**DJH3D: CONSTITUTIONAL HISTORY OF ENGLAND SINCE 1603 A.D.**

Unit - I

Early Stuart kings and their conflict with the Parliament – General causes of conflict between king and Parliament. – James I and his parliament – Charles I and his Parliament- Royal Absolutism and its consequence – Eleven years Tyranny – Long Parliament – Civil War – causes - nature and results.

Unit-II

Common Health and Protectorate – Rump Parliament – constitutional experiment of carnmell – events leading to Restoration of Monarchy- Later Stuarts and their rule Module – Charles II and his parliament – James II and events leading to Revolution of 1688 – Settlement of Glorious Revolution.

Unit- III

Parties and cabinet government in England – Emergence of political parties - Growth of cabinet system during George I and George II – Pessonal rule of George III its failure - Chartism and the Reform Era – The Reform Act of 1832 – The Act of 1867 – The Act of 1884.

Unit- IV

Constitutional Reforms in post- Victorian Age. The Parliamentary Actof 1911 - War cabinet – The Act of 1918 and Women's sufferage - Constitutional changes in inter - war period - The Act of 1928 – The stature of Westernisation – Abdication of Edward VIII.

Unit -V

Development in post war years – Ireland under the union and after – Second Parliament Act of 1949 – Regency Legislation- British Constitutional History since 1949 – Features of Modern British Constitution – Constitutional development upto 1970 – common wealth relations.

**Reference Books:**


1. Charles Duke Yonge - The Constitutional History of England 1760 to 1860
2. Henry Hallam - The Constitutional History of England 1760 to 1860 from Henry
3. Maitland F.W. - The Constitutional History of England VII to Death of George II
4. William Forbest - A Constitutional History of United Kingdom.

# Unit - I
# Early Kings
# James I (1603 - 1625)

James VI King of Scotland was the great grandson of Margaret, the daughter if HenryVii of England. The accession of James Stuart to the English throne as James I, on the death of Elizabeth in 1603, brought about the peaceful union of the rival monarchies of England and Scotland. He tried to make the union of two very different lands complete by assuming the title of King of Great Britain. There was peace in England and people did not fear any danger from a disputed succession inside the country or from external aggression. So strong monarchy was not considered essential for the welfare of the people. Even towards the end of the reign of Queen Elizabeth, Parliament began to oppose the royal will. The attempts of the new king to make the two lands to have one parliament, one church and one law failed miserably, because the Scots were not interested in the union and the English Parliament did not co-operate with him for it did not trust him.

James I had experience as the King of Scotland and he knew very well the history of the absolute rule of the Tudor monarchs in England. So he was determined to rule with absolute powers. He believed in the theory of Divine Right Kingship and his own accession to the English throne was sanctioned by this theory. The Succession Act of 1604 also recognized his hereditary right. According to the Divine Right theory, a monarch was accountable only to God. So he thought he was not responsible to Parliament or to the nation and it resulted in his clash with the Parliament. The Commons, who suffered under the restraints of the Tudors, opposed his attempts to become absolute.

## THE CAUSES OF THE CONSTITUTIONAL STRUGGLE BETWEEN THE KING AND THE PARLIAMNET IN THE 17TH CENTURY:

The important event of the Stuart period was the struggle between the King and Parliment which lasted for a century and ended only when the Parliment secured its control over the crown. The struggle of the struggle of the 17th century was not the result of any new circumstance, but due to several circumstances that had been developing ever since the beginning of the Tudor period.

There was a need for a strong and centralized monarchy in the Tudor Period. But with the settlement of the religious question, suppression of the baronage by the Tudor rulers and the defeat of the Spanish Armada, the country began to enjoy the atmosphere of peace and security. There was no fear from external danger and internal disorder. The undisputed right of James I to the English throne also removed all danger of wars due to dispute succession. Peace and prosperity enjoyed by the people

during the Tudor period made them become critical of the absolutism of the monarch. The influential middle class people became very assertive, especially when they acquired political training by being appointed to the posts of Justices of Peace, Sheriffs etc. Now they wanted to acquire more power and wealth.

Further, James I believed in the Divine Right Theory of Kingship which had been developed by the Anglican Church and it maintained that hereditary monarchy was a divine institution favoured by God. Accordingly the King was answerable only to God. But the House of Commons which contained mostly the upper middle classmen like merchants, lawyers, etc., considered the King obstinate. Parliament had become an essential institution in the State by the time the Stuarts came to power and now it was aware of its powers and privileges obtained in the middle ages. The Stuart Kings also did not follow the Tudor methods of getting the support of the Parliament and so, they clashed with the Parliament often for there were certain things which could be done only by Parliament like levying a tax, or altering an existing tax.

Another cause for the great struggle in the 17th century was the financial difficulties of the King which afforded the Parliament its opportunity. These financial difficulties were party due to a general rise in prices as a result of the increased inflow in Europe of Gold and Silver from the Spanish American mines, and partly due to the extravagance of the Stuart monarchs especially James I. This naturally resulted in financial difficulties which made the Stuart rulers resort to convening the Parliament to ask for money. Parliament which wanted to control the government began to lay down conditions for the grant of money.

The intermingling of religion and politics, the legacy of Reformation was another cause for the struggle. Temporal and spiritual questions were linked together. The Church became a part of the State and subordinate to the government but the common people found it hard to identify religion with politics and harder still to subordinate their sacred faith to their political ideas and principles. Hence, when the great power of the State which had overwhelmed the Church decreased in the Stuart period, the cause of religion made itself increasingly felt.

The ambiguity of certain English laws which were interpreted in different ways, served as another factor which facilitated the political struggle of the 17th century. Magna Carta was read in a different way. It appeared that Edward Coke could have invented Magna Carta and used his invention as a weapon in the struggle against his opponents.

Another reason for this struggle between the Stuart Kings and their Parliament was the character of the Stuart Kings themselves. They never understood the psychology of the English nation. Therefore they could not feel the pulse of the

English ways. Their ideas were already formed and they never made an honest attempt to understand the English. Moreover James I was very conceited and obstinate. So the natural result was lack of co-operation between the ruler and the ruled.

**Different Stages of the Struggle**

The struggle between the king and Parliament in the 17th century was a long one, going on for more than a century. It can be divided into 4 periods.

1) The first period between 1588 - 1603 was one of transition from the Tudor period to the Stuart period. Parliament was seen in this period becoming very critical of Elizabeth's rule.

2) Second period 1603 - 1641 was one of constitutional struggle when attempts were made to impose each party's claims while opposing claims were described as illegal. There was also active criticism of governmental policy, but there was no violence involved in this struggle which was essentially a legal one.

3) The third period 1641 - 1660 was one of Puritan Revolution and Civil War. It was characterized by the spread of violence like suspension of monarchy, execution of the king and the establishment of the first and the only Republic which was short lived.

4) Fourth period 1660 - 1688 was that of Protestant Revolution when both Puritans and Anglicans joined hands as Protestants to rise against the Catholic tendencies of the later Stuarts and when James II was finally forced to abdicate and make room for Protestant successors William and Mary.

The concluding period, though not one of the struggle can be regarded as that from 1689 - 1714, namely the period of the Revolution Settlement, at the end of which the Stuart dynasty came to a close in 1714 with the death of Queen Anne.

**1. Period Between 1588 - 1603:**

The first period which was essentially a transition period was not very important except it served as an approach to the struggle of the 17th century. Very faint traces of the struggle between the Crown and Parliament could be seen in this period but the time was not yet ripe for the contest. Moreover Queen Elizabeth practiced rigid economy and did not summon Parliament often for money. Parliament also wanted to support her against the Spanish aggression. So there was good feeling between the ruler and the ruled in her time.

## 2. The Period of Constitutional Struggle - 1603 - 1641:

### James I and his Parliament:

With the accession of James I, a definite feeling of opposition to the crown could be noticed. James I wanted to become absolute and he gave a long and unwanted lecture to his Parliament on their first meeting, on the Divine Right of the King. His Parliament wanted to have a share in the work of the government and thus the struggle started. Right through the struggle, the theory of Divine Right remained a serious cause of the contest for, the fundamental issue that came to be in James I's timewas, whether the King's power was limited or not. Invariably James I advocated policies that were unpopular with the important people. He expressed his views in a book called. "The True Law of Free Monarchies". So his own responsibility for the struggle was considerable. James I summoned four Parliaments altogether. The first one met in 1604, and lasted for 6 years. In the course of its 5 sessions the question of the powers of the King had been debated vigorously. The result was the contest for supremacy between the King and Parliament started.

Soon after his arrival in England James was presented, with the "Millenary Petition" in 1604 by the Puritan clergy requesting reform in the service of the church and the discipline of the clergy. James did not approve of all the claims of the petition though he agreed to a new translation of the Bible. Since James I was not very popular with the Puritans, the Catholics expected much from the son of catholic Mary Stuart. But he made no attempts to change the severe laws against the Catholics. In despair the Catholics headed by Robert Catesby formed a plot to blow up the King and Parliament when Parliament met on Nov. 5th, 1605 and to secure the control of the government in the resulting confession. The plot was discovered and the plotters were punished severely. As a result of this Gun Powder Plot, the Parliament passed in 1606 a still more stringent law against the Catholics.

In 1607, the King issued an order increasing the duty on imported currants. A merchant by name John Bate refused to pay the increased amount on the ground it had not been sanctioned by Parliament. Bate's case was brought before the Court of the Exchequer and he ordered to pay the new rates. As a follow up work, the King issued a new "Book of Rates" which increased the existing customs duties. But the Parliament in 1610, denounced the 'New Impositions' as they violated its rights. But since the king won the Bate's case he refused to change his policy and dismissed the Parliament in 1611.

For three years, James managed to get on without Parliamentary grants but again he was in financial difficulties and he wanted to summon the Parliament in 1614. Before the Parliament was summoned, James got the help of some prominent

members of the previous House of Commons that they would undertake to influence Parliament to make a grant to the king if he made some concessions. But when Parliament met in 1614, it considered these "undertakers" as traitors and took up a stern attitude towards the king. So the King dissolved the Parliament before it could pass an act or make a grant. Since the Parliament of 1614 produced nothing, it was called "Addled Parliament". After this James did not try to summon another Parliament for a Period of 7 years.

The third Parliament met in 1621, and in that Parliament the Commons revived the practice of "impeachment". An impeachment was a form of trial in which the accused was usually a very important person such as ministers of the state. The House of Commons accused the person and the House of Lords tried the case. The Lord ChancellorBacon, who was also a Judge, was accused of accepting bribes when he tried cases. The Commons sent up the charges to the House of Lords, reviving the medieval practice of impeachment. Bacon admitted that he had accepted presents from litigants but he declared that the acceptance of gifts had not influenced his decisions. Bacon was found guilty and was sentenced to imprisonment and fine and was declared unfit for holding any office in future.

In the same parliament which met again in the following year, the commons advised the king that he should marry his son, the Prince of Wales to a Protestant and not to the Catholic princess of Spain. Further they advocated war against Spain on behalf of the Protestant Elector of Palatine. James rejected this on the ground that foreign policy was one of those matters too difficult for the Commons to understand or discuss. Parliament however recorded their protest but James tore away the protest from the Statute book and dissolved the Parliament.

The Fourth and last Parliament of his reign met in 1624, when James himself declared war on Catholic Europe in support of his son-in-law Elector of Palatine. Hence this time there was an agreement on the question of foreign policy. But this Parliament passed a law declaring monopolies to be illegal; Monopolies were granted by the King to the persons who paid the King lump sum for the privilege and this enabled the King to supplement his income. So the new law had an effect on the King's income. But since the law was not properly worded that later Charles I was able to grant monopolies without breaking the law of 1624.

This Parliament also impeached the Earl of Middlesex, Lord High Treasurer for misappropriating some of the money entrusted to his care. Soon the King died on March 27th, 1625.

Parliament achieved few rights during this period. It asserted with success its right to impeach the King's ministers and it exercised its right on two occasions in the

cases of Bacon and Earl of Middlesex. Without success it protested against the New Impositions but it passed a law against monopolies. Parliament also asserted its right to discuss all State affairs though the King refused to accept this claim.

**Importance of the Period between 1604 - 1624**

1. Certain important issues also came up for discussion and settlement in this period, and one such issue was the question of Parliamentary privileges: The King considered that all Parliamentary functions and powers were matters of royal grace which were granted to the Parliament by the King. Parliament on the other hand felt that its privileges were really matters of right and of which it could not be deprived by anybody.

a) One such right was the right to decide the disputed elections. The House of Commons acquired this right in Goodwin's case in 1604. The King's court disallowed the election of Sir Francis Goodwin on the ground that he was an outlaw and that James I in a proclamation had laid down that no outlaw could be elected. Disputes arose and he House of Commons was allowed to decide the matter.

b) Freedom from arrest for members of Parliament for civil action during the sessions of Parliament was also asserted by the Commons in 1604 in the case of Thomas Shirley. Thomas Shirley, a Member of Parliament was arrested under civil warrant for failure to pay the debt. The House of Commons protested against this and arrested the right of its members to enjoy freedom from arrest when Parliament was in session.

c) The right of the Commons to punish for contempt was also recognised as in the case of Floyd in 1621. Floyd, a Catholic barrister made a contemptuous reference about Princess Elizabeth, the King's daughter and her husband, the Elector of Palatine. The house of Commons took up the matter and punished Floyd but surrendered the case to the House of Lords when they complained that the Commons should punish the cases only when their rights and privileges were concerned.

d)Regarding Freedom of speech the House of Commons was not quite successful. In 1621, they wanted to discuss the King's foreign policy and Prince Charles' proposed marriage with the catholic princess (Infanta) of Spain but since it went beyond its sphere in both the cases the House did not succeed completely.

2. The Second important issue between James I and his Parliament was the question of taxation. Tudors had often levied indirect taxes without Parliamentary consent. So James I also began to levy extra import duties on certain commodities, one such being currants. For eg.the case of Bates. Though the judges decided against, he, his case is illustrative of the general feeling of protest against such impositions for, the

impositions were not meant to regulate trade but to add revenue for the crown.

3. Legislation was yet another point of dispute. The question arose whether laws could be made only by statues passed by Parliament or whether they could be made by the King by the use of his prerogative power. James I had been using proclamation on all sorts of things like proclamations forbidding the erection of new buildings in London and the making of starch from wheat. Here again James quoted Tudor precedent. Parliament protested and argued that the prerogative powers could be used only in emergency, and the normal legislative process should be the method of passing the acts. The famous lawyer of the time Edward Coke was consulted by the King but Coke and three other judges gave a very ambiguous answer to the question. They said that new laws might be made by the same method. This was not a satisfactory settlement of the question for no law could be complete without containing a provision for giving punishment for the violation of the law. The question was left unsettled for the time being.

4. The fourth issue was religion. Reformation had subordinated the church to the State. As a result of this non-Anglicans were persecuted y the Anglican Church. The Puritans were also well organized and powerful but the King was hostile towards them and it divided the country, for Parliament placed great emphasis on individual rights.

5. The question of ministerial responsibility was also taken up by the Parliament though not in a serious way. There were impeachments in James time such as Bacon's case and the case of the Earl of Middlesex. But these impeachments were not based on political grounds and were more in the nature of ordinary judicial process- as a punishment for corruption, misgovernment, etc.

Thus we find that in the time of James I there were clashes between the King and the Parliament but it was not very intense. The struggle took a violent turn only in the reign of Charles I.

## CHARLES I 1625 - 1649

Charles succeeded to the throne at the age of twenty four. Though he was well educated, Charles had less wisdom and less tact than his father. He was a firm believer in the divine character of the King and wanted to rule in an arbitrary manner. Charles - I too like his father never learned from his experience. He was narrowing minded and he did not posses the spirit of compromise.

Soon after his accession Charles married Henrietta Maria, the daughter of the French king Henry IV. Though she was a catholic, the English preferred her to the Spanish princess for they hated the Spanish influence over England. Charles I had the same financial difficulties like his father and he had inherited from his father certain

problems which were opposed by the Parliament. When Charles became king England was already at war with Spain. Charles continued the war expecting help both from France because of his alliance, and his Parliament, because war was with catholic Spain. His adviser and councilor Duke of Buckingham was very unpopular. Parliament was also very sensitive about its power and was ready to oppose claims of the King to superiority.

Charles was in need of money for the war and summoned his firs Parliament in 1625. The Parliament, though it had approved of the war with Spain, refused to make the usual life grant of tonnage and poundage and it granted this tax only for a year as a security against Parliament being dissolved. It also demanded the removal of the King's favorite Buckingham from power, but Charles dissolved the Parliament before it voted any money.

Financial difficulties of the King made him summon the second Parliament in 1626. Instead of granting money the House of Commons proceeded to impeach Buckingham. They still had faith in the King ascribing the fault to his advisers. The House framed charges against Buckingham and sent them to the House of Lords. To prevent this impeachment Charles imprisoned two leading members of Parliament. Sir John Eliot and Sir Dudley Diggers. But the Commons refused to proceed with the business till were these two were released.

Charles also clashed with the House of Lords. The King sent the Earl of Arundel, an enemy of Buckingham, to the Tower for allowing his son to marry a lady of royal blood Elizabeth Stuart, daughter of Duck of Lennox. But the House of Lords forced the King to release Arundel on the ground that no member of House of Lords could be imprisoned while the House was in session except for treason or felony. Charles also refused to send a writ of summons to the Earl of Bristol another enemy of Buckingham because he had disclosed the conduct of the Prince Charles in Spaing while the Earl was the ambassador there. The Lords forced the King to send a writ to him and thus established a principle that a writ of summons should not be refused to a Lord who had received it before, and the King could not prevent him from obeying a writ of summons. But the King dissolved the Parliament since it did not grant him any money and it also tried to impeach Buckingham.

Taxation again came up for dispute. Charles was wasteful and more extravagant than his father. In spite of his marriage with the French princess, Charles found himself involved in war with France and this was mainly due to the personal enmity of Buckingham and Cardinal Richelieu of France. Charles was foolish enough to fight his foreign enemies and his Parliament at the same time. he was in need of money for the French war but he did not want to summon the third Parliament. So he imposed a forced loan in addition to tonnage and poundage which was granted only

for one year. The forced loan was really a tax levied by the King without the consent of the Parliament, forthe amount to be contributed by each man was fixed. Arbitrary punishments were given to those who refused to pay these illegal taxes and such arbitrary punishments included imprisonment, billeting of soldiers in private house and declaration of martial law in times of peace. The Five Knights' Case or Darnel's Case in illustrative of this case. Five Knights headed by Sir Thomas Darnel were arrested and imprisoned for refusing to pay the forced loan. They were not given any reason for detention. When they applied for a writ of Habeasa Corpus, they were told that they were detained under a warrant from the Privy Council by a special command of the King. This case shows that the law court were subservient to the King and could not be depended upon to do justice.

The King was in need of money for his foreign wars and so he summoned the third Parliament in 1628. The Parliament resented the King's method of raising money during the previous year and it presented to him the Petition of Right which dealt with matters arising out of the raising of the forced loan. The King after some consultation accepted the Petition of Rights which then became a document. The Petition was the procedure for initiating the proceedings in the Court of Chancery. So the Petition and the action taken on it, would become a matter of judicial record.

**THE PETTION OF RIGHTS 1628:**

The Petition of Rights is a comparatively simple and straight forward document. It confined itself to the most pressing problems of the time and hence was short and to the point. The four important demands as embodied in the four clauses of the document were-

1. No tax or loan of any kind was to be levied without the consent of the Parliament.

2. No person was to be imprisoned without cause shown.

3. Billeting of soldiers and sailors on private person must be stopped.

4. No person was to be put on trial by Court martial in times of peace.

Charles was reluctant to accept such definite limitations on his authority and so he gave an evasive answer at first but Parliament pressed for his direct answer and the Commons proposed to renew the impeachment of Buckingham. Fear for his friend made Charles give his assent to the Petition. Parliament then made large grant which was larger than the sum granted to the King so far and instead of dissolving Parliament he prorogued it. With the money another expedition was planned for the relief of Rochelle. When the fleet was about to sail, Buckingham was murdered at Ports-mouth by a Puritan fanatic named Felton. After some delay the fleet reached Rochelle but soon Rochelle was lost to the French.

## IMPORTANCE OF THE PETITION OF RIGHTS; 1628

The Petition of Rights is rightly regarded as one of the important landmarks in the English constitutional history. But neither in its procedure not in its contents the Petition of Rights is on a par with the Magna Carta or the Bill of Rights.

1. One of the important characteristics of the Petition is the absence of any theoretical reasoning or abstract discussion of political or constitutional theory. It is essentially a practical document mainly drawn up for the redress of some pressing evils of the time.

2.The Petition of Rights is important as the First written and definite restriction of the power of the Crown since the Tudor period. So it has been considered as the first step in the transfer of sovereignty from the King to Parliament. Ramsay Muir even considers it more important than Magna Carta for it defined the personal liberty of the subjects and the control of direct taxation by Parliament more clearly than ever before.

3. The Petition is also important for what it did not contain. What it did contain was merely a demand for the redress of the most pressing evils of the time. No mention was made, for example, of indirect taxation, of matters of legislation, of ministerial responsibility, of religious question and other important general issues. Thus the Petition was not a comprehensive document and in this respect it falls far short of Magna Carta and the Bill of Rights.

4. The method adopted was not a new one. i.e. petitioning the crown was an ancient right which even the very ordinary subjects had from early times. Parliament could have very well passed a bill or a statute, but they resorted to the still earlier and more constitutional method of petitioning, which was in fact more in the nature of judicial decision than a legislative action. The Petition was thus itself not a law or statute, but it proved to be as valid a document as any regular statute.

Since the Petition was restricted in its scope Charles I began to levy indirect taxes on the ground that no mention was made in the Petition of such taxes but only of direct taxes. Charles also introduced serious changes in religion under the influence of Arch Bishop Laud. At Laud's suggestion, the King issued a new edition of “the Articles of Religion" and declared that no one should give his own meaning of the Articles. Both these actions of the King produced discontent in the country.

In 1629 the second session of the third Parliament of Charles met. The Commons complained that the King was still levying Tonnage and Poundage, although the one year for which it was granted had expired long ago. The King imprisoned a merchant who was a Member of Parliament for refusing to pay this tax, and the Commons complained that this was an attack on the privilege of Parliament to be exempt from arrest. Further religious matters also came up for discussion. The

King has appointed Armenian Clergy to be Bishops and royal Chaplains and this was resented by Parliament which contained mostly Puritans. Resolutions were proposed but the King tried to prorogue the parliament but the Commons closed the door of the House and kept down the Speaker bodily in his chair when he tried to end the sitting and they passed the resolution that.

1. Those who Tonnage and Poundage without Parliamentary grant. 2. those who advised the levying of these duties and 3. Those who introduced innovations in religion, were to be considered as the enemies of the State. In this confusion Parliament was dissolved by the King, and he imprisoned some of the members who had taken part in it. Sir John Eliot the ring leader was sent tot eh Tower where he died three Years later in 1632. With the dissolution of the third Parliament in 1629.the first period of Charles' reign came to an end. The second period of his reign when he tried to rule without summoning the Parliament began.

**THE NON-PARLIAMENTARY RULE OF CHARLES I ;**

**OR**

**ELEVEN YEAR'S TYRANNY OF CHARLES I 1629 - 1640**

Charles' unparliamentarily rule can be considered under three heads

1. Financial policy
2. Administrative policy
3. Religious policy

The absolute rule of Charles from 1629 - 1640 is also called "the Eleven Years' Tyranny" for he tried to rule by virtue of his prerogative power without summoning the Parliament. Here aliped that financial needs had been the chief cause for summoning a Parliament and so he tried to remove his financial difficulties as far as possible. He practiced strict economy in his government. He realized that it was difficult to continue foreign wars without Parliamentary help and so he ended the foreign wars abruptly by concluding peace with Spain and France and by withdrawing from the Thirty years' War inGermany. Then he tried to raise revenue by methods not legally forbidden but obsolete.

He continued to levy tonnage and poundage because as King he had the right to regulate trade and he granted monopolies to the companies. He renewed an old law of Edward III called distrait of Knighthood", by which the King could fine all gentlemen of landed property yielding an annual income of 40 pounds , who had neglected to get themselves dubbed as knights by the King. He also revived he forest laws of the Normans and tried to increase the limits of the Royal forest by instituting an enquiry into the limits of the crown lands in various parts of the country. The Commissioners traced the boundaries of old forests and brought them under forest courts. Fines were

collected for encroachments.

Charles also revived some old laws against the extension of the city of London. In the middle ages the extension of the City of London was not desired because it affected the peace and order situation and health of the people. Now Charles revived those laws in order to have a new source of income.

Another lucrative source of revenue collected by Charles was the imposition of ship money. The practice of levying ship money can be traced right to the beginning of Norman period and it was levied in order to provide ships for the navy. First time in 1634, Charles levied ship money by sending writs to maritime towns or coastal countries ordering them to provide a specified number of warships with money for their maintenance. The success of this action encouraged him he issue second writ in 1635 extending the order to all inland countries. Again he issued a third writ in 1636, but it was feared that Charles was going to make it a permanent tax. Since Charles anticipated opposition, he consulted the judges in 1637 as to the legality of his power to levy these taxes during the time of danger. The judges replied entirely in King's favour. Yet John Hampden of Buckinghamshire refused to pay his contribution of 20 shillings when the Sheriff assessed the tax in 1637 and the case was taken to the Court of the Exchequer and was argued before twelve judges seven judges decided for the King and five for Hampden. So the court decided that the writ of ship money was legal for, the extension of ship money to inland places had precedents in the past and Hampden was ordered to pay and he was imprisoned.

By such various means all within the law, Charles tried to raise some money. The main point here is not the legality or otherwise of Charles' various methods, but hte pressure of circumstances which obliged charles to increase his revenue. The tapping of such obsolete revenue sources was however not only tactless on his part vbut he also created the the impression that he was trying to by pass Parliament.

**ADMINISTRATIVE POLICY**

In the sphere of administration Charles' unparliamentarily rule was very autocratic. No criticism was tolerated and all opposition was put down with severity. The prerogative courts of Star Chamber and High Commission and the Council of the North were used by him to maintain his authority. Prerogative law held sway over Common law. Charles did nothing to make his government popular and he ruled without any regard for public opinion and trespassing more upon the liberties of the subjects.

**RELIGIOUS POLICY**

Even in religious matters Charles' Eleven Years' tyranny marked a new stage

and in religion too the King tried to have his own way. Charles became unpopular when he tried to force upon the Englishmen a form of worship followed only by a minority. Charles who was a friend of Laud was a sincere Armenian and supported the new school which had great affinity with the Catholic Church. Naturally the Puritans did not like it. The King also made Laud the Arch Bishop of Canterbury and he became the King's trusted adviser . The Star Chamber Court inflicted heavy punishments on Puritans who refused to follow it.

Charles precipitated a crisis in Scotland when he tried to force Anglicanism upon the Scots. The Scots were staunch Presbyterians. Charles visited Scotland in 1633 and was crowned as King of Scotland. James had already appointed Anglican Bishops in 1610 and Charles now increased their number and extended their power. In 1637 under the influence of Arch Bishop Laud, the King ordered the use of a Prayer Book, drawn up on the model of the English Prayer Book in Scotland. The Scots opposed it vehemently and the King had to suspend the use of the new Prayer Book. The Scots were to opposed to any set form of prayer and further they hated the idea of a foreign Prayer Book being thrust upon them.

