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ORIGIN AND GROWTH OF PARLIAMENTARY GOVERNMENT.

BY VIRGIL J. PRITCHETT.†

The growth of the English Constitution is the resultant of three forces, viz.: the natural character, the external history and the institutions of the people. It is necessary in this discussion to say just a few words about the forefathers of the English people, who they were, and what they brought with them. The English people are not aboriginal. They are a people of German descent in the main constituents of blood, character, and language, and especially in the possession of the elements of primitive German civilization and the common germs of German institutions. Historians have placed the Anglo-Saxon conquest and colonization of Britain between the middle of the fifth and the end of the sixth century. It has been said the English Constitutional history is a development of Germanic principles in comparative purity. The Anglo-Saxon institutions did not come under the influence of the imperial system and the Mezenta union with Italy, on account of its geographical isolation. The English were converted to Christianity 597-681 (this conversion marked a beginning of an important influence upon the natural development). The church not only introduced a higher civilization, mitigated the original savagery of the heathen conquerors, softened their pride of birth and race, and exalted the power of the intellect above that of brute force, but also supplied a new and powerful bond of union to a divided people.

We will now say a few words in regard to the territorial division of the nation. One of the smallest was the township, and each township had its tun-gemot, or assembly of freemen, and a tun-gerefa, chief executive officer. The townships were grouped together into hundreds, or wapentakes. An aggregation of hundreds made up the shire. The government of the shire was administered by an ealdorman and scir-gerefa or sheriff. The highest popular court of the

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shire was the folk moot. (This court survived as the hundred court when the kingdom was later consolidated.) A small aristocratic body of the great and wise men of the land formed the witan, whose duty was to advise the king. This witan was in no sense a popular assembly of the whole nation. As the West Saxon power overran all England, the Witan of Wessex finally became the Great Council of the Empire. The supreme powers were vested in the king and the witan. The powers of the Witanagemot were very extensive and even greater than those of the modern Parliament. The three chief powers were the following: first, it had the power of deposing a king for misgovernment; second, it had the power of electing a king; third, it had a direct share in every act of government. Altho by the time of William the Conqueror feudalism had been firmly established in France, we find that his policy was more national than feudal in England. He continued to hold three times a year at the accustomed times and places, the National Assembly, which the archbishops and bishops, abbots and earls, theigns and knights attended. For a while it retained its old name witan, but as the feudal principle gradually gained predominance in every department of the state it was changed almost insensibly into the Curia Regis, the court of the king's feudal vassals. It has been said that from the Curia Regis sprang the higher courts of law, the privy council and the cabinet. By the counsel and consent of this body the king discharged both legislative and judicial functions. In this way his power became very great. Altho his rule was oftentimes harsh, yet the reign of William was beneficial to the nation, which required welding together and organizing by a strong central government.

The reign of William Rufus assumes Constitutional importance because of the systematic elaboration of the theory of the incidents of feudal tenure, and rigid application of them in practice, as a fiscal expedient, to ecclesiastical and lay tenants alike; second, the continued struggle between the royal and feudal powers, which caused the king to look to the support of the native English.

Under the reign of Henry I the Curia Regis assumed a more definite character; its members were the officials of the royal household and friends of the king, and their number was reduced. About this time the Curia Regis undertook financial duties and in this re-

spect may be said to be the parent of the court of exchequer. The members were now called "justices"; if the king happened to be absent when the court convened the chief justice presided over the court. The earls never lost their right to attend this assembly. All other military attendants in capite were probably selected by the king. Thus the same indefiniteness and uncertainty which had characterized the Witanagemots prevailed as a feature of the feudal Great Councils. It was almost impossible for all the tenants in chief to attend this assembly, and with the exception of the famous Gemot of Salisbury in 1086, and also a similar gathering of landowners by Henry I in 1116 all the tenants in chief never attended any one popular assembly. But we must keep in mind the fact that the personal right always existed; it was the infringement of just this right "when Councils were summoned for the purpose of granting extraordinary aids," which was responsible for that provision in the Magna Charta by which the king gave a solemn promise to summon all tenants in capite, the archbishops, bishops, abbots, earls, and magores barones; on all such occasions they were summoned individually and the rest thru the sheriff. This difference in the mode of summoning shows an existing inequality among the tenants in chief. The right of inferior tenants in chief still existed but it was impracticable for them to attend the National Council on account of the increase in numbers. Consequently the National Assembly was nothing more than an assembly of the majores barones, and ultimately developed into a hereditary House of Lords, the Upper House of the National Parliament. This hereditary character accrued slowly and undesignedly as a result of the hereditary descent of the baronial fiefs. During the period of Henry II we find two great advances in the growth of the Constitution. First, the reorganization and full development of the kingship as a monarchy at once feudal and national. Second, the maintainance of the legal supremacy of the State over the National Church.

