions of legislative jurisdiction. By John George Bourinot, LL.D., F.R.S., Can., Clerk of the House of Commons of Canada. Montreal: Dawson Bros., 1888. 12mo, pp. xii+238.

This little volume is an abridgment of the historical parts of the foregoing volume and is used by students in Canadian universities.

Federal Government in Canada. By John George Bourinot, LL.D., clerk of the House of Commons of Canada. Johns Hopkins University Studies in Historical and Political Science. Seventh Series. Nos. x, xi, xii. Baltimore, Md., 1889.

In the third paper of this series there are comparisons made between the diverse systems of legislation and government in vogue in Canada and the United States from a practical point of view.

Parliamentary Government in the British Colonies. By Alpheus Todd, Librarian of Parliament, Canada, author of *Parliamentary Government in England*. Boston: Little, Brown & Co., 1880. 8vo, pp. xii+607.

In this book the able author explains the operation of "parliamentary government in furtherance of its application to colonial institutions." It is a valuable supplement of his larger work on parliamentary government in England mentioned above. It directs particular attention to the political functions of the crown, of whose prerogatives, within the legitimate lines of the constitution, Dr. Todd was a strong supporter.

The Constitution of Canada. By J. E. C. Munro, of the Middle Temple,

barrister at law, professor of law, Owens College, Victoria University, Cambridge. At the University Press, 1889. 8vo, xxxvi+356.

This work, useful as it is for its analysis and abstracts of statutes and documents relating to the Canadian constitution, has the defects of a treatise written by an Englishman who obtains all his knowledge of colonial institutions from books and has had no opportunities of a practical insight into their actual operation. Had it been submitted to a Canadian conversant with the subject, just as Prof. James Bryce availed himself of the positive knowledge of eminent Americans in the preparation of his great work on the American Commonwealth, this book on Canada would be more accurate and intelligible.

Documents illustrative of the Canadian constitution, edited with notes and appendices. By William Houston, M. A., librarian to the Ontario legislature. Toronto: Carswell & Co., 1891. 8vo, pp. xxii+338.

By the aid of this collection of official and legal documents the student will be able to trace out authoritatively and positively the most important stages in the evolution of parliamentary government in British North America. The notes are full and accurate.

Colonies and Dependencies. By J. S. Cotton and E. J. Payne. English Citizen Series. London: McMillan & Co., 1883. 12mo, pp. 164.

This little work contains a historical sketch of the colonies, a review of the relations between them and the parent state, and a chapter on colonial government, which is full of errors. For instance, the province of Quebec is given a legislature with two houses, both elective, the fact being that the upper house has always been appointed by the crown. Manitoba is said to have no legislative assembly, when the province has had one for over twenty years. It is the legislative council, or upper house, that has been abolished in that province. This book illustrates the inaccuracy of the majority of English works professing to describe institutions in Canada and other dependencies.

The Government Handbook. A record of the forms and methods of government in Great Britain, her colonies, and foreign countries, with an introduction on the diffusion of popular government over the surface of the globe, and on the nature and extent of international jurisdiction. By Lewis Sergeant. Third edition. London: T. Fisher Unwin, 1890. 12mo, pp. viii + 544.

A work for popular reference, intended to exhibit "in a summary manner the principal forms and methods of government in the various states of the world." Like all English works of a similar character it is misleading in many ways so far as Canada is concerned. The privy council does not necessarily include (p. 114) lieutenant-governors *ex officio*; the present lieutenant-governor of Manitoba is not a privy councillor. Some are privy councillors because called to the cabinet before being appointed to a lieutenant-governorship. To say that the house of commons "is summoned every five years under the great seal," is a delusion. The crown must dissolve it in five years, if not sooner, and the house is elected by the people. Such works should be revised by persons who know something of the constitution of each country.

The Colonial Year Book for 1890. By A. J. R. Trendell, C. M. G., of the Inner Temple, with introduction by Prof. Seeley, M. A. London: Sampson, Low, Marston, Searle, and Rivington, 1890. 8vo, pp. xxix+ 753.

This is one of many English publications in these times going to show the interest taken in the material and political development of the colonial dependencies of England. It gives a short sketch of the constitution of the Dominion and of the provinces, which calls for no particular comment. The statement, however, that the governor-general is assisted by a privy council is somewhat misleading. It would be more correct to say that he is assisted like the Queen, by a ministry or cabinet, who must be members of the Queen's privy council.