A General Assembly of the Scottish Church was summoned at Glasgow by the King in 1638, but the Assembly abolished the Prayer Book and the Bishops. Meanwhile a " National Covenant" was drawn up by the Scots in March 1638 to maintain the purity of the Gospel. The Scots bound themselves by the National Covenant to defend Presbyterianism against the Bishops and the Prayer Book. The King ordered the assembly to disperse but it refused. So, Charles collected forces and marched northwards and the Scots also rose in arms. Thus the First Bishops' War started in 1639. Both the forces met at Berwick but no fighting occurred. They came to compromise that another General Assembly was to be summoned. But the King had no hope of proper solution to the problem in second Assembly and so he wanted to be better prepared for another war. Earl of Strafford advised him to summon the Parliament to get money. So, he summoned the Parliament in April 1640. But the Parliament led by Hampden and John Pym raised a cry "No supply before redress" and so Charles dissolved it immediately. This was called the "Short Parliament" of 1640 for it sat only three weeks.

The Second General Assembly merely confirmed the worked of the first and the King dissolved it. Again the Scots took up arms and instead of waiting for Charles to invade their country the Scots advanced into England. This was called the Second Bishops' war (1640). The Scots occupied the Northern countries and the King was defeated at Newburn. The Scots refused to return to Scotland except for money consideration. Charles met council of peers at York as to find out how to raise money and they advised him to summon the Parliament. The King had no other go and

summoned in November 1640 his 5th and last Parliament which is known in history as the Long Parliament. With this Charles ' Eleven Years' Tyranny came to an end.

Throughout the period of Charles' unparliamentarily rule the main point at issue was the location of sovereignty. So the Long Parliament pointed out the failure of the King and the triumph of the Puritans and even Anglicans that the sovereignty lay not with the King but with the King -in -Parliament.

**THE LONG PARLIAMENT - 1640 - 1660 :**

The Long Parliament which met on 2nd Nov. 1640 lasted till 1660 with changing fortunes. During the first few months from November 1640 to August 1641, the work of the Long Parliament was important and lasting though it passed from reform to revolutionary measures in its second session. The Parliament met in Nov. 1640 with a determined spirit. The leaders were all men of ability and experience. They were well aware of the issue that faced the nation and they were determined to deprive the crown of its prerogative power which had come into being since the Tudor accession. The House of Lords was not co-operative in the beginning but the impeachment of the King's ministers by the Long Parliament left the Royalists in the upper House without leaders. Awell organized minority which dominated the House of Lords made the House side with the House of Commons. All the methods by which the State had deprived Parliament of its control over the government were abolished by legislation. Parliament in fact, was resolved to destroy his system of government.

The firs work of the Long Parliament was to bring about the fall of the King's ministers. Several impeachments were started, of which the most important ones were those of Wentworth, the Earl of Strafford and Arch Bishop Laud Wentworth, Earl of Strafford was in Ireland as Lord Deputy and the King wanted him to come to London when he summoned Parliament in Nov, 1640. The King also guaranteed his safety. The Commons wanted to impeach him, but soon they found that it was difficult to impeach Strafford for treason because treason was a crime against the King, but Strafford actually supported the King. Finally his enemies produced a letter of Stafford in which he had advised the King to use the Irish army against Scotland. In that letter Strafford referred to Scotland as "this country" . Although there could be no doubt about his meaning, for Scotland only was in rebellion at that time and not England, the Commons argued that Strafford was referring to England only. Still the case was weak and so the Commons passed a Bill of Attainder” against him. An Act of Attainder is an act of Parliament which declares a man to be guilty of treason and the accused is denied of any trial. The King was forced to give his assent to it and Strafford was executed on May12, 1641.Arc Bishop Laud was also impeached and kept in the Tower until there was time to proceed against him also.

The Long Parliament then dealt with the Privy Council for it felt that the prerogative power of the King had been exercised mainly through the original jurisdiction of the Royal Council. So the Parliament abolished the Court of High Commission, the Council of the North, the Star Chamber and other prerogative courts and released their victims. It reversed the unconstitutional decisions of the Judges such as those in the Darnell's case and Hampden's case.

Parliament also declared ship money, tonnage, and poundage and the new impositions without the consent of Parliament illegal. An act was passed declaring that Parliament might be dissolved only with its consent. A Triennial Act was passed in 1641 declaring that not more than three years should elapse without a meeting of parliament. The King was helpless and he agreed to all these. The Commons then granted him tonnage and poundage for two months and renewed the grant every two months for about a year.

These constitute the legislative work of the Long Parliament which was both destructive and constructive. It was destructive because the instruments of Stuart autocracy were destroyed, and constructive in the sense that it provided for the future safety and continuance of Parliament. These reforms appear to be negative in character for tough Parliament deprived both the Crown and the Council of sovereignty; it did not transfer that sovereignty to itself. Though it appears to be negative, it proved positive in that, it became the basis of the Restoration Settlement and was never undone. Even in the second period of Stuart despotism from 1662 – 1688, the Stuarts had to search for new instrument for autocratic rule for the earlier ones had been destroyed completely.

**SECOND STAGE IN THE WORK OF LONG PARLIAMENT 1641- 1643:**

Though the Parliament tried to reduce the royal prerogative powers in the first phase of its work, it did not try to assume reins of direct government. But on the second stage, attempts were made at direct assumption of government by Parliament. Hitherto Parliamentary leaders had postponed the settlement of the religious question knowing that it would lead to division in the Parliament at a time when united action was imperative. Now that most of the work of the united action had been done, they took up the question of religion. Under Pym and Hampden's influence a Bill called "the Root and Branch Bill" wasa introduced in the Parliament to abolish bishops altogether and to put the control of the Church into the hands of a commission of laymen. The revolutionary character of the Bill divided the House for the first time and finally it was dropped. It showed that there were not enough extreme Puritans in the House of Commons to decide everything in their own way. Then Parliament separated for a short holiday.

Charles then went to Scotland and tried to come to an agreement with the Presbyterian leaders by granting their demands in matters of Scottish Church. During his stay at Edinburgh, some of his followers formed a plot called "The "Incident" to arrest Argyll and other Presbyterian leaders. Though Charles denied any knowledge of this plot, it brought him much discredit. In the meantime a Catholic rebellion in Ireland broke out in 1641, and fearing that the king might raise an army on the pretest of suppressing the Irish rebellion, Pym hurried through his scheme of reforms as incorporated in his "Grand Remonstrance" in the Parliament when it met again in 1641. It attributed the root of the misgovernment to Charles' "malignant design to subvert the fundamental laws and principles of the government" and demanded that the ministers who enjoyed the confidence of Parliament only should be appointed and that the Church should be reformed by a synod of the clergy.

Adams describes the Grand Remonstrance as both a defence and a programme. A good part of it consists of its justification of measures already taken by Parliament while the latter part contains a scheme of radical constitutional and ecclesiastical changes. A hot debate over it went on for about a fortnight at the end of which it was passed by a majority of eleven votes. In that fortnight Parliament became the battleground of two nearly equal parties the Royalists and the Abhorrers. The origin of political parties in England may well be traced back to this historic debate over the Grand Remonstrance.

The next step that widened the gulf between the King and the Parliament was the attempt of Charles to arrest the five prominent members of Parliament in Jan. 1642 for he thought that they were the leading agitators. He went with soldiers to the House of Commons and demanded that the five members- strode, Haslerigg, Holles Pym and Hampden should be surrendered. A previous knowledge of the King's design made the five members run away to the city and the King had to withdraw amidst angry shouts of "privilege".

It was wrong on the part of the King to have tried to arrest the five himself for his failure in the House of Commons affected his dignity. Further he was wrong in believing that opposition to him was the work of a few people but actually the majority wanted reforms and so opposition was general and widespread. He was also wrong in believing that Parliament would willingly surrender the five members. Further the show of force by Charles in the House of Commons, for the King sat in the Speaker's chair and called for the five when he could not attend the use of Commons, was a provocative act and the Parliament was justified in raising at out cry at the violation of its privilege.

The next turn of events that widened the gulf between the King and Parliament was the counter measures the Parliament took by way of revolutionary legislation. The

failure of Charles to arrest the five members of Parliament made him determine to dissolve the Parliament but it was not an easy job. So Charles had to wait till he had an army to enforce a proclamation. So he left London to raise an army and suspecting the King's purpose in leaving London, Parliament began to raise force for it. Though war was inevitable, neither side was quite ready for it. Then Parliament passed a bill to remove Bishops form the House of Lords and Charles gave his consent to it in order to gain time. This was the last act of the Long Parliament to which Charles gave his assent. Then the House of Commons sent up for his approval a "Militia Bill" which transferred the command of the army from officers appointed by the king to officers appointed by the Parliament for the King might use the force to overthrow them. But Charles refused to accept it for it was really an encroachment on King's prerogative and Parliament ordered that it should be carried out as an ordinance of Parliament. Parliament then offered the King the "Nineteen Propositions" consisting of the conditions upon which it wanted him to rule in future. The Nineteen Propositions practically denied royal sovereignty and aimed at Parliamentary absolutism and so Charles refused to accept them. According to Adams, "they mark the unreserved transfer to Parliament of all practical details of administration and thus form a new edition of the Provisions of Oxford". No further communication took place between the two sides and the inevitable Civil War began in August 1642.

The Great Rebellion, as the Civil War was called, witnessed the division of the nation so equally between the King and Parliament that the war went on for four years. All the loyal subjects of the King and the zealous supporters of the Church were on his side. Puritans and the lower class people were on the side of parliament. The strength of Parliament lay in London and the south eastern shires while the district loyal to the King were north, Wales and the South West. The Royalists were called. Cavaliers ie, Horsemenor gentlemen and theParliamentarians were nicknamed Roundheads from the close cropped hair of the Puritans. Many attempts were made during the course of the war to make peace but all of them failed.

For nearly two years no party gained any great advantage though it went generally in favour of the King and so they tried to get outside support. Charles tried to get the support Ireland by concluding a treaty called "the Cessation" with the Catholics and it enabled him to get back his army. Rom Ireland. Parliament entered into an agreement in Dec 1643 with Scotland called the "Solemn League and Covenant" by which the Scot had allowed by which the Scots had allowed the Scottish army to remain on the English border on condition the Presbyterian faith was established in England. This agreement made it impossible to have a peace between the Cavaliers and the Roundheads.

The Solemn League and Covenant led to the establishment of the "Committee

of Both Kingdom" by Parliament as an executive with power to order and direct war. It was composed of Scots and 21 members of the Long Parliament. Under their guidance the Parliamentary armies became more effective. During the previous year several local regiments were organised to meet the local armies of Charles. One regiment was that of Oliver Cromwell and it was well trained and disciplined. When Cromwell became second in command of the whole army of Eastern Association, the spirit and efficiency of his regiment spread too the whole force which came to be known as the "Ironsides". In 1644, the Ironsides joined with the Scottish army and defeatedthe Royalist army led by Rupert at Marston Moor. The victory gave Parliament control of the North East and placed the King on the defensive for the rest of the war.

After the campaign of 1644, the Parliamentary forces were completely reorganised by means of Self-Denying Ordinance by which all members of Parliament had to resign their commands. It removed all incompetent generals and also Cromwell from the army. Then the Parliamentary army was thoroughly reorganized by a plan of the Committee of Both Kingdoms, of which Cromwell was a member. A well trained, united and well paid army called "the New Model" took the place of the previous one. Sir Thomas Fairfax was made the commander in chief and Oliver Cromwell who was the real inspirer of the new army system was made second in command. The battle of Naseby in 1645 proved the value of the New Mode which nearly destroyed the main Royalist army at Naseby. By the end of 1645 Charles was left practically without army and in May 1646 Charles surrendered to the Scots.

Dissensions appeared in the victorious Parliament. The split was based on religion And the two parties in Parliament came to be called the Presbyterians and the Independents. Now the war was over, the Presbyterian Parliament wanted to disband the Independent army and send away the soldiers after giving them one-sixth of the arrears of their pay in 1647. This step united the army against the Lords and the Commons And the army took possession of the King who had been intriguing with various parties and kept him in Hampton Court. An army council was formed and under Cromwell's influence it offered the King new terms in 1648 "The Heads of Proposals" which demanded religious toleration and Parliamentary control of the army and the offices of the State for ten years. The Heads of Proposals thus did not attempt to establish Parliamentary despotism but aimed at making the powers of the King subordinate to that of Parliament. The Heads of Proposals were not however put into force but ithey were important as they showed the trend of the Puritan minds busy at devising schemes of governmental management. Thus the political thought was very brisk at that time suggesting proposals for political and social reforms. Some wanted to bring about radical changes in State and Society by establishing Republican government in England while others advocated a written and rigid constitution with

fundamental rights incorporated therein.

Charles rejected the proposals and so the army under the influence of Levelers drew a scheme of government called “the Agreement abolished the Kingship and the House of Lords, and placed the government in the hands of Parliament of a single chamber elected by universal adult suffrage. The Agreement was amended due to the influence of Cromwell and the amended Agreement was presented to the Parliament instead of holding plebiscite upon it. The Agreement is important as the first proposal for a rigid and written constitution for a republican form of government. The Agreement also recognized in clear terms the sovereignty of the people and the derivative nature of the power of government. In spite of its theoretical nature the Agreement was not put into practice for the average Englishman was not enthusiastic about it.

Charles was not interested in making a lasting settlement and he intrigued with all groups without any desire to carry out his promises, The intrigues of the King led to the Second Civil War in 1648 in which the army defeated the Royalists. The army under colonel Pride purged the House of Commons of it is Presbyterian majority in Dec. 1648 and it is called “the Pride’s Purge”. The Pride’s Purge left the Independents who formed only an eighth of the whole number. These remaining members of Parliament constituted “The Rump and they represented only the army. Thus a veiled military despotism was established in England. The Rump passed an ordinance to set up a High Court to try the King but the House of Lords refused to accept it. The Commons asserted that they could make laws without the consent of the Lords and the King and they passed an act for the trial of the King. Charles was executed in 1649. Though the Rump declared that the sovereignty resided in the people and the House of Commons represented the people and so it had supreme power, it did not justify its act, for the Rump did not represent the people. Further the execution of the King was also illegal. The Rump abolished the Kingship and the ‘House of Lords, and England was proclaimed a Commonwealth. Republican government with a Council of State which was to take the place of Privy Council consisting of forty one members party taken from the Parliament and party from the army, was set up to rule in co-operation with and under the general supervision of a uni-cameral legislature in 1649. However the Rump remained in power for it feared a newly elected Parliament might remove the new Constitution. It wanted a Republican aristocracy upholding religious toleration for all Puritans. It was in power for four years. The violent death of Charles shocked the people and foredoomed the republican experiment to failure.

**THE COMMONWEALTH - (1649 - 1653):-**

Now the real power was in the hands of Cromwell **(**1649 – 1652) and this was the period of the Commonwealth. The Rump drew up a "Reform Bill" by which a new Parliament was to be elected but Cromwell was against it for it would result in an enlarged Rump. On the whole the Commonwealth was not popular. In 1653 the Rump was dissolved and a nominated Parliament was summoned consisting of 140 members selected by Cromwell from the lists of "Godly men" prepared by the Puritan Congregations. This assembly was called the "Little Parliament" or the Bare bone Parliament after the name of one of the Puritan members "Praise-God Bare bone". It was soon dissolved at its own request having done nothing.

**THE PROTECTORATE (1653 - 1660)**

After the dissolution of the Bare bone parliament the army drew up a document called the "Instrument of Government" and it was accepted by Cromwell at the end of 1653. Thus ended the Commonwealth and the period of the Protectorate began. Its main object was to give effect to the chief Principle of the Agreement of the people. Unlike other schemes this one was put into practice for about six years. England was ruled according to the Instrument with certain modifications.

The Instrument of Government was the first written Constitution of the modern type. It is comparatively a small document. The Commonwealth of England, Scotland and Ireland became a Protectorate and the executive power was in the hands of Lord Protector and the Council of State. Oliver Cromwell was made the first Lord Protector. But the office was in future to be elective, the members of the Stuart family being disallowed to stand for election. The Council was to conduct all the subsequent elections.

The legislative power was vested in a common Parliament for three countries consisting of 460 members, of whom 60 were equally divided between Ireland and Scotland, and the remainder was allotted to England. Only persons possessing property worth 200 pounds had the right to vote. Irish rebels and Roman Catholics were permanently disfranchised Parliament was given control of legislation but it was no to make any law which was contrary to the Instrument. The Protector was not given the veto power over the acts of Parliament. The Protector was given revenue by Parliament for carrying on the government. The Protector might issue ordinances which would have the force of law unless they were disallowed by Parliament when it met. Freedom of religion was given to all except the Papists and the Prelates. Religion was to be managed on a congregational basis.

The powers and functions of the Protector and the Council were defined in the Instrument. The Protector was to act on the advice of the council. When Parliament

was not in session, the Protector and Council could jointly issues ordinances.The Protector was to control the military forces, wage wars and conclude peace with the consent of Parliament or if it was not in session, with that of the Council. The Council was intended to be a real safeguard to prevent despotism on the part of the Protector. TH instrument also specified certain sources of revenue on which the Protector could draw and spend without the sanction of Parliament.

The Protector was to make important appointments subject to the approval of Parliament and the Parliament was to be unicameral. It also effected a redistribution of seats in Parliament and borough representation was reduced and rural representation was increased A united Parliament for England, Scotland and Ireland as suggested by the Instrument was the first instance of a Common Parliament in British history and an anticipation of the Acts of 1707 and 1800. The term of Parliament was three years and it was supreme in ordinary legislation. While in session it shared various executive functions with the Protector.

**IMPORTANCE OF THE INSTRUMENT OF GOVERNMENT:**

The Instrument of Government was the most important document of the period of Puritan Revolution although it was defective in certain respects. For (e.g) it did not make any provision for constitutional amendments. It is also important for giving the principle of checks and balances. The Council acted as a check on the Protector and a time limit was imposed on Parliament. The Instrument is also important for giving recognition to the need for a Common Parliament for England, Scotland and Ireland. It also recognized the system of representation and it affected a certain amount of fairer distribution of seats. It is important as it definitely recognized the sovereignty of the People and the subordinate nature of the government. This was recognition of a democratic principle of government.

**FUNCTION OF THE INSTRUMENT OF GOVERNMENT:**

The Instrument was in force for three year's Cromwell was the ruler of the country since he expelled the Rump and remained Lord Protector for the rest of his life The Parliament of the Protectorate met in Sept. 1654 and it attempted to limit his authority but Cromwell resented such attempts as contrary to the Instrument and did not allow those who refused to follow the Instrument to sit in parliament and finally he dissolved it. These attempts showed that his rule was not so very popular. The financial needs of the Protector made his summon the second parliament in 1656. Here again Cromwell excluded a hundred members who opposed him and allowed the rest to revise the constitution and a new constitution called" The Humble Petition and Advice" was drawn up by them. IT suggested that Parliament was to consist of two Houses, the "House of Commons" and "the Other House" and Cromwell should take

the title of 'King'. But Cromwell declined the title of King for he knew that the soldiers would not like it. The Humble Petition was amended in such a way to leave Cromwell the Protector but with the right of naming his successor. The third Parliament met in 1658 and the "other House" was filled with members appointed by the Protector, mostly Puritan appointments. The House of Commons began to attack the other House and in despair Cromwell dissolved the Parliament.

He summoned another Parliament in 1658 but before it assembled he died. On Oliver's death his son Richard Cromwell succeeded him but he lacked the strength of his father's personality. Quarrel arose between civil and military authorities and between the Protector and the Parliament. Amidst this confusion Richard resigned the Protectorate in May 1659. The army under the leadership of General Monk and the new Parliament called the'Convention' since it was not summoned by a royal writ, met in 1660 and invited Charles II to occupy the throne. Thus the monarchy was restored ion 1660 and the Protectorate came to an end.

**CAUSES FOR THE FAILURE OF THE CONSTITUTIONAL EXPERIMENTS OF THE PURITANS:-**

The constitutional experiment of the Puritans was not successful. A Republic with a written and rigid constitution which was the aim of the Puritans did not last long. The experiments of the Commonwealth contributed very little to the permanent constitutional machinery of the English government. The reason for this failure was that the changes made by the Puritans were too radical to be appreciated by the common people. Republics, unilateralism, a common Parliament etc., were the ideas which departed from the traditional ideas. These measures failed because they lacked national support.

The experiments were mainly the work of the intellectuals in the army who did not in any way represent the general feeling of the time. They were innovators and like all innovators they were rather hasty in trying to impose their scheme upon the people even at the point of sword. Cromwell and his officers were suspected of attempting to subject the civil to military authority and thus to set up a military dictatorship which was definitely distasteful to English sentiments.

There was no clear understanding between Cromwell and his Parliament regarding their respective powers. Cromwell wanted theParliament to have only advisory and legislative powers, while the Parliament desired to control the executive, the Protector and his council. This conflict of interest led to the dissolution of Parliament on several occasions.

The average English man was Anglican and monarchist but the Puritan regime was opposed to these ideas.

**RESULTS OF THE PURITAN REVOLUTION:-**

Many of the changes effected by the Puritans proved to be temporary and remained only as the episodes in the course of English history, for (e.g), the Republic, the unicameral legislature, he written constitution etc. These innovations were not followed up after the Restoration. But certain other ideas of the Puritan Revolution were realized in subsequent periods. The main idea of these changes was the limited monarchy, and so the short lived Republic soon gave way to the Restoration of monarchy.

The Parliamentary union of three countries effected under the Instrument of Government was given up after the Restoration but the idea persisted and found expression in the Act of Union of 1707.

During the period of Puritan Revolution the Parliament made many far reaching and radical proposals, none of which was accepted at that time but most of them were carried out in recent times-Free Public Schools, Public post office, Public work for the employment of the poor, female suffrage, Voting by ballot, establishment of National Bank, freedom of the Press, removal of religious disability, simplification of marriage laws, improvement of local government etc. These suggestions were excellent but the time was not ripe for their execution. Nearly everything the Puritan revolution strove for is now part of the English constitution, but not as a result of their efforts. In America, the ideas of the Puritan Revolution created necessary atmosphere and so there these ideas took root. The American constitution takes its fundamental characteristics from the Puritan revolution.

Though many of the features of the Puritan experiments were not immediately followed up, they effected a lasting influence. Although monarchy was restored, the cause of absolute monarchy was lost forever but the truth was not so very apparent at that time. The struggle for absolute monarchy was not yet over at the Restoration but its future chances of success were greatly reduced which was largely the result of the statutory work of the Long Parliament in its first ten months of united action.

“The predominant influence of the House of Commons in the government of the nation was permanently established. This fact was also not understood fully at that time. Till the Tudor times Parliament had little to do with the army, navy religion etc. but in modern times Parliamentary influence in every department of government can be seen. This new tradition was largely the creation of the Commonwealth period. This new tradition which though born in the Revolutionary period, survived the Restoration and thus bridged the gulf between the Council government of the Tudors and the Parliament any rule of the Georges.

Another result was the complete rejection of Catholicism but the position of the National Church after the Restoration was not exactly the same as before the Rebellion. The fear of the Political designs of the Catholics was not over but Catholicism was greatly weakened during the period of the Puritan Revolution because of the opposition it had at that time.

Another important result of the Revolutionary period was the development of an "intense national antipathy to a standing army and of widespread distrust of men of extreme views." Cromwell's military rule and that of the Major generals were so unpopular as to create permanent prejudice in the English mind against any type of military rule.

Financial independence of the King had come to an end and henceforward no English King except James II tried to raise a revenue independent of Parliamentary action.

The prerogative were permanently removed. Though the later Stuarts tried to use prerogative, they did not succeed. The severe blow given to the prerogative was one of the most decisive achievements of the Puritan Revolution.

Legislation by ordinance now came t6oo be the exception as a result of the pronounced Puritan preference for Parliamentary legislation. The abolition of prerogative courts and Parliamentary legislation were both a triumph of English common law over the King. Thenceforth the role of the King-in-Parliament as the law making body in the State came to be recognized to such an extent that 18$^{th}$ century could be termed as a period of Parliamentary legislation "par-excellence". These two results of the Great Rebellion laid the foundation for the important developments of the constitution.

It was definitely settled that England was not to be a Republic. The logical drift of the English constitutional development was towards a republic, but the institutional changes which took place after the Restoration made such a thing impossible.

Still another permanent result of the Puritan period was the development of the committee system and drawing up of Boards or commissions to be at the head of various governmental departments. For (e.g) the Board of Admiralty, the Treasury Board etc., all of which ensured a plural leadership in the place of an individual leadership.

Though the union of England, Scotland and Ireland failed after the Restoration, the hostility towards such a union was less pronounced than it had been earlier. The precedent of the Puritan Revolution when the three kingdoms came together as one

State irrespective e of religious and other differences, became possible later on. Within a century, the final union of the three countries was achieved and Great Britain was established.

## Unit – II
## The Restoration – 1660

The Restoration was not a single event. It consists of two sets of events which were the achievements of two different bodies. The first stage of the Restoration was the restoration of monarchy, bicameral Legislature, the Privy Council and the Local government, effected by the Presbyterian majority under General Monk in the Convention Parliament. The second stage of the Restoration was that connected with the reinstatement of the Anglican Church, its theology, its worship and its government. This was achieved by the Anglican majority in the Cavalier Parliament which met in 1661.

Charles II was restored to power with no constitutional guarantees whatever. The supremacy of Parliament was not declared in any formal statement not was the King required to acknowledge that his powers were limited or derived from the people. But the King knew that he could not resist the will of Parliament beyond a certain limit and so he shaped his future course accordingly. Actually the Restoration was the work of the Army just like the Commonwealth. Charles II also helped the Restoration by issuing a Declaration of his policies at Breda, his place of exile in Holland. In the Declaration of Breda, Charles offered to pardon all rebels except those who were named by the Parliament, to leave to Parliament the question of the restoration of the lands of the Royalists, to pay the wages of the army and a religious settlement by the Parliament. Charles was brought back and the Convention, the turned into a formal Parliament, set to work to embody in law the conditions of the Declaration of Breda. Thus the Restoration was not based on any fundamental document. The Declaration of Breda was only a formal Declaration issued by Charles II containing a general framework of his policy.

The Convention Parliament which proceeded to complete the work of the Restoration, was not a Parliament but only a Convention because it was not summoned by the King. SO after the return of Charles II, an act was passed declaring it to be a Parliament and Charles' second parliament was regularly summoned and it passed an act confirming the acts of the Convention Parliament. This precedent was followed in 1688.

The Convention Parliament which sat till 1660 declared the reign of Charles II to have begun from the death of Charles I in 1649, and even the Declaration of Breda issued by Charles was dated in the "$12^{th}$ year of the reign" The Convention Parliament invalidated all Parliamentary acts passed since 1641 without the assent of the King. The King was not to use the arbitrary courts like the Star Chamber Court and the Court of High Commission. He should not levy taxes proclamation. But the King still had a veto over legislation and the command of the army was in his hands. The King

was the Executive over whom the Parliament had no effective control but by its control of financial matters and its power of impeachment, Parliament could prevent the abuse of the executive power by the King. Thus the Restoration left the King and Parliament with equal constitutional powers and so the main issue i.e. the location of ultimate authority, was left unsettled.

The Convention Parliament also restored almost all the older institutions. It restored Parliament to its old form of organization and powers it re-established the gentry in local government and in local influence, and it checked the radical Puritan tendency towards democracy. It reenacted the navigation laws, granted Tonnage and Poundage to the King for life and it executed a few judges who had condemned his father Charles I to death but passed an act of indemnity for others. Finally the Convention parliament was dissolved in Dec.1660.

The next parliament was summoned in May 1661 and the majority in this Parliament was Royalists and Anglican and so this Parliament of 1661 was called the Cavalier Parliament. This Parliament confirmed all the acts of the Convention and everything was done to make the Restoration conform to constitutional practice. The Cavalier Parliament was dominated by the Anglicans who were determined to put down the Puritans once and for all. The Bishops were restored to the House of Lords. The first work of this Cavalier Parliament was the settlement of the Church. A number of acts were passed effecting the Restoration of the old church and these acts were usually called Clarendon Code (1661 – 1665) after Clarendon, the Chancellor.