We will now take up the first of the three great political documents, which forms one of the fundamental compacts between the crown and the nation, and also stands out as a landmark in English constitutional history, the Magna Charta. The Magna Charta was the outcome of a movement of all the freemen led by the barons to

resist the tyranny and usurpation of John. The Great Charter was signed by King John June 15, 1215. This charter was in substance a treaty or compact entered into between the royal authority on the one side and the nation marshaled in the ranks of the three estates on the other side. There was nothing in it to recall the old distinctions of English and Norman blood, nor was there anything to suggest the differences of English and Norman law. This Charter was in fact the final consummation of the work of union. This was the act of the whole nation, church, barons, and commons, acting for the first time as one. The provisions of the Great Charter can be divided into two broad divisions: first, those that relate to the rights and privileges of the three estates; second, those that relate to the rights and privileges of the nation as a whole. The Church was guaranteed free elections, her rights and liberties should be inviolable. The barons were relieved of feudal burdens. That all the cities should have all their ancient liberties and free customs. The term Commons now means all freemen below baronial rank. Among the clauses which refer to the rights of the people as a whole regardless of class are the constitutional provisions relating to the organization of the National Council, procedure of the King's Court, and the general administration of justice. No scutage or aid could be imposed without the consent of the Common Council of the nation, except the regular feudal aids and this Common Council could only be taken in a national assembly summoned in the manner the law directs. The decision of all extraordinary or difficult clauses of a judicial nature was to be by the king in Council. The Chancellor was a very prominent member of the Council. He decided cases of a distinct class according to the rules of common law, and this was the origin of his "common law jurisdiction." The equitable jurisdiction of the Chancellor was where he interfered without regard to the common law rules. The thing of greatest importance in the judicial clause of the Great Charter was that "no freeman shall be taken or imprisoned, or disseized, or outlawed, or exiled, or anywise destroyed, etc., but by the lawful judgment of his peers or by the law of the land." Jury trials were not guaranteed in this charter, but came into existence about a century later.

The granting of this Charter marks the beginning and not the end of a conflict. It was a definite program upon which the nation resolved to persevere until the Crown accepted it as the basis of government. The nation had to resist a stubborn struggle against the Crown. This struggle ended with the confirmation of the Charters at the close of the reign of Edward I. Magna Charta is based on the Charter of Henry I and the law of Edward the Confessor. Sir Edward Coke says the Charter for the most part is "declaratory of the principal grounds of the fundamental laws of England." It was in fact founded on precedent. Several causes combined to force John to accept the Charter; first, Normandy was lost in 1203; second, the greater part of the barons now consisted of the new Ministerial families. The Assembly at St. Albans in 1213 is of special historical importance as the first instance of the summons of representatives to a National Council. It was attended by bishops, barons, also by representatives reeve and four men from each township on the Royal demesne. It was here that the first outlines of the reforms were presented which subsequently were elaborated in the Articles of the Barons and promulgated in the Great Charter. As early as Edward I the king had the habit of summoning other persons who were not barons to the Parliament. This was not at first regarded as conferring a lasting personal right. At one time there were no less than ninety-eight laymen summoned to Parliament, but none of their names occurred afterwards. But by the time the custom arose of creating baronies by letters patent the hereditary nature of the baronage, irrespective of tenure, may be regarded as established. Lord Redesdale gives his opinion that from 1382 a writ of summons, with a sufficient proof of having sat by virtue of it in the House of Lords, created a hereditary peerage. The presence of the bishops in the House of Lords is an exception and is a witness of the time when such right had no existence. Down to 1639 the spiritual life peers outnumbered the lords temporal. A few cases of the creation of lay peerages for life occurred between the reigns of Richard II and Henry VI, but from the latter date no instance has been recorded of such life peerage for more than four hundred years.