The Statesman's Year Book for 1891. Edited by J. Scott Keltie, librarian to the Royal Geographical Society. Twenty-eighth annual publication. London: MacMillan & Co., 1891. 12mo, pp. xxviii+1132.

Contains in a few pages an accurate summary of the political system of the Dominion of Canada.

An Essay on the Government of Dependencies. By Sir G. Cornwall Lewis, K. C. B. Edited, with an introduction, by C. P. Lucas, of Balliol College, Oxford, and the Colonial Office. London: Clarendon Press, 1891. 8vo.

This work of a distinguished English statesman and man of letters was first published in 1841, and is well described as "a systematic statement and discussion of the various relations in which colonies may stand towards the mother country." Sir George Lewis possessed eminently that practical common sense and keen critical faculty which make all his writings valuable to the political student, but times have changed since he wrote. His work on Administrations of Great Britain (London, 1864) and his Letters to Various Friends (London, 1870) are also of value to the student of the practical operation of parliamentary institutions.

Chapters on the Law relating to the Colonies, to which is added a topical index of cases decided in the privy council on appeal from the colonies. By C. J. Tarring, of the Inner Temple. London: Stevens & Haynes, 1882. 8vo, pp. xiv+204.

This book is here cited as showing the legal and constitutional relations of the colonial dependencies to the parent state, the laws to which they are subject, the nature of the office, powers, and duties of the governors, and the extent of legislative power, all of which are subjects within the scope of this monograph.

The Colonial Office list for 1891: Comprising historical and statistical information respecting the colonial dependencies of Great Britain, an account of the services of the officers in the colonial service, a transcript of the colonial regulations, the customs tariff of each colony, and other information. Compiled from official records, by the permission of the secretary of state for the colonies, by John Anderson and Sidney Webb, of the Colonial Office. London: Harrison & Sons, 1891. With maps.

The title sufficiently indicates the importance and value of a work necessarily accurate in all particulars. The digest of the constitutional system of Canada is excellent.

IV.—THE CABINET SYSTEM.

The Crown and its advisers; or Queen, ministers, lords, and commons. By A. C. Ewald, F. S. A., of Her Majesty's Record Office. Edinburgh and London: W. Blackwood & Sons, 1870. 12mo, pp. 222.

This work contains a series of lectures prepared with the object of "extending to my fellow-countrymen a knowledge of the leading facts and principles of our constitution." It is well worthy of a careful perusal by all who are commencing the study of the English constitution. The elementary principles of responsible government are clearly laid down.

The Institutions of the English Government: being an account of the constitution, powers, and procedure of the legislative, judicial, and administrative departments. By Homersham Cox, M. A., barrister at law. London: H. Sweet, 1863. 8vo, pp. xcii+756.

In this work is given a "general account of the British Government, of the powers and practice of its several departments, and of the constitutional principles affecting them." It was practically the forerunner of Dr. Todd's and other works

that have since appeared on the administrative institutions of England. Chapter x is on the "Privy Council and Cabinet Council." For research and insight into the practical operation of parliamentary government it is much inferior to Dr. Todd's well-known treatise.

History of the English Institutions. By Philip Vernon Smith, M.A. (Cantab.). Rivington's: London, Oxford, and Cambridge, 1873. 12mo, pp. xiv+303.

An attempt to classify in a very condensed form the various institutions of the English Constitution. Chapter ix, on the executive, is divided into several sub-heads, among which are the "Cabinet Council," "Political Parties," "The Ministry," "Control of Parliament," "Power and Growth of the Executive," etc. It is useful to young students.

Fifty Years of the English Constitution, 1830-1880. By Sheldon Amos, M. A. London: Longmans, Green & Co., 1880. 12mo, pp. xxxii+495.

The preface to this work very truly says that it is "no longer to lawyers and law-books alone that reference must be had for ascertaining what is the mode of government under which the English people live," but rather "to the utterances of statesmen, to critical acts of public policy, to the conduct of parliamentary majorities, and to the assumptions of the executive government." This treatise, consequently, treats the whole question from a political and ethical point of view. The sections in Chapter II (pp. 206-420) give considerable insight into the relations between the crown and its ministers and between the ministers and the parliament; but the style of the author is far from being lucid and he has a tendency to theorize which perplexes the student.