(1) The first act was the Corporation Act of 1661, which expected all members of Municipal Corporation to receive the communion according to the rites of the Church of England and to renounce the Solemn League and Covenant. (2) Next was the "Act of Uniformity" of 1662 which made compulsory the use of the revised Prayer book and that affected toleration within the church and nearly 2,000 clergy resigned? The Act of Uniformity divided the nation into conformists and Non-Conformists who were also called the "Dissenters". The Dissenters met for religious services in meetings called 'Conventicler. (3) A "Conventicler Act" was passed in 1664 which declared that any meeting of more than five persons for religious worship not in according with the practices of the Church as illegal and severe punishments were given to those who attended such religious services outside the Church. (4) In 1665, the "Five Miles Act", was passed imposing a new test oath of non-resistance to the King and not to attempt any change of government in Church or State. It forbade the clergy who had refused to take the tests prescribed by the Act Uniformity, to teach in schools or liver within five miles of any town or of any parish where they had previously preached.

If the Cavalier Parliament was more royalist than the King, it was also more Episcopal than the Bishops of the Anglican Church. The result of the Clarendon Code

was that the Church of England became an "established" and those who differed from its essentially. Anglican and Episcopal doctrines came to be called as the Dissenters comprising both Puritans and Catholics.

The post Restoration Church was thus as intolerant to Dissenters as any of the Previous Church Systems. These laws also affected the Presbyterians for the Presbyterians believed in a national church. Gradually the Presbyterians went back to the Church of England. But the Independents who were also affected, remained separate.

As Seeley points out in his "Introduction to Political Science", the Restoration was not a mere Restoration but it was also a Revolution. According to Gardiner, which the Restoration was brought about by a combination of Cavaliers and Parliamentary Presbyterians, while the former secured the Restoration of the King and the Church, the latter managed to secure the dependence of both on Parliament". All financial independence of the King was over and all danger from royal prerogative was also over. The Triennial Act of 1664 reinforced that the life of Parliament was to be three years.

Clarendon, the Chancellor became unpopular and he was blamed for the failure of the King's policy. He was disliked by the Cavalier Parliament and the King also did not like him because of the Clarendon Code passed during his regime. In 1667, Clarendon was impeached by Parliament for treason and the King also asked him to leave the country. Parliament passed an act for his banishment and with his exile in 1667, the first period of Charles II's reign came to an end.

The next ministry formed in 1667 was called the "Cabal", from the initials of the names of its five members Clifford, Arlington, Buckingham, Ashley and Lauderdale. The Cabal was not a cabinet in the modern sense, but they were the supports of the King. The King could consult any of them or act without consulting any, No single minister after 1667 was given as much powers as enjoyed by Clarendon.

Charles II was at heart a catholic and he was for tolerance towards Catholics, and this could be seen from the Declaration of Indulgence issued by him in 1672. The Declaration of Indulgence suspended the operation of the penal laws against the Catholics. But the Parliament forced him to withdraw it and as a further proof of its intolerance, the Parliament passed the "Test Act" in 1673. The Test Act which is called the "Black Charter of Protestantism" excluded all Catholics from office for, those who wanted to hold any post must take communion in the Anglican Church and must not accept transubstantiation. Though it was aimed against the Catholics, it imposed fresh disabilities on the Dissenters also.

Ever since the Declaration of Indulgence, the people suspected the King trying to establish a Catholic despotism and Charles' friendship with Louis, the Catholic King of France increased their suspicion. It was this situation that created a small but strong opposition in the loyal Cavalier Parliament and led to the formation of the political parties which ever since have been a prominent part of the English Parliamentary system.

The Cabal consisted of two Catholics and three Protestants, and most often Charles played them one against another secretly. The period of Cabal was one of secrecy, intrigue and duplicity. The Test Act caused the resignation of one of the Catholic members and the King dismissed a Protestant member. So the Cabal broke up and Charles appointed as his minister, the Earl of Danby, Danby was the leader of the intolerant Anglican group in Parliament and thus enjoyed the confidence of Parliament. Danby built up a regular party of supporters who were mainly intolerant Anglicans, believing in royal prerogative and opposed to this party another group developed and they, were for toleration for Dissenters and Supremacy of Parliament. Soon Danby's followers came to be called the Tories and the opposite group led by Ashley. Earl of Shaftesbury was called the Whigs. The Tories were popular with the rural gentry, their tenants and the clergy and the Whig party consisted of amajority of nobles, merchant class of the towns and the Dissenters Danby made peace with Holland and brought about the marriage of Mary, daughter of James Charles II's brother, to William of Orange.

Shaftesbury was determined to secure the exclusion of the Catholic Duke of York, James from succession to the throne. Two events played into Shaftesbury's hands in 1678 which enabled him to get the support of the public against the catholic succession. One was the catholic terror. One Titus Oates spread a false rum our that the Catholics were hatching plots to dethrone Charles and to seize the government. This resulted in general fear of Catholic plots and the Parliament passed an act called the "Parliamentary Test Act" in 1678 excluding the Catholics from Parliament. Thus the Catholics were debarred from sitting in either House. Several innocent people were punished by the courts and executed. Shaftesbury exploited this situation to bring the Whig party to power. At this time only the double dealing of Charles was made known to the public by Louis XIV of King's niece, and he handed over a letter written by Danby (against his will) at the order of Charles, to Shaftesbury. In this letter Charles offered to help Louis to secure peace for monetary consideration under the secret Treaty of Dover at the time when Parliament was making grants to Charles to declare war on France. So Parliament impeached Danby and Charles in order to save his minister, dissolved the Cavalier Parliament. Becoming the King of England. The King did not summon the Parliament for the rest of his life from 1681- 1685. By

the time the Whig party had lost some of its support, when it attempted to give succession to the Duke of Monmouth, the King's illegitimate son which offended the sentiment of divine right. Those who supported the Exclusion Bill sent up petitions to the King urging him to summon a new Parliament. The Court party sent counter petitions expressing their abhorrers of such an attempt to force the will of the King. This resulted in the rise of two groups – Petitioners and Abhorrers or the Whigs and the Tories. Thus the nation was split up, as in 1642, into two parties, the Whigs and the Tories. A little later the strong Church party, the Laudians got the nickname of the High Church, and the more Puritanical or liberal minded Churchmen were called the Low Church. Soon Tory and High Church, Whig and Low Church became synonymous terms.

The King tried to put down all opposition and he was able to take revenge on the Whigs. A strong Tory reaction had started against Shaftesbury's attempt to make Monmouth the King's successor and Shaftesbury and Monmouth fled away to Holland. Charles issued the writ of "Quo Warranto" against boroughs which still had Whig government asking their municipal corporations to show by what right they enjoyed certain privileges. They were all remodeled so as to safeguard the King's interest. The extreme Whigs formed a plot called the "Rye House Plot" in 1683 which aimed at assassinating the King as he rode past a house called the Rye House on his way to London. The plot was discovered and the chief plotters were all executed. The Tories remained in power for the rest of CharlesII's reign. Even the University of Oxford issued a declaration that resistance to the King was unlawful. Under this circumstance Charles II became as despotic as the Tudors. Charles died in 1685 before another Parliament met.

In the impeachment of Danby, the Parliament tried to show that the minister was responsible for the King's action. Danby produced a pardon from the King and the question arose whether the King could exercise this particular power to prevent an impeachment but Parliament disregarded the pardon in this case. Later the question was settled by the Act of Settlement which declared that a pardon should not be issued in a case of impeachment. It was also decided that Bishops should not take part in cases of impeachment. Another point that arose was whether the King could dissolve a Parliament to end an impeachment for Charles dissolved the Parliament to save Danby. But the question was answered when the next Parliament continued the impeachment on the ground that the dissolution of Parliament could not stop an impeachment.

The financial difficulties of Charles forced him to summon a new Parliament in 1679. This Parliament renewed the case of impeachment of Danby and also passed the

Habeas Corpus Act which made it difficult for the crown to imprison people without any trial. Since the writ of Habeas Corpus was allowed by the Long Parliament, this act gave statutory definition to a remedy which was recognized long ago.

The Anglican intolerance now grew to such an extent as to cause the introduction in three successive Parliaments a bill to exclude James, Duke of York, the Catholic brother of Charles II from succession to the throne. The Exclusion Bill was introduced in 1679 by Shaftesbury excluding James from succession to the throne. Charles dissolved the Parliament before it granted supply in order to save his brother. Two other Parliaments summoned in the next two years 1680 and 1681 at Oxford, had met with similar fate for they tried to pass the Exclusion Bill.

Charles II tried to become financially independent with the help of Louis XIV of France who paid him a huge pension because Louis hated the idea of William of Orange

**IMPORTANCE OF THE REIGN OF CHARLES II**

All feudal dues like aids, warship etc. were abolished in 1661. The royal revenue was made up by a Parliamentary grant of hereditary excise on been and some other commodities. A Royal proclamation in 1661 forbade all persons to sign petition under pain of punishment. This was not successful and two parties arose – the Petitioning and Abhorrers. Later by the Bill of Rights petitioning was sanctioned. There was an increased control of Parliament over the policy of the crown. An act was passed deciding the Appropriation of Supplies in 1665: From this date it became an undisputed principle that the supplies granted by the Parliament for a particular purpose were to be used for that object only. In 1667 accounts were audited by a Parliamentary committee and it was laid down that no money was to be spent without a legal warrant. The passing of Habeas Corpus Act in 1679 which guaranteed personal liberty was an important feature of this period. The Clarendon Code comprising (1) Corporation Act (2) Act of Uniformity (3) Conventicler Act (4) Five miles Act which affected the Dissenters and Catholics was another important feature of this period.

Charles II’s reign is important in Parliamentary history for various other reasons. The impeachment of Danby also raised several important issues like whether a minister could be impeached for charges personally unfounded against him but well founded against the King. The decision was in the affirmative. Another question was whether a pardon from the King could stop an impeachment but it was decided on the contrary, that is, could not stop it. Another important point was the development of committee system. This procedural change was an improvement in the methods of transaction of business by Parliament. In this period it was agreed that the House of

Lords had no right to initiate or amend a money bill. This period is also important in the history of Cabinet and Parties. For the first time, the important parties, the Whigs and Tories came in to being and thus the origin of the party system can be traced back to Charles II's time. In the history of local government also this period is important. The Clarendon Code kept the Puritans out of local bodies. Charles II forfeited many charters and issued new one's as a result of which the municipal corporations became "packed bodies". Consisting of persons nominated by the crown. Lastly, the reign of Charles II is important as the period leading to the Revolution of 1688. The struggle between the King and Parliament was not over. The limitation of the Restoration Settlement made the continuance of the struggle inevitable. The attempts of later Stuarts to establish a second despotism resulted in the Revolution and the Settlement that followedit.

## James II (1685 – 1688)

Charles II was succeeded by his brother James. Duke of York as James II. The new King was careful, businesslike and a good administrator. He knew that he came to power because of the loyalty of the High Church and Tory party. Though a Catholic he said that he regarded his religion as a private matter. He summoned both the English and Scottish Parliaments in 1685. The English Parliament voted him a revenue of 1,900,000 pounds per annum for life which was much larger than that of Charles II and that made James II independent of future Parliamentary grants. The Scottish Parliament passed laws against the Covenanters.

The Whigs were in despair and many of them had rum away to Holland. Since they could not overthrow the King by peaceful means, the Whigs resorted to violence. Two risings were planned inn 1685. One was led by Argyll was captured and put to death. The other was started by Duke of Monmouth in south west of England in order to get the throne as lawful son of Charles II. But that also failed and he was put to death and cruel punishments were inflicted on the rebels by the "Bloody Assize". (a court) of Chief Justice Jefferies. The absence of Monmouth made the Whigs become popular and turn against James II.

James II became very powerful and he began to plan for the extension of his religion in England. Since he was supported by the Tory and Church Party. James II thought that he could rely on their help in religious matters also. So he asked the Parliament to repeal the Rest Act but Parliament refused and he dissolved it in anger. Then he claimed the Dispensing Power by which he could dispense with an Act of Parliament in the case of any person to whom it applied and Suspending Power, by which he could temporarily suspend the operation of a law in the interests of the

State. To test his Dispensing Powers James II appointed Sir Edward Hales, a Roman Catholic as Colonel of one of his regiments. Hales, was prosecuted by his coachman Godden for legally holding office without taking the oath of supremacy. But Hales showed the dispensation granted by the King and the court decided that it was valid. This made James II appoint many Catholics to civil and military posts.

Even in the Universities of Cambridge and Oxford he used his dispensing power. HE wanted the University of Cambridge to give the M.A. Degree to a Benedictine Monk, who was exempted by the King from taking the usual oaths. He also ordered the fellows of Magdalen College, Oxford to elect as their president a Roman Catholic named Farmer. When they refused, they were appointed in their fellowships and Roman Catholics were appointed in their places. His main aim was to create a Catholic atmosphere in these Universities so that the clergy trained here would have leanings towards Catholicism.

James re-established in 1686, the Ecclesiastical Commission Court, which had been abolished by the Long Parliament in 1641. Since the Tories and Churchmen a were also opposing his plans, the King tried to get the support of the Dissenters by the issue of the Declaration of Indulgence in 1687 using his "Suspending Power" by which he suspended all the laws against the Catholics and the Dissenters but the Dissenters knew that it was done in the interest of Catholics only. When the second Declaration of Indulgence was issued in 1688 by the King ordering the clergy to read it in Churches on two successive Sundays, Tories and High Churchmen turned against him. Arc Bishop Ashcroft and six other Bishops presented a petition to the King requesting him not to enforce the order to read the Declaration. THE King was angry and arrested these Seven Bishops on a charge of libeling the King and sent them to the Tower. They were finally acquitted and other clergy also refused to read the Declaration.

The King had become very unpopular. Just then another event had occurred which turned the people against the King. James II was then an old man and people tolerated his reign because on his death his Protestant daughter Mary, the wife of William of Orange, would succeed to the throne. But in June 1688, the nation heard with surprise that James II's second wife Mary of Modena had given birth to a son (James), who would naturally be brought up as a Catholic, As the successor of James II, the prince would follow t he Catholic policy of his father.

At that time a coalition (league of Augsburg) was formed in Europe against Louis XIV and William of orange as the leader of the coalition, wanted the help of England. The people in England did not like the continuance of the Catholic Kings in

their country and both the Whig and Tory leaders invited William of Orange to come over to England and to save England from the Popish and arbitrary rule of James.

Naturally William accepted the invitation and came to England, James' own troops deserted him and his daughter princes Anne and her husband John Churchill also turned against him. In despair James II made concessions by abolishing the Court of High Commission. As the Dutch army of William approached London James II ran away to France.

William took control of the situation and he summoned a Convention Parliament in Jan. 1689 and it voted that James II had abdicated the throne by his flight to France > It drew up a Declaration of Rights which declared the arbitrary acts of James II illegal. Then the crown was offered to William and Mary as joint rulers and their heirs and they accepted it and if they did not have any heir, he throne should go to Mary's sister Anne and her heirs. These events of 1688 constituted the Revolution of 1688. It was a bloodless revolution for it effected a fundamental change in the constitution. But Seeley does not regard it as a revolution for it did not end the Stuart dynasty since both Mary and William were the descendants of the Stuarts. Further the authors of the Revolution had no knowledge of responsible government. The Whigs called it "the Glorious Revolution" since it was bloodless. According to Trevelyan, it was a real national movement and not a selfish move for power by an aristocracy.

## Glorious Revolution of 1688

The Revolution of 1688 changed the English constitution fundamentally. The old issues between the limited and absolute monarchy which began in the beginning of the 13$^{th}$ century was now settled and the contest between the King and Parliament for sovereignty was also settled. The Divine Right theory of the Stuart rulers was not revived against by any other English King. Now attempts were made to devise an effective machinery to carry on the government, The Revolution of 1688 was not a decision as to particular forms of machinery and in this connection the rule of William III also did not make any great contribution. The King still retained his control over the conduct of government and did not allow the Parliament to have any right in the choice of his ministers.

William III anyhow began his reign with a recognition that the monarchy was a limited one. When William and Mary accepted the offer of the crown, the Convention Parliament was declared to be a proper Parliament which then passed the Declaration of Rights into a law under the name of the Bill of Rights Till then the Declaration of

Rights was only a document drawn up by Convention Parliament and accepted by William of Orange and Mary and not the King of England.

**BILLOF RIGHTS (1688):**

1. The Bill of Rights provided for the succession to the English throne by declaring that the joint rule of William and Mary should be followed by that of the Survivor and then that of their children. If Mary outlived William and married again, her children would come next in succession, and then her sister Anne and her children. Last in Succession were the children of William by another wife if he should outlive Mary and marry again.
2. It excluded from the succession Catholics and those who married the Catholics.
3. The Bill of Rights put restrictions on the arbitrary powers of the King. The Bill of Rights declared the unconstitutional acts of James II like levying taxes and keeping a standing army in times of peace without the consent of Parliament as illegal.
4. The public had the right to petition the King.
5. It demanded the Parliament to be freely elected and frequently held.
6. The bill also declared that freedom of speech should be given to the members of the Parliament.
7. It condemned the levy of fines and forfeitures before conviction.
8. The King was not to exercise the Suspending and Dispensing powers.
9. The prerogative courts like the Court of Ecclesiastical Commission were declared illegal.

The Bill of rights is an important document in English History next to Magna Carta. It marks the end of the struggle which went on for about hundred years and it laid down conditions under which a new was to rule. The divine right theory of Kingship was brought to an end. But it did not deal with any theoretical and philosophical justifications and it just declared certain acts of James II as illegal. By doing that, the Bill of Rights, according to Adams, did what had been omitted during the Restoration of 1660, and thus assumes the nature of a written constitution although it was not a written constitution since it has not created any new form of government. It formed a contract between the King and the people and established the principles of sovereignty of the nation, and the Rule of Law. It also established the supremacy of Parliament for only the consent of Parliament could make anything legal. But the Bill of Rights is also called a ‘negative document’ because it did not impose any constitutional guarantees on monarchy and there is nothing in the Bill of Rights to prevent the recurrence of the unconstitutional acts of the monarchs. But Medley says that the importance of the Bill of Rights lay not in the provisions but in the practical consequences which followed it.

"The Bill of Rights", the third great charter of English liberty, was the "coping – stone of the constitutional building". Along with Magna Carta and Petition of Rights, it forms the legal constitutional code in English history. The doctrines of hereditary right, of absolute royal power and of the passive obedience of the subjects were all removed and the rule of parliament was established. According to Adams "the Bill of Rights, whether regarded historically as the end of a constitutional epoch or for what it is itself merely, is the most interesting document of English history next to the Great charter".

The framework of the constitution was not changed greatly by this document and the King was left with extensive powers. The King still had the control of the government and also had a small group of ministers who enjoyed his confidence and were influential in Parliament.

Some other laws of less importance were also passed by the Convention. The Mutiny Act was passed in 1689 and it allowed the King to maintain a standing army and enforce a discipline by martial law. This act was passed only for a short period and it was renewed every year. This was to keep William dependent on Parliament and it resulted in the necessity of having annual sessions of Parliament.

Another act passed in 1689 was Toleration Act which gave the Dissenters the right to worship freely in their own chapels but ht Catholics and the Unitarians were not given this right. The Test Act still remained in force and the civil disabilities imposed by it were not removed.

The Triennial Act was passed in 1694 which limited the duration of Parliament to three years. Now Parliament's control of policy increased and the power of the House of Commons also increased.

In 1695 the Licensing Act by which all publications had been censored so far, was not renewed and thus liberty of the press was established in England. This was an important feature in a system of free government.

The Treasons Act of 1696 provided safeguards for the accused that could not be tried by the King without proper trial. These were the legal changes by which Parliamentary supremacy and religious liberty were established.

After 1697 there was a Tory reaction owing to the heavy cost of the war and in 1698 a Tory Parliament impeached the Whig leaders like Lord Somers for the part

they played in foreign policy. William, like his predecessors, had kept foreign policy in his own hands but the impeachment of Somers showed that the ministers were responsible for the King's foreign policy. Owing to the Whig majority in the House of Lords, the impeachment failed.

**ACT OF SETTLEMENT: 1701**

In 1701, the succession question was raised when the only surviving son of Anne, the Duke of Gloucester, died in 1700. Mary had already died in 1694 without leaving behind any heir and William III also had no issues and so it became necessary to make provision for the succession to the throne after the death of William III and Anne. The Parliament passed the Act of Settlement in 1701.

1. It offered to throne to Sophia of Hanover, the grand daughter of James I by his daughter Elizabeth and to her protestant heirs.
2. It also said that only Protestants were to succeed to the English throne. These two provisions were very important for they emphasized the fact that the throne was not held by divine right but it was given by Parliament.
3. The King was not to involve England in war to protect his foreign dominions without the consent of Parliament. This provision was made to show the disapproval of the policy of William III using England to defend Holland.
4. No King of England was to go out of England without the consent of Parliament.
5. No foreigners were to receive the grants or offices or to sit in Parliament. This was also a disapproval of the policy of William III appointing his Dutch friends.
6. Judges were to have fixed salaries and they could be removed only after an address to the crown by both the Houses of Parliament or after being convicted in the Law Courts. This clause established the independence of the Judiciary and so henceforward the judges were not to be the servants of the King.
7. All the business of the Privy Council should be transacted only in the Privy Council and not in the Council of Ministers or the Cabinet. Thus the "Whig Junto" was attacked by the Tory authors of the Act.
8. No pardon under the Great Seal of England was pleaded able to an impeachment by the House of Commons in Parliament. This clause shows that the interference of the Executive could not save a person who had committed an offence.
9. The act directed the ratification and confirmation of all laws, which got the people and the Church of England their rights and liberties. It also declared that all the current laws of the country were to be ratified by the king.
10. No minister or holder of any office under the King was to sit in Parliament. This was to check the control of the King on Parliament.

**FINANCIAL POLICY**

The King was in financial difficulties because of his war with Louis XIV of France. Fresh taxes were levied like 'land tax' but the nobles opposed it vehemently. Since it was difficult to raise enough money year after year. Charles Montague, the Chancellor of the Exchequer, was forced to borrow large sums of money. From this bean the "National Debt of England". Previously the King borrowed money on his personal security but now Montague devised a method of borrowing money on the security of the government. Thus the people were to lend money not to the King as a person but to the nation as such. These loans became permanent and interest had to be paid every year.

One of the earliest loans was made by accompany of merchants which was constituted as the Bank of England in 1694 at the suggestion of William Paterson In return for a big loan, the government granted the company of merchants a charter which authorized them to receive deposits of money and issue Bank notes. This Bank of England became successful for it gave better security to the investors and the government also got loans whenever it wanted. The creation of the National Debt and the establishment of the Bank of England strengthened the position of William III, because the people who had lent the money to the Bank and to the King, supported the King for they would lose their money if James II was restored to power.

The coinage was bad in William's time. The government called for all the bad coins in 1697 and gave good coins in return. This good coinage helped both and commerce.

**ORIGIN OF THE CABINET SYSTEM.**

**PARTY SYSTEM:-**

The reign of William III brought about an approach to the modern system of Cabinet Government. The cabinet system itself is based on the existence of a party system and party system is important in a representative democracy. Modern Cabinet is a committee of ministers who are the prominent members of that party which has a majority in the House of Commons. The members of the Cabinet are the heads of the various administrative departments and they control the administration.

Political Parties are essential for the cabinet system. The growth of the party system in England is continuous and more successful than in any other country in the world. The origin of the party system can be traced to the civil war when there were two parties – the Cavaliers and the Round – heads. The Exclusion Bill resulted in two party called the Tories (Abhorrers) and the country party called the Whigs (Petitioners) but these early groups were not really political parties in the modern

sense. Only after the Revolution that Englishmen realized that they could oppose the existing King and at the same time remain loyal to the State. The Whigs held that Parliament was supreme and the King was subordinate to Parliament. They were for a national church controlled by Parliament but they favoured toleration. The Whigs were mostly Dissenters and Mercantile classes. The Tories believed in the Divine Right theory of kingship and so they upheld a strong monarchy. But the Revolution Settlement changed this conception and both the Tories and the Whigs wanted to control the King in the time of William III who was not very popular. But these parties were not like the modern political parties for there was no party organization and no party discipline.

**CABINET SYSTEM:-**

According to Macaulay the King was forced to get advice from a small group of important ministers when the Privy Council became too large for quick and secret business, Under James I and Charles I,there were standing committees of the Privy Council to deal with foreign and other important matters. In the time of Charles II there was a small group of ministers to give collective advice to the King. The name Cabinet was applied to the committee or smaller council within the Privy Council because the King used to consult these members in a small private room or cabinet. The modern 'Cabinet' comes from this inner circle of the Privy Council. The word 'Cabal' was used as a term of reproach to this council.

The reign of William III witnessed the beginning of the cabinet system in England. Since the Tories and the Whigs invited William and Mary, William chose his ministers from both the parties. But there was no unity among the ministers. The Tories criticized the foreign policy of the King, and they were also against the Whigs who had a majority in the House of Commons. So William III began to choose his minister only from the Whigs party. Since all the ministers were taken from the same party, there was homogeneity in the group. As all the ministers belonged to the party which has a majority in the House of were to be chosen from the party which had a majority in the House of Commons and they were to be responsible to the House of Commons for what they did. By 1696, the Whig ascendancywas complete. The group of ministers who held office at that time worked together so untidily that they were known as the 'Whig Junto'. This 'Junto' of 1696 was the first shadowy anticipation of a modern party cabinet. Later on, when the Whigs lost their majority in the House form the Tory party. Thus the Cabinet government based on parties cameinto existence by the pressure of circumstances in the time of William III whose reign thuslaid the foundation of the cabinet system. However the Act of Settlement in 1701 affected the growth of Cabinet for it said that no minister or holder of any office in the

State government was to sit in Parliament. If this clause was continued, there would not have been any possibility of the growth of ministerial responsibility as required by the Cabinet system.

## Unit – III
## Queen Anne and Party Conflicted

When Queen Anne started her reign, the ministry was a mixed one consisting of both Tories and Whigs. Anne was Tory and Anglican, and adviser Marlborough was a strong Tory who gave important places to the Tories. So gradually the Tory element began to increase in her ministry. But Marlborough and Godolphin wanted to carry on the war with France and so they wanted to be on friendly terms with Whigs who also supported the war. In 1704 many extreme Tories left the ministry and moderate Tories took their places. Marlborough began to fill the vacancies with Whigs and gave the office of the Secretary of State in 1706 to his son-in-law Lord Sunderland, a strong Whig, who was closely associated with the "Whig Junto". The Tories were not happy over this policy of Marlborough for the Tory element was decreasing in the ministry and they tried to undermine the influence of the Duchess of Marlborough with the Queen.

After the union with Scotland, the Whig party in the House of Commons became stronger for most of the Scottish members were Whigs. In 1708 the remaining Tories resigned. Marlborough and Godolphin went over to the side of the Whigs and forced the Queen to dismiss Harley and his Tory colleagues and replace them with Whigs. The young Whig Robert Walpole was entirely Whig but the government was becoming unpopular. Tories started denouncing the Whigs declaring that the Whigs were the enemies of the Church of England. Further the Whigs became unpopular for they wanted to prolong the Spanish Succession War but the English were tired of paying heavy taxes in order to carry on the war. The Whigs also made a mistake in impeaching a Tory parson by name Dr. Sacheverell who was preaching political sermons which revived the doctrines of non-resistance and divine right. There was a strong Tory reaction against the Whigs and Dr. Sacheverell became a hero. The Queen dismissed the Whig ministry in 1710 and the Tories secured a majority in the election. A Tory ministry was formed (1710) and they remained in power for the rest of the Queen's life. The influence of Duchess of Marlborough over the Queen came to an end and a Tory Lady Mrs. Masham, the cousin of Harley became the Queen's favourite.