In 1856 Sir James Park made an attempt, which proved to be a failure, to improve the antiquated appellate jurisdiction of the Up-

per House and to empower the Royal prerogative to re-introduce the peerage.

The tenant-in-chief gradually became submerged in the great mass of freeholders and his right to attend the Commune Concilium was exchanged for the privilege of electing representatives, who in his name consented to the imposition of taxes.

The first historical instance of the extension of the representative plan to a national council was the Council held at St. Albans on August 4, 1213; but this representative machinery had long existed in the Folkmoot of the Shire, which was the popular assembly of the shire. It is distinguished from the Witanagemot which was the council of the aggregated state; it was a representative body to a certain extent. Representatives of the hundreds and townships made up the body. There are four instances of the summoning of representatives of the shires to the National Council prior to De Montfort's celebrated Parliament of 1265, which Hallam speaks of as the "origin of popular representation," but Taswell-Langmead says this is an erroneous idea. These instances were as follows. The first happened during the contest between John and the barons, when both sides found it necessary to seek aid from the tenants of the counties. As a result, four knights from each county were summoned to meet the king at Oxford. There was a long interval after this meeting before another representative assembly is recorded. The name Parliament had during all this time been applied indiscriminately, but at a general assembly in London in 1246 the name Parliament was for the first time given by a contemporary chronicler, Matthew Paris. From that time on it was especially applied to the National Council, though not exclusively. The second instance of county representation in Parliament was in 1254; Henry III was in need of men and money. The third was in 1261 when the king openly refused to abide by the Provisions of Oxford, and civil war broke out. In order to calm the raging fury the king had summoned three knights from each county to meet him at St. Albans. The fourth instance was in 1264 when Simon de Montfort had gained a decisive victory over the king. He summoned four knights from each county to attend the king in Parliament at London. Simon de Montfort can justly be regarded as the "founder of the House of Commons." This as-

sembly of knights of shires could never have formed a really Popular Chamber, to speak in behalf of the whole Commonality of the realm. It is to Simon, Earl of Leicester, that the glory is due of having been the first "to admit within the pale of our political constitution the really popular and progressive burgher class." This class was the newly developed Third Estate of the realm. The towns had slowly risen from semi-servitude to a higher position. As the boroughs increased in wealth the burgher purchased the firma burgi for their lords. They commuted their individual payments for a fixed sum, and it was to be rendered by them in respect of the whole borough. In this way the burgesses acquired the freeholds, which was analagous to that in free socage and was subject only to the suzerainty of the lord. The burgesses extorted many charters of liberty from the pecuniary necessities of the king, for two hundred years after the Conquest. All this time representative form of government was substituted for self-government. In the case of boroughs, just as in counties, representative machinery was first employed for judicial and financial purposes before admitted to the domain of politics. As the borough gradually grew into incorporate municipalities, it sent representatives to the assembly of the shire. In 1213 appeared the first symptom of representation of towns in the National Assembly, when the sheriff of every county was directed to return four men and the reeve from every township in the king' demesne, to estimate the damages lately suffered by the bishops. The innovations made by Simon de Montfort in calling the elected representatives of the boroughs in the central assembly completed the formation of the National Parliament on substantially the same basis it has since then retained. Its permanency was not absolutely established, for from 1265 to 1296 it was in a transition stage. It is from 1295 that we can assign the regular and complete establishment of a perfect representation of the Three Estates in Parliament. Under Edward I it was only occasionally for extraordinary purposes that there were Parliaments containing representatives from either boroughs or counties. He was prone to exercise his depotie power. Consequently there was not much development during his reign. At this period there was no legal distinction between complete Parliaments and Great Councils of the realm. He held his first Parliament in 1275.