Central Government. By H. D. Traill, D. C. L. English Citizen Series. London: McMillan & Co., 1881. 12 mo, pp. 162.

In a popular and sketchy style, we have a somewhat useful essay on the executive government and on the formation, functions, and responsibility of the cabinet under the constitutional system of England.

The Growth of the English Constitution from the Earliest Times. By Edward A. Freeman, M. A., Hon. D. C. L., LL. D., etc. Fourth edition. London: McMillan & Co., 1884. 12mo, pp. xvi+234.

In this suggestive and scholarly disquisition, Prof. Freeman points out the distinctions between the law of the constitution and "that code of political maxims, universally acknowledged in theory, universally carried out in practice," which directs the working of parliamentary government. See Chapter III.

A Short History of Parliament. By B. C. Skottowe, M. A. (*Oxon.*). London: Swan Sonnenschein, Lowrey & Co., 1886. 12mo, pp. iv+339.

A book for the general reader. The last chapter contains some judicious remarks on cabinet government.

Das englische Verwaltungsrecht der Gegenwart in Vergleichung mit den deutschen Verwaltungssystemen. 3te. nach deutscher systematik umgestaltete Aufl. Rudolph Gneist. Berlin, 1884.

The History of the English Constitution. By Dr. Rudolph Gneist, professor of law at the University of Berlin. Translated by Philip A. Ashworth, of the Inner Temple. Second edition, revised and enlarged. London: W. Clowes & Sons, 1889. 2 vols., 8vo, pp. xvi+437, vii-542.

In this exhaustive work of an eminent German scholar there are four chapters (LIII, LIV, LV, LVI, VOL. II) which should be read on the subject of parliamentary government, since they deal with the following matters: The relations of the Crown to Parliament. The King in Council and the King in Parliament. Origin of Party Government. Constitutional nature of the Cabinet. Transition to the modern ministerial system. The formation of parliamentary parties. Theory and practice of parliamentary party government.

The Students' History of the English Parliament in its transformations through a thousand years. Popular account of the growth and development of the English Constitution, from 800 to 1887. By Dr. Rudolph Gneist. Third English edition, by Prof. A. H. Keane. London: H. Grevel & Co., 1889. 12mo, pp. xxix+462.

This is the best translation of a work (*Das englische Parlament*, Berlin, 1886) showing all the thoroughness of German scholarship, even in a students' manual. From p. 346 to p. 376 there are some original suggestive reflections on the relation of the government of the realm to parliament, the relation of the cabinet to parliament, the construction of parliamentary parties, the evils of party government, and the realization in England of the conception of political liberty "implying the capacity of the people to legislate for itself, and to enforce of itself its own laws through its own free self-government."

Le Gouvernement et le Parlement Britanniques: I.—Le Gouvernement; II.—Constitution du parlement. La Procédure parlementaire. Par le Cte. de Franqueville, ancien maître des Requêtes au Conseil d'Etat. Paris: J. Rothschild, 1887. Trois vols., 8vo, xi+594, viii+567, viii+575.

This is the most exhaustive work written by a French political student on the administrative and the parliamentary system of England. The first volume contains an elaborate and clear review of the relations between crown and parliament, of the position of the cabinet, and of the nature of ministerial responsibility.

The Government of England; its structure and its development. By the honourable W. E. Hearn, Q.C., M.L.C., Chancellor of the University of Melbourne. Second Edition. London: Longmans, Greene & Co., 1887. 8vo, pp. xvi+636.

This work is not only valuable for its thoughtful review of the evolution and operation of parliamentary government in England, but for the assistance it gives to students of the relations between the parent state and the colonies since the growth of responsible government. On this question, see Appendix II, "Lecture on the Colonies and the mother Country."

On Parliamentary Government in England; its origin, development, and practical operation. By Alpheus Todd, LL. D., C. M.G., Librarian of the Parliament of Canada. Second edition by his son. London: Longmans, Green & Co., 1887. Two volumes, 8vo, pp. xxx+844, xxvi+964.

