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## Patronage and Parliamentary Government

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## PATRONAGE AND PARLIAMENTARY GOVERNMENT

By J. B. BREBNER

In his presidential address of last year, Professor New began with an eloquent plea for the rescue of the Canadian people "from its provincialism, its isolationism, and the crasser aspects of its materialism" by ceasing to focus its attention on purely Canadian history. He proceeded to practise what he preached by placing the Rebellion of 1837 in its larger setting, drawing into his picture the French and American revolutions and those influential heirs of Jeremy Bentham, the British Radicals.<sup>1</sup> This year in our programme we are trying to follow his good example.

The United States and British North America inherited their governmental institutions from France, Great Britain, and Ireland, and drew their basic populations from immigrants whose traditions were enclosed within those institutions. As time went on they made the European apparatus North American, either by altering it positively or by not following subsequent evolutions in Europe. This was entirely appropriate and in no serious way open to reproach, but both North American nations have been somewhat shame-faced about some of their variations from the parent forms. Americans, for instance, are inclined to be apologetic about the election of judges, and Canadians manage to forget that the Speaker of their House of Commons is more like his counterpart in the United States than like the prototype in the United Kingdom.

Nowhere is this mistaken sense of shame more notable than in relation to the politically expedient, if ethically odious, marriage between patronage and parliamentary government. Americans are still trying to live down the saturation of their political life by the spoils system. Hardly a history of Canada treats patronage systematically, although the documentary sources connected with the achievement of responsible parliamentary government in British North America are studded with direct and indirect references to it. The British cheerfully admit that the dog has fleas. The British North Americans seldom do, for they are less self-assured.

One confusing factor is that the North American developments involved a medley of European and native elements. Parliamentary government was never at quite the same stage of its growth in Paris, in London, in Washington, and in the British colonial capitals. Europeans and North Americans seldom meant precisely the same thing even when they used precisely the same terms. Lord John Russell, for instance, in writing to Poulett Thompson,<sup>2</sup> could speak of "what is called 'responsible government'", with a pretty shrewd idea of its meaning, for he had just sailed a narrow and skilful course through the Bed Chamber Incident with Queen Victoria; yet he and other Englishmen were genuinely puzzled by the colonists' insistence on sweeping removals of their opponents from office.

<sup>1</sup>Chester W. New, "The Rebellion of 1837 in its Larger Setting" (*Canadian Historical Association Report*, 1937, 5-17). Evidence of a reciprocal British approach will be found in S. Maccoby, *English Radicalism, 1832-52* (London, 1935). See also "Canadian and North American History" (*Canadian Historical Association Report*, 1931, 37-48).

<sup>2</sup>Oct. 14, 1839. W. P. M. Kennedy, *Statutes, Treaties and Documents of the Canadian Constitution* (London, 1930), 421.

Here was an instance where the North American frontier had introduced a principle which was distinctly alien to the European tradition. This was the conception summarized in December, 1829, by President Jackson in his first annual message. "The duties of all public offices are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance. . . . Offices were not established to give support to particular men at the public expense. No individual wrong is, therefore, done by removal, since neither appointment to nor continuance in office is matter of right. . . . [Removal] would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."<sup>3</sup> To frontiersmen who saw little hard cash it seemed but reasonable that the salaried governmental jobs should from time to time change hands.

Since France went through such a variety of vicissitudes after 1789, and could at best influence North American development through an occasional observant critic like Jefferson or Papineau, it is probably most fruitful to confine our attention to the British tradition of patronage and parliamentary government. Simon de Montfort and Edward I knew quite well the desirability of rewarding their friends in the days when they began to use parliaments; their successors of all sorts followed the lead; and Sir Robert Walpole and the Duke of Newcastle, George II's "Minister of Numbers", elevated the practice almost to the certitude of a mathematical system. About 1760, in Namier's phrase, "the transactions were carried through individually or by small groups, and were therefore as sordid as solitary drinking".<sup>4</sup> Or, as Gibbon put it to his father, membership in Parliament might not carry the highest hopes of service to the nation, but one could "employ the weight and consideration it gives in the service of one's friends".<sup>5</sup> Indeed, to quote Namier again, "few extensive electoral interests could be maintained except with the help of Government patronage lavished at the recommendation of the borough patrons".<sup>6</sup> One of the few healthy aspects of the situation was the independence on the part of some of the voters which was demonstrated, "for no one bribes where he can bully".<sup>7</sup>

While it can be maintained that the responsible parliamentary government of the eighteenth century was more apparently than really like the practice of the nineteenth century, yet the working partnership with patronage characterized both. It is too often assumed that British politics magically ceased to be corrupt in 1832, and correction of this error seems particularly important in assessing American and British North American behaviour. Largely by redistribution of seats, the reform of 1832 allowed industry, trade, and finance to share more largely with land the oligarchy of power, but it did not interfere much with the encrusted traditions of the grand game of politics. The best that can be said in honesty is that

<sup>3</sup>J. D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, 11 vols. (New York, 1905-9), II, 448-9.

