

with Bentham, a digest, which had been made by Romilly and translated into French by Dumont, of the rules of procedure observed in the British house of commons. Mirabeau laid a printed copy of this translation on the table of the French assembly, as a model which might be advantageously followed. But the assembly would have none of it. "We are not English," they said, "and we don't want anything English," so it was laid aside. But it did not perish, and, according to Guizot, it was the basis of the rules of procedure adopted by the French chamber of deputies after the restoration of Louis XVIII. In any case, the procedure then adopted in France was evidently fashioned on an English model, and has influenced the procedure of all other European countries with parliamentary institutions. Thus the rules of parliamentary procedure in all these countries can be traced, directly or indirectly, back to Westminster as their fountain head.

Of the European constitutions some, such as Germany, Austria-Hungary and Switzerland, are federal in their character, but the form of federation differs widely in these three cases. In almost all there are two legislative chambers, composed and elected in different ways. In none of them is the second or upper chamber wholly hereditary. In France, Belgium, Holland and Sweden, the second chamber is wholly elective. In Norway it is little more than a committee of

the other chamber. In Italy the members of the senate are nominated for life by the king, on the advice of his ministers, that is to say, by the government of the day.

The relations of the head of the executive government, whether he is emperor, king, or president, to the legislature also differ widely in the different countries. In neither Germany nor Austria is there cabinet or parliamentary government in the English sense. The emperor selects his own ministers, and their continuance in office does not depend on the good-will of the legislature. But he is dependent for his resources on taxes voted by the legislature, and therefore he is liable to find himself in financial difficulties unless his ministers can obtain the support of some combination of parties or groups commanding a majority within the legislature. The government in these countries is government by officials, who are more or less controlled by assemblies elected on a more or less democratic franchise.

In France, Italy, Belgium and Holland (the list is not exhaustive) there is a system of parliamentary government much more closely resembling that of the United Kingdom. In France the president, in Italy and Belgium the king, in Holland the queen, is not a personal ruler, but, like the king of England, governs through ministers who are members of the legislature, and are responsible to it for their actions.

Let us cross to France, as our nearest neighbour, and see how the legislature which sits at Paris compares with the parliament which sits at Westminster. There are two houses of the French legislature, the chamber of deputies, consisting of 584 members, who are elected directly for a term of four years by universal suffrage, and the senate, consisting of 300 senators, who are elected for nine years, under a system of indirect election, and of whom one-third retire each year. A senator must be forty years of age. The senators are distributed between the departments, and, on the analogy between a French department and an English county, the electors to the French senate have been roughly compared, for English readers, to (1) the members for the county, (2) the chairman and members of the county council, (3) the chairman and members of the district councils, and (4) delegates elected by the urban and parish councils.

The French senate is a dignified body and contains men of great eminence, ability, and political experience. Its powers are in some respects greater than those of the English house of lords, for, though it cannot initiate financial measures, it claims and exercises the right of amending them. But, politically, it is a much weaker body than the chamber of deputies. An adverse vote of the senate has, on one or two occasions, precipitated the fate of a weak ministry, but these have

been exceptional cases. It is to the more popular chamber, the chamber of deputies, that the French ministry is primarily responsible, and it is on the support of that chamber that its existence depends.

The two houses of the French legislature are not lodged in the same building, as at Westminster and Washington, but occupy different buildings, which are at some little distance from each other, and both of which are palaces dating from the French monarchy. The senate are to be found in the Palais Luxembourg, the deputies in what used to be known as the Palais Bourbon.

If you enter the hall in which the deputies hold their sittings you find yourself in a room very different from the British house of commons. It is arranged like a theatre, with seats in semicircular tiers rising behind each other. On these seats are the deputies; in galleries above them are the visitors; and facing the deputies is a raised platform, corresponding to the stage of a theatre, with the president's chair and table, and with chairs and tables for the clerks behind him. In front of the stage is the tribune, a little pulpit to which a deputy when he wishes to speak ascends by stairs, and from which he addresses the house. These differences in structural arrangements between the English house and the French house correspond to, and tend to produce, differences in the ways and procedure of the house.