The author of this elaborate treatise, during the evolution of responsible government in Canada, after the union of 1841, devoted himself to researches into the practical operation of the system in England, with the view of assisting colonial statesmen, and the result of his labors for over a quarter of a century is here presented. It is the most valuable contribution yet made to this branch of political science. The conventions and understandings that direct the workings of responsible or parliamentary government are here set forth with fullness and clearness.

The Law and Custom of the Constitution. By Sir W. R. Anson, Bart., D. C. L., of the Inner Temple, Warden of All Souls College. Oxford, at the Clarendon Press, 1886-1892. 2 vols., 8vo, pp. xx-336; viii+494.

This work is most useful to all students of the Canadian parliamentary system, closely modeled, as it is, on the parliamentary institutions of England.

How we are governed; a handbook of the Constitution, Government, laws, and power of the British Empire. By Albany de Fonblanque. Sixteenth edition. London and New York: Warne & Co., 1889. 12mo, pp. xii+208.

A useful treatise for busy people who have no time to give much study to con-

stitutions. Letter V is devoted to a brief but clear explanation of the responsibility of ministers and of the nature of the cabinet system of England.

Introduction to the Study of the Law of the Constitution. By A. V. Dicey, B. C. L., of the Inner Temple, Vinerian professor of English law, etc. Third edition. London: MacMillan & Co., 1889. 8vo, pp. xiii+440.

This is the most notable work on the English constitution that has appeared of late years in England. Stress is laid "upon the essential distinction between the 'law of the constitution,' which, consisting (as it does) of rules enforced or recognized by the courts, makes up a body of 'laws' in the proper sense of that term, and the 'conventions of the constitution,' which, consisting (as they do) of customs, practices, maxims, or precepts which are not enforced or recognized by the courts, make up a body not of laws, but of constitutional or political ethics." (See chap. xiv.)

The Cabinet. Encyclopædia Britannica. Ninth edition. Edinburgh.

This carefully prepared article is from the pen of Mr. Henry Reeve, c. b., registrar of the privy council of England, translator of De Tocqueville's Democracy in America, and author of several works of value.

The Elements of Politics. By Henry Sidgwick. London and New York: MacMillan & Co., 1891. 8vo, pp. xxxii+632.

In this thoughtful and suggestive work of a learned English thinker, imbued with the spirit and thoroughly conversant with the methods of parliamentary government, the chapter on the "Relation of Legislature to Executive" demands the special attention of the student of ministerial responsibility. The whole work must be carefully read as the resultant of the studies of a close and safe observer of institutions.

Political Science and Comparative Constitutional Law. By John W. Burgess, PH. D., Professor of History in Columbia College. Boston and London: Ginn & Co., 1890. 2 vols., 8vo, pp. xx+337, xx+404.

In this elaborate essay on political science by an eminent American scholar, there are some purely theoretical remarks on the crown and the cabinet (pp. 209-215), which even the writer believes are "crude and novel," and consequently afford no assistance to those who are anxious to understand the practical operation of the English and American systems of government. It is no doubt interesting from the point of view of speculative political science to be told that a cabinet in the English system "represents the majority quorum in the legislature," and this "majority quorum, chosen upon a cabinet issue, is the state;" but it is hardly a formulation that will bring about the reform in the irresponsible political system of the United States which Woodrow, Wilson and others, who are at all events intelligible, would bring about.

Gesetz und Beordnung. George Jellenek Freiburg. I. C. B. Mohr., 1887. 12mo, pp. 412.

This work is interesting to a student of English and Canadian institutions, because it is an able disquisition on what the author believes—and justly in most cases—to be encroachments of the administrative upon the legislative authority in England and other countries. The tendency in Canada itself, nowadays, is to give too much power and influence to the executive government.

In the foregoing bibliographical notes of this section the writer has cited only those constitutional and historical works which show the nature and operation of the cabinet system of England, by whose principles Canadian ministries have been regulated since the adoption of responsible government. The important and erudite works of Hallam and Stubbs, or the interesting treatise by Creasy, or similar authorities, which treat of the constitutional history of England generally, are not here taken into account, inasmuch as they have no special comments

on the modern system of ministerial responsibility to parliament which will aid the student in the study of the Canadian system. But it is not necessary to add that no student can master the whole subject of parliamentary government unless he has read these great books time and again.

V.—PARLIAMENTARY COMPARED WITH CONGRESSIONAL GOVERNMENT.