The Tory ministry was headed by Robert Harley, now Earl of Oxford and the other prominence minister was Henry St. John or Viscount Bolingbroke This Tory ministry dismissed succession War was brought to a close by the Treaty of Utrecht in 1713. Walpole was sent to prison. The Tories passed two Acts – the Act against Occasional Conformity in 1711 and the Schism Act in 1714 against the Dissenters. The Act against Occasional Conformity imposed heavy penalties on the Dissenters

who conformed to the Test Act to qualify themselves for office but followed their own religious practice. The Schism Act prevented the Dissenters from becoming school masters.

Sophia, the Electress of Hanover died at this time and again the question of succession came up, In accordance with the Act of Settlement, Sophia's son George, Elector of Hanover should succeed Anne and he was in favour of the Whigs. Fearing that the Tories would be expelled from office, Bolingbroke tried to safeguard the interest of his party by supporting the son of James II if he was prepared to give up his Catholic faith.Queen Anne was also in favour of it but Harley, Duke of Oxford was not in favour of it and so he was dismissed in 1714. The Whigs made preparation for a civil war to ensure Hanoverian succession. James Edward, the Pretender, refused to give up his Catholic faith for the sake pf the crown. Two days before her death, Anne summoned a Cabinet meeting. Whigs attended in large number and they decided to bring George, the Elector of Hanover to England to be crowned as King.

## George – I (1714 – 1727)

George, the Elector of Hanover became George I of England in September 1714. By his time the cabinet had taken the place of the Privy Council as the organ of the government. It consisted of a body of ministers influencing both the policy of the government and the action of the Parliament. Thus a practice was developed to choose the ministers from the strongest party in the House of Commons and it became a regular custom. Yet there was no recognized head of the Cabinet or unity of policy on the part of the ministers even ministers belonging to the same party were not expected to follow the same policy. The King was always present and influenced the decisions of the cabinet.

George I was 54 years when he became the King of England. His character also was not good. He kept his wife in a castle for 30 years till her death. George I was a German, ignorant of the English language and English politics and not interested in his Electorate Hanover.

Since he came to power with the help of the Parliament, the Divine Right of Kings came to an end. Herealized that the Whigs were his main supports and so he entrusted them government of England. TheTory leaders were all punished. Earl of Oxford was impeached and put in the Tower and Bolingbroke ran away to France. The Whigs had a majority in both the Houses of Parliament and they only were in power from 1714 to 1761 till the time of George II. In this long period of Whig rule the full effects of the Revolution of 1688 worked out themselves. Since George I was

a German and could not speak English. Certain constitutional developments had taken place in his time. If the throne had been occupied by an Englishmen, the constitutional developments would have taken a different course.

**THE RIOT ACT 1715:**

The Jacobites formed a conspiracy in 1714 in order to put the son of James II on the throne and there were rebellions in England and Scotland. A Riot Act was passed in 1715 and it gave the ministers great power to put down the rebellions. The plot was discovered and the leaders were put in prison. Gradually the Jacobites lost their support and their attempts were a failure for the people were not so enthusiastic to put the Pretender on the throne.

**THE SEPTENNIAL ACT 1716:-**

As a result of the Jacobite revolt, the Whig ministry wanted to increase the duration of Parliament for the Whigs did not want to risk a general election at that time as they realized that they were not very popular. So they repealed the Triennial Act and passed the Septennial Act increasing the duration of Parliament from 3 years to 7 years. Now the Whigs were independent of their constituencies in whatever they did. Further this act also showed the supremacy of Parliament.

**RELICIOUS POLICY (1719)**

Stanhope's ministry repealed the Occasional Conformity Bill and the Schism Act passed in the time of Queen Anne in order to give religious toleration especially to the Dissenters.

**THE PEERAGE BILL (1719)**

The Stanhope's ministry introduced the Peerage Bill in 1719 and it said that only six peers could he created by the King to add to the existing number. A new peer could be created only after the extinction of an old one. The bill aimed at keeping the Whig majority in the House of Lords. Though it was passed in the House of Lords, it was defeated in the Commons owing to the opposition of Walpole and the Tories. Had this bill been passed, the Whig majority in the House of Lords would have defied and bill passed by the Tories in the House of Commons. Further the Reform Act of 1832 and the Parliament Act of 1911 would not have been passed.

## George II (1727 – 1760)

George II was a man of 40 years when he came to power and he was almost a German like his father when he became the King. George II did not like to have Walpole as his adviser for George II had quarreled with his father when he was young

and he hated his father's chief minister Walpole also. But his experience with another adviser only for a few days convinced him that only Walpole could manage the House of Commons. Walpole also realized the need of the royal support and began to influence the King through his queen Caroline of Anspach.

**ROBERT WALPOLE**

Walpole was the most famous of the statesmen of the Whig period. He was in power for more than 20 years and his long ministry shows the strong and weak points of the Whig aristocracy. He entered Parliament as a Whig in 1700 and in 1708 he became the Secretary of War. The Tories expelled him from the House of Commons. He was a strong Whig and essentially a very practical man. Though not an orator, he knew how to manage the members of House of Commons. He was a successful administrator and an efficient financier. He was satisfied with things as they were and he did not want to rouse up opposition by attacking vested interest. So he followed a policy of "Let sleeping dog lie". In this spirit only he tried to conciliate the Dissenters without offending the Church. Thus without repealing the Test Act. Every from 1727 he passed 'Indemnity Act' by which fines imposed on those who violated the Test Act, were not collected.

When the Whig party recovered power Walpole became a member of the Cabinet in 1714, and he was the Chancellor of the Exchequer in Stanhope's Ministry (1717 – 1721) in the time of George I and there only he showed his strength and efficiency, but he was driven out of office in 1717. Walpole was a great organizer of the Whig party and so he was called "The Drill Sergeant of his party". He knew the art of managing elections and controlling the House of Commons. He had no high ideas and was very corrupt. By means of corruption and bribery, many members of Parliament were kept faithful to the government and so he is accused of introducing corruption into political life but his ends were patriotic.

It was during the time of Walpole that the office of the Prime Minister came into existence. As a strong person, Walpole was able to assume a position of superiority over his colleagues, and his ability and his masterful disposition made him the first real Prime Minister of England. Yet he refused to claim the title "Prime Minister" because his enemies used it as a term of reproach, for he treated his equals as subordinates, by dictating the whole policy of the government and they were to carry out his orders. Though he disclaimed the title at the time of his resignation in 1742, he was the first Prime Minister of England. The development of the post of the Prime Minister took place under peculiar circumstances George I did no know the English Language and so he allowed a prominent member i.e., Walpole to preside over the Cabinet meetings. Walpole appointed only those who had similar opinions on

various matters of the State as ministers and later forced those ministers to resign if they did not approve of his policy. Further the growth of the party system made it essential to have a leader who could manage the party matters.

When George II came to power he was not in favour of Walpole. But Walpole won over the wife of George II and through her he managed George II. On her advice Walpole increased the Civil list in order to make the King keep quiet. So long as he remained in public life, he refused to accept the peerage and by remaining in the House of Commons, he raised the dignity of the Lower House.

Walpole's popularity and the extent of corruption made his Whig colleagues turn against him. He expected loyalty from his ministers and so he forced those who did not approve of his policy to resign. Thus the prominent Whig leaders Carteret and Potency were sent out of the Cabinet. Walpole also quarreled with his brother in law Townshend, the Secretary of State and he also resigned his office. These fallen ministers called themselves the 'Patriot Whigs' and they were joined by young Whigs like George Grenville later of Stamp Act fame and William Pitt, a great orator, who were called the 'Boy Patriots' by Walpole, became the chief opponents. Since Walpole's ascendancy alienated one Whig leader after another, the opposition within the party became great.

Walpole was a great financier and he managed the economic situation created by the bursting of the "South Sea Bubble" with great skill. National debt was decreased in his time because he reduced the interest rate and he created the "Sinking Fund" for the eventual repayment of the National debt. In 1733 he introduced the Excise Bill in order to check smuggling. Walpole realized that the government lost a big income on account of the non-payment of custom duties on wine and tobacco. So Walpole decided to introduce excise duty in the place of customs duty, but these commodities could be imported free of duty, but they would be taxed when they were sold. There was a popular reaction against this Excise Bill and effigies of Walpole were burnt. Walpole, who followed the policy of 'let sleeping dogs lie' did not want to go against popular opinion and he withdrew the scheme.

Even in colonial matters he followed the policy of non-intervention for he did not want to add to his troubles at home. In foreign policy also he wanted to avoid war. He concluded the Treaty of Hanover in 1725 with France and Prussia, and England also remained neutral in the Polish Succession War (1733 – 1735). Spain had a monopoly of trade with her American colonies, but by the Treaty of Utrecht, Spain allowed England to supply the colonists with slaves and once a year to send a ship of other commodities to Spanish colonies. But the British traders carried on smuggling

under the cover of these commercial clauses of the treaty. So the Spanish ships began to search the British ships found in Spainsh water for goods. Many innocent sailors were tortured and among them was one Jenkins who had lost his ear in the course of the search by the Spaniards. He even produced his ear in a container to be inspected by the House of Commons. The opposition now forced Walpole to declare war on Spain and much against his will, Walpole declared war on Spain in 1739 and it was called "The Jenkin's Ear War". Since Walpole could not carry on the war properly, people began to turn against him. His majority in Parliament became small after the General election in 1741 and he was defeated in Parliament in the Chippenham Election case in 1742. Finally he resigned in 1742 setting up the doctrine of ministerial responsibility to the legislature. There was a talk of impeaching him but the King made him the Earl of Oxford and he died in 1745. Walpole's long rule conferred lasting benefits on the nation. England enjoyed a long period of peace and prosperity under him.

**THE CARTERET MINISTRY (1742 – 1744)**

The fall of Walpole in 1742, did not affect the prospects of the Whig party for it was the retirement of one man from the leadership of the Whig party. It allowed some of the discontented Whigs to return to office. Lord Carteret who had been in the opposition, became the Prime Minister in 1742 and the ministry remained purely Whig. Carteret, later Earl of Grenville, was an able statesman. Since he knew the German Language, he became the favourite of the King and he supported the foreign icy of George II. But Carteret neglected the home affairs and gradually he found it difficult to manage the majority in then House oc Commons. Lord Pelham and his brother, the Duke of Newcastle became powerful and they forced Carteret to resign in 1744.

**PELHAM MINISTRY (1744 – 1754)**

After the resignation of Carteret, Henry Pelham became the head of the Cabinet and was in power till his death in 1754. Henry Pelham was a follower of Walpole and he ruled England in accordance with Walpole's ideas. He formed a "Broad Bottom Administration" which contained even a few Tories and some of the "Boy Patriots", George II did not want William Pitt, the Elder, to be taken in the ministry. But in 1746, Pelham changed the King's mind and made William Pitt the Paymaster of the Forces. Pelham shared his power with his brother, the Duke of Newcastle who, though not a good administrator, was great politician who maintained the majority in the House of Commons.

**THE NEWCASTE MINISTRY (1754 – 1756)**

The death of Henry Pelham in 1754, made his brother Newcastle become the leader of the Cabinet. Newcastle was a rich man and he knew how to manage the House of Commons but he was very incompetent. He did not want to admit William Pitt the Elder, the Great Commoner, into his ministry and he also dismissed Pitt from the post of the Paymaster of the Forces in 1755. Pitt and Fox went to the opposition and the Whig house became divided when the seven Years' War started. Pitt attacked Newcastle's ministry with great effect and Newcastle who was in need of a leader to control the House, invited Pitt to join his ministry but Pitt refused. Newcastle resigned in 1756.

**THE DUKE OF DEVONSHIRE'S MINISTRY 1756 – 1757**

The Duke of Devonshire who became the Prime Minister in 1756 after the resignation of Newcastle took Pitt in his ministry but they could not remain in power for long and they both resigned in 1757.

**PITT – NEWCASTLE MINISTRY 1757 – 1761**

Since Pitt could not command the majority in the House of Commons, Pitt and Newcastle formed a coalition government which outlasted the reign of George II. Newcastle became the Prime Minister and Pitt became his Secretary of State. Pitt directed the war, while Newcastle managed to keep his party in power. Pitt was at his best as war minister and the French were defeated by the English everywhere. When George III came to power, Pitt the Elder resigned in 1761 for he could not get along with George III.

**THE CABINET SYSTEM UNDER GEORGE I AND GEORGE II**

According to Adams, "the accession of George I marked the beginning of an epoc formative in the development of a Cabinet government". Cabinet government had already made great progress in the time of William III and Anne, and now it became an established fact in the time of George I and his successor George II. By law, the executive power was in the hands of the King and his advisers, but a new custom developed by which the King chose his ministers from the majority party in the House of commons. These ministers formed the cabinet ie., a small body of men having identical ideas on all important matters. The King acted mainly on the advice of his Cabinet whether he liked or not. The result was that the power of the King began to decrease while the authority of the Crown as exercised by its constitutional advisers steadily increased thus the commons became very powerful and the House of Lords lost co-coordinating authority with the Commons and gradually became a revising or checking chamber.

Since George I did not know the English language and was also not interested in the affairs of England, he did not attend the Cabinet meetings. Till 1714, the King only presided over the meetings of the ministers who used to advise the king on the conduct of Public affairs, but now the ministers met in the absence of the King and one of the ministers., an important and influential member, presided over into existence. Robert Walpole was chosen for this and he was the first Prime Minister though he used to deny the fact. Walpole led the House of Commons and directed the government. The Prime Minister always held another post, often a sinecure office. He was not recognized officially as the holder of the other post since no office of the Prime Minister was created at that time.

From the beginning, the Prime Minister was something more than the Chairman at a meeting of his colleagues. Since George I and his successor George II were not interested in English affairs, they left these matters to the politicians and this made the Prime Minister become almost the ruler of the country. He reported to the King only the decisions arrived at by the Cabinet as the unanimous advice of the Cabinet and not the discussions and disagreements they had. Gradually the Prime Minister began to secure other rights and duties. As the Georges were indifferent to the appointment of ministers, the Prime Minister began to appoint ministers. Before 1716, a Whig Cabinet might contain a few Tories and vice versa, but in 1716 the Cabinet became entirely Whig. Since he chose only his political friends as ministers it soon became a recognized principle that minister must belong to the same party as the Prime Minister in order to ensure common thinking on all questions. If the ministers disagreed with the Prime Minister they would resign from the Cabinet and from the party or they would be dismissed from the Cabinet by the Prime Minister for e.g., Cartaret retired in 1724, and Townshend resigned in 1730. Walpole dismissed several ministers who did not support him when he introduced the Excise Bill in 1733. Henceforward, the principle of the solidarity of the Cabinet was well recognized. This control over ministers was more due to Walpole's strong personality rather than ambition.

Party government existed even in the time of William III but neither in his reign not in the reign of Queen Anne was it considered as inevitable. But the withdrawal of the Georges from English politics and the development of the post of Prime Minister who chose his ministers from his party lonely, made the party government strongly established in English Constitution.

Walpole's ministry was also important in the establishment of the ministerial responsibility. He had to abandon the Excise Bill in 1733 even though he had a majority in the of Commons because the House of Lords defeated the Excise Bill and

public opinion outside Parliament was hostile to the Bill. This was the first time when a measure was to be abandoned, because the public opinion was not for it. Again in 1739 Walpole had to start war against Spain against his will in spite of the fact that he commanded a majority in the House of Commons and also enjoyed the support of the King because people were for war. When England did not fare well in the war, Walpole resigned in 1742 and thus he set up the principle of ministerial responsibility. The King could not keep Walpole in office even though he wanted to do so because the power of appointing ministers was not in his hands.

So the cabinet was becoming les dependent on the King but it was becoming more dependent on the House of Commons. Thus the process of advance form 1715 was two fold-one was the transfer of the control of government from the King to the Cabinet and second was the transfer of the final control of government to the House of Commons. Walpole knew that his influence with the king and his control of government policy depended on his power to command a majority in the House of Commons. But his majority in the House of Commons was got partly due to corruption and partly due to efficient management. To maintain a majority of his own men in the Commons he used to grant patronages which were a privilege of the King. Thus he made himself important by recommending appointments. Many members of the House of Commons did not represent the voters but became members with the help of the Whig aristocrats. Thus the corruption of the electorate had become widespread by this time. The votes of the members of the House were also bought for cash.

Responsible government did not function at that time and nobody realized the development of the Cabinet. When Walpole resigned, the other ministers did not resign with him. So the real development of the Cabinet tool place only in the 19$^{th}$ century and till then everything depended onthe personal domination of the Prime Ministers. Only the broad outlines of the Cabinet were laid down.

Inspite of the efficient management of House of Commons by Walpole, the opposition gained strength gradually. Thoughthe Tories were the main opponents, the bitterest opponents of Walpole were brilliant Whigs like Carteret and Poultney who were kept out of the Cabinet by the Prime Minister. Then the young Whigs like George Grenville and William Pitt, the Elder also became his opponents. Since there were many Whig groups, it is not proper to say that the Cabinet was based on party majority.

The practice of having an inner circle within the Cabinet which began even in the time of Anne, continued in the 18th century till it disappeared in the time of Rockingham's ministry in 1782.

Impeachment which had been devised in the struggle between the King and the Parliament over the location of sovereignty became obsolete because then the interpretation of government policy was done by leaders of different groups who were all equally loyal to the constitution of the nation. (Adams).

**THE WHIG ARISTOCRACY OR THE WHIG OLIGARCHY;**

Though the House of Commons became supreme in the time of George I, England tended to become an aristocracy rather than a democracy because the members of the House of Commons were chosen rather than elected because few English men except the country gentlemen and rich merchants were interested in politics. The Whigs had a majority in the House of Commons and they were in power from 1714 to the time of George III (1761) because of various reasons.

1. The Whigs were responsible for the Hanoverian succession by proclaiming George I the King of England. But the Tories were against it. The Jocobitc Revolt of 1715 shows that the Tories were not reconciled to the rule of George I and they tried to bring back the Pretender by means of violence. So naturally George I gave his confidence to the Whigs and that enabled them to come to power.
2. George I was a foreigner and he did not know the English language and also not interested in English politics. He and his successor George II allowed the Whigs to manage the administration of the country. So under the Whigs the principle of party government grew and the Cabinet system also developed. The post of the Prime Minister also came into being. The supremacy of Parliament was also established. The Prime Minister became important and he appointed all important officers in civil service and army. Since he was a Whig, his patronage increased the importance of the Whig party, because the recipients naturally supported him.
3. The Whigs were able to influence the voters in the Rotten Boroughs and Pocket Boroughs because they were mostly rich landlords. Thus they were able to retain their majority in the House of Commons.
4. The Whigs also had a majority in the House of Lords at that time and so the Whigs could depend on them in their policy.
5. In religion, the Whigs were for toleration to Dissenters. Their liberal policy in administration and religious matters made them become popular with the people.
6. Though the Whigs were for continuance of the European war, the prominent Whig leaders like Walpole and Townshend wanted to withdraw England from European complications. Further it was in this period the English were successful in India and

they also drove out the French from Canada during the Seven years' War. In order to safeguard the interest of the Hanoverians the Whigs persuaded the Europeans not to help the Jacobites to get throne.

7. Trade and commerce were regulated in such a way that it brought prosperity to England. The colonial trade was given great encouragement by allowing the colonies to trade directly with the other countries.
8. The general policy of the Whigs was "Laisssez –Faire" and it consists of the idea of leaving things alone i.e., minimum amount of government interference in the affairs of the nation. It is also called the policy of 'let sleeping dogs lie' and it prevented them from doing anything which might create resistance. For (e.g), the dropping of the Excise Bill in 1733.
9. The Whigs did not interfere with the freedom of the press after the abolition of the press censorship in 1695.
10. The Whigs did not enforce the Navigation Acts passed in the Stuart period to regulate colonial trade vigorously because of the 'Laissez-Faire" policy.
11. The merchant classes gave loans to the government and so they did not want any change in the government because they might not get back the loans if the Jacobites came to power.
12. Even in industry the Whigs did not enforce strict rules and regulations that were enforced carrier by the Statute of Artificers (1563) which had fixed wages, the tern of apprenticeship etc. The Whig ministry followed a policy of strict economy and reduced the expenditure and this resulted in the financial prosperity of the country.
13. The National debt was decreased by the reduction in the interest rate. The land tax was also reduced he financial prosperity naturally made the Whigs' position stable.
14. The Whigs at that time were better organized than the Tories and they had great leaders like Stanhope, Walpole and Townshend. Walpole was the most efficient leader who managed to retain the supremacy of the Whigs for a long time.

As a result of all these the Whigs enjoyed the support popular for under them the country became prosperous. The Whig politicians were not idealists but they were very practical and so they did not interfere in the affairs of the people unnecessarily. The Hanoverians were established firmly on the throne. There was stability in politics and religion. Thus on the whole the Whig rule was beneficial to the country and so the period of the Whig ascendancy in England is called "The Golden Age of the Whigs". But the Whigs used all corrupt and unfair means to maintain their power. With the accession of George III the Whigs began to lose their importance for George III wanted to break the monopoly of power enjoyed by the Whigs. But it has already destroyed the possibility of the establishment of absolute monarchy in England.

## George III (1760 – 1820)

George II was succeeded by his 22 year old grandson George III in 1760 for his eldest son, Frederick, prince of Wales i.e., father of George III, had already died in 1751. George III was born and brought up in England. George III was greatly influenced by his mother Augusta, and his tutor Lord Bute. George III was popular and his private life was above reproach. He was a strong willed person. In his firs speech in Parliament he said, "I glory in the name of Britain". Even before his accession, he had formed his own ideas of Kingship. Above all he understood the politics of the 18th century and he wanted to choose his own ministers. He did not like the Whigs who were already divided into different groups. George III dissociated himself form the parties, for he wanted to be above parties, but he was friendly with the Tories for they might help him to breakdown the Whig supremacy. His main ideas was to create a party of his own men and gradually there grew up a party of his men called the "Kings friends" whose duty was to obey the King.

**PERSONAL RULE OF GEORGE III:**

Since Gorge III was born and brought up in England, he understood not only the language of the land but also the English polities and administrative system. He realized that the ignorance of his predecessors was responsible for their leaving all powers in the hands of their ministers but he was determined to take all powers into his own hands. So from the time he came to power, he wanted to have his personal rule. Since the Whigs had the monopoly of power from 1714, he wanted to break thei power. With this motive he kept aloof from parties and denounced party government. He allied himself with the Tories to destroy the power of the Whigs. It the Whigs could manage to have a majority in the House of Commons by corrupt means, he too could have his own men in the House of Commons by the same method. Gradually there grew up a group of men called the "King's Friends" who were to support him in everything. George III said that he was "a Whig of the Revolution".

George was willing to accept the limitations imposed by the Bill of Rights and the Act of Settlement but nothing more. He was not prepared to leave all the powers in the hands of the Cabinet for he considered that the growth of the power of the Cabinet was only conventional and not legal. His mother's advice always was "George, be a King". His tutor, Lord Bute's advice was also the same. Thus George III decided to enjoy all the powers that had been taken by the cabinet.

Unlike his predecessors the first two Georges. George III had no special interest in Hanover. Unlike them he wanted to be a real ruler who would not only reign but also govern. HE was not attacking the supremacy of Parliament but he did not like the supremacy of the Cabinet. The people at that time too had not become

familiar with the Cabinet and all political theories still considered the King as the head of the government. The writings of Bolingbroke also exercised great influence on George III. According to Bolingbroke who wrote a book "On the idea of a patriot King", that England was in need of a "Patriot King" who should be above party politics and who should be in touch with his people and be their head. So George III decided to play the role of the "Patriot King". George III also followed Blackstone whose "Commentaries on the Laws of England" advocated the separation of powers.

George III wanted to defend the constitution against the factions in the House of Commons. He proposed to appoint his own ministers and also wanted to take an active part in the determination of policy and he was also successful in it. His object was to restore the crown to its independence. He did not defy Parliament but managed it. His aim was not to revive the absolutism of the Tudors or the Stuarts. So the question at issue was whether to return to the system of Cabinet government or to revive royal government. If George III was successful in his attempt, it would mean the downfall of parliamentary supremacy and the disappearance of the Cabinet system which were the important results of the Revolution of 1688.

The King strengthened the "King's Friends" by means of royal influence and patronage. Even threats were used to secure supporters and to dismiss disobedient officers. As a result, there was a number of Cabinets in the first ten years of his reign, all unstable and disunited. This period saw the climax of Parliamentary and official corruption in the history of England.

As soon as he came to power, George III was not able to set up his personal rule, for Pitt-Newcastle ministry was functioning and Pitt, the Elder was very powerful but George III made constant changes in the Cabinet. Without consulting Pitt or the Prime Minister Newcastle the King appointed Lord Bute as a member of the Cabinet. When Pitt, the Elder asked the King to declare war on Spain, George III refused and so Pitt resigned in 1761. In 1762 Newcastle also resigned and Bute became the Prime Minister, Bute being a Scot, was very unpopular and in his time the Seven Years' War came to an end by the Treaty of Paris in 1763.

George III realized that he could not carry on the government with the help of his friends alone and for sometime more he had to depend on the Whigs. So from 1763 to 1770 he followed to twofold policy by which he hoped to break the power of the Whigs and at the same time train his friends in the art of administration. He asked George Grenville, a Whig leader, to form the ministry inn 1763. In his period two things happened John Wilkes affair and the troubles in the American colonies as a

result of the passing of the Stamp Act in 1765. By this Act the colonists were expected to buy stamps from the government for all their legal documents in order to meet one third of the expense of the army kept for the defense of the American Colonies. The colonists agitated against this Act and so the Act was repealed in 1766. John Wilkes in his paper " The North Briton" attacked the King's speech to Parliament in 1763 for which he was arrested and punished.

Grenville was asked to go, and another Whig Rockingham all disunited and Pitt the Elder refused to support the Cabinet. Further the "King's Friends" were ministers in this Cabinet and they opposed the measures of the cabinet which were not accepted by the King. So his ministry was dismissed in 1765 and Pitt the Elder, now the Earl of Chatham was asked to form a non-party government, for Pitt the Elder never believed in the party system. Pitt formed a coalition government in 1766 with Duke of Grafton as Prime Minister. This ministry contained Whigs, Tories and King's Friends and so there was no unity. Pitt was not able to dominate the King and the Cabinet as he had done earlier and so he left the ministry in 1768. Grafton also resigned in 1770 and the King invited a Tory, Lord North in 1770 to form a ministry.

Lord North's ministry lasted from 1770 to 1782 and this was also the Period of the personal rule of George III. North allowed the King to have the general direction of the policy of the government so that the King and not North was the real Prime Minister. The King's ambition to choose his won ministers was at last realized. In this period from 1770 to 1782, the system of Cabinet government which seemed to have been established in the reign of George II was temporarily overthrown. There was not much opposition to the King and all his nominees were returned to Parliament. So it was easier for the King to get the laws passed through the Parliament. He followed the same methods to get a majority in the House of Commons as the Whigs had done earlier. Cabinet, Parliament and government policy were all under the control of the King.

The government of George III and North went on alright until the American war. The British government imposed its will on the American colonies and the result was the outbreak of the American war of Independence. Already Fox, Burke, Chatham and Shelburne started attacking the personal rule of George III. The war did not go alright. Dunning ham moved a resolution in the Parliament in the beginning of 1780 that "The power of the crown has increased, is increasing and ought to be diminished". The resolution was passed. The British forces in America were defeated. Cornwallis surrendered at Yorktown in 1781. The majority in the Cabinet dwindled rapidly and northsuddenly resigned in 1782 much to the anger of the King.

The establishment of the Cabinet system of government did not take place without a struggle. George III made no preparation to find a successor to Lord North. He hated the Whigs and their leader Rockingham, but finally he had to allow the formation of a Whig ministry by Rockingham in 1782. Thus the Whigs were able to come back to power. Many Whig ministries were formed but they were all short lived. With much reluctance only George III allowed Rockingham to form the ministry. The ministry tried to reduce the power of the King by disfranchising a large number of placemen and excluding contractors from Parliament. Burke's Economical Reform Act of 1782 tried to prevent corruption being practiced by the King by reducing the Number of offices and pensions and by disfranchising all revenue officers. The Civil list Act of 1782 suppressed several offices held by members like those of revenue officials and post masters. The Civil List Act also affected the grant of secret pensions.