The year 1295 is a very important year in parliamentary history. This year marks the close of the transition period and the establishment of a perfect representation of the Three Estates of the Realm in a really national Parliament. Without any reservation of any kind Edward I at once accepted the limitation of his power. It was at this time that the whole inferior clergy were now for the first time united with the assembled baronage in the National Parliament. The reason for such call was that the king needed money to carry on an expedition. Under the *praemunientes* clause the aid was discussed and voted on by the three bodies separately; they did not form a single body. Each made a proportional grant. But the clergy attended very reluctantly, for they wished to keep themselves a privileged class—they had long had their assembly or Convocation which had already been modelled upon the representative basis. The clergy ceased to attend Parliament in the fourteenth century, but they retained the strictly parliamentary function of self-taxation till 1664. The essential basis of the English constitutional government by King, Lords, and Commons may be definitely fixed in the reign of Edward. About 1297 there was much disturbance among the nobility and a Grand Remonstrance was sent to the king setting forth their grievances, but the king declined to return any specific answer without the advice of his Council, part of which had sailed to Flanders. In a few days after the king proceeded to Ghent, and left his son, Edward, Prince of Wales, as Regent. The earls forced the Confirmation *Chartarum* thru Parliament, and sent it over to King Edward, and he confirmed it November 6, 1299. This charter was a reissue of the *Magna Charta* and the Charter of the Forest plus the power to deprive the king of his arbitrary right of taxation. The exact date of division of Parliament into Houses is not known, but the first place in which the parliament records distinctly notice a separate session is in the rolls of 1332, when the prelates, the lords temporal and the knights of shires are described as deliberating apart. In 1341 the "grantz" and the Commons seem to have definitely assorted themselves into two chambers; and in 1352 the chapterhouse is regarded as the Chamber of the Commons. The Commons consisted of two elements, the knights of the shires and the burgesses. For many years after the introduction of the Commons the votes were taken in

the following way: under one were the earls, barons and knights; another the clergy and third the citizens and burgesses. A little later on by a happy accident the knights and burgesses united. The knights gave permanence and stability to the House of Commons for they represented the landed property of the country. In many of the Continental States the nobles formed a distinct class and their nobility was a privilege inherent in their blood, but in England with the exception of the days of the "Ancient Eorlas" the title of nobility was confined to one only of the family, namely, the actual possessor of the peerage. This civil equality has been very important and exercised a potent and beneficial influence in the early Constitution. It has been well said that "the knight of the shire was the connecting link between the baron and the shopkeeper."

It will now be appropriate to trace the gradual growth of the powers of the Commons. Under Edward II, 1307-1327, there was considerable discord between the king and the baronage, on account of the king's favorites Gaveston and the Spencers. The ultimate deposition of the king was mainly the work of the barons. All these proceedings were sanctioned by Parliament, because it was regarded as necessary to legalize them. At the same time the Commons were acting as subservient to the Lords, they were in reality gradually consolidating their own power. In the Articles of Reform (1312) drawn up by the Lords Ordainers, it was stipulated that the king could not leave the realm without the consent of the baronage in Parliament; that in the appointment of high officials, Chancellor, Chief Justices, Treasurer, they should be selected by the counsel and assent of the barons in Parliament. In 1309 the Commons boldly manifested a knowledge of their power and rights by granting a subsidy upon the condition that the king give one and grant redress upon certain grievances which were set forth. By an Act passed in 1322 their right to concur in legislation was affirmed. We now come to the reign of Edward III, 1327-1377. The Commons rallied around the standard of this king instead of opposing; they were no longer mere auxiliaries of the Lords, but became the champions of the Constitutional rights against the arbitrary power of the crown. They did not curb the king's power to any great extent, but on the other hand consolidated their own power. The frequency and regularity with which Parlia-

