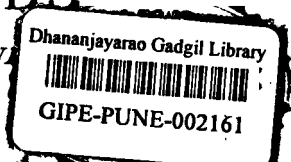


PARLIAMENTARY GOVERNMENT

IN

ENGLAND:

*ITS ORIGIN, DEVELOPMENT, AND
OPERATION.*



BY THE LATE

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NEW EDITION, ABRIDGED AND REVISED

BY

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PREFACE.

DR. TODD, the author of the well-known work on *Parliamentary Government in England*, a condensed edition of which is now offered to the public in these volumes, is a remarkable instance of a man who, from small beginnings, and with few advantages, succeeded in combining long and valuable official service with literary labours of the highest value. Born in London in the early years of the reign of George IV., he was brought, a mere child of eight, to the colony of Canada. Thenceforward he received no education except that which he derived from his own studies; yet he qualified himself in this way to be chosen for the post of Assistant-Librarian of Upper Canada. When Upper and Lower Canada were united, he was continued in the same office by the Legislature of the United Provinces, and, in 1856, was promoted to the post of Chief Librarian. The library owed much to its librarian. A small and modest collection of less than 2000 volumes was developed, under his management, into a noble library. Twice destroyed by fire, the grant for restoring it was expended under his directions, and to his skill and judgment—to quote the words of an obituary notice in the *Ottawa Citizen*—“may be justly laid the main foundation of the present magnificent collection of 108,000 volumes.” But the official labours which he thus discharged formed only a small portion of his service to the colony. In his own words, taken from the preface to the first volume of the first edition of this work, published in 1866—

“More than twenty-five years ago, when in the service of the House of Assembly of Upper Canada, as an assistant in the Provincial Library, I was induced to compile a manual of parliamentary practice for the use of the Legislature. The valuable treatise of Sir Erskine May, on the *Usage of Parliament*, had not then appeared; and no work then published was sufficiently elementary and comprehensive to be of any service to our colonial legislators in the performance of their parliamentary duties. My little volume, although the crude and imperfect production of a very young man, was received with much favour by the Canadian Parliament. At the first meeting of the Legislature of United Canada, in 1841, the book was formally adopted for the use of members, and the cost of its production defrayed out of the public funds.

“It was in the same year, and immediately after the union of the two Canadas, that ‘responsible government’ was first applied to our colonial Constitution. In carrying out this new, and hitherto untried, scheme of colonial government, many difficult and complex questions arose, especially in regard to the relations which should subsist between the popular chamber and the ministers of the crown. Upon these questions, my known addiction to parliamentary studies, together with my official position as one of the librarians of the Legislative Assembly, caused me to be frequently consulted. I speedily became aware that then, as now, no work previously written on the British Constitution undertook to supply the particular information required to elucidate the working of ‘responsible’ or ‘parliamentary’ government. For, all preceding writers on this subject have confined themselves to the presentation of an outside view, or general outline, of the political system of England. There is nowhere to be found a practical treatment of the questions involved in the mutual relations between the crown and parliament, or any adequate account of the growth, development, and present functions of the

Cabinet Council. In the words of Lord Macaulay (*History of England*, iv. 437), 'No writer has yet attempted to trace the progress of this institution, an institution indispensable to the harmonious working of our other institutions.'

"My own researches in this field enabled me to accumulate a mass of information which has proved of much utility in the settlement of many points arising out of responsible government. I was frequently urged, by persons whose opinions were entitled to respect, to digest and arrange my collections in a methodical shape. The fact that the greater part of my notes had been collected when engaged in the investigation of questions not of mere local or temporary significance, but capable of general application, led me to think that, if the result were embodied in the form of a treatise on parliamentary government as administered in Great Britain, it might prove of practical value both in England and her colonies; and that in the constitutional states of continental Europe it might serve to make more clearly known the peculiar features of that form of government, which has been so often admired, but never successfully imitated. I therefore determined to avail myself of the resources of the well-stored library under my charge, and attempt the compilation of a work which, while trenching as little as possible on ground already worthily occupied by former writers, should aim at supplying information upon branches of constitutional knowledge hitherto overlooked.

"I proposed at first to prepare, more especially for colonial use, a manual which should include a dissertation upon the peculiar features of 'Responsible Government' in the colonies. But I decided, after much reflection on the subject, to change my plan, and to confine myself to the exposition of parliamentary government in England. I arrived at this conclusion, firstly, from a conviction that the safest guide to the colonies, whose institutions are professedly modelled upon those of the mother-country, will be found in a detailed account

of the system which prevails in the parent state ; and, secondly, because parliamentary government in our colonies is still in its infancy, and its success is as yet but problematical. 'The well-understood wishes of the people as expressed through their representatives' has indeed been the acknowledged maxim of colonial rule ; and, so far as they are applicable to colonial society, the principles of the British Constitution have, in the main, been faithfully carried out. But it is easy to foresee that some considerable modifications must at no distant day be introduced into the fabric of colonial government, to enable it to resist the encroachments of the tide of democratic ascendancy, which is everywhere uprising, and threatening to overwhelm 'the powers that be.' Most of the British colonies still enjoy the advantage of an immense extent of unoccupied territory, affording to industrious men of the humblest class the opportunity of becoming landowners, and of achieving a degree of comfort and independence which naturally inclines them to be supporters of law and order. Nevertheless, from an observation of the working of our municipal institutions in Canada, and of the characteristics and results of responsible government in the British dependencies generally, it is evident that the democratic element is everywhere gaining the mastery, and is seeking the overthrow of all institutions that are intended to be a check upon the popular will.