Rockingham died in 1782 and the King chose as his Prime Minister Lord Shelburne, a very able but unpopular Whig who was not liked by others Whigs like Fox and Burke and both Fox and Burke resigned their office. They both joined with Lord North and defeated Shelburne in 1783 when they came to know that the Independence of the United States was accepted by the treaty of Versailles in 1783.

Then the infamous Coalition ministry of Fox, the advanced Whig and Lord North, the extreme Tory, was formed in 1783. Such a government had no solid base. The Fox India Bill which proposed to take over the power of the East India Company and to govern the Indian provinces through officials was passed by the House of Commons, but rejected by the House of Lords due to the intervention of the King. SO Fox resigned in 1783 and thus the coalition ministry came to an end.

Their place was taken by the young Tory William Pitt the Younger, the second son of the Great Commoner, Pitt the Elder or Earl of Chatham, in 1783 and a new period began with his appearance.

**WILLIAM PITT THE YOUNGER 1783 – 1806**

William Pitt or Pitt the Younger was the second son of Pitt the Elder or the Earl of Chatham. He studied in the Cambridge University and then he became a barrister, He entered Parliament in 1780 as an opponent to Lord North's American Policy. His maiden speech was made in support of Burke's Bill for economic reform. Burke remarked that Pitt the Younger was not a "chip of the old block but the old block itself". Pitt like his father, was one of the few England's great Parliamentary leaders. In 1782 he was appointed as the Chancellor of Exchequer by Shelburne, but he was practically the leader of the House of Commons. After the Shelburne ministry, the

Fox-North coalition ministry was formed and when that ministry was dismissed in Dec, 1783. George III appointed the 24 years old Pitt as the Prime Minister.

Pitt's government was not taken seriously at first and the "mine pie administration" was expected to come to an end after Christmas for it was formed just before Christmas ie., 19th Dec. 1783, but Pitt remained as Prime Minister from 1783 to 1806 with the interval between 1801 and 1804 when Adding ton was the Prime Minister Pitt was trained from the beginning for a political career. He had all relevant information in matters of administration. When he was a barrister, he often visited London to hear his father in Parliament. Though he was a good orator, Pitt the Younger was not equal to his father. His health was had and he could work only under the influence of liquor. It is said that except drinking, he had no other vices. He was very reserved and hated title and rewards. His courage and resourcefulness together with the extreme opposition won him great support.

In Dec, 1783 he was asked to form a ministry but in April 1784, he dissolved the Parliament and ordered a fresh election to the great surprise of his enemies , Fox and North. Pitt got a decisive majority in the election and about 160 supporters of Fox lost their seats and they were all called "Fox's Martyrs". For the next 17 years Pitt was in power enjoying the confidence of the King and the nation. With the accession of Pitt the Younger, the Personal rule of George III came to an end. The King had great confidence in Pitt and his health also began to decline. Increasing blindness and madness made the King retire from public business more and more towards the end of his reign and that naturally left the chief power with the ministers. In his time the "Tory Oligarchy" (1784 – 1830) prevailed.

**HIS DOMESTIC POLICY:-**

The Home policy of Pitt the Younger can be divided into two parts. The first period lasted from the close of the American Revolution to the outbreak of the French Revolution and the second period began after the excesses of the French Revolution started in France. Pitt's fame as a statesman rested mainly upon his accomplishment during the period of peace between the close of the American Revolution in 1783 and the outbreak of the war with France in 1793. In this period Pitt followed the policy of "peace reform and retrenchment".

Pitt's important work was his reorganization of the Public finances. When he came to power the country was a prosperous but the national finances were not in a satisfactory condition because of her part in the American War of Independence. Pitt kept the post of the Chancellor of the Exchequer for himself. As a result of the influence of this friend Adam Smith, the author of "the Wealth of the Nation" he

followed a free trade policy by reducing many duties on imports and abolishing others. This prevented smuggling and it resulted in the increase in the revenue of the country. He also put and end to many abuses connected with the raising of public loans and introduced effective audit and accounting. He established a “Sinking Fund”. For the clearance of the National debt.

Pitt also promoted commerce by the application of the principle of Adam Smith to foreign trade. In 1786 he negotiated a commercial treaty with France which provided for a mutual reduction of duties on all goods except some specified imports. This reciprocal arrangement with France evoked a strong opposition in England for France was considered as a hereditary enemy of England. The operation of this policy was delayed by a war with France. But Pitt was the First one to introduce the policy of free trade and became the pioneer statesman in this field. Pitt also wanted to extend the “free trade” to Ireland but he did not succeed.

Pitt also carried out many Parliamentary reforms. He was aware of the fact that the people were against the inequalities in the representation of the people and the narrow franchise. In 1785 Pitt introduced a Bill to disfranchise 36 rotten boroughs, each of which returned two members to Parliament and to give compensations to the patrons of these boroughs. His idea was to redistribute that representation to countries and populous towns. But the bill did not become law for too many members of his party got their seats from these rotten boroughs only. In 1787, he abolished some old boroughs and created some new ones. While the corruption of the Parliament continued under him also, Pitt put an end to the system of direct bribery of the members of the House of Commons but at the same time he did not hesitate to pervert to his advantage the corrupt electoral system which he failed to reform. After his initial defeats, Pitt never brought any bill for Parliamentary reform.

Though Pitt stood for peace and Parliamentary reforms in the pre-Revolutionary period, he suspended all such acts once the French Revolution broke out. The fear that the English also would imitate the French, made him follow a policy of repression. The government passed many laws to crush revolutionary activities in England. In 1793 the Alien Act was passed to watch the suspected foreigners. He passed the Suspension of the Habes Corpus Act in 1794. The Treasonable Practices Act and Seditious Meetings Act were passed in 1795 to curtail the liberties of the people. The law against the combination among the workers was passed in 1799 to prevent the workers form joining together. It is said that the “popular Constitution was suspended” (Erskine May) in this period.

**FOREIGN POLICY OF PITT-**

Even in foreign policy, Pitt followed a policy of peace till 1793. In India the Regulating Act of North passed in 1773 was a failure. The defects of the Regulating Act were removed by Pitt by passing the Pitt's India Act in 1784, which left the administration of India territories to the East India Company, but gave all control over political matters to the Board of Control appointed by the British Government. Indian Civil Service was also regulated.

In 1788 Pitt entered into a Triple alliance with Holland and Prussia and it ended the French influence in Holland. This alliance also ended the isolation of England in Europe. In the Near East Pitt realized that the Russian aggression on Turkey was a danger to the position of England in the Mediterranean and also to her dominion in India. In 1788, he helped Gustavas II of Sweden against Russia and thus the Russian expansion in the Baltic was stopped. In 1791, peace was brought about between Turkey and Austria to prevent the Russian influence in the Mediterranean. When he wanted to use force in 1791 to prevent Russia from occupying more territories from Turkey, parliament refused to support him.

(In Canada, Lord North's Quebec Act (1774) tries to conciliate the Candaians, especially the French Roman Catholics and keep them loyal during the American War of Independence. This encouraged many form he United States to go and settle down in Canada. It resulted in a conflict between the old French settlers and the new settlers. So Pitt passed the Canada Act in 1791 which divided Canada into two- Lower Canada or Quebec inhabited by the French and Upper Canada or Ontario inhabited by the English. Each had its own governor and some amount of self-government. Thus Pitt tried to satisfy both parties.

**PITT'S IRISH POLICY:-**

Pitt wanted to establish free trade between England and Ireland but could not do so because of the opposition of his party. Pitt was not able to satisfy the Irish Catholics and he tried to remove their grievances by bringing together Ireland and England by the Act of Union in 1801 which tried to remove some of the causes of friction between England and Ireland, Both the countries were to have one common Parliament. Then he tried to bring about a plan for the catholic emancipation but George III refused to accept his policy and on this issue Pitt resigned in 1801, for he did not want to trouble the old king who might become insane again. The renewal of the French war in 1803 led to a popular demand for his return to office in the time of Addington's ministry. In the interest of the nation at the time of crisis Pitt returned to power without insisting upon Catholic Emancipation. He formed a coalition against France and he was able to see the English triumph at Trafalgar, but the French victory

at Austerlitz against the combined forces of Russia and Austria in 1805, and the collapse of the coalition affected Pitt the younger. His health became bad and he died at the age of forty six in 1806. Pitt was a great man inspite of the draw-backs in his administration and his greatness lay in his character and his ideals. He was a man of honour and he had great contempt for the corruption of his time.

**MINISTER AFTER 1806:**

A non party ministry consisting of Whigs, Tories and King's Friends was formed in 1806 under Grenville and Fox was made the Secretary of State. This ministry was dismissed in 1807 on catholic question for Grenville wanted the English Catholics to enjoy the rights that were enjoyed by the Irish Catholics, but the King did not like it. These dismissals were the last and the greatest George's triumphs and after this he kept the Whigs out of power and the Tories only were in power till his death.

The next ministry was formed in 1807 by the Duke of Portland and under him Pitt's disciples Canning and Castler-eagh held important posts. Portland died in 1809, and is ministry was followed by a reactionary Tory ministry under Spencer Perceval and it came to an end in 1812 when Perceval was murdered by a madman. Since the King became insane, George, the Prince of Wales was made the Prince Regent in 1811 itself.

The Lord Liverpool formed a ministry (1812) and he remained in power till 1827. In this period only, the Peace Settlement of 1815 was made. So altogether there were ten Tory ministers besides Pitt's In England in the Period after the end of the French Revolution. Parliament was controlled by the Tory oligarchy and this Tory supremacy was supported by George III because the war was against the principles of French Revolution.

England was exhausted by the long war and the condition was made worse by the government which took no step help the people for it was still afraid of the principles of the French Revolution. After the Manchester massacre in 1819, the Parliament passed a series of acts called the "Six Acts" to prevent the public meetings. In 1820 the King died.

**THE CABINET SYSTEM:-**

Though the cabinet system had come into existence, it had certain defects like the absence of the absence of the feeling of collective responsibility among the members of the Parliament but they were rectified in the time of Pitt the Younger. Under him the supremacy of the Prime Minister and the homogeneity of the cabinet were established. The idea of collective responsibility was also established. George III

wanted the ministers to be responsible to him and not to the Prime Minister but he failed in this attempt. After the failure of his personal rule in 1783, the modern form of cabinet started functioning.

## GEORGE IV 1820 1830: WILLIAM IV 1830 – 1837 AND QUEEN VICTORIA 1837 – 1901

George IV came to power in 1820 on the death of his father Gorge III. He was not new to the job, for during the last 10 years of his father's reign he acted as the regent. He led an evil life and soon his health became bad and was shut up at Windsor till his death in 1830. In this period the English monarchy became very unpopular. He had secretly married a catholic widow in 1785 and then again married Princess Caroline of Brunswick in 1795. When he became the ruler, he wanted to divorce Caroline by a bill called "Bill of Pains and Penalties" but the bill was not passed.

George Iv died in 1830 without any heir and so he was succeeded by William IV. He was called the Sailor King for he worked in the British Navy before he became the king. He was a good natured King and there was a lot of activity in many fields in his reign.

William Iv also had no children and so when he died in 1837, the throne was given to his niece Victoria, the daughter of Edward, Duke of Kent, fourth son of George III and his wife Victoria of Saxony- Coburg, sister of Leopold of Belgium. Since women were not allowed to reign Hanover, it was separated from Britain and was given to Earnest, Duke of Cumberland, fifth son of George III. Victoria was just 18 years when she came to power and so was helped by Lord Melbourne She married her first cousin Albert, Duke of Saxony-Coburg Gotha in 1840, and he was called the Prince –Consort for Parliament refused to give him title of King in spite of the efforts of Queen Victoria. She ruled for a long time and so there were many ministries during her reign.

### Parliamentary Reforms

The English Parliament had existed as an institution since the days of Edward I and it continued to grow in importance in the Second half of the middle ages. It declined during the Tudor period and it would have come to an end in the Stuart period if the financial difficulties of the Stuart ruler had not compelled them to summon it from time to time. IT established its supremacy at the time of the Revolution of 1688 and from that time it had remained as an essential feature of the constitution.

Parliament might be considered as a representative organ of the nation or at least of the landed people in the nation till the middle of 18th century but after the growth of the industrial towns, the system of representation was considered to be defective. Further population growth and redistribution made Parliamentary representation very uneven. Some of the newly developed cities such as Leeds, Manchester and Birmingham had no representation at all while the rotten boroughs which were almost uninhabited had representation inn Parliament. For (e,g.) Old Sarum near Salisbury sent two members of Parliament andDun which had almost fallen into the sea also returned two members. The thinly populated country of Cornwall returned 42 members of Parliament whereas Dorset and Somerset returned only 18 and 16 respectively. This meant that a very small number of voters decided the composition of the House.

The pocket boroughs were in the possession of wealthy landowners who, through their influence, could get their candidate elected to Parliament. These patrons often sold the right nomination to the highest bidder, for, the entry to the House of Commons at that time meant rise in the ranks of London society. The voters in these boroughs were easily bribed. It is said that "altogether 56 towns had less than 40 voters each and about 160 landlords nominated had the membership of the House of Commons". Pitt the Younger observed in 1783 "this house is not the representative of the people of Great Britain , it is the representative of nominal boroughs of ruined and exterminated towns of nobles families, of wealthy individuals and of foreign potentates".

In the country constituencies there were more voters, for the 40 shilling free holders had the vote but in the Scottish countries the number of voters was small and open to bribery.

The system of franchise was also defective. As a result of the Agrarian Revolution and the growth of large estates, the old class of 40 shilling free holders had become smaller. The increasing class of tenant farmers and labourers had no vote. Further, after the Industrial Revolution manufactures and merchants became rich, but they had not invested their wealth in the purchase of land. They surpassed the wealth of the landowners, but they could not become members of Parliament. The old system where land was the basis of political power seemed out of date.

There was an increase in the number of working class people as a result of the Agrarian and Industrial Revolutions. These people became poorer and poorer as a result of war and Corn laws. Corn laws passed in 1773 prevented wheat from being brought into England because of heavy duty imposed on it. So they were dissatisfied with the government in which they had no voice at all.

The Parliamentary Test Act of 1678 prevented those who did not take the prescribed oath, from becoming members of Parliament. Thus the Roman Catholics were not eligible for membership. So political career was not open to Churchmen and Protestant Dissenters before 1829.

Some efforts were made in the 18th century to reform the existing Parliamentary system. Pitt the Elder wanted to remove corruption in Parliamentary system in 1766 and 1770. In the time of George III, John Wilkes made unsuccessful proposals for Parliamentary reforms. Even Pitt the Younger made an unsuccessful attempt in 1785 to get rid of 36 pocket boroughs and to transfer the seats to industrial towns. Though there was a widespread desire for Parliamentary reforms, there were some who argued that there was no reason to think that a change in the existing system would produce a better Parliament.

The French Revolution and the Napoleonic wars had kept the new middles class from demanding reform which became synonymous with revolution. But after 1821, a radical movement developed within the Whig party, represented by Henry Brougham and Lord Durham (Radical Jack) who wanted to see the new middle class fully represented in parliament. There were also the "Philosophic Radicals" – followers of Jeremy Bentham who demanded manhood suffrage – voting power to all men above 21 years. Both these groups wanted to abolish the "rotten and pocket borough system and middle class manufacturers accepted these men as their leaders. Their chief spokesman in the House of Commons was Joseph Hume.

The working class leaders William Cobbett and Henry Hunt also demanded manhood suffrage and they established a society "the National Political Union" to agitate for this reform. A more revolutionary society "National Union of the Working Class" was also founded in 1830 for this purpose. Though in general people for reforms, old system also had defenders.

**THE REFORM ACT OF 1832:-**

In the general election of 1830 the Whigs got a majority and Earl Grey, an advocate of Parliamentary reforms became the Prime Minister. Grey appointed a special committee to draw up the Reform Bill and John Russell introduced in the House of Commons in 1831. The Bill proposed the abolition of the "rotten" and "pocket" borough system. In the committee stage the Bill was defeated and Grey resigned. In the next election, the Whigs again got a huge majority and the Bill was passed in the House of Commons but was defeated in the House of Lords. There was

an agitation against the action of Lords. In 1832, a third attempt was made to carry the Bill but the Lords made some changes in the committee stage. So Grey requested the King William IV to create enough new peers to get the Bill passed in the House of Lords. When the King refused, grey resigned again. An attempt was made by Wellington, a Tory, to form a ministry but the Whig majority in the House of Commons did not allow it. Again Grey was recalled by the King and he formed a ministry. In order to avoid the creation of new peers, Wellington and other Tory leaders withdrew from the House of Lords and the Bill was passed in June 1832.

The Reform Act of 1832 made extensive changes in the distribution of seats and in the franchise (1) Boroughs with less than 2,000 inhabitants lost two members of Parliament and those between 2,000 – 4000, lost one. The 143 seats thus got were redistributed to the countries and large towns with large population. More seats were allotted to countries with greater population which has previously been given only two members each (2) The vote was given to townsmen owing or occupying a house of 10 pounds annual value. This restricted the franchise to the middle class and excluded the working class. In the country side franchise was given to 40 shillings freeholders who resided on their freeholds and to copyholders of 10 pounds annual value and to leaseholders of land of 50 pounds annual value. (3) The conduct of election was improved by a better system of registration of voters. Before an election, a register of voters was to be prepared and only those persons whose names were in the register could vote in the election. The days of voting were also reduced from is to two.

**RESULTS OF THE REFORM ACT OF 1832:-**

The working classes were disappointed with the Reform Act for they were not given the right to vote. They also expected that the reform of Parliament would lead to the improvement of social conditions but nothing much was done in this direction. The discontent of the working classes in the early years of Victoria's reign resulted in the Chartist movement in 1838. Chartist movement was started in 1838 by William Lovett demanding People's Charter containing five points universal suffrage vote by ballot, annual Parliament, the abolition of property qualification for members of Parliament and the payment of members. After 1832 only one out of 30 persons had the right to vote and thus the electorate established under this system was not very good. The pocket boroughs had not disappeared altogether for even after the Reform Bill about 40 members of the House of Lords were able to nominate members of Commons.

The new franchise had added a middle class vote. The grip of the aristocratic persons was broken and the middle class obtained a strong influence upon the voters

but still they were not dominant because since the number of country members had increased from 188 to 253, the interest of the landed aristocracy also increased.

The maintenance of open voting led to the continuance of both intimidation and bribery of voters. The system of preparing the lists of voters was left to the parish overseers who were mostly illiterate and inefficient.

Yet the Bill was criticized by the Lords. According to Lord Eldon, the new Act was not in keeping with the principles of the English constitution. He complained that the Act took away the rights of the nobles without paying them any compensation. The Act also gave more importance to the House of Commons than to the House of Lords. Anyhow the Reform Bill was the beginning of the process that led to Parliamentary democracy in England which was complete only in 1928 when women over 21 years were given the right to vote.

The Bill also had some important effects on the party system. Both Whigs and Tories had to take account of public opinion. After 1832, the Tory Carlton Club became a party centre from where the unpaid party officials kept contact with the party workers in the country. The Whigs from their centre at Reform Club also employed local agents and central officers.

Parliament after 1832 become more sensitive to social pressures to all kinds from outside and this led to the passing of a number of social reforms which had not been possible under the system that existed before 1832.

**IMPORTANCE OF THE ACT:-**

According to Trevelyan the Reform Bill of 1832 was the Modern Magna Carta and it brought about a "Constitutional Revolution" in England. By shifting the political power from the aristocracy to the middle classes, it paved the way for democracy. The Reform Bill of 1832 is also called the "Revolution of 1832" because of the great changes it made. By destroying the system of patronage, it deprived the crown of the chief means of interfering with the ministries and securing Parliamentary support. Thus it increased the independence of Cabinet from the Crown.

**THE SECOND REFORM BILL – 1867:-**

After 1832 no other Parliamentary reform was carried until 1867. John Russell was nicknamed "Finality Jack" because he declared that the Act of 1832 was final. However in 1858, the property qualification was given up and in the same year the form of bath to be taken by a Member of Parliament upon admission was modified so as to enable the Jews to enter the House of Commons.

Meanwhile certain party changes also had taken place. The Whig party gradually changed into the Liberal party and its leader was Gladstone. His group brought a bill in 1865 for the extension of franchise to all men in towns who paid a rent of 14 pounds per annum. The bill was defeated and the Whigs resigned. The Conservative ministry under Disraeli was formed and it introduced another Reform Bill in 1867, which after some amendments became law.

In the boroughs, the act gave the right to vote to all rate – paying house holders and to lodgers paying a rent of 10 pounds per annum. In the countries the vote was given to the 12 pounds leaseholders.

Boroughs with less than 10,000 inhabitants lost one Member of Parliament and 45 seats thus freed were distributed to the larger towns and countries.

It gave representation to the University of London and to four Scottish Universities which were grouped as two constituencies.

The Act also introduced a new principle of minority representation by assigning three members to certain selected cities.

By this Act the electorate was doubled and about one million new voters were added. This act shifted the power from the hands of the middle classes to the working classes. The Conservatives passed this act to become popular. This Act was described by Robert Lowe and his supporters as a “leap in the dark” from which the danger of revolution might arise. However the working class got the vote for the first time and they supported the new Liberal party led by Gladstone.

The Ballot Act of 1872 protected the new voters by introducing secret ballot system.

**THE THIRD REFORM ACT OF 1884 and 1885:-**

Gladstone wanted to remove the defects of the Reform Act of 1867 which failed to give the vote to the agricultural workers in the country sides. The third reform bill actually was made up of two acts which complemented each other – the Reform Act of 1884 and the Redistribution Act of 1885. The Reform act of 1884 gave franchise to all householders and 10pound lodgers in the countries and it was to apply to Scotland and Ireland. This added about two million voters to the roll.

By the Redistribution Act, towns (about 79) with the population of less than 15,000 ceased to sent members to Parliament and those with 15,000 to 50,000 sent one member and those between 50,000 and 1,65,000 people sent two representatives.

The House of Lords was opposed to the Reform Act. Lasky, Dicey and Maine attacked these ideas and many leading Liberals demanded either to "end or mend" the House of Lords. But an agreement was arrived at between the Liberal and Conservative parties and the result was the Redistribution Act of 1885.

The Reform Act of 1884 placed the political system of the country on a democratic basis and it also led to the reform of local government in the countries. Further the Reform Act destroyed the territorial hold of the old landed classes and the Redistribution Act restricted the country electorate which was the chief basis of the power of the landed oligarchy. Yet there were some defects for, electoral areas were still unequal and representation was not strictly according to the population. Women also were not given the right to vote.

# UNIT – IV
## Constitutional Reforms in post –Victorian age
## The Parliamentary Act of 1911

In the 19th century the term Parliamentary reform meant reforms connected with the elections to the House of Commons but in the 20th centre parliament was engaged in the old party warfare and the relation between the House of Commons and the House of Lords became a prominent feature. In 1905 the Report of the Royal Commission on the Poor Law was avery critical of the whole Poor Law system and wanted the Poor Law to be scrapped. So in 1909, the "First Old Age Pensions" were introduced and it was hoped that this would reduced the dependence of the aged poor pm the old Poor Law and the work houses and the money for this was to come from the rich. Thus the Budget of Lloyd George in 1909 contained many taxes for the rich like the increase death duties, super tax on incomes above 3, 000 pounds and a new land tax, but the House of Lords with its heavy representation of the land, rejected the Budjet. This necessitated them to reduce the power of the House of Lords in matters of finance. SO the Parliament Bill was introduced in the House of Commons in 1911 and in was passed.

The Parliament Act of 1911 aimed at establishing the supremacy of the house of Commons and preventing the House of Lords from rejecting or amending money bills.

It laid down that a money bill which was passed by the house of Commons and sent to the House of Lords would become an act if it was not passed by the House of Lords within one month after its receipt from the House of Commons.

The Speaker of the House of Commons was to decide whether a particular bill was a money bill or not.

Any other bill passed by the House of Commons in three consecutive sessions within the intervalof two years was to become law even if it was rejected by theLords on those three occasions.

The term of the House of Commons was reduced from seven years to five years.

By this act the powers of the House of Lords were reduced but still they could hold up legislation for two years until further changes were made later. However this Act was a victory for Parliamentary democracy against the old 19th century privileges

of the Lords. Dicey feared that the impartiality of the Speaker would be affected by this ct. Adams did not regard it as revolutionary. However this Act tried to increase the power of the Cabinet over the House of Lords.

**REPRESENTATION OF THE PEOPLE'S ACT (1918) OR FRANCHISE ACT OF 1918:-**

Women had not been given the right to vote so far. In 1867 John Stuart Mill moved an amendment to the Reform Bill of 1867 so as to give the right to vote to women but it was defeated in the House of Lords. The same was the fate of the amendment to the Reform Bill of 1884. So a suffrage movement was started by women in the early part of the 20th century. A number of Bills to give franchise to women were introduced but they were all defeated. So women indulged in violence to get their franchise. In 1916 the Prime Minister Asquith summoned a conference to discuss electoral reforms and it submitted a report to the new Prime Minister Lloyd George. Meanwhile women had rendered great service to the country during the First World War. So theRepresentation of the People's Act was passed in 1918 providing for the extension of franchise and for the redistribution of the seats.

This Act gave the right to vote to women above the age of thirty who were householders or the wives of householders and women were also made eligible for membership of the House of Commons. Lady Astor was the first woman member of the House of Commons, but they could not become members of the House of Lords. The number of women members of the Parliament was not great and some of them represented the constituencies which were represented by their husbands previously. Women were not given suffrage on the same terms as men because they outnumbered men at that time.

The Act abolished the property qualification and the number of University Constituencies was increased. A man could be registered as a Parliamentary voter if he had reached the age of 21 years and as the elector of the University constituency if he had received a degree in the University along with the other conditions.

The Act also redistributes seats. The total members of House of Commons were increased from 670 to 707 of, which England and Wales had 528 seats, Scotland 74 and Ireland 105. Towns and countries were entitled to one member for every 70,000 people in England. Wales and Scotland and one for 43,000 in Ireland. The distinction between County and Borough constituency was continued.

No person was to have more than two votes ie., no person could vote for more than two constituencies.

The Act also fixed the amount to be spent in the election in relation to the number of voters.

**REFORM ACT OF 1928:-**

The Reform Act of 1928 passed in the time of Baldwin put women voters on a par with men voters by reducing the age limit to 21 years. Thus this Act established Universal Adult Suffrage in England which became completely democratic. Women were allowed to become members of the cabinet. The First Women member of the cabinet was Miss. Bondfield in 11929.

This Act fixed the amount to be spent in relation to the number of voters ie. 6 shillings per elector in a country constituency and 5 shillings in borough constituency.

## Constitutional Results of Two World Wars – War Cabinet

The period after the First World War witnessed some great changes in the constitutional history of England but the most important change is with regard to the working of democracy. The House of Commons like the other representative assemblies lost its prestige and popular esteem. It was losing its authority to the Cabinet on one hand and on the other hand to extra Parliamentary agencies like the Press for the formation and expression of public opinion. But the representative democracy as a political ideal was not challenged by the rise of other forms of government and the democrats believed that very soon other types of governments also would be democratized. Democracy seemed to be the only proper form of political organization for civilized people. As the war progressed, the parliamentary democracy in England also made headway and other countries also made provision for universal suffrage and responsible Parliamentary government on the English model.