In the house of commons the representatives of the two great political parties, that of the government and that of the regular opposition, sit facing each other, on opposite sides of the house, and divided from each other by a broad aisle. The two minor parties, that of the Irish nationalist members and that of the labour members, find places of their own below the gangways. In the French chamber there is no similar line of division and demarcation between the regular supporters and the regular opponents and critics of the government. The ministers sit in the centre, facing the president and the tribune. On either side of and behind them groups shade into each other from right centre to extreme right and from left centre to extreme left, the right side, which is on the president's right hand, being, by tradition, associated with the more conservative shade of opinions. The arrangement of seats suggests and facilitates action by groups rather than action by parties, and, in point of fact, the working of parliamentary government in France depends, not as in England, on the alternation in power of two opposite parties, but on the combination of political groups. In France a complete change of ministry, involving the substitution of a set of men formerly in opposition for a set of men formerly in office, is the exception rather than the rule. What more frequently happens is a partial reconstruction of the ministry,

leaving some of its former members in office, but modifying its political complexion and affinities so as to meet the needs of the situation. And in any case, the ministers do not go across from one side of the house to the other when they go out of office: the ministry remain in the centre of the house whichever set of groups predominates.

The rule which requires a French deputy to speak from the tribune and not from his own place in the house seems to an English observer to conduce to written speeches. The French orator, instead of glancing furtively at his notes, will openly place before him, on the convenient desk of his pulpit, the manuscript of his discourse. Nor is the practice useful in maintaining order. At Westminster a member is required to stand when he speaks, and two members ought not to be on their feet at the same time. But a member who is speaking often resumes his seat for a time in order to enable another member to interpose an explanatory or interlocutory remark. These informal but authorized interruptions are inconsistent with the practice of speaking from the tribune, and consequently a French member often has to make his speech under a running fire of irregular interruptions which the president endeavours ineffectually to suppress with the help of his paper-knife and his bell. This at least is the impression produced on an English visitor, but the system doubt-

less has countervailing advantages which a foreigner would be apt to undervalue or overlook. It has been said, and probably with truth, that in the French house there is more finished oratory, and that the style is less conversational and slipshod, than at Westminster.

These are surface differences, which would strike the casual visitor. Observation of the proceedings of the French chamber would soon disclose other differences of great importance between its ways and the ways of the English house of commons. Among them is the committee system, which differs materially both from the practice at Westminster and from the practice at Washington. The members of the chamber are distributed by lot among eleven bureaus, and these bureaus are redistributed every month. The main function of the bureaus is to appoint members of the committees to which all bills are referred before discussion of them in the house. Every bill goes for preliminary discussion to one of these committees, and when it emerges it is placed in charge, not of the member who introduced it into the house, but of the member who is appointed by the committee as its reporter to the house. The most powerful of these committees is the budget committee, to which the annual budget bill is referred, and the result of the French system is that the French finance minister loses that responsibility for, and

preponderating control over, the fortunes of his financial proposals which is retained by the English chancellor of the exchequer.

In France and in other European countries under parliamentary government political principles of English origin have been grafted on institutions differing widely from those of England in their history, tradition, and forms of procedure, and have often been curiously metamorphosed in their adaptation to their new and strange surroundings. In the British empire the great self-governing dominions beyond the seas have not only copied British forms of parliamentary government but have inherited British traditions, usages, and modes of thought.

The British possessions which used to be classed under the common name of colony have now been divided into two classes—dominions and colonies. The former class consists of the three federations of Canada, Australia and South Africa, together with Newfoundland and New Zealand. The latter class includes the West Indian Islands, and the numerous crown colonies which are scattered over various parts of the world. The dominions enjoy what is called responsible government, that is to say, they are governed, in the English fashion, by ministers who are responsible to the legislature, and dependent for their existence on the support of a majority in the legislature. In the other class the control of the legislature



over the executive government is either absent or less complete, and the dependence on the colonial office in England is greater. For the purposes of comparison with parliamentary government in England we may dismiss from consideration the crown colonies, and confine our attention to the self-governing dominions. And we may select for comparison three main points of agreement and three main points of differences.