ment convened during the reign of Edward III helped to establish the power of the Commons. Parliament was to meet annually. During Edward's fifty years' rule there are recorded forty-eight sessions of Parliament. It was during the long reign of this king that the Commons succeeded in firmly establishing as essential principles of the government the great rights, viz.: that all taxation without the consent of Parliament is illegal; second, the necessity for the concurrence of both houses in legislation; third, the right of the Commons to inquire into and amend the abuses of the administration. Growing out of these rights were two others: first, the right to examine public accounts and appropriate supplies, and second, the right to impeach the king's ministers for misconduct. This right is really a corollary of the third great right, above mentioned. In 1376 the Commons for the first time exercised the Constitutional right of impeachment. A good example of the increase in power and influence is shown by the proceedings which took place in the "Good Parliament." It was during the session of this body that the Commons proceeded to impeach two peers, Latimer and Nevill, and also four Commoners, Lyons, Ellys, Peachey and Bury. The intervention of the Commons was not confined entirely to internal administration. Under Edward III they were constantly consulted and giving advice on questions of war and peace. It is obvious that they were seeking every opportunity in which they could extend their power. A few examples will show that their advice was asked and taken in regard to such questions. In 1331 the king consulted Parliament in regard to the question of war and peace with France; peace was advised. In 1341 Edward gained victories over the French and he was pressed by Parliament to continue the war. In 1343 Parliament advised the king to make peace with France. The gains of Parliament under the three Edwards can be summed up in a few words—a more distinct limitation of the functions and powers both of Church and State, in political government and assembly of the realm, in Parliament and Convocation, in legislation and the administration of justice. But the greatest of all was the firm establishment of the rights of Parliament in all their three directions. All of these were substantial gains and served to put Parliament on a permanent basis. It has been said that the reign of Richard II, 1377-1399, is the most

interesting period in the early Constitutional history of England. It was the turning point in the long struggle between Constitutional liberty and that arbitrary power towards which the loosely-defined prerogatives of our early kings were always impelling them. In the latter part of his reign the issue came to be nothing less than an Absolute Monarch against Parliamentary government.

From 1377-1389 the Commons, no longer content with a defensive warfare on the Crown, assumed an aggressive character, and in this way there was a great increase in power of the Commons when Parliament convened. There were returned many members who sat in what is known as the Good Parliament. They elected Sir Peter de la Mare as speaker, who had just been released from prison. So they at once proceeded to make known and assert their power. It was at their request that the Lords appointed a permanent Council of Nine, without whose unanimous consent no business of importance was to be transacted. This was another victory added to their already many victories. At this time the Commons became very bold in their language and criticized the king openly, also the Lords used very bold language. It seemed that the Commons and Lords vied with each other in boldness and plainness of speech. This unanimity between the two Houses was a great support to the Commons in their struggle with the Crown. This was the cause of an early triumph of Constitutional principles being obtained. It has been said that this unanimity is one of the few remarkable things in parliamentary history. During the six hundred years they have existed side by side there were rarely any serious disputes, and these were generally on matters of form and privilege which were of personal interest to the members themselves. In 1386 there was another substantial growth of Parliament. Owing to the maladministration the Commons determined to impeach the king's Chancellor, Michael de la Pole. This prosecution was a confirmation of the newly acquired right of impeaching the ministers of the Crown. The king at first refused to harken unto their cries, but finally both Houses united, and advised the king that they would refuse to transact any business until this obnoxious chancellor was removed. Thus the king was forced once more to do the will of Parliament. The Commons now realizing their power next asked for a Commission of Reforms. Naturally the king

resolutely refused, but the Commons in order to terrify him sent for the statute by which Edward II had been deposed. The king was forced to give his consent, and the Commission was appointed, with almost unlimited power for the period of one year. The king had now become somewhat reconciled, and for a few years there was comparative harmony between Richard and his Parliament, probably on account of the events in the earlier part of his reign which had taught him discretion, or possibly dissimulation. About this time Richard had secured an alliance with the royal family of France, and felt secure on his throne, and now began to put into actual operation some of his ideas. The first "open defiance of Parliament and declaration of arbitrary power" was the prosecution of Sir Thomas Haxey, a priest, for introducing in the Lower House a bill complaining of maladministration and the excessive charges of the king's household. This was followed up immediately by the execution of his long cherished revenge on some of the leaders of the opposition. Some of the victims were executed, while others were exiled. The king now summoned the Parliament of Shrewsbury, which met January 28, 1398, and sat only to the end of the month. In this Parliament the proceedings of the Parliaments of 1386 and 1387 were declared annulled. It was also unnecessary for him to summon a Parliament because he had a grant of revenue for life. The Committee of Eighteen issued orders of the king, and decreed penalties against all who should disobey them. By such steps Richard had become an absolute monarch, which appeared to be his one ambition. But this career of tyranny and extortion alienated all classes of the nation, and speedily led to his deposition.