Till the 20$^{th}$ century the Prime Minister's post was held by both peers and Commons but since the war a convention arose that a Prime Minister must be a member of the House of Commons. The last peer to occupy Prime Ministers post was lord Salisbury who resigned in 1902. Further since the House of Lords was made subordinate to the House of Commons after the passing of the Act of 1911, it would be proper for the Prime Minister to sit in the House of Commons only. This could be seen clearly when in 1923 the conservative Prime Minister Bonar Law resigned , the King appointed Stanley Baldwin, a member of the Lower House as Prime Minister overlooking the claims of Lord Curzon who was definitely better of the two but a member of the Upper House.

The Party system also had some change in the post war period in England. The Labour party, a political organization of workers which had its origin in 1893 (Independent Labour Party was started by Keir Hardie in 1893) became important only in the 20th century. In 1918 labour party and a section of the Liberals joined together and contested the election. They got a majority and an attempt was made to make it a permanent party and it was not successful for, the Liberals did not like the idea of admitting works in the Party. The extension of franchise in 1918 increased the Labour vote and in the election of 1923, the Conservative Party got the highest number of votes while the labour Party became the second largest. Thus there was a definite emergence of a three –party system in England the Conservative, the Liberal and the Labour Parties. The Liberal Party became the smallest of the three because moderate members went over to the Conservative Party and the radical members joined the Labour Party. The labour party under Ramsay MacDonald assumed office for the first time in 1924 after the resignation of Baldwin.

**WAR CABINET:-**

Important changes also took place in the Cabinet system and War Cabinets were founded during the two World War to show the advantages of a small Cabinet. When the First World War was going on, the British Cabinet became bigger in size owing to the needs of the war but rapid decisions necessary in war times could not be taken in this bigger Cabinet. SO a war committee consisting of five or six members with Prime Minister at its head was formed in Nov. 1915. This was more efficient than the old one. In 1916, (Lloyd George's ministry) the old type of Cabinet disappeared, and a War Cabinet consisting of five members and the Prime Minister as its leader was formed in Dec. 1916. This enabled the other departmental ministers to concentrate on their departmental administration and not to waste the time on general policies. The members of the War Cabinet had no administrative duty except the Chancellor of the Exchequer. The co-ordination of all policies into a government policy was the work of the War Cabinet for its duty was to carry on the war as well as the government.

Before the formation of the War Cabinet all members of the Cabinet were the members of House of Commons. But the members of the War Cabinet were not the members of Parliament and they were absent from the meetings of the Parliament. The Prime Minister ceased to be the leader of the House of Commons and was not present at its sittings. His place in the Commons was taken by the Chancellor of the Exchequer who did the work of the Prime Minister in the House of Commons. The war Cabinet met daily in order to go through the work of the conduct of war. The traditional secrecy of the Cabinet also ended. Unlike the old Cabinet, a Secretariat was organized and a secretary attended the meetings of the War Cabinet, recorded the

proceedings and kept contact with the other departments. Gradually more ministers were taken to meet the needs of the war and to have control over all branches of national activity. Even those who were not members of Parliament became ministers. This War Cabinet went on till the war ended. In October 1919 the War Cabinet was dissolved and the old Cabinet was restored.

Another important constitutional innovation was that the British War Cabinet was temporarily expanded into an Imperial War Cabinet on three occasions. It consisted of the members of the British War Cabinet, the Prime Minister of the Dominions, the Sectetay of State for India and the Secretary of State for the colonies. It was Presided over by the British Prime Minister. Strictly speaking the Imperial War Cabinet was not a Cabinet at all for its members belonged to different Parliaments. It was just an inter-governmental council to discuss question of imperial policy and it came to an end with the war.

The rights of the people had been suspended by passing various Acts in 1914 like the Defence of the Realm Act which put a suspected person under custody without trial and the Aliens Restrictions Act which prevented the entry of suspected people into the country.

In 1931 Mac Donald's Labour government was confronted with the severe financial crisis which led to apolitical crisis. The Labour ministry resigned and a national government under MacDonald was formed to deal with the financial emergency. Thus MacDonald took an unprecedented course to commit the Labour party to a coalition with the Conservatives and the Liberals. Further when MacDonald accepted the King's commission to form a new ministry, he ceased to be the leader of the Labour Party and so when he formed the new ministry, he did it not as the leader of a majority party but as an individual who owed his positionto the King. So the King played an important role in the formation of the ministry of 1931.

This national government introduced a motion in September 1931 and got it passed shows that the private members were deprived of the privilege of introducing a bill. Thus the power of the Executive reached the highest in this period.

**SECOD WAR CABINET:-**

When the Second World War began in 1939, Neville Chamberlain formed a War Cabinet. But Churchill reorganized this War Cabinet in 1940 and the Labour and Liberal Parties joined the War Cabinet. This War Cabinet was different from the War Cabinet of the First World War, In the previous War Cabinet, ministers who had no connection with the departments were appointed but the new War Cabinet included

all departmental heads with the Prime Minister as Defence Minister. There were only three ministers with no departments. There was no Imperial War Cabinet this time. Three ministers of State were appointed to be in charge of political activities in the Middle East, Far East and America. The ministry which was supplying arms and ammunition during the First World War was converted into the ministry of supply during the Second World War. The War Cabinet conducted the governmental work through committees and the Prime Minister presided over all the committees. The Prime Minister could not be present always in the House of Commons but when time permitted he attended the sittings. The powers of the government were increased by the Emergency Powers Act of 1939- 1940. Parliament tried to control the ministry which other wise would become over powerful. A Scrutiny Committee was formed in 1944 to make sure of the proposals made by the Cabinet. The Cabinet which inherited the executive power of the King, also took for itself the powers of the Parliament in initiating proposals for expenditure and taxations. It also had a major share in initiating legislation.

Commonwealth Conferences were held often after the Firs World war. The Imperial Conference in 1926, proclaimed the British Empire to be the British Commonwealth of Nations a free association of equals. The Parliaments of the Commonwealth ratified this proclamation in 1931 by jointly passing the Statute of Westminster by which the Dominions could make their own laws.

When the Second World War came to an end in 1945 the Labour and Liberal parties withdrew their support to Churchill's Conservative government and in the elections in 1945 the Conservative Party was defeated and the Labour Party under Attlee came to power. The war Cabinet also came to an end.

## Edward VIII. Jan 1936 – Dec 1936

**Abdication of Edward VIII:-**

George V was succeeded by his eldest son Edward VIII who was born in 1894 in the time of Victoria, and was so handsome and popular that he was called "prince Charming". The Price had seen the reign of three different rulers. Victoria, Edward VII and George V, and had witnessed how the pople's attitude towards monarchy had changed. He also got a proper training as Prince of Wales and was fit to become an ideal ruler of a great empire. He had visited all the British colonies and other foreign countries and so he was able to acquire a good knowledge of the world affairs. He had the entiretypical Englishmen's devotion to sports and his favourite game was golf. The nation expected a brilliant reign under him.

The Prince succeeded his father in Jan. 1936 as Edward, VIII and high hopes were entertained of the new King. At that time abroad, Italy violated the terms of the League of Nations and was in the middle of her Ethiopian campaign. Germany occupied the Rhineland violating the Treaty of Locarno. At home the nation was recovering from the Great Slump. The crown was considered as the symbol of unity of the British empire and was an object of administration and loyalty of the subjects. When the whole empire was looking eagerly for the coronation of the new King, he was faced with a crisis. The nation was shocked to hear that its beloved ruler was in love with one Mrs. Wallis Simpson, as American lady and wanted to marry her.

Mrs. Simpson was divorcee who had applied for a second divorce from Mr. Simpson in order to marry King Edward VIII. The ministry of Baldwin did not approve of his marriage with MRs Simpson and the royal family was very much perturbed, The Church of England also did not recognize the propriety of divorce. The Prime Minister Baldwin warned Edward that the nation would not approve of his marriage with Mrs. Simpson not because she was an American and a commoner but because she had already been married twice. The King's mother and brother also tried to dissuade him but the King was adamant.

The King wanted th Prime Minister to find out whether a law could be passed allowing him to marry MRs. Simpson in a private capacity without her becoming queen. Such morganatic marriages had been legally recognized in many continental countries. But Baldwin replied that he had to consult not only the British Cabinet but also the Prime Ministers of all the Dominions. In England people were bewildered. They had a great love for their King and much was expected of him and they honestly believed that he would not forsake them for the sake of a divorce.

Baldwin consulted the opposition leaders and also the Dominion Prime Ministers and suggested to them that the Dominion governments might each separately give to the King their advice on the question involved. All except that of the Irish Free State did son and they were all opposed to the King's proposed marriage. So the choice before Edward VIII was between the marriage and the Crown and he decided to abdicate. The Dominion governments suggested that the King's decision to abdicate could only be made legally effective by the enactment of a Statute of Abdication which under the terms of the Statute of Westminster must be enacted at their request and with their assent. The Act mentioned the assent of all the Dominions except the Irish Free State which passé its own laws. The assent of all Dominions except the Irish Free State was recorded in the Preamble of the Act.

By then the people of Great Britain began to accept the abdication as the best and inevitable course. Thus the right of the people to approve of the King's marriage was upheld. The Round Table held in March 1937 said "The throne is greater than the King".

The Abdication Bill was passed and the reign of Edward VIII formally came to an end on Dec. 11th 1936. By the Instrument of Abdication Edward VIII renounced the throne for himself and for his descendants and he also renounced all titles and after that he was known as just Mr.Windsor. Then he left the country for Austria. Prime Minister Baldwin played an important part in the whole affair. The throne automatically went to his brother George VI who, according to Edward VIII's broadcast message to the nation after his abdication, "had one matchless blessing enjoyed by so many of you and not bestowed on me –a happy home with wife and children". As soon as George VIcame to power he conferred on Edward VIII the title of Duke of Windsor who married Mrs. Wallis Warfield in 1937 in France.

# Unit – V
# The Cabinet in the 18th 19th and 20th Centuries

The Cabinet in the 18th century was a council of ministers who were members of the legislature. Some were members of the Privy Council. It was an unwritten rule that ministers must be members of Parliament. Though the King's freedom of choice was limited to those who could get Parliamentary support, the 18th century Cabinets were loose and not well organized. There was also an inner cabinet which the King consulted but after 1782 the difference between he inner Cabinets and the other Cabinets disappeared.

There developed the responsibility of ministers to each other which was essential for the solidarity of the Cabinet and also the responsibility of the Cabinet to the House of Commons. Another development was the supremacy of the Prime Minister and that was due to the long rule of Pitt the Younger. Though individual ministers as heads of departments had direct access to the King, the Prime Minister became the organ of communication to the crown as well as to the Commons. The Prime Minister only nominated the ministers, assigned their offices, transferred them or dismissed them.

With the Prime Minister the other ministers should remain or fall. But when Walpole resigned other ministers did not resign. Yet the Principle of collective responsibility developed later. According to Laski, the strength of the Prime Minister rested on the Fact that he was the party chief. If his party lost its majority or turned against him, his power disappeared. But the strength of the Prime Minister also depended upon his controlling power and personality like Winston Churchill during the period of the Second World War.

It also become the custom that the Prime Minister would resign as soon as his party was defeated in the elections. Thus it is said that the general election decides who should be the Prime Minister. Another important feature of the Cabinet system is the responsibility of the government to the House of Commons but it was not strictly followed. For eg, Neville Chamberlain resigned in 1940 owing to public indignation at his foreign policy though he had a majority in the Commons. Again during the Second World War the Labour and Liberal Parties joined the government under Churchill with the result there was a no real opposition A kind of unofficial opposition called the "Ginger Group" consisting of the unimportant members of the Labour Party, acted as the opposition and actually did valuable work by asking questions.

A convention had been developed since the First World War that the Prime Minister must be a member of the House of Commons. In the 19th century the post of

the Prime Minister was often held by the peers and the last of such a Prime Minister was Lord Salisbury. But when Bonar Law resigned in 1923, the King chose Baldwin as Primer Minister over looking the claims of Lord Curzon. When the Prime Minister resigned the King usually sent for the Leader of the opposition but he used to consult the outgoing Prime Minister also regarding his successor. So he opposition had a place in the constitution and the idea was gradually developed. While the government ruled, it also recognized the work of the opposition in criticizing the government policy. Sometimes the opposition also formed "Shadow Cabinet" to discuss various problems so that the government could be always alert and defensive.

The post of the Prime Minister was legally recognized only in 1905 and in 1937 the Ministers of the Crown Act provided uniform salaries till then. This Act also gave statutory recognition to the position of the Prime Minister and his connection with the office of the First Lord of the Treasury for which post he was given a salary double that of other ministers and a pension.

The size of the cabinet also increased in the 20$^{th}$ century and that was due tot the increase in State activities which led to the formation of new Departments. Till the First World War no record of its deliberations was kept. During war time, War Cabinet which were small in size, were formed to ensure quick action by government.

The principle that the King must govern by the advice of the Cabinet slowly emerged and the result was that a distinction between the King and the Crown had developed. Since the King governed by the advice of the cabinet, the King's power had decreased but the powers of the Crown ie , the government, had increased. The chief source of the power of the government, was Parliament and since the Cabinet did the work of the government, Parliament had given the Cabinet enormous power but at the sometime saw to it that the Cabinet was responsible to Parliament .

## ENGLAND AND IRELAND

### ENGLAND AND IRELAND TILL 1800:

Since the time of Henry VII, the Irish Parliament had been subordinate to British Government. So Ireland was a subject nation with peculiar disabilities. As a result of the Irish rebellion started by the Irish Catholics under the leadership of James II against the Revolution Settlement of 1688, the Irish Catholics were deprived of all their political rights. SO many catholic's left Ireland to seek career abroad. The Protestants also had their grievances and the Irish Parliament though a Protestant body, had no legislative independence. By Poyning's Law of 1495, the Irish Parliament was not allowed to pass any law which did not get the approval of the English Parliament.

In Ireland the danger to English rule came not from the Catholics but from the dominant Protestant minority. The Treaty of Limerick in 1691 which ended the struggle between William III and the Irish Catholic supporters of the Stuarts, allowed the Catholics to enjoy the same right as they had enjoyed I the time of Charles II. But the entirely Protestant Parliament of Ireland went against the spirit of this treaty in 1695 and imposed serious disabilities on the Catholics in order to keep the Catholic majority under permanent subjection. This made Ireland dominated by a Protestant minority of land owners and they created ill-will between the Catholic majority in Ireland and English government. The Protestant landlords and the English Church in Ireland were in control of everything in Ireland because no Catholic could hold any important political or military post. The Catholics paid tithe to the Anglican Church and their rents were paid to the absentee land lords who were all Englishmen. Ireland also suffered trade restrictions for the Irish trade was regulated to the advantage of England for eg, the Irish were not allowed to export cattle to England.

During the American War of Independence, British troops were withdrawn from Ireland to fight in America. “The Irish Volunteers” were formed under Henry Grattan to defend Ireland against a threatened French invasion. So England could no longer disregard the grievances of an armed nation. The Irish also demanded legislative independence for their country. The Irish Protestant leaders tried to imitate the colonists in their resistance to England. The Irish Parliament declared the Irish trade was not to be subject to British restrictions. In a Convention at Dungannon in 1782 on the model of the Congress of Philadelphia, they issued a Declaration of Legislative Independence. Grattan introduced a bill in the Irish Parliament in 1782 for legislative independence and got it passed. The bill was also passed in the British Parliament (1782) and the Irish Parliament was given power to pass laws independent of the British Parliament. However this Act did not give the right to vote to the Irish Catholics.

Ireland made great progress after 1782. In 1785, Pitt the younger tried to give free trade to Ireland but due to the opposition in England, Pitt had to modify his proposals which were rejected by the Irish Parliament. From 1784 onwards there were fighting’s between the Protestants called the Peep O’ Day Boys and the Catholics called the Defenders. There were peasants’ revolts also. The Irish Parliament also was not prepared to do justice to Catholics.

The French Revolution started in 1789 and the radical Irish Protestants tried to imitate France. In the beginning the Catholics were indifferent to these revolutionary ideas. In 1791 Wolfe Tone, a young protestant lawyer at Belfast appealed to both Catholics and Protestants in Ireland to join together to agitate for Parliamentary reform and Catholic emancipation. So the Society of the United Irishmen was formed

at Belfast in 1791 but it began to work for the complete overthrow of British rule in Ireland. In opposition to the United Irishmen, the extreme Protestants formed association called “Orange Lodges” in memory of William of Orange and from this they got the name “Orangemen”. There were violent clashes between the Catholics and the Protestants.

Pitt was inclined to give moderate reforms to the Catholics and accordingly the great Catholic Relief Act was passed in 1793, which allowed the Catholics with necessary property qualifications to voter in the elections but they could not become members of Parliament. In 1794 Pitt appointed Lord Fitzwilliam, a sympathizer with Irish grievances as Lord Lieutenant of Ireland. He made great efforts to achieve catholic emancipation but he was frustrated in these efforts both by the Irish Parliament and by opposition in Britain. The Irish, who had hoped much from him, were disappointed and sought direct French help. The attempt of the French to invade Ireland in 1796 failed and it was followed by a series of violent acts committed by government troops upon Catholic peasants. In 1798 another rebellion of the United Irishmen broke out against Protestant domination and their English connection, and Protestants were ruthlessly slaughtered. But General Lake of England defeated the Irish Catholics at Vinegar Hill in 1798. Wolfe Tone who had inspired the movement was captured but he escaped death sentence by committing suicide.

Pitt realized that the Irish question could not be solved without the grant of full political rights to the Roman Catholics. So he tried to solve the problem by uniting the Parliaments of Britain and Ireland and granting Catholic emancipation immediately afterwards. This union would also avoid foreign intervention. The scheme for the union was carried through the Irish Parliament by employing bribery on a large scale because the Irish borough owners and the reformers like Grattan were not willing to do away with Irish Parliament. Finally the Act of Union was carried through in both the Parliaments in 1801.

By the terms of the Act of Union of 1801 Great Britain and Ireland were to form one country under the name of United Kingdom with one King and one Parliament. One army and one flag. The succession to the imperial crown of the United Kingdom was to be regulated according to the existing laws and the terms of the union between England, Scotland and Ireland.

Thirty two Irish peers were to sit in the House of Lords of which 28 peers were elected for life by their fellow peers and one Archbishop and three Bishops were to represent the Irish church. In the House of Commons, Ireland was to be represented by 100 members.

The peers of Ireland were to enjoy the same rights and privileges as the English peers and the people of Ireland also were to enjoy the same rights and privileges as the English people.

The Churches of England and Ireland were to be united into one Protestant Episcopal Church under the name of united Church of England and Ireland.

Free trade was to be established between the two countries. All laws in force in Ireland at the time of union were to remain intact.

The national debt incurred in either kingdom before union was to be paid separately by the two countries. Ireland was to pay 2/17$^{th}$ of the revenue to the United Kingdom.

The Catholics supported this measure because they expected emancipation. So Pitt brought forward a proposal to give emancipation to the Catholics but it was opposed by some members of his cabinet and by George III who said that he could not give consent to Catholic emancipation without violating his Coronation oath that he would "preserve the Protestant religion". Pitt who could not force the King to change his views for he feared that it might affect the King's mental health, resigned his office in 1801. But as Adams remarks, "Pitt carried the political part of his proposal (union of Ireland) and failed with the ecclesiastical".

The Union, unaccompanied by Catholic emancipation, resulted in a prolongation of Protestant ascendancy in Ireland and Catholic grievances remained unsettled. Naturally the Irish Catholics resented the Union which was brought about by trickery. The Union also did nothing to promote the lot of the Irish peasants. The establishment of free trade also proved to be a disadvantage to the Irish. Further from the beginning the Irish were dissatisfied with the union. Thus the Act of Union of 1801 neither conciliated Ireland not promoted its prosperity.

## The Irish Question after 1801

The Irish problem in 19$^{th}$ century was the most serious problem that confronted the British government and it affected the British politics greatly. Emancipation was not granted to the Catholics after the Union and the Irish Catholics were not happy over the Union, Further the Union did not place the Irish people on an equal footing with the English. There was also an economic aspect of the problem. Most of the lands in Ireland were owned by English landlords and the Irish peasants could be turned out at any time. They were "rack-rented" and there was no proper tenure of service.

A Catholics Association was formed in 1823 by Daniel O' Connell, the dominating personality in Irish politics at that time and its object was to remove the religious disabilities of the Irish Catholics. So the Test and Corporation Act was repealed by an Act in 1828 and the Catholic Emancipation Act of 1829 allowed the Catholics to sit in Parliament and hold all public posts except the post of Lord Lieutenant. The Tithe Commutation Act of 1838 relieved the Irish Catholics from the payment of tithes for, henceforth the tithes were to be paid by the landlords and not by the tenants. In the same year the Irish Poor Law System was introduced and in 1840 municipal government was reformed.

When Robert Peel came to power in 1841, he tried to conciliate the Irish and appointed the Devon Commission to enquire into the grievances of the Irish. He took some tentative relief measures towards conciliation but then came the severe Irish famine of 1846.

A new movement called the "Fenian Brotherhood" was started in Ireland in 1852 consisting of Irish- Americans with the object of establishing independent Irish Republic. But the movement failed in its object and gradually disappeared.

A Home Rule League aiming at the establishment of a separate Irish Parliament was started into 1870 under the leadership of Isaac Butt. Gladstone introduced Home Rule Bills in 1886 and 1893 in British. Parliament in order to satisfy the Irish but they were defeated. Then Asquith's government somehow got the Home Rule Bill passed in 1914 and it provided a separate Parliament for Ireland. But the Protestants of Ulster did not like it for they did not want to be under the Irish parliament. A new revolutionary movement called the Sinn Fein (for ourselves alone) was started by the Irish nationalists under Griffith and they refused to accept the Home Rule but demanded complete separation from Britain. First World War began in 1914 and the British government suspended the enforcement of the Home Rule Act which was rejected by the Sinn Fein. The Irish volunteered to help Britain in the war but it was not accepted by Britain for fear of betrayal. This affected the feelings of the Irish and it spread an anti-British feeling throughout Ireland. The Sinn Fein won all the 73 Parliamentary seats in the general election of 1918 and instead of going to Westminster, they met at Dublin and proclaimed themselves as the legal Parliament(Dail) of the Irish Republic with De Valera, an American born Irish nationalist as President and Griffith as Vice-President.

There followed a fight between the Irish and the English. Finally Lloyd George passed another Home Rule Act in 1920, establishing two separate Parliaments for northern and southern Irelands. Ulster (Northern) accepted this proposal but De Valera refused to accept it. So Lloyd George entered into a treaty with Griffith which was not accepted by De Valera. But it was passed by the Irish Parliament. By this

treaty the Irish Free State was established in southern Ireland in 1922 and Dominion status was given to it./ It was to be ruled over by a Governor – General who represented the King. In 1937, the Irish Free State declared itself to be an Independent Republic called "Eire" and it came out of the British Commonwealth in 1938. After the Second World War in which many Irish men fought with gallantry, Ireland got independence in 1949.

## Local Government in the 19th and 20th Centuries

Local government, i,e., the government of a locality, is in theory self-government and so it is in fact local self – government which is free from the interference of the Central government till the 19th century and so great changes were introduced in the 19th and 20th centuries. Till the 19th century the local government in England was not democratic and it was dominated by the landed aristocracy. In the countries, powers were accumulated in the hands of the Justice of Peace and property qualification was required for the post. "Squires" exercised great powers in rural areas as medieval manorial lords.All these made the local government thoroughly aristocratic till 1883.

In the parish, the "Vestry" which was an assembly of all freemen in the parish. Came to consist of only a few important persons of the parish with parson and the church wardens.

The government in the boroughs and the towns was also they undemocratic because
they did not have elected councils. This type of local government which prevailed till the 19th century led to corruption and inefficiency. The governing body did the maximum legal functions. There was no proper lighting had sanitation and it was worse in towns were town planning was unknown. So life in the industrial towns was miserable.

The growth of democratic ideas in the 19th century affected local government and the success of the First Reform Act of 1832 encouraged them to introduce changes in local government. The Municipal Corporation Act of 1835 set up elected councils in the boroughs. The Act of 1884 extended franchise to the rural areas.

In the second half of the 19th century a series of laws was passed creating new areas for different types of administration. In 1834 new areas called "Poor Law Unions" were formed. The Highways Act 1835 formed special Highways districts. The Education Act of 1870 created school board areas and the public Health Act of 1872 introduced sanitary districts. So there came into existence any number of divisions besides countries and boroughs and nearly every authority was entitled to

levy a tax. The result was multiplication of taxes. Thus there was confusion and duplication of services resulting in waste of public money. So gradually one by one theseAuthorities were abolished and in 1933 an act was passed consolidating the work of all local bodies in a single statue.

Now there are three local units in England one below the other.

1. The county and the county boroughs.
2. Below them are the boroughs and urban and rural districts which are the divisions of the counties.
3. The last units of local government are the parishes which are divisions of the rural districts. The county in this scheme of local government is not the historical county except in six cases. By the Country Councils Act of 1888, the 52 historical countries were divided into 63 administrative counties. The country boroughs became the towns. In all these the governing body is a council of elected members.

The country councils have a term of three years and the Councilors elect1/6 of their number as Aldermen for a period of 6 years. Outsiders also can be elected as Aldermen. The country councils have been given extensive powers. Besides the administrative functions, they have to look after Education and Public Health. The Local Government Act of 1929 transferred the management of poor Law to the Country Councils from the Poor Law Unions. The same Act also transferred the highways powers of the rural districts councils to county Councils. The county Councils also shared the police duties with Justices of peace. The County Councils also became the planning authority by the Town and County Planning Act of 1947. The County Councils also prepare the electoral registers for Parliamentary and local elections and organize polling. It appoints the Coroners and sec to the maintenance of mental hospitals and technical education.

Boroughs in England were of different types. The Act of 1835 introduced a uniform types of government for all the boroughs. Each borough is to have an elected council which elects a mayor and a body of Aldermen. One third of the whole number of the council from the Aldermen, elected for a period of six years. Some of the Aldermen are chosen by the House ofo oLords because it is feared that the lected council may be too democratic. The members of thed borough council are chosen for a period of three years and one third retire annually. The Mayor who is elected by the councilors is to be in power for a period of one year. The powers of the borough councils were increased by many Parliamentary Acts. Borough councils enjoy certain privileges which the other local authorities do not have. They look after water supply, sanitation, housing, education, markets and provide recreation grounds.

Rural districts have councils elected for three years, half retiring each year. The urban district s also have councils and these councils elect their chairmen. The

district councils had great powers but gradually they were transferred to the country councils.

The Parish is the lowest administrative unit and by the Act of o1831 it began to have elected councils. The administrative business was separated from the church work and was given to the elected councils. The Vestry continued to do the church business. The District and Parish Councils Act of 1894 divided every country into rural and urban districts and each district was divided into parishes. The urban parishes have no administrative importance, but the rural parishes, if big, have elected councils. Election in parish councils was by show of hands but in 1948 vote by ballot was introduced.

Thus local bodies now exercise great powers which are changed now and then according to circumstances. Parliament may take away some powers or give new powers and so also the government. Local bodies can also set up joint boards to carry out particular services for larger areas. Local bodies collect taxes and enact by-laws. Thus local autonomy avoids the rule of bureaucracy and has great educative value by providing the citizens opportunities to know about administration.

Central government supervises the work of the local government and the central control is legislative, judicial, financial and administrative. There are five central departments, each having a head of a cabinet rank to look after the various subjects of local government. They act through a system of inspectors and their main function is to give expert advice and assistance in local schemes.

Scottish local government was remodeled, on the lines of English local government with slight differences in the 19$^{th}$ century.

## FEATURES OF MODERN BRITISH CONSTITUTION

### 1. CONTENTS AND NATURE OF THE CONSTITUTION

It is a wild-goose-chase to search for the Constitution of England. The absence of a constitution made De Tocqueville remark that England has no constitution. The development of the constitution is a long-drawn-out process extending over a thousand years. It is hard to find a single consolidated document of the British Constitution. The fundamental principle of the Constitution are rather found in a mass of customs, conventions, precedents, usages, charters, statues and judicial decisions. The Constitution faithfully portrays the evolutionary or Darwinian conception. It is the "child of wisdom and chance", a growth rather than the result of a day.