First, as to the points of agreement. In the self-governing dominions, (1) the legislature, with a few exceptions, consists of two chambers, (2) the executive government is responsible to the legislature, and (3) the procedure of the legislative bodies is modelled closely on parliamentary procedure in England. The first chamber is always elective. The second chamber is constituted in different ways. The members of the second chamber of the dominion of Canada are nominated for life by the crown, that is to say, by the governor general acting on the advice of his Canadian ministers. The members of the Australian senate are elected on a wide popular suffrage. In constituting the senate of the new South African federation the experiment of proportional representation has been tried. Each of the provinces of the dominion of Canada has, with two exceptions, Quebec and Nova Scotia, only a single legislative chamber. In four of the States which make up the Australian Commonwealth

the members of the second chamber are elected; in the two others, New South Wales and Queensland, they are nominated for life. In New Zealand the members of the second chamber are nominated for a term of years. Where the second chamber is elected, the franchise for election is usually more restricted than that for election to the first chamber. But there is an important exception in the case of the Australian Commonwealth, where the franchise for election to both the chambers is the same. It must be added that the working of the two-chamber system in these countries has not been altogether satisfactory. The Canadian nominee senate is said to be weak, not in the sense that its members are wanting in character or ability, but in the sense that it exercises little political power, and proposals for amending its constitution are under consideration. In Canada most of the older provinces have discarded the two-chamber principle, and the newer provinces have not adopted it. All the colonies which are now the States of the Australian Commonwealth have a second chamber, but in most of them there have been violent conflicts between the two chambers. The senate of the Commonwealth, which was intended to be conservative, is said to have proved in practice to be more democratic than the other chamber.

The broad principles on which responsible government on the English type might be

granted to a colony were first laid down in Lord Durham's famous report of 1838 on the provinces of Upper and Lower Canada. "Every purpose of popular control," he said, "might be combined with every advantage of vesting the immediate choice of advisers in the crown, were the colonial governor to be instructed to secure the co-operation of the assembly in his policy by entrusting its administration to such men as could command a majority, and if he were given to understand that he need count on no aid from home in any differences with the assembly that should not directly involve the relations between the mother country and colony." It is in accordance with the principles thus laid down that responsible government has been developed in the British colonies now known as dominions.

The principles on which that form of government rests will not be found embodied in their constitutions, any more than the identical principles of cabinet or parliamentary government in the United Kingdom are to be found in any Act of Parliament. To establish them it has sufficed to instruct the governor that he is to select his advisers from among those who can command a majority of the legislature and to be guided by their advice except in matters of imperial, as distinguished from local, concern. It was in this way that responsible government was granted to the Transvaal. When this principle has once

been recognized, all the rest follows as a matter of constitutional practice.

Lastly, the procedure in these legislative bodies follows very closely the procedure in the parliament at Westminster. The instrument of constitution always contains a provision that the procedure of the legislature is, in the absence of specific direction, to be in accordance with parliamentary procedure at Westminster, and the standing orders of the dominion and colonial legislatures have drawn largely from the classic pages of *May's Parliamentary Procedure*, sometimes reproducing forms and ceremonies which have become obsolete in England.

So much for the main points of agreement between the parliamentary government of the United Kingdom and the parliamentary government of the British dominions. The points of differences which may be noted are also three. In all the dominions the powers of the legislature are limited; in most of them the form of government is federal; in all of them the spirit of the government is more democratic.

The parliament of the United Kingdom is, as has been seen, supreme. Cases might, perhaps, be imagined in which the validity of an Act of Parliament could be questioned in a court of law, but such cases do not occur. The powers of a dominion legislature are limited in various ways, and the validity of its enactments is liable to be questioned,

and often is questioned, in courts of law. It cannot make laws in conflict with any Act of Parliament the operation of which extends to the dominion, but such Acts are not numerous. It derives its powers from a written constitution and cannot exceed the powers thus conferred on it. Where the constitution is federal, the powers of the central legislature and of the local legislatures are limited in relation to each other. And lastly, the power of disallowing enactments when passed, a power corresponding to the veto formerly exercised by the king in England, is still exercised on behalf of the king in the case of enactments passed in British dominions beyond the seas. It used at one time to be very freely exercised, but its exercise is now very rare, and, as a rule, occurs only in cases where the legislature has clearly exceeded its powers or where the subject of legislation is a matter of imperial, as distinguished from local, concern.