The English Constitution and other Political Essays. By Walter Bagehot, editor of the *London Economist*, etc. Latest revised edition. New York: D. Appleton & Co., 1889. 12mo, pp. 468.

This is a remarkably lucid treatise on the practical operation of parliamentary government, as it is now understood in England, and is especially interesting to students in Canada and the United States from the fact that it was the first attempt to show the defects of the political system of the federal republic on account of the absence of a responsible cabinet. It points out the elasticity of the English system, and the nature and scope of the leading principles that govern its practical working.

Congressional Government. By Woodrow Wilson. Boston: Houghton, Mifflin & Co., 1885. 12mo, pp. 333.

Undoubtedly the clearest and ablest effort made by an American writer on political science to show the weaknesses and defects of the political system of the United States. Replete with incisive argument, it shows most effectively the superiority of the English or Canadian system, which makes a cabinet immediately responsible to parliament for legislation and administration.

The American Commonwealth. By James Bryce, M. P., D. C. L. I.—National Government; II.—The State Governments—The Party System; III.—Public Opinion—Illustrations and Reflections—Social Institutions. London: Macmillan & Co., 1888. 3 vols., 8 vo., pp. xxvii + 551, ix + 683, ix + 699; with a map to illustrate the growth of the United States.

This well-known work is the ablest, most thoughtful, and most comprehensive that has yet appeared in any language on American institutions. The chapters on the cabinet (vol. I, chap. IX), on the committees of congress (vol. I, chap. XV), on congressional legislation (vol. I, chap. XVI), on congressional finance (vol. I, chap. XVII), and on the legislature and executive (vol. I, chap. XXI), especially demand the careful study of those who wish to compare the working of the English or Canadian system with that of the United States.

Canadian Studies in Comparative Politics: I.—Canada and England; II.—Canada and the United States; III.—Canada and Switzerland. By John George Bourinot, C. M. G., LL. D., D. C. L., Clerk of the House of Commons of Canada. *Trans. of the Roy. Soc. of Canada*, vol. VIII, sec. II; also Montreal: Dawson Bros., 1891. 4to., pp. 92.

In these three papers the author has attempted to show the origin, the development, and the nature of the political constitution of Canada, and to compare it, not only with the political institutions of England and of the United States—the countries in which Canada has naturally the deepest interest—but also with those of the little federal republic of Switzerland, where local government has existed in some form for many centuries.

Canada and the United States; A Study in Comparative Politics. By J. G. Bourinot. *Annals of the American Academy of Political and Social Science*, vol. I, No. 1, July, 1890, Philadelphia.

This essay is a condensation of the second paper in the foregoing work. It was also published in the *Scottish Review*, July, 1890.

The British versus the American System of National Government. By A. H. T. Lefroy, M. A. (*Oxon*), Barrister-at-Law. Toronto: Williamson & Co, 1891. 12 mo., pp. 42, paper.

A treatise showing, briefly but clearly, the disadvantages of the United States system as compared with the English or Canadian methods of parliamentary government.

Congress and the Cabinet. By Gamaliel Bradford, in the *Annals of the American Academy of Political and Social Science*, vol. II, November, 1891, Philadelphia.

Should be read in connection with Woodrow Wilson's work. It gives a succinct account of the futile effort made in congress in 1881 to give the principal officers of the executive departments a seat on the floor of the two houses.

The Place of Party in the Political System. By Anson D. Morse. *Ibid.*

Shows that despite its inherent defects, the party system "constitutes an informal but real and powerful primary organization in the political government of a country."

Essays on Government. By A. Lawrence Lowell. Boston and New York: Houghton, Mifflin & Co., 1889. 12 mo, pp. 229.

The first essay is on "Cabinet Responsibility and the Constitution," and is intended to combat Prof. Woodrow Wilson's arguments in the work just cited; but the effort is not eminently successful.

A Defense of Congressional Government. By Dr. Freeman Snow, of Harvard University. *Papers of the American Historical Association for July, 1890.*

This able paper is fully criticised in the third part of this monograph.

The National House of Representatives; Its Growing Inefficiency as a Legislative Body. By Hannis Taylor. *Atlantic Monthly* (Boston), June, 1890.

This is a thoughtful essay by the author of an excellent constitutional history of England, the first volume of which only has yet appeared. He recognizes the necessity of giving the cabinet at Washington "the right to a place and voice in each house, with the right to offer in each such schemes of legislation as it might see fit to advocate."