The growth of Parliament under the three Edwards and Richard made marked progress, altho at times it seemed to get set backs, but it emerged as the victor with well founded principles and now ready and eager to pursue its course with more definite ends in view.

In following the growth of parliamentary government we note under the Lancastrian kings that Parliament was occupied in the consolidation and regulation of the results which it had secured under the former kings and not so much in the acquisition of any new fundamental rights. It was necessary that these rights be permanently established so that their acts would become precedents. The chief

characteristic of this period was the settlement of the internal constitution of Parliament and the establishment of its principal forms of procedure and most essential privileges. It was during the latter part of the fifteenth century that the House of Commons became much less independent than it had been under Richard II or Henry IV. The War of the Roses enhanced the power of the nobles at the expense of the Commons, but such did not long continue, for the ancient nobility was almost annihilated, which now left the Lower House to face unaided the augmented power of the Crown. But at the same time the increased importance of the Commons may be seen in the fact that a seat in the House of Commons, even for a representative constituency, became an object of ambition.

In the year 1407 occurred the first collision between the two Houses, and is also the earliest authority for two well-known axioms of parliamentary laws, namely: first, that all money bills shall originate in the House of Commons; second, that the King should not take any notice of matters debated in Parliament until a decision had been rendered by both Houses.

In 1406 the Commons presented the famous Petition of Thirty-one Articles, which the king accepted without reserve. These articles were characterized by Hallam as "a noble fabric of constitutional liberty, and hardly perhaps inferior to the Petition of Right under Charles I." Now in respect to right to be consulted upon question of war and peace, which the Commons had established under Edward III, this right was extended under the Lancastrians so as to include all questions of national interest. Some of the rights of the Commons lay dormant for many years, especially the right of impeachment of ministers, which was not exercised from the latter part of the fourteenth century to 1449. In this year the Commons determined to prosecute the Duke of Suffolk, William de la Pole. But in 1399 the judicial power which had at one time lodged in the whole Parliament was, at the suggestion of the Commons, to reside in the Lords only. In impeachments the Commons, just as the House of Representatives, are only accusers and advocates, while the Lords, as our Senate, alone are judges of the crime. It seems in this case that the Commons were very desirous of a voice in the judgment, and proceeding by what appears to have been a Bill of Attainder.

Taking now for consideration the privileges of Parliament, it was under the Lancastrian kings that the privileges of Parliament first began to attract attention. All of these privileges rest either upon the ancient law and custom of Parliament solely, or upon that law and custom as defined by statute. Of course these privileges of Parliament then were of much less significance than they are now. The first and most important privilege was the freedom of speech, which is an essential attribute of every free legislature, and may be regarded as inherent in the constitution of Parliament. This right was early exercised by the Commons, for frequently they discussed matters concerning the king's prerogative. A second important privilege was the freedom from arrest or molestation. This privilege is probably coeval with the first existence of National Councils in England. There was a law under Ethelbert, the first Christian king of Kent in the sixth century, that any one who did a wrong to his "leod" (people) in the Witanagemot should compensate a certain sum to the king. So under Cnut in the eleventh century there was a law that every man be entitled to "grith" (immunity from molestation) to and from the gemot, unless the party was a "notorious thief." A third growing power, which is especially marked during the reign of the Lancastrians, was the right of the Commons to determine contested elections. Many of these privileges were abused. The members extended them to cover their own property, their servants and whatever use they wished to make of them; but in 1770 an act was passed whereby the privileges were reduced to their ancient dimensions.

