

PARLIAMENTARY GOVERNMENT

IN THE

BRITISH COLONIES.

PARLIAMENTARY GOVERNMENT

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BY

ALPHEUS TODD,

LIBRARIAN OF PARLIAMENT, CANADA; AUTHOR OF "PARLIAMENTARY
GOVERNMENT IN ENGLAND," ETC.

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TO
THE EARL OF DUFFERIN,

WHO, FROM HIS FIRMNESS IN UPHOLDING THE LAWFUL AUTHORITY OF THE
CROWN, AND HIS UNCEASING EFFORTS TO PROMOTE THE
WELFARE OF THE PEOPLE, DURING

HIS ADMINISTRATION IN CANADA,

WAS AN EXAMPLE TO ALL
CONSTITUTIONAL GOVERNORS,

THIS VOLUME IS INSCRIBED.

PREFACE

IN presenting this volume to the public, I have been enabled to complete a design which I have long had in contemplation, and which was partly fulfilled when, about thirteen years ago, I published my treatise on Parliamentary Government in England. In the preface to the first volume of that work, I alluded to the obvious want of some manual to explain the operation of "parliamentary government," in furtherance of its application to colonial institutions. For over a quarter of a century my own researches had been largely directed to this subject, in assisting Canadian statesmen in giving effect to the grant of "responsible government," which began to be extended to the colonies of Great Britain when it was introduced into Canada in 1841. The fruit of this protracted investigation into a hitherto untrodden field was embodied in the publication, in 1867 and in 1869 respectively, of the volumes above mentioned, which, however imperfectly, supplied for the first time a practical exposition of "the laws, usages, and traditions of Parliamentary Government."

The favour with which this attempt was received throughout the British dominions, and the desire so

frequently expressed for additional information upon the matter, in its relation to the British colonies, have induced me to undertake the present work.

Desirous of avoiding needless repetitions, I have referred to my former treatise in all points of detail or of general principle wherein colonial practice is professedly identical with that of the mother country, and have aimed in this volume to treat the subject from a strictly colonial aspect. This has compelled me to cite, more frequently than I could have wished, my previous publication, as it still remains the only existing work devoted to the elucidation of this important topic from a practical point of view.

It will be noticed that I have bestowed much attention to questions which have arisen in the working of the new constitution conferred upon the British North American colonies in 1867, when they were confederated into the Dominion of Canada. Whilst this portion of my work is primarily intended for Canadian use, it may not be without interest or value in other parts of the empire, in anticipation of the contemplated introduction of similar institutions in South Africa and in Australia.

In the discussion of certain weighty precedents which have been recently determined in Canada and elsewhere, it is not unlikely that the opinions I have expressed thereon may differ from those entertained by prominent public men who have taken part in their consideration and settlement. I would, however, venture to affirm, that I have approached the investigation of these "burning questions" in an impartial spirit,

having no party bias or inclinations, and seeking only the public good. If my criticisms contribute, in any measure, to promote that end, they will not have been in vain.

I would further remark that in this—as in my larger work—I have directed particular attention to the political functions of the Crown, which are too frequently assumed to have been wholly obliterated wherever a “parliamentary government” has been established. In combating this erroneous idea, I have been careful to claim for a constitutional governor nothing in excess of the recognized authority and vocation of the sovereign whom he represents; while, on the other hand, I have endeavoured to point out the beneficial effects resulting to the whole community from the exercise of this superintending office, within the legitimate lines of its appropriate position in the body-politic.

Practical statesmen are usually well-informed upon this question. But much ignorance and confusion of thought prevails upon it amongst all classes outside of Parliament. As was pertinently observed by the Marquis of Hartington (the leader of the Opposition in the House of Commons), in a debate during the last session of the Imperial Parliament, “There is no doubt that men of great ability, in periodicals of much political influence, have put forward doctrines respecting the relations of the Executive to Parliament and the Crown, which are altogether contrary to the doctrines which have been generally held on both sides of this House” (Hansard’s Debates, vol. 246, p. 318).

If, then, I appear to have laid too much stress, in this volume, upon those attributes and functions of the Crown which are lawfully exercisable by a governor under "responsible government," it is because I am impressed with the great and growing necessity for properly instructing the public mind upon a vital question of practical politics. But, as this treatise is intended to be expository and not speculative, I have uniformly refrained from obtruding individual opinions, and have stated nothing therein that is not capable of proof and corroboration from the public utterances of English statesmen of the present day, irrespective of party divisions, and of unquestionable authority in the interpretation of our constitutional system.

ALPHEUS TODD.

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