**Contents of the Constitution**

The British Constitution contains many written elements. The sources of the Constitution have to be called from a welter of charters, statues, judicial decisions, common law and conventions. The following are some of the component parts of the Constitution.

1. Charters, petitions, statues and treaties

The scattered fragments of the Constitution are found in Magna Carta (1215) the Petition of Right (1628), the Bill of Rights (1689), the Act of Settlement (1701), the Act of Union with Scotland (1707), the Act of Union with Ireland (1801), the Status of Westminster (1931), etc.

2. Statutes

Apart from the statues mentioned above which are landmarks of a far-reaching significance in the constitutional growth of the country, there are other ordinary statues passed by parliament from time to time which are of less significance but useful and essential elements to the growth of the parliamentary government in Britain. The various Reform Acts, for example, attempted to extend the franchise, and the Parliament Acts of 1911 and 1949 curbed the powers of the House of Lords.

**3. Judicial decision**

The Constitution of Britain has grown by the decisions rendered by the judges in interpreting the charters, statues and the common law of the land. Dicey was not far from the truth when he quoted that the English Constitution is a judge-made Constitution.

**4. Common law**

The Common law forms another important source of the Constitution. It is a body of judge-made rules. The sphere of action of parliament, the prerogative powers enjoyed by the King and the fundamental rights of the people like freedom of speech and freedom of assembly are derived from the common law of the land.

**5. Conventions**

Conventions which are unwritten laws form an essential part of the Constitution. Such conventions cover a wide range of customs, usages and precedents. The British Constitution stripped off its conventions would be dwarfed in form if not in action.

**6. Commentaries on the Constitution**

The last but by no means the least are the commentaries on the Constitution by eminent jurists like Anson's 'Law and Custom of the Constitutions', May's 'Parliamentary Practice' and Dicey's 'Law of the Constitution'.

**Nature of the Constitution**

The British Constitution provides a typical example of a flexible constitution. The Constitution can be changed according to the needs of the time in the same way as an ordinary bill is passed. It is essentially unwritten but there are some written elements in it like the Magna Carta and the Bill of Rights. It is unitary in essence thereby implying that there is no surrender of the sovereign authority to the local bodies.

One of the most important features of the constitution is the Sovereignty of Parliament is supreme and no court can declare the laws passed by it unconstitutional. The parliament can legally do anything and actually do many things. The unique position of the parliament is sometimes humorously remarked by saying that it "can do anything except make a man a woman and a woman a man". The British framework provides for a parliamentary type of government. Though monarchy still survives in Britain, it is only a limited monarchy. It is the Cabinet which is the real executive head of the state. The Cabinet dominated by the Prime Minister rules the country as long as there is a pledged majority behind it.

Another noteworthy feature is the great disparity between theory and practice of the Constitution. The Constitution says one thing but functions entirely in a different way. The King, for example, is the 'fountain of justice'. But the Crown is no longer the 'fountain of justice' except for the cases which come before the Judicial Committee of the Privy Council. Rule of Law is another important feature of the Constitution.

## THE KING

Kingship in England dates back to the Anglo-Saxon period. There was a time when the King wielded absolute powers. But the position was changed by the Glorious Revolution of 1688. It set up a limited monarchy. The King, thenceforward, became the ornamental head of the State. It is worthwhile to draw a distinction between the King and the Crown. The distinction is well brought out in the pithy saying: "The King is dead, long live the King". The King as a person dies, but the Crown, which is an office or an institution, can never die, As Blackstone pointed out, "Henry, Edward or George may die but the King survives them all" As soon as one monarch dies, the office is passed on to another There is no break in the duration of the office is passed on to Crown. As one King breathes his last, his heir –apparent immediately inhales the insignia of Kingship. The Crown refers to an office or an institution. It is an abstraction. As Sidney Low points out, "It is a convenient working hypothesis". In the words of Munro. "The Crown is an artificial or juristic person; it is not incarnate and it never dies".

### The King can do no wrong

"The King can do no wrong" is a very important maxim of the British Constitution. The King cannot be sued in a court of law. The King answers no responsibility as all the actions of the King are carried on by the ministers responsible to parliament, Every act of the Crown requires a ministerial counter –signature. He is not amenable to the jurisdiction of any court of law. He cannot be arrested even if he shoots down his Prime Minister. His property cannot be seized for default of payment

and he cannot be made a defendant in a law-suit. But the immunity enjoyed by the Crown is considerably altered by the Crown Proceedings Act of 1947 which has put the Crown on the same footing as that of any other private subject of His Majesty.

**Position of the King**

The King or the Queen is the ceremonial head of the States. The British Crown is a hereditary institution which parliament regulates by rules of succession. The existing rules were set up by the Act of Settlement 1701 and the Statute of Westminster 1931. The Act of 1701 laid down that if William died without issues, the Crown should pass on to Queen Anne and after her to Princess Sophia of Hanover, the Protestant granddaughter of James I. It was further stipulatedin the Act that only Protestants are eligible to the office of Kingship. The Statute of West. Minster passed in 1931 required the assent of the parliament of all the Dominions as well as that of the United Kingdom to bring about any change in the law relating to succession. As Edward VIII married Simpson, a Catholic lady, the parliament passed the Abdication Act in 1936 denying the right of succession to his descendants.

"Elizabeth II has succeeded to the throne held before her by her father, grandfather and a long line of ancestors so that it is natural to say that Kingship is hereditary. Elizabeth II reigns not only by the grace of God by also by an act of parliament". The fact that parliament regulates succession tot the throne is clearly brought out in the wording of the oath of allegiance taken by the members of parliament I "I will remain faithful to Her Majesty ElizabethII, her heirs and successors as by law appointed". By Custom succession to the throne is based on the Principle of Primogeniture by which the elder son in preferred to the younger and the female in the absence of a male heir. After the abdication of Edward VIII, George VI came to the throne. As he had no male issues, Elizabeth II succeeded to the throne. When a new monarch ascends the throne, a civil list is granted by an act of parliament to his or her maintenance till the reign ends, Queen Elizabeth II received an annual grant of £475,000. In, 1971 the amount was raised to £ 980,000.

**Powers of the King**

The King wields executive, legislative and judicial powers. The Crown is the chief executive head of the State. The Parliament in Britain consists of the King and the two Houses. He summons, prorogues the parliament and dissolves the Lower House. The King is the fountain of justice and thus forms and integral part of the judiciary. The enumeration of the above mentioned ordinary and extra ordinary powers of the King will lead one to believe that the powers of the King are absolute. But the fact remains that the King is only then nominal executive, the ornamental head of the State. The King as a person has no real powers in the government of the

country. All such powers are exercised by the Crown on the advice tendered bythe Cabinet headed by the Prime Minister. The King governs but does not rule. But the King is not without influence and power in the government of the country. The King has one function of great importance and that is to appoint the Prime Minister. Thus the King takes the first step to constitute a new government when a gap is created. The leader of the party commanding a majority in the House of Commons is chosen as the Prime Minister. This power of the King assumes greater dimensions when no party commands a majority in the House or when the majority party has no accepted leader. When Harold Macmillan resigned, Queen Elizabeth selected Alee Douglas Home, a member of the House of Lords, as the Prime Minister and not someone from the House of Commons.

**Executive and administrative powers.**

It is one of the prerogatives of the highest executive authority in a State to make appointments. The King makes appointments to the high offices of the State. He appoints ministers, ambassadors, military, naval and air force officers, senior civil servants, etc., on the advice tendered by the Prime Minister. The king can even dismiss them except the judges and a few other officers. The King has supreme control over the army, navy and air force. He can declare war and conclude peace with –out getting the consent of parliament.But the money required for the war should be approved by Parliament. The King controls and supervises the local governments. Diplomatic relations with foreign countries are conducted by the Crown. Relations with the colonies, dominions and all the Commonwealth countries are managed and conducted by the Crown. As the King is the fountain of honour, he wields the supreme power of conferring honours and titles.

**Legislative powers**

Parliament in Britain consists of the King, the House of Commons and the House of Lords. The King summons, prorogues the parliament and dissolves the Lower House. The new parliament is greeted by the King by a speech from the throne. But the King as a person has no real power in these matters. It is for the Prime Minister to decide when parliament should be summoned, prorogued and dissolved. The opening speech itself is written by the Prime Minister to be read by the King. So it reflects the policy of the Cabinet and not that of the King. When a bill has been passed by both the Houses of Parliament, it does not become law unless the King gives his assent. The assent of the King is only a picturesque formality and he never exercises his veto power. If he does exercise his veto, he would be under the necessity of signing his own death –warrant as parliament is sovereign in the land. The growth of delegated legislation has considerably increased the powers of the Crown.

Parliament lays down the general principles and it is for the Crown to supplements them by Orders –in –Council to take effect as law.

**Judicial Powers**

The King is the fountain of justice and in that capacity wields the power to appoint judges and grant pardon and reprieve. The King cannot grant pardon in cases involving a civil wrong or impeachment. Though the King appoints judges, he cannot dismiss them and that can be done only by an address of both Houses. The King is, now, no longer the fountain of justice except is those cases which come before the Judicial Committee of the Privy Council.

**Miscellaneous Powers**

The King is the head of the established Church of England and in that capacity appoints archbishops, bishops and other church dignitaries. All measures passed by the National Assembly of the Church of England require the assent of the King for their validity. The Crown is the highest court of appeal for the all ecclesiastical cases.

The three informal rights of the King are more important than the formal rights. As Bagehot points out, "The King has three rights - the right to be consulted, the right to encourage and the right to warn". Ordinarily the King is consulted in all important matters, "the King after a reign of several years ought to know much more of the working of the machine of government than any other man in the country". A. King, if he is intelligent, may in course of time become a reservoir of vast political experience. Ministers come and go, but the King goes on for ever. He is above party politics. He need not bargain as the ministers do for places and honours. The advice tendered by such an experienced King will be certainly taken by the ministers who are but amateurs in the field. The advice given by Victoria and George V bears eloquent testimony to the position of the King as an unrivalled store – house of information. If the policy of the ministry is heading the country to a disaster, the warning given by the King will not be lightly ignored by the ministers. Finally, if the ministers are carrying out their duties on proper lines, it is the right of the King to encourage them.

**Why monarchy survives in Britain**

A strange paradox of the British Constitution is that the powers of the King have disappeared in the thin air but those of the Crown have steadily grown in the past hundred years. So the pertinent questionnaturally asked is that if the king is only the ornamental head of the state, why kingship should be retained in England.

The British constitutional monarchy is a deeply founded and dearly cherished institution. To abolish such an institution would provoke great resentment among the people. The Britishers may even damn the government to cheer the King. It is

sentiment that keeps the wheels of monarchy rolling. British monarchy is only a convenient device for securing the obedience of the people. “The monarchy gives a vast strength to the Constitution byenlisting on its behalf the credulous obedience of enormous masses”.

The British King is a symbol of unity and focus of national patriotism. “Government is not merely a matter of cold reason and prosaic policies. There must be some display of colour, and there is nothing more vivid than royal purple and imperial scarlet. During the present century, therefore, we have placed almost an intolerable burden on the royal family. They must not only head subscription lists and appear on State occasions; they must, also, inspect this and that, open this and that, lay this stone and that and undertake a thousand other dull tasks in a blaze of publicity. WE can hardly blame Edward VIII if he preferred to make toffeein the kitchen.

It is aptly said, “With the King in the Buckingham palace the people sleep the more quietly in their beds”. The British monarchy is an institution with traditions of loyalty and obedience attached to the throne. It is easier for a King to elicit obedience and loyalty than a constitution or government which cannot be heard or seen. The vast bulk of the people are interested in the King as a person as is demonstrated by the vast crowds which throng whenever there is an opportunity of seeing him. “He therefore supplies the picturesque element which catches the popular imagination far more readily than constitutional arrangements which cannot be heard or seen”.

The King along with the members of his family wields great influence and plays a vital role in the social fabric of the country. They set fashions and models for the people to emulate. Their contribution in the field of art and literature is immense.

The British sovereign is the symbol of Imperial unity. “He is the magic ling of the Empire” He is an essential kink with the self –governing Dominions. In the British Commonwealth of Nations, the King stands as an indispensable symbol of unity.

The survival of Kingship has in no way proved an obstacle to the free play of democratic principles. The British monarchy costs the nation only a small fraction of the budget. The amount is negligible when considering the return on the investment.

Sentiment is not the only consideration that keeps the wheels of monarchy rolling. There are practical difficulties in making an alternative arrangement if monarchy is abolished in Britain. It should either be of the Presidential model of America or of the Presidential type that existed under the 3$^{rd}$ and 4$^{th}$ Republics in France. As the two alternative arrangements are wrought with their own drawbacks and shortcomings, the average Englishman since the Anlgo-Saxon days to an unknown and alien institution in a land which abounds in customs and conventions, Even some of the Labour leaders who are staunch Republicans according to taste are

for retaining Kingship in its present set up, as they know fully well the difficulties in providing for an alternative set up. “If the Crown”, as President Lowell points out, “is no longer the motive power of the ship of the state, it is the spar upon which the sail is bent, and as such it is not only useful but an essential part of the vessel”. With malice towards none and charity for all, the wheels of monarchy are rolling on.

## 3.THE CABINET

The term ‘Cabinet’ remained unknown to the law of the land till 1937.While the King is the ornamental head of the State, the real executive head is the Cabinet which consists of the Council of ministers headed by the Prime Minister. The Cabinet occupies and plays a vital role in the working of the government. It is “the keystone of the political arch” (Lowell). It is the “hyphen that joins and the buckle that binds the executive and legislative departments together” (Bagehot). It is “the pivot round which the whole political machinery revolves” (Marriott). It is “the steering –wheel of the ship of the state” (Muir). IT is “the solar orb round which the other bodies revolve” (Gladstone). It is quite clear form these colourful phrases that the Cabinet occupies a conspicuous position in the British political system.

### Composition

The Cabinet has a close connection with the Privy Council and the ministry and as such the distinction among them should be clearly brought out. The Cabinet consists of about 20 members and it forms a very small and inner circle of the Privy Council which consists of about 294 members. All members of the Cabinet are Privy Councilors but not all Privy Councilors are members of the Cabinet. The Ministry forms the outer-ring of the Cabinet. The strength of the Cabinet varies from time to time. All Cabinet members are ministers but no all ministers are Cabinet members.

A novel experiment was conducted during the First World War by forming a war Cabinet of 5 members later raised to 6. A similar experiment was conducted during the Second World War.

### Formation of the Cabinet

The Sovereign takes the first step in the formation of the Cabinet, the real executive head of the state, when a gap is threatened. The usual course is for he King to send for the leader of the majority party inn the House of Commons and appoint him Prime Minister. It is the duty of the Prime Minister to submit a list of ministers to the sovereign for approval’s he task of selecting his colleagues is a hard task indeed, because the Prime Minister has to take into account so many consideration before selecting team of really capable men including a variety of talented people who are quite willing to work under his leadership. This is indeed a laborious and responsible

task. Though the selection of the members of the Cabinet rank rests with the Prime Minister he cannot, however, exclude the Chancellor of the Exchequer, the nine important Secretaries of State, the Ministers of Defence and Labour, the Lord Chancellor and the Chancellor of the Duchy of Lancaster and the President of the Board of Trade.

**Characteristics of the Cabinet system**

1. **Exclusion of the King**

The sovereign is excluded from the meetings of the Cabinet. This practice dates from 1714 when the then reigning monarch George I ceased to attend Cabinet meetings as the English languages was alien to him. He did not come to preside over Cabinet meetings, This of course made the King irresponsible and the responsibility was shifted on to the shoulders of the Cabinet ministers. The absence of the King necessitated a recognizedleader to preside over Cabinet meetings and such a leade became the Prime Minister. even though the King ceased to preside over Cabinet meetings, he has the right to know important decisions of the Cabinet, ask for explanations and may ask the Cabinet of reconsider issues.

2. **Close correspondence between the Cabinet and the Commons**

The practice of inviting the leader of the party commanding a majority in the House of Commons to form the Cabinet and the rule that every minster must be a member of one or the other house of parliament secure the realization of this principle.

3. **Political homogeneity**

The Principles that members of the Cabinet must come from the same party or at least share the same political views is essential to maintain unity in counsel and action. It at all there are any minor differences, they should be sunk and should not be made known to the public. Even when members of the Cabinet are drawn from opposing political parties, they should silently agree to uphold the principle of political homogeneity and collective responsibility.

4. **Collective responsibility to the House of Commons**

The Cabinet is collectively responsible to the House of Commons for every policy and action and it continues in office as long as it commands the confidence of the House. If it loses the confidence of the House, it can compel the Cabinet to resign. The Cabinet members as a rule float or sink together, It tenders it advice as to the parliament. The Chancellor of the Exchequer may be driven from office by a had dispatch from the foreign office, and an excellent Home Secretary may suffer for the blunders of a stupid Minister of War". Every member is responsible not only for his acts but also for those of the others and cannot turn round and say that he was coaxed

and cajoled. Apart from the political responsibility to the House of Commons they are responsible , in law to the Crown because they are appointed and dismissed by the crown. As the other officers of the government, they are also suitable in a court of law under the Rule of Law.

**5. Ascendancy if the Prime Minister**

Although the members of the cabinet stand on an equal footing with the Prime Minister and speak with an equal voice on the Principle of 'one man one vote', he is primus inter pares and occupies a position of exceptional and peculiar authority. If the Cabinet is the steering –wheel of the ship of the state, the steersman is the Prime Minister. He is the keystone of the Cabinet arch. " He is central to its formation. Central to its life and central to its death". He appoints and dismisses ministers with the consent of the King, presides over Cabinet meetings, settles disputes between departments , supervises all departments especially defence, and takes special interest in foreign affairs. He is the leader of the House of Commons. He is the channel of communication between theCrown and the Cabinet. He enjoys wide patronage, To Crown all, he wields the supreme power of dissolution of parliament, With the pledged majority in parliament, he can alter the laws, impose and repeal taxes and employ all the forces of the State – an authority greater than that of the German Emperor or the American President.

**Functions of Cabinet.**

The functions of the Cabinet have been clearly stated by the Machinery of Government Committee. They are: (1) final determination of the policy to be submitted to parliament, (2) the supermen control of the national executive in accordance with the policy presented by parliament, and(3) the continuous coordination and delimitation of the authorities of the several departments of State. On a detailed analysis of the above points the following functions can be deduced.

**1. Dictation of Policy**

It is for the Cabinet to dictate the lines of national policy. Those who pay the piper shall prescribe the tune. The cabinet chalks out the policy to be followed at home and abroad. It is not easy for the President of the United States of America – the real executive head of the State – to get approval for his policy in the Congress. It depends upon 'Senatorial Courtesy'. But in the case of Britain, the Cabinet not only formulates the policy it pleases but also pilots if safely and surely in the parliament. This is because it has a pledged majority behind it in the parliament.

**2. Transaction of business**

It is for the cabinet to decide as to what business should be transacted in parliament. The Cabinet prescribes the time limit and determines what to decide and how to decide. It takes up complete responsibility for the detailed preparation of practically all legislative proposals submitted to parliament. It is the custodian of the public purse. It is responsible for the whole expenditure of State and passes money – bills .

**3. Patronage**

The Cabinet is the chief custodian of the executive authority of a State . It is one of the prerogatives of the highest executive authority of a State to make appointments. Even though the King is the executive head of the states, it is the Cabinet which enjoys the power of Patronage.

**4. Responsibility**

The Cabinet ministers are responsible for every detail of the administrative work. They are collectively responsible to the House of Commons.

**5. Co-ordination**

The Cabinet is the only office provided by the English system for co-ordination the work of various departments. With the enormous growth in the functions of the government and the wide range of field it covers, there is every possibility of duplicating functions. To avoid friction, overlapping and waste, the Cabinet admirably co-ordinates the work of various departments.

**Dictatorship of the Cabinet**

In the last two generations, the Cabinet has grown in power and prestige. Though parliament is still sovereign, it has yielded to the dictatorship of the cabinet. The powers of parliament, especially the House of Commons have considerably declined. The following reasons can be attributed to the inordinate growth in the power of the Cabinet.

**1. The rigidity of party system**

The various Reform Acts have enlarged the franchise. As the modern tendency among the people is to voter for a party rather than a person, the members seeking a party ticket have to dance to the tune of the party. The discipline and organization of the party have become more rigid. It exercises to tighter control over the party members. The members of the party have to obey implicitly the dictates of the party. They cannot exercise any personal discretion. They can only register their votes rather

than their thoughts. This accounts for the enormous growth in the power of the Cabinet at the expense of the party members in parliament.

**2. Collective responsibility**

The Principle of collective responsibility supplies unity and team-spirit. The Cabinet members as a rule float or sink together . If one is attacked, all the others come to his rescue and thus all are saved. Unity and team-spirit give them sufficient strength to weather many a storm.

**3. Growth of delegated legislation**

In recent times,the House of Commons does not get time to discuss almost all bills in detail. This is mainly due to the enormous growth in the activities of the government. To over –come the difficulty, there is at present a tendency to pass what are known as 'skeleton bills'. Only the broad outlines of bills are laid down. After the bills are passed in parliament, the task of making rules and regulation is delegated to the concerned departments. The growth of delegated legislation has considerably increased the power and prestige of Cabinet and made it a formidable tyrant.

**4.The Growth of administrative justice**

The congestion in the ordinary courts of the land has made it necessary to hand over certain types of cases to administrative heads. As adjudication is cheaper and rapider in departmental tribunals, the tendency has grown to rely more on them than on ordinary courts of law. This power has also raised the British executive to the status of a formidable tyrant.

**5. Power of dissolution**

The Cabinet possesses the supreme power of dissolving the House of Commons. The Cabinet can destroy its own creator. Though the defeat of a ministry in the House means the exit of the ministry, it need not resign. The Prime Minister can advise the Crown to dissolve the Lower House. Members of Parliament think many times before they precipitate such a suicidal step. Re-election is costly. No one is sure to be re-elected. It is purely an element of change, a gamble in the whirlwind of politics. All these factors have to be taken into consideration before they decide to vote against the ministry. As the members of Parliament have their own axe to grind, they may not bet on the unknown. This has considerably increased the power of the Cabinet.

**Conclusion**

The Cabinet in Britain possesses enormous powers. It exercises its dictatorial powers only with reservation. It is able to pass certain measures only after exerting some pressure and force on the Members of Parliament. But no government can continually

go against or flout public opinion. The government is always exposed to scathing criticism in the House during question hour. Her Majesty's Opposition is a Shadow Cabinet. As the opposition party is a government –in- waiting, the ruling party will not jump into sudden conclusions. They will think many times before they take a leap. To elicit the continued support of the people for his policies, the leader of the majority party has to keep his hands on the pulse of he nation. The slightest mistake committed by the government would be taken advantage of by the opposition party which is ever vigilant to find loopholes in the policy of the government. By sober and sound criticism, the hollowness of the government would be exposed to the people. It the people are really political conscious, they would tilt the scales in favour of the opposition party in then next general elections. It is humorously remarked that the British Prime Minister knows the psychology of the Leader of the Opposition better than that of his wife. The party members pledged to the Cabinet may not vote against the Cabinet but they have the right to abstain from votiong for the measures which they dislike. The fall of the Chamberlain Ministry in 1940 was due to such abstentions.

In the light of the above situation, to say that the Cabinet exercises real dictatorship is going too far. Cabinet autocracy is "exerted with the utmost publicity, under a constant fire of criticism and tempered by the force of public opinion, the risk of a want of confidence, and the prospects of the next election.

## The House of Commons

Parliament in Britain consists of the King, the House of Commons and the House of Lord. The House of Commons is the Lower House in the British Parliament, It is the most popular House because it is the principal pillar on which democratic government in England rests. It is the centre of the British system, the solar orb round which all other bodies revolve, It is a unique honour and prestige to be member of parliament. When stirring events are on foot, it is the centre of attention and the place to which the people look forward for the redress of their grievances, Jennings points out, "if it is something to be a Prime Minister, it is something to be a Member of Parliament".

### Composition

The members of the Commons are drawn from various section regardless of class, education, income or occupation, Certain classes of persons are not allowed to sit in the House of Commons. They are aliens, minors, lunatics, bankrupts, persons convicted of treason or felony, candidates guilty of corrupt practices, clergymen, peers and holders of certain offices under the Crown. All adult subjects of her Majesty are qualified to vote provided they are 18 or more years of age and have resided in

constituency for at least 8 months. Criminals, idiots aliens, peers, paupers and people convicted in a court of law are not allowed to exercise their vote. The House of Commons is elected for a period of 5 years but may be dissolved earlier by the Crown. The House consists of 630 members. Its quorum is fixed at 40. The average life of the House is now, about 3 ½ years.

**Powers of the House of Commons**

1. **To make laws**

The House of Commons has power to make and unmake a government. But this power is flictitious rather than teal. It is essentially a law-making body, Money-bills originate only in the Commons. It is tru that money-bills have to be sent to the House of Lords but the approval of the latter is not necessary. A money –bill passed by the Commons but rejected by the Lords would automatically became law after the lapse of one month. In regard to ordinary bills, if rejected by the house of lords, they would become law after the lapse of one year. The House of Commons is the custodian of the public purse and as such controls finance. Thus it has the last word in matters of legislation. But the fact remains that the House of Commons has yielded to the supremacy of the Cabinet in matters of legislation.

2. **The Control the executive**

The House exercises supervision and control over the administration of the country Most of the member of the Cabinet belong to the House of Commons. The ministry remains in power as long as it enjoys the confidence of the House. It has to resign if it gets defeated in the House . The life of the Cabinet can be terminated by the opposition by passing a no-confidence motion, by defeating a government measure, by passing a bill opposed by the Cabinet or by making a token –out in the salary of the ministers. Thus he House controls the executive. But such powers wielded by the House of terminate the life of the executive are used only sparingly. The dread of dissolution is a nightmare to the members of the House of Commons and hence they may not precipitate matters to such an extent. Re-election is costly and it is purely an element of chance, The same person may not be returned as an M.P. Hence they do not wish to becomes their own grave-diggers.

3. **To control finance**

As the custodian of the public purse, the House controls the raising and spending of money. New taxes cannot be imposed not money spent without the consent of parliament. Raising of revenue and allocation of expenditure depend onthe express sanction given by parliament. Such an onerous duty cannot be performed by the House of Commons which to-day is an unwieldy body. The Cabinet has usurped

these powers. This does not mean that the Cabinet can do as it likes. It is under constant criticism on the floor of the parliament and further the accounts are carefully scrutinized and audited by the Committee on Public Accounts.

**4. Toredress grievances**

The House is a place where the people look forward for the redress of grievances. This is generally done by interrogating the ministers about their acts of omission and commission in the House.

**4. Selective functions**

The House is a place where people undergo the period of apprenticeship to blossom out later on as seasoned politicians. It is training –ground for public men where "they have the opportunity of showing their mettle and displaying those qualities of the mind and character, which distinguish the sheep from the shepherd, and the rulers from the ruled". The chance to make history and the urge to win the admiration of the public act as an incentive to good work.

**Speaker of the House of Commons**

The Speaker is the most conspicuous figure in the House of Commons. Although he is called the Speaker, he rarely speakers. He is called the Speaker because he also has the right to speak on behalf of the House of Commons before the King. Originally the chief function of he Speaker was to take the petitions and resolutions of the House of Commons to the King.