In following the growth of the Parliamentary government, we come to the Tudor dynasty which spanned a hundred and twenty years. This period is almost synchronous with the sixteenth century, an age remarkable for its material prosperity and its intellectual and religious activity. The age of discovery; new lands were being discovered and great opportunities presented themselves. It seems strange that such an age should be characterized by political retrogression. Parliaments and free constitutions crumbled beneath the foot of the victor, and history records only what might have been. It was at this time that the free constitutions of Castile and Arragon were overthrown by Charles V and Philip II; the States-General of

France finally ceased in 1614, until resuscitated in 1789. Owing to the fact that England occupied an insular position, is perhaps the reason Parliamentary institutions did not pass away; but we must not forget that it passed thru a season of trials. Parliament was subservient to the will of Henry VIII. Just a few words will show the condition of Parliament under the Tudors. The laws of Henry VIII were few and generally of no public interest. In the twenty-four years of his reign only seven Parliaments were summoned. There is only one instance under Henry's reign that the Commons refused to pass a Bill recommended by the Crown. But in the latter part of this period there are signs of reviving independence of the Commons, for under Edward and Mary they very often rejected bills. These rules met the situation by the creation of rotten boroughs and by influencing the elections. Under Elizabeth the Puritans were the predominant party in the Commons. Altho they were persecuted under her, yet they were generally submissive, because of their denunciation of the perils and dangers of the Reformed Church, and the natural independence, they also relied on the patriotic courage and wisdom of the Queen. We can truly say that Tudor period was characterized by depotism.

In the Stuart period we observe that Parliament is more assertive of its rights. The Puritan party had become organized and powerful, while under Elizabeth they postponed the active assertion of the rights of the people against the Crown, but they looked forward to her successor, in the expectation of voluntary concessions. They were determined to carry out other reforms along certain lines, and to insist upon the ancient privileges of Parliament, altho violent changes were not generally desired. James I was constantly asserting the theory of the Divine right, in the most offensive form. When James' first Parliament convened March 19, 1603, it was felt that a struggle with the Crown was at hand, and such proved to be the case. We can not go into detail of all the facts. This was a stormy period for Parliament. In 1628 the Commons passed the Petition of Rights which is a landmark in the growth of Parliament. The Commons were triumphant over the Crown. Charles I determined to govern without a Parliament, and from 1629-1640 he entered upon a career of despotism. It was the aggression of Charles which provoked the counter-

aggression of the Parliament. About the year 1648 the death struggle between the conciliar system, headed by Stafford, and the parliamentary system, under the leadership of Pym, began. Pym was the first to put in practice the constitutional principle that the supreme power of the state is vested in Parliament and not with the Crown, and that the sovereignty as between the two houses resides in the popular branch of the legislature. Such a principle pervaded the Parliament which met in November 1640 and was destined to be known as the Long Parliament. The three main heads under which the more important acts of this Parliament may be grouped are the following: first, punishment of the great ministers by whom the conciliar system had been perverted; second, correction of some of the recent abuses; third, a diminution of the powers of the council, so that they would not be dangerous. The work of the Long Parliament was permanent and was accepted at the Restoration as a part of the permanent Constitution of the kingdom. The Great Rebellion of the English nation, in which a king was beheaded and the short existence of the Protectorate, could not fail to produce certain lasting political and constitutional results. We can only name these results: first, the cause of absolute monarchy was lost; second, the predominant influence of the House of Commons in the government of the nation was permanently established, and has since that time continued to grow more and more marked and decisive; third, the complete and definite rejection of Romanism in England; fourth, the development of an intense national antipathy to a standing army.

About 1641 we can see very distinctly the formation of two parliamentary parties, which were first known as Roundheads and Cavaliers, then later as Whigs and Tories. The first conflict between the newly formed parties occurred November 22, 1646, when the Grand Remonstrance was adopted by a majority of votes.

When Parliament met in 1689, the Declaration of Right was embodied and confirmed, with some slight but important amendments, and the bill was henceforth known as the famous Bill of Rights, the third great charter of English liberty and the coping stone of the constitutional building. In substance this was an act declaring the rights and liberties of the people, and settling the succession of the Crown. The Bill of Rights was not a perfect piece of legislation;

there were deficiencies, but these were remedied by the passage in 1701 of the Act of Settlement, "the constitutional capstone of the Revolution," which provided for a Protestant succession, by vesting the Crown in Sophia, wife of the late and mother of the then elector of Hanover.