The Speaker as Premier. By Prof. A. Bushnell Hart (Harvard). *Atlantic Monthly* for March, 1891.

In this essay the writer attempts to prove that the speaker of the house of representatives "is a recognized political chief, a formulator of the policy of his party, a legislative premier," and even ventures the opinion that "he is likely to become, and perhaps is already, more powerful, both for good and for evil, than the president of the United States." Dr. Hart also appears to believe in the usefulness of the system of legislation by congressional committees.

Government in Canada; the Principles and Institutions of our Federal and Provincial Constitutions. The B. N. A. Act, 1867, compared with the United States Constitution, with a Sketch of the Constitutional History of Canada. By D. A. O. Sullivan, M. A., D. C. L. Second edition, enlarged and improved. Toronto: Carswell & Co., 1887. 8vo, pp. xx+344.

A carefully prepared treatise on the Canadian Constitution, written largely from a purely legal standpoint.

Etudes de Droit Constitutionnel, France, Angleterre, États-Unis. Par E. Boutmy, membre de l'Institut, directeur de l'École libre des sciences

politiques. Second édition. Paris: Librairie Plon, 1888. 12mo, pp. iv+ 345.

In this work of an astute political student we have reflections on the weaknesses of the United States system—especially on the difficulties that may arise from the absence of means of accord between the executive and the legislative authorities—and on the superiority of the principles that govern the operation of English parliamentary government and enable the crown and parliament to work in harmony.

The Ministry. By John W. Clampitt, in the *Cyclopædia of Political Science, Political Economy, and United States History*, Vol. II, pp. 855-857.

A short paper on the distinctions between the English and the United States cabinet.

The State; Elements of Historical and Practical History and Administration. By Woodrow Wilson, PH. D., LL. D., author of "Congressional Government." Boston: D. C. Heath & Co., 1889. 12mo, pp. xxxvi + 686.

This work is a useful contribution to the practical theory of comparative politics, and is cited here as giving a generally accurate sketch of the development of the cabinet and of ministerial responsibility in England, and of the government of the colonies. Some slight inaccuracies are noted, for instance, when the author says the governor-general's veto "is almost never used." No case of the direct exercise of the veto in Canada has occurred, though bills are reserved for the approval of the queen in council. He is also mistaken in saying that the officers of the English House of Commons (p. 324) are elected both in Canada and England. The clerk and sergeant-at-arms are appointed by the crown and not by the houses themselves. The speaker alone is elected by the commons, while in the upper chamber he holds his office under the great seal.

Government and Administration of the United States. By W. W. & W. F. Willoughby. Johns Hopkins University Studies in Hist. & Pol. Science, Nos. I and II, Ninth series. 1891. Baltimore: 8vo, pp. 143.

The section relating to the cabinet and executive departments of the United States is useful to all students of institutions, and especially to Canadians who wish to make comparisons between the English and Canadian methods of administration.

Kin beyond Sea. By the Right Honorable W. E. Gladstone, M. P. *North American Review* (New York) for September-October, 1878; also in first volume of "Gleanings of Past Years" (London), pp. 203-248.

This fanciful title gives no idea whatever of the scope of a paper deeply interesting to the students of constitutional science. Mr. Gladstone not only shows that English institutions are, in certain respects, more popular than those of England's "Kin beyond Sea," and "give more rapid effect than those of the Union to any formed opinion and resolved intention of the nation." The comments on the position of the cabinet in the English system are very instructive. It is "the three-fold hinge that connects together for action the British constitution of king or queen, lords, and commons." It is, perhaps, "the most curious formation in the political world of modern times, not for its dignity, but for its subtilty, its elasticity, and its many-sided diversity of power." It is "the entire complement of the entire [constitutional] system, which appears to want nothing but a thorough loyalty in the persons composing its several parts, with a reasonable intelligence, to insure its bearing, without fatal damage, the wear and tear of ages yet to come."

La Crise du Régime Parlementaire. Par A. D. Decelles. *Trans. of Roy. Soc. of Can.*, Sec. I, 1887.

The author, one of the librarians of the Canadian Parliament, in a desultory manner, reviews the governmental system of Canada and shows its superiority in certain essential respects to that of the United States.