To begin with, a Speaker is elected on party lines, The nomination of the speaker is made by the party in power and seconded by two private members, This is done with a view to emphasizing the principle that the choice oaf the Speaker is that of the whole House and not that of the minister. Although the Speaker us elected on party lines, he becomes no-party man after his election. He is invariably re-elected to the House with out any contest. No political party sets up a candidate to constest his seat. For a long time this was the tradition. But in 1935 and in 1945 the Labour Pary set up rival candidates to the Speaker. But the attempts miserably failed the constituency from which a Speaker is returned becomes practically disfranchised. The Speaker is also unanimously re-elected to Speakership so long as he is willing to serve in that capacity. The customary practice to allow the Speaker an unopposed election is by no means a settled practice. Ever since the end of the Second World War, the Speaker has almost always been opposed. Despite the historical origin of his title he rarely speaks, but he is forced to listen to weary speeches. He ceases to attend party meetings. Both within and without the House, he makes no political speeches. He is

neutral inn politics. He must, in short, wear "the white flower of a neutral political life".

The duty of the Speaker is to maintain order and decorum in the House and control debates. He can punish any member who obstructs the House in its work. HE guards the right of the minorities. He can adjourn the House in cases of a serious disorder prevailing in the House, Under the provisions of the Parliament Act of 1911, he is required to give a certificate whether a bill is a money bill or not,. The Speaker exercises his casting voter only in case of a tie. But it is the custom of the Speaker to give his casting vote in such a way as to avoid making the decision final thus giving the House an opportunity to reconsider the issue.

**Powers of the House of Lords**

The House of Lords acts as an ordinary legislative chamber, Money-bills cannot originate in the Lords. But bills other than money bills can originate in either House. The House debates bills brought from the House of Commons. The bill after it is passed in the House of Lords goes to the King and with his signature becomes the law of the land. The House of Lords is also the highest court of appeal. IT has also original jurisdiction to try peers for treason or felony. It also tries impeachments brought by the other House, Thus the house of Lords has legislative, deliberative, and judicial powers.

**THE HOUSE OF LORDS AS A SATISFACTORY SECOND CHAMBER**

The tests of a good second chamber are; (i) It should be composed in such a way that is should not be replica of the Lower House(ii) It should bring to the work of legislation and deliberation men superior to those of the other chamber. (iii) It should help to revise the bills passed by the other House in an inconsiderate, rash, hasty and undigested way and must not be a rival to it or an obstruction, (iv) It should transact business of a non-controversial nature for which the House of Commons has no time to do. (v) It should bring into national service as legislators men of ability and experience who are unable or unwilling to take part in the rough –and – tumble if party –politics due to various reasons.

## Party System

Political parties are essential for the cabinet system and so the party system has become the basis of the working of the British constitution. The parties in England are not the deliberate creation of law but they have become essential for the proper working of the British government. The growth of the party system in England is continuous and more successful than in any country in the world. Without political parties the whole nature of the British constitution would not only be changed but

many of its connections also would become unworkable. The leadership of a party only gives to the Prime Minister his enormous powers and the common membership of a party gives unity of character and aims to a Cabinet. (Ramsay Muir)

The origin of the party system can be traced to the civil war in the Stuart period when there were two parties the Cavaliers, the supporters of the King, and the Roundheads, the supporters of the Parliament. The Exclusion Bill, introduced in the time of Charles II to exclude his Catholic brother James II from succession to the throne, resulted in the rise of two parties-the court party called the "Tories" and the country party called the "Whigs" but these early groups were not really political parties in the modern sense. Only after the Revolution of 1688 the Englishmen realized that they could oppose the existing government and at the same time remain loyal to the State. The Whigs who were drawn from the professional and business classes, held that the Parliament was supreme and the King was subordinate to Parliament. They were for a national church controlled by Parliament but they favoured toleration. The Tories, mostly drawn from the landed gentry and the clergy of the established Church on the other hand believed in the Divine Right theory of kingship and so they upheld a strong monarchy. But the Revolution Settlement changed this conception and both the Tories and the Whigs wanted too control the King in the time of William III. But these parties were not like the modern political parties for there was no party organization and no party discipline.

The Reform Act of 1832 had its impact on the party system. Both the Tories and the Whigs had to take account of public opinion and so they opened party offices to do party work. The Tory Carlton Club was a party centre from where the unpaid party officials kept contact with the party workers in the country. The Whigs had their office called the Reform Club which also employed local agents and central officers to do party work.

Further the nomenclature of these parties was also changed. The Tory party came to be called the Conservative party and the Whig party was called the Liberal party. Another party, the Independent Labour party, a political organization of the workers which had its origin in 1893 due to the efforts of Keir Hard, became important in 1900 as a result of the efforts of the Trade Union Congress in 1899 to bring together like minded people to find out the ways and means for getting the return of an increased number of Labour members to the next Parliament. The joint convention met in 1900 and formed the Labour Representation Committee which was renamed in 1906 as the Labour Party. The first Labour ministry was formed in 1924. As a result, the two party system in England was changed into a three party system the Conservative, the Liberal and the Labour parties. But with the rise of the Labour party, the Liberal party became small because the radicals went over to the side of the Labour party and the moderate members joined the Conservative party. Munro rightly

pointed out that "Labour has cut more heavily into the Liberal than into the Conservative rank". The Labour party consisted of all classes of people such as writers, scholars, clergymen, employees of factories as well as the employers and even dramatists.

The Conservatives were against any change in the old society. The party stood for private property, the established church, the crown and the Empire. The Liberals believed in free trade and competition but they were against socialism and also against individual liberty. They wanted to have a modified capitalism. The Liberal party wanted State regulation rather than State management or nationalisation. The Liberal party occupied a place between the Conservative and Labour parties. It is more progressive than the Conservative party but not as progressive as the Labour party.

The Labour party consists of mostly working class and middle class people but there are also engineers, clergymen farmers are shopkeepers. It wants to achieve socialism through democratic means. It stands for common ownership of the means of production. The Labour party is called "a party of levelers".

The Conservative party is built around its leader. Once elected, the party leader continues to be so for the rest of his life and it is he who formulates the policy of his party.

The Liberals claim that they do not represent any particular class but they represent the whole nation. They follow a middle way between the "State capitalism" of the Conservatives and the "Socialism" of the Labour party.

The communist party in England was founded in 1920 and it is weaker than the other parties. It aims at the establishment of a communist society and its approach to political questions is not very much different from the communist party of Russia. Because of its opportunistic policy, the communist party in England, has disillusioned many of its supporters and thus remained in a relatively weak position. Sometimes it tried to enter the Labour party and dominate and at other times it attacked it vehemently. Many of its leaders managed to get into certain powerful trade unions and attained prominence.

## Conventions

Conventions do not generally form part of the Constitution but they supplement and regulate political institutions in a country. It is often thought that Conventions operate solely or at any rate mainly in countries which have no written Constitutional Conventions in the working of Government in England.

Conventions are those accepted practices or customs and precedents, which h have become part and parcel of the Constitution owing to their utility. They regulate the most fundamental aspects and guide the day-to-day working of the British Constitution. Sometimes, they replace a law and other times supplement it. Without them the Constitution becomes mined if not absolutely unworkable. Yet, they do not form the laws of the Constitution.

Prof. Where draws a distinction between "usage" and "Convention". According to him. "Convention means a binding rule-by usage is meant no more than a usual practice". He adds that a usage may well become a Convention with the passage of time. What is usually done comes to be what is done".

Conventions arise from atleast two reasons. Firstly, a course of conduct may be continuously followed for a long period of time and this may gradually attain, first persuasive, and then obligatory force. Secondly, a Convention may arise out of an an agreement among the people concerned to work in a particular way and to adopt a particular rule of conduct.

**LAWS AND CIONVENTIONS:-**

The Conventions are maxims and not laws. It should be carefully distinguished from the unwritten laws of the Constitution. For example, that, "The King must assent to any bill passed by both the Houses of Parliament" is a Convention. But that "The King can do no wrong" is an unwritten law. The difference between the two are:

(a) In the first place, laws are enacted by the legislature while Conventions originate by themselves.
(b) The violation of laws whether written or unwritten is taken notice of by courts. But Conventions are not enforceable by the courts.

**PRINCIPAL CONVENTIONS:-**

1. The King must assent to any bill passed by both the Houses of Parliament.
2. Minister must resign when they have ceased too command the confidence of the House of Commons.
3. The Prime Minister must belong to the Majority Party in the House of Commons.
4. The Parliament must meet at least once in a year.
5. A bill must be read three times in each House before being passed and received the Royal assent.
6. The Law Lords discharge the judicial functions of the House of Lords.
7. The Speaker should be non-partisan in character, for which he should be uncontested in the elections.

**SANCTION BEHIIND CONVENTIONS**

According to Dicey, the violation of a Convention would automatically result in the violation of some law of the land. As people cannot afford to break the law, the conventions are followed. It is a convention in England that Parliament should meet atleast once in a year. This Convention is bound with two laws, both of which will be broken, if it is disobeyed. The first of these laws is that budget should be passed annually and the second, that the Army Act should be renewed every year.

**ROLE OF CONVENTIONS IN ENGLAND:**

Convention shas played an important role in the development and smooth working of the British constitution.

(A) **IN THE GROWTH OF THE CONSTITUTION :** The convention that the King does not veto the bills passed by Parliament, is an adjustment of monarchy to the needs of a democratic age. The powers of the Crown were limited by convention s in the cases of the first three Georges.

(B) **IN THE RELATION BETWEEN THE LEGAL LAND POLITICAL SOVEREIGNS :** Conventions have provided the basis for the dev elopement of a healthy relationship between the King, the legal sovereign in England and the Cabiniet and Parliament, the political sovereign.

(C) **IN THE RELATION BETWEEN THE EXECUTIVE AND THE LEGISLATURE :**Conventions have also brought about a healthy relationship between the cabinet and the House of commons.

In short, theconventions of the British constitution make the Constitution workable and enable it to adapt itself to changing conditions. In other words, they help the constitution to bend without breaking.

**Rule of Law**

**There exist in Britain a single system of judicial courts. This is oppo**sed to the system which prevails in France, Italy, Belgium and other Continental countries, where there are, besides ordinary courts of law, administrative courts to deal with cases arising between government officials and private citizens.

A remarkable feature of the English Constitution is the Rule of Law. The best safeguard of civil liberty in England is the principle of the Rule of Law. The Rule of Law is based on the common law of the land and it is the result of the struggle of the people for many centuries to get recognition of their inherent rights and privileges. In England the Constitution does not confer specific rights on the people. There is no parliamentary act which h lays down the fundamental rights. But from the time of Magna Carta, the English people have been depending on what they call “the rule of

law" and the judiciary has always acted as the custodian of their liberties. There is no separate law and courts for a particular class of people. There is equality before the law and all persons will be tried in the same courts according to the same procedure.

A.V. Dicey in his "Law of the Constitution" (1885) was the first to give a clear analysis of the Rule of Law. According to him, Rule of Law means three things.

(1) "No man is punishable or can be lawfully made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land". This means the supremacy of regular law as opposed to the influence of arbitrary power. No person may be arbitrary deprived of his life, liberty or property, or no one may be arrested except for a definite breach of law which must be proved in a duly constituted court of law. Cases are tried in open courts andjudgments are given in open courts and the accused has the right to defend himself.

(2) Secondly "no man is above law, but that here every man whatever be his rank or condition, is subject to the ordinary law of the realm and amendable to the jurisdiction of the ordinary tribunals". This implies the equality of every citizen, irrespective of his official or social status, before law. Further there is only one kind of law to which all citizens are amenable.

The equality of all in the eyes of law minimizes the tyranny and irresponsibility of the executive. Dicey explains the equality of all before law in this way- "With us every official, from the Prime Minister down to a constable or a Collector of taxes is under the same responsibility for every act done without legal jurisdiction as any other citizen".

There are so many instances where officials have been brought before the courts and made, in their personal capacity, liable to punishment for acts done in their official character but in excess of their lawful authority. For eg. Wilkes Case. Wilkes, the editor of a paper called "The North Briton" criticized the King's speech of the year as "the most abandoned instance of ministerial effrontery ever attempted to be imposed on mankind." Lord Halifax, the Secretary of State, issued a general warrant for the arrest of the authors, printers and publishers of the North Briton together with their papers. The execution of this order was personally, superintended by Mr. Wood, the Under Secretary. Wilkes brought an action against Lord Halifax and Mr. Wood and was awarded 4000 pounds damage from Lord Halifax and 800 pounds from Mr. Wood and it was decided that the general warrants were illegal. This incident shows that the ministers are responsible before the courts of law and they can be sued or prosecuted there even for the highest acts of the State.

(3) "The general principles of the Constitution are with us as the result of judicial decisions determining the rights of private persons in particular cases brought before the courts; whereas under many foreign Constitutions the security given to the rights of individuals results, or appears to result, from the general principles of the Constitution".

This means that the general principles of the Constitution like the right to personal liberty, the right of public meeting etc. are the results of judicial decisions. Thus in England rights are not laid down by the Constitution as in other countries but they are the products of the judicial decisions as in the Wilkes case.

**IMPLICATIONS OF THE RULE OF LAW**

(1) No individual can claim any special rights contrary to the law of the land;
(2) All individuals, whatever may be their religion, race, social status or culture enjoy the same protection of law and are punished by the same law;
(3) Persons placed in authority in government are bound by the law and shall not act contrary to it;
(4) Government officials and ordinary individuals will be tried by the same courts And the same law will be applicable to all;
(5) Rights of individuals in England are the results of decisions given by courts and are not the products of a written Constitution.

**LIMITATIONS TO THE RULE OF LAW :**

From the time Dicey explained the concept of the Rule of Law, many changes were introduced in it all over the world, and eve3n in Britain, a country famous for its rule of law, the concept had to face the challenge of the changing times and modify itself. Britain had to evolve clear limitations to the rule of law. The limitations are:

(1) **DELEGATED LEGISLATION:**

Delegated legislation in recent years has reduced the strictness of the rule of law and softened its edge. Parliament delegates its authority to government departments to make the necessary rules and by-laws which have the force of law. Parliament is over burdened with legislative work, and so it has delegated legislative power to the executive to make by-laws and rules within the broad framework of law passed by it.

Delegated legislation has led to the grant of wide discretionary power to the executive officials.

**(2) POWERS OF ADJUDICATION :**

Powers of adjudication have been given to the executive officials and these have served to water down the rule of law. Officials are authorized to settle disputes between their own departments and the ordinary citizens. The actual exercise of the wide powers of adjudication goes against the rule of law.

**(3) THE KINIG CAN DO NO WRONG :**

The King is above law and is immune from criminal prosecution and civil action. Similarly judges are immune from personal responsibility for all their official acts even if they may have acted beyond their jurisdiction provided it is not done knowingly.

**(4) SPECIAL PROTECTION TGO GOVERNMENT SERVANTS :**

In recent years, the government servants have been granted special protection. Laws like the Public Authorities Protection Act, 1893 and the Limitation Act of 19939, afford protection to government servants, for acts done in the discharge of their official duties, thus violating the rule of law.

However, it must be noted that the limitations in the path of the rule of law do not indicate Britain's departure from the true spirit of the rule of law. England still clings to the rule of law and any limitations that came to be imposed on the rule of law simply indicate Britain's flexible attitude. England has a tremendous capacity to adapt her institutions to the changing times.

## KING AND THE CROWN

One of the oldest governmental institutions in the United Kingdom is monarchy. The monarch may either be a King or Queen. Originally, the monarch reigned by virtue of their military might. In course of time the authority of the monarch came to rest on Common law.

It is essential to distinguish between the Monarch and the Crown. The Crown is an abstract concept. As Sydney Low puts it, the Crown is a convenient working hypothesis. The Monarch is an individual as opposed to the Crown which is an institution. The Crown simply means King-in-Parliament. The King-in-Parliament denotes the King and the two Houses of Parliament. The Crown symbolizes the office and the King denotes the individual who occupies the office. The distinction between the King as a person and the Crown as an institution is reflected in the maxim, "the King is dead; long live the King".

**THEORY AND PRACTICE:**

The British monarchy dates from 9$^{th}$ century A.D., and as such is one of the most ancient institutions in England. The British monarchy is a hereditary institution and royal succession in England isi regulated by the Act of Settlement 1701.

Legally, the monarch is the supreme head of the State. All powers of the State rest with themonarch. Inn reality the powers of the monarch are exercised by individuals and institutions in the name of the monarch. The monarch cannot be held responsible for the exercise of such powers. The monarch has only dignity

and influence, but little power. In the words of W.B. Munro, "The substance of power has departed leaving only the shadows behind". The Queen of England, "reigns but does not govern". As a matter of fact, the only important function of a monarch is to select the Prime-Minister. Even this is an automatic function because the monarch cannot but call upon the leader of the majority party in Parliament to become the Prime Minister.

- When no Party has an absolute majority in Parliament, the monarch can use his discretion. For example, in 1923 when the Conservative Prime Minister Bonar Law died, George V had a difficult problem to solve. There were two candidates contending for the post, one, Lord Curzon from the House of Lords and the other, Baldwin from the House of Commons. George V. overlooked the claims of Lord Curzon and invited Baldwin to form the ministry, though Curzon had more experience as minister than Baldwin. Since then a convention has come to be established that the Prime Minister should belong to the House of Commons.
- **USEFULNESS OF MONARC HY :**

**Inspite of the anomalous position of the British monarch there are good and sufficient reason s why the British monarchy has not been abolished.**

(1) The British monarchyserve s as a symbol of national unity.

(2) The British monarchy has not been a conservative institution standing the way of democratic progress. It has adjusted itself to the changing times and has proved itself a progressive institution with a liberal outlook.

(3) The British monarchy is neutral in politics. The monarchy, being a hereditary ruler, can afford to stand above party politics.

(4) The monarch is free from political connections, and is impartial. This is the reason why the monarch is regarded as the symbolic head of the State and of the Commonwealth.

(5) The Conservative temperament of the people is another reason. The English are deep rooted in conservatism: they cannot even think of their Constitution without their beloved sovereign.

(6) The Sovereign can do no wrong, and cannot act against the people, and so the monarch can very well be retained. Monarchy is a harmless but useful institution.

Whatever useful role the monarch can play or has played there is no denying the fact that the monarch has very little authority but as Bagehot has put it, monarch, "has the right to be consulted, the right to encourage and the right to warn", and a Queen or King has great sagacity, adds Bagehot, "would want no others". In short the British monarchy in the words of Winston Churchill. "is the most deeply founded and dearly cherished by the whole association of our peoples".

## The British Empire and the Commonwealth

The British Empire came into being in the 18th and 19th centuries. Its progress to a system of independent States within the Commonwealth was accomplished by 1965. After the loss of American colonies, till about 1870, Britain took little interest in the colonies but after 1870, there developed a feeling of imperialism. The colonial empire consisted of two groups-some parts were fully self-governing ND THEY WERE CALLED Dominions from 1907 onwards. For e.g., Canada, New Zealand, New Fouondland, Australia and Union of Souoth Africa. The other type consisted of just colonies.

There were rebellion s in Canada in 1837 and Lord Durham , a radical Whig, was sent to Canada to report on its problem. The Durham Report, published in 1839 advocated the Union of Upper Canada and Lower Canada under one legislative assembly. The Governor was to be appointed by the British Cabinet and he was to have power only over-matters involving Imperial interest. By the Canada Act of 1840, Upper and Lower Canadas were united and in 1867 Dominion of Canada came into being.

Britain lost her old convict settlements in North American after the American War of Independence and she turned to Australia for substitutes. In 1788, the first batch of convicts arrived in Australia and in 1973 the first free settlers arrived. Sheep and gold were the basis of the early economic development of Australia. A federal type of government under the name of Commonwealth of Australia was formed in Australia in 1901.

In 1840 the Whig government made New Zealand a crown colony with a Governor and a nominated council. In 1856 responsible government was introduced and in 1907 New Zealand became a Dominion. New Foundland, the “oldest colony” of Britain was discovered in i1497 and it got self government in 1855.

The Union of South Africa took place in 1908 consisting of the Transvaal, the Orange Free State, Cape Province and Natal, and self governing Dominion Status was given in 1910.

The areas of the second type had in some cases representative councils and in some no council at all. India occupied a peculiar position in the British Empire and there the King of England was called the Emperor of India. The term colony was applied to any part of the British Empire after 1889 but the Statute of Westminister of 1931 introduced a distinction between colonies and Dominions. The colonies were defined as those parts of the British Empire which were not self governing and in which the sovereignty of the British Parliament was supreme. So the term colony was not applied to a Dominion.

By the end of the 19th century a self governing colony or Dominion was not a mere dependency of Britain but a subordinate state as well which had no share in deciding the policy of the empire as a whole. In theory the King in Parliament was the sovereign authority ie., the British Parliament had legislative jurisdiction over the Dominion. A colonial law could be legally vetoed by the King. The Governor or the Governor General was appointed by the British government and functioned as its agent. Appeals could be taken from the colonies to the Privy Council. Powers regarding foreign affairs were retained by the King to be exercised only on the advice of the British government.

Gradually the self governing colonies began to aspire for national status and also a share in the control of their foreign relations. The first colonial conference was held in 1887 at Ottawa to discuss common problems and from 1887 colonial conferences were held at intervals and they dealt with imperial defence, imperial organization and other matters. In 1907 the conference was called Imperial Conference and here only the name "Dominion" was used for a colony having responsible government. The Dominions began to have their share of Imperial defence but it was not until the First World War any attempt was taken by Britain to treat them as equals. The Dominions were not consulted when Britain joined the First World War. In International Law, even the Dominions were considered as colonies of the mother country and had no international status.

The period from the First World War down to the present, may be considered a period of partnership. Though the Dominions were not consulted when Britain entered the war, the Dominions joined the war voluntarily. But Britain respected the autonomy of the Dominions and did not interfere with their military forces. The Imperial Conference in 1917 accepted the rights of the Dominions to have some voice in foreign policy. Dominions were alsoconsulted in the Imperial War Cabinet in 1917 and 1918.

After the war, the Dominions were represented at the Peace Conference, signed peace treaties and became separate members of the League of Nations. Britain alone was given a permanent seat in the Council and the Dominions were eligible to an elective seat in it.

In 1921 another addition was made to the number of Dominions by the formation of the Irish Free State. The majority of Irishmen were not satisfied with the Union of 1801 and the nationalist movement forced Gladstone to introduce the Home Rule Bills in 1886, 1893 and in 1912 giving Ireland some amount of self government but they were all defeated. Finally in 1921, after bitter fighting, a treaty was concluded

with Southern Irish Leaders by which Ireland with the exception of six northern countries became a Dominion under the name of "The Irish Free State".

Even after the end of the First World War Britain did not consult the Dominions on many international questions and the Dominions took offence For eg., when Britain was engaged in a war with Turkey in 1922 Canada declared that if Britain went to war without consulting Canada, she would not take part in the war. In the same way when Britain concluded the Treaty of Lausanne with Turkey in 1923 without consulting the Dominions, they got angry. So the Imperial Conference in 1923 took up this question and it was decided that there should be complete consultations between Britain and the Dominions regarding Treaties and the treaties affecting a particular part of the Empire should be signed by the representative of that part only. Thus the right of the Dominion to make separate treaties, whether political or commercial, without the concurrence of the Imperial government, was secured but all parts of the empire must be informed of such treaties. For eg. The Halibut Fisheries Pact made by Canada IN 1923 (to regulate fishing in north pacific) with U.S.A. was signed by the representative of Canada and not by the British Ambassador to the U.S.A. After this conference Britain signed the Treaty of Locarno in 1925 without consulting the Dominions. So there arose a need for the readjustment of the relation between Britain and her Dominions.

In the Imperial Conference of 1926, Balfour gave his famous definition that the Dominions were autonomous communities within the British Empire, equal in status and in no way subordinate to one another. So autonomy should be given to the Dom inions. The economic depression of 1929 affected the Dominions also and they imposed heavy duties on British and other foreign goods and that affected the British trade with Canada and Australia.

Various committees were formed to report on the relations between the Crown and the Dominions. The Imperial Conference of 1930 accepted the reports of the committees and basing on those ideas an Act was passed by British Parliament in 1931 under the name the Statue of Westminster.

The Statue of Westminster was a short document with 12 clauses. The preamble referred to the free association of the members of the British Commonwealth of Nations, united by a common allegiance to the Crown. It also laid down that the Crown was the symbol of unity of the Commonwealth and so Acts dealing with the King or the Royal title should receive the assent of the Parliaments of all Dominions.

**THE IMPORTANT CLAUSES ARE THE FOLLOWING :**

1) A Dominion meant any of the following Dominions-Canada, Australia, New Zealand, New Foundland, South Africa and the Irish Free State.
2) The term colony should not be applied to a Dominion.
3) The Colonial Laws Validity Act of 1865 should not be applied too any law made by a Dominion Parliament after 1931. No law passed by a Dominion would be considered invalid just because it was repugnant to the law of England.
4) The Parliament at Westminster was not to legislate for the Dominions except at their request and with their consent.
5) The restrictions imposed on British possessions under the Merchant Shipping Act of 1894 should not be applied to a Dominion.
6) A Dominion was given full admiralty jurisdiction and all the restrictions imposed earlier were removed.
7) The Parliament of a Dominion had full power to make laws having extra-territorial operation ie. Affecting outside their country.
8) Certain other clauses provided how much control the mother country was too exercise over Australia, New Zealand. New Found land and Canada.

So far as the Dominions were concerned the British Empire had now become an informal but an intimate alliance of equal States, linked together under a single crown. The Statue of Westminster put into statutory form the constitutional relationship of Britain and the Dominions as already interpreted and agreed between them through Conventions. The Statue of Westminster closed one epoch in Imperial history and began another. The Dominions were henceforth free and independent sovereign States. A commo0n allegiance to the Crown became the only tie binding the members of the Commonwealth together. How strong their affection and loyalty was proved amply in the Second World War.

The new position of the Dominions resulting from the Statue of Westminster can be seen in the abdication of Edward VIII, for the Abdication Act of Edward VIII in 1936 was passed after consultation with the Dominions. The Abdication Act mentioned the assent of all the Dominions except the Irish Free State which enacted its own law. When the Second World War broke out each Dominion was told that it was free to join the war or not because the solidarity of the empire was based on such freedom but all Dominions except the Irish Free State joined the war on the side of Britain. In 1933 Ireland passed the Removal of Oath Act by which all references to English Kings in the oath of allegiance was removed.

There was a strong demand for self-government in various parts of the British Empire and since it was not granted, the demand was stimulated by the Second World War. The older term 'British Empire' implied military pomp and power. But the new term 'Commonwealth' emphasized the relationship between Britain and the Dominions. The Labour government of Attlee gave Independence to India and Pakistan in 1947, but both India and Pakistan chose to remain in the Commonwealth even after becoming Republics in 1950 and 1956 respectively. In 1948 Ceylon and Burma got independence and Ceylon remained in the Commonwealth, but Burma withdrew from it. The Federation of Malaya attained independence with its own elective monarchy in 1957 and Singapore got self-government in 1958. Ghana became independent in 1957 and the Rhodesia – Nyasaland Federation was formed in 1953. All these African States remained in the Commonwealth. Thus the Commonwealth began to consist of Independent states and Dominions.

The Commonwealth has changed a lot since the Second World War and it had been weekend also. There is no longer a single allegiance or a single citizenship and the United Kingdom is no longer the unquestioned leader. Previously the Commonwealth was an association of White Dominions but now it is an association in which the Afro-Asian States may overrule the white members.

Still the Commonwealth is an important association of nations. Meetings of the Commonwealth Prime Ministers take place often and that gives a common outlook upon world affairs. It is a powerful group of nations which can protect smaller members. It is a powerful group of nations which can protect smaller members. Britain gives help to member nations in the economic, technical and educational fields. All the members of the Commonwealth except Canada are parts of the sterling bloc and this affords facilities for banking And financial relations through London. All the Commonwealth countries have derived British ideas and Institutions and Parliamentary democracy of the British type.

In addition to the British Commonwealth of Nations proper, there was the colonial or dependent empire consisting of crown colonies and protectorates. Then came the third group consisting of the Mandatory territories.