Newfoundland has not been absorbed in the dominion of Canada. New Zealand has remained independent of the commonwealth of Australia. But, with these exceptions, the self-governing dominions are under a federal form of government. Canada was the first to federate. The Act of 1867, which constituted the dominion of Canada, contains many features suggested by the constitution of the United States, but differs from it in important respects, particularly in entrusting

larger powers to the central government. In the United States the presumption is that powers not specifically given to the federal government belong to the individual States. In Canada the presumption is the other way. Australia, which obtained a federal constitution in 1900, reverted more to the United States form of federation, but tendencies to increase the powers of the central legislature are already visible. The South African constitution of 1909 is more unitarian and less federal, that is to say the powers of the central government are greater, those of the individual states less, than either in Canada or in Australia.

On the democratic character of government and legislation in the British dominions beyond the seas it is unnecessary to enlarge. The colonists who settled Canada, Australia and New Zealand took with them many English traditions, but they did not take with them the traditions of English aristocracy. The existence, in any of these countries, of a legislature containing any hereditary element in its composition would be almost inconceivable. And the legislative experiments which are constantly being tried in Australia and New Zealand show how powerful is the influence exercised by the working classes on the action of their legislatures.

These comparisons might be extended indefinitely, but we may end as we began. To the model parliament held by the first

Plantagenet Edward may be traced back all the parliaments and legislatures which, during the reign of his latest namesake on the English throne, were making laws in every part of the civilized world.

Since the revision of the volume for this edition, the Government has introduced the Franchise and Registration Bill of 1912.

*July, 1912.*





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# INDEX

- ADMINISTRATION, 111-119
- Bill, Stages of a, 69-76, 79-89, 203
- Budget, 105-106
- Cabinet, the, 29, 78, 111, 118, 145-151
- Ceremonials, 19, 75, 126
- Closure, 134-136
- Colonial Parliaments, 240-246
- Committees, 28, 29, 71-74, 83, 99-101, 104, 109-111, 114-115, 143, 174
- Consolidated Fund, 93, 103
- Convocation, 14, 20
- Council, the Great, 9, 11, 12, 15, 16, 18, 196
- Duration of Parliaments, 30
- Electoral reforms, proposed, 62-63
- Finance, 19-21, 90-111, 204-209
- Franchise, the, 33-50, 54-60, 64, 247
- French Legislature, 7, 8, 110, 232, 235-240
- Galleries, the, 193
- Germany, Parliament in, 111, 234
- Hansard, 190
- Judicial function of Lords, 200-202
- Lords and Commons, Relations of, 15, 32, 57, 74, 199-220
- Members, Duties of, 157-176; Payment of, 67
- "One vote, one value," 61
- Parliament: Origin, 7-11; mediæval, 8-19; "Model" of 1295, 13-17, 196; Plantagenet, 15, 19, 21-25; Tudor, 20, 25-26, 122, 198; Stuart, 27, 29, 120; 18th century, 29-30, 198; Reform, 31, 47-52, 123; Palmerston, 53; To-day, 123-129
- Parliament Bill (1911), 218-220
- Parliamentary papers, 114-115, 182
- Patronage, 44
- Petitions, 17-18, 22-23
- Press and Parliament, 185-193
- Private Bills, 85-89
- Private Member, the, 52-53, 76-77, 134
- Procedure, 129-138

- Proportional Representation, 62-63
- Qualification of M.P.s, 63-64, 65-67
- Questions, 112-113
- Records, Parliamentary, 177-184
- Redistribution of Seats, 48, 57-59, 61
- Reform Bill (1832), 30, 47-52
- “Rotten boroughs,” 36-46
- Sinking Funds, 95-97
- Speaker, The, 132, 139-142
- Statute law, 23, 51-52, 68-69
- Taxation (*see* Finance)
- United States Congress, 221-222
- Westminster Hall, 24, 31
- Whips, 152-155
- Witenagemot, 9
- Woman Suffrage, 60



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