Sovereignty was never vested in the House of Commons, and in order to secure perfect concord between the Commons and the executive powers, they employed a common agent. As a means to secure this concord three basic principles of parliamentary government have been established; first, that the cabinet council shall be bound together as a unit thru the possession of identical political principles held in common with the majority of the House of Commons; second, that when such an existence of things fails to exist, the cabinet shall resign as a whole; third, for a more convenient execution of the policy, the headship of the cabinet shall be vested in one person known as the prime minister. We may here note the growth of the ministerial system—the functions of the cabinet were firmly settled. It was under Walpole, the first prime minister in the modern sense of the term, that we find such development, and he was also the first prime minister ever forced to resign by an adverse vote of the Lower House.

In following the further development of the growth of parliamentary government, we must need pass over many things, on account of the brevity of this paper. Under George I and George II the personal influence of the king reached its lowest point; the ignorance of George I of the English language and his indifference to English politics caused the introduction of the practice of Cabinet Councils being held, without the presence of the sovereign. This practice has since been maintained on the principle of "optimus interpres-usus." George II discharged the duties of a constitutional King and loyally supported the ministers. Under George III parliamentary government had to undergo a severe struggle for existence. He wanted to wrest the power from the hands of the ministers and exercise it himself. In the beginning of his reign there was a constant struggle between the Crown and parliament. Since George III the personal influence of the sovereign has continually decreased.

We next note the great Reform Act of 1832. After several defeats the Bill was finally passed in 1832. The main things in this

Bill were: first, the redistribution of seats; second, it undertook a moderate extension and equalization of the franchise. Some results of the Reform Bill: it shifted the balance to the commercial and industrial middle class. The system of cabinet and party government now became something like a reality, for the ministers henceforth represented a popular majority in the House of Commons, and not one depending upon the manipulation of the sovereign. It also showed that at a crisis the House of Lords could not defy the popular will. Furthermore, the triumph was an indication that the principle of change which had been struggling for expression during the past decade was going to prevail. The next great Act of the century was the Reform Bill of 1867. The qualifications for voting were that in boroughs, all householders who paid the poor rates and all lodgers of one year's residence whose annual rent was ten pounds sterling; in the counties, all owners of land of five pounds sterling annual value and all occupying tenants whose rental was twelve pounds. In regard to the distribution of seats, certain readjustments were made without altering the size of the House of Commons. The right of sending two members was taken from all boroughs of less than ten thousand inhabitants, and some of the larger towns were given a third member, and new boroughs were created and twenty-five additional members went to the counties. Scotland gained a few seats also.

In conclusion it might be altogether fitting to consider the cabinet from a general point of view. The ministry and cabinet are not synonymous. Ministry properly includes all the ministers, and only a few of these constitute the inner council of the Crown and incur the higher responsibilities. The rest of the ministers altho closely connected with the other members of the cabinet hold a subordinate position. Cabinet Council is distinct from Privy Council. They have no connection except that every member of the Cabinet Council becomes a member of the Privy Council on joining the Cabinet. It is essential that ministers should be members of the Legislature. All of the deliberations of the Cabinet are secret; no official record is kept of its proceedings. The Chief of the Cabinet is the Prime Minister, more commonly termed the Premier. Officially besides being a Privy Councillor, he is merely the First Lord of the Treasury. He has no legal primacy over the other members of the cabinet. In official

precedence he ranks below many of the other ministers. He is selected by the sovereign. In forming an administration he selects the occupants for the various ministerial offices, and submits their names for approval to the Crown. Another advantage that has accrued from the establishment of the cabinet form of parliamentary government is the increased security of the Crown and of its ministers. The Cabinet system as it exists today is the inevitable outcome of the progress of the nation.

Thus we have as a finished product the English Constitution of today, which struggled for its existence thru the preceding centuries. And this Constitution has been the model for many others. The present Constitution of the United States is modeled after the English constitution, as far as it could be applied, and the President of the United States was modeled after the kingship of George III.