"The great and increasing defect in all parliamentary governments, whether provincial or imperial, is the weakness of executive authority. It may be difficult to concede to the governor of a colony the same amount of deference and respect which is accorded to an English sovereign. But any political system which is based upon the monarchical principle must concede to the chief ruler something more than mere ceremonial functions. It is the tendency of the age in which we live to relax the bonds of all authority, and to deprive all rank and station, not directly derived from the people, of the

influence which it has heretofore possessed. The hereditary dignity of the British crown itself has, within the last half-century, sustained considerable loss. In popular estimation in our own day the prerogatives of royalty are accounted as well nigh obsolete; and, whatever may be the degree of affection expressed towards the occupant of the throne, the sovereign of England is too often regarded as but little more than an ornamental appendage to the state, and her rightful authority either derided or ignored. These erroneous ideas, it need scarcely be said, are not shared by any who have participated in the direction of state affairs. But they are widely diffused, even amongst educated men. The true position of the sovereign in a parliamentary government may not appear to be capable of exact definition, because much will always depend upon the personal character of the reigning monarch. But in the treatment of this difficult question, I have endeavoured to reflect faithfully the views of the most experienced statesmen of the present day; and, while I have elsewhere claimed for the popular element in our constitution its legitimate weight and influence, I have here sought to vindicate for the monarchical element its appropriate sphere; being convinced that the functions of the crown are the more apt to be unappreciated because their most beneficial operations are those which, whilst strictly constitutional, are hidden from the public eye.

“In attempting to define the limits between the authority of the crown and that of the legislature under parliamentary government, I have never relied upon my own interpretations, but have always illustrated the matter in hand by reference to the best opinions recorded in the debates of Parliament, or in evidence before select committees of either House. Such testimony, for the most part from the lips of eminent statesmen and politicians of the present generation, is of the highest value, especially when it embodies information upon the usages of the constitution which had not previously appeared in print.

It is in the abundant use of such valuable material, never before incorporated in any similar treatise, that the chief claim of my work to public attention must consist."

Such was the author's own account of the causes which led to the publication of the earlier of his two volumes. But two years later, in following it up with his second volume, he admitted that—

"The publication of the earlier volume was undertaken sooner than I had originally contemplated, from a desire to place it in the hands of prominent public men in Canada before the constitution of the new Dominion should be enforced, trusting that it might be helpful in the settlement of various political questions which were likely to arise at that juncture. In order to accomplish this, I was obliged to change the plan of my work to the detriment, in some measure, of its appropriate order and sequence. The history and development of the king's councils, and the interior working of the Cabinet, ought properly to have followed my exposition of the kingly office; and such had been my first design. But, as these chapters were not sufficiently advanced to admit of their insertion in the first volume, I preferred to omit them from their proper place, rather than postpone the publication. I mention this, as it will explain what might otherwise be regarded as a defect in the work itself. Be this, however, as it may, the additional time afforded for the completion of the work has enabled me to bring down my narrative of constitutional history and practice to the present day, when we are about to enter upon a new and important era in our political history."

Thus, in preparing a revised edition of the work at the present time, I found that I was justified, by the author's own opinion, in venturing on a considerable rearrangement of the matter. Such a rearrangement had been partly effected by Dr. Todd's own son when a second edition of the work was

called for after the author's death in 1884. But I have carried out the plan, to which he thus set the seal of his authority, to a much greater extent; and, by dividing the entire work into parts, have endeavoured both to assist my readers and to indicate the general principles on which I have proceeded.

In rearranging the work it became possible, moreover, largely to reduce its size without interfering with its value. Partly from the fact that the work was originally published in two parts, and partly from his desire to make each section complete, Dr. Todd in the original edition frequently travelled over the same ground, while he added long historical accounts of the rise and fall of administrations in England, and elaborate disquisitions on the particular duties of each department in the state, which, however valuable in themselves, seemed out of place in a serious constitutional treatise. By consolidating what was thus repeated, by omitting what was thus irrelevant, and by other minor alterations, I have succeeded in reducing the work to one-half its original size, without, as I hope, detracting from its importance or interest.

But, though I have made these large excisions, I have endeavoured to leave the author's text in the shape in which he himself produced it. With the exception of small corrections, such as the author himself would have probably made in a later edition, I have altered neither his language nor his style. In some cases, when I thought his facts or his conclusions wrong, I have pointed out my reasons for so thinking in notes instead of altering the text. In the few cases, however, where the author displayed his own political opinions, I have not scrupled to strike them out, believing that, on mature reflection, Dr. Todd would himself have desired that his facts and arguments should speak for themselves. I have specially taken this course with respect to the author's predictions of the consequences of the Reform Act of 1867, because, in the first place, they do not seem to have been

verified by the result ; and, in the next place, whether right or wrong, they are apparently out of place in a grave constitutional treatise.

I cannot close my labours without expressing my admiration of the knowledge and industry which are displayed in every chapter of Dr. Todd's work, and my hope that this abbreviated edition may make his researches into the parliamentary government of Britain more accessible and more familiar to English-speaking readers in every part of the world.

S. W.

September, 1892.

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