<sup>4</sup>L. B. Namier, *The Structure of Politics at the Accession of George III* (2 vols., London, 1929), I, 21.

<sup>5</sup>Quoted, *ibid.*, 23.

<sup>6</sup>*Ibid.*, 169.

<sup>7</sup>L. B. Namier, *England in the Age of the American Revolution* (London, 1930), 5.

the oligarchy "have been inoculated with corruption and are immune from the worst ravages of that disease".<sup>8</sup>

Bribery and corruption were open and unashamed for a full generation longer, indeed it was not until after Sir Henry James's Corrupt Practices Act of 1883 that they were finally driven underground. The Parliament of 1841 was known as the Bribery Parliament, votes cost about £1 a head as late as 1867, and only in 1872 did nomination in writing supplant the drunken orgies of the hustings, and the secret ballot free voters from interested scrutiny. Parliamentary committees were so flagrantly partisan in investigating corrupt elections that the job was forced on the unreformed judiciary in 1868, with remarkably poor results. "England", says Namier, "knows not democracy as a doctrine, but has always practised it as a fine art."<sup>9</sup>

Against this record of the Mother of Parliaments, North American behaviour appears less exotic and shameful.<sup>10</sup> In dealing with it, we have been too apt to mislead ourselves with the proudly democratic phrase, "control of the purse". Long before the American Revolution, colonial assemblies fought for control of the patronage, whose solid salaries and large fees were so alluring to men who did not ordinarily handle much money. Control would mean the destruction of the oligarchical official parties, whose organization so obviously reflected what was going on in England. American historians used to blame De Witt Clinton for introducing the spoils system into New York as late as 1801, until McBain demonstrated that "the spoils system in the broader sense of the term had existed in New York long before De Witt Clinton came into power".<sup>11</sup> The broader researches of C. R. Fish made it clear that the absence of patronage abuses in the national government at the beginning of Washington's presidency was the result of his determination to choose public servants only after careful investigation of their fitness, and of the fact that he was initiating a government. Once the Federalists and Republicans re-introduced party government, patronage quickly came to the fore. Actually it had never dropped out of sight, as the vigorous discussions of the matter during the framing of the new constitution clearly attested.

Party considerations began definitely to colour removals from office and new appointments under John Adams, in spite of the oligarchical tradition from the seventeenth century that an office was nearly as sacred as any other kind of property. Jefferson, however, was the first President to find nearly all the public offices filled by his opponents. He and his

<sup>8</sup>K. B. Smellie, *A Hundred Years of English Government* (London, 1937), 20 and *passim*.

<sup>9</sup>Namier, *England in Age of American Revolution*, 6. See also H. Maine, *Popular Government* (New York, 1897), 102-6.

<sup>10</sup>In addition to such standard histories as J. B. McMaster, *A History of the People of the United States* (7 vols., New York, 1900), V, VI, two special studies are useful in tracing the patronage system from the beginning of the United States: C. R. Fish, *The Civil Service and the Patronage* (New York, 1905); and H. L. McBain, *De Witt Clinton and the Origin of the Spoils System in New York* (New York, 1907). J. S. Bassett's *Life of Andrew Jackson* (New York, 1916) gives a more accurate, if less lively, picture than C. G. Bowers, *Party Battles of the Jackson Period* (New York, 1922). See also G. G. Van Deusen, *The Life of Henry Clay* (Boston, 1937), and M. Ostrogorski, *Democracy and the Party System in the United States* (New York, 1910).

<sup>11</sup>McBain, *op. cit.*, 13.

Republican associates, therefore, were with some justice responsible for the first extensive removals and appointments on the basis of political opinion. They made a cautious start for fear of unpopularity, but late in 1801 it was reported that unexpectedly "there is a wonderful tranquillity prevailing on the avowal and practice of this conduct",<sup>12</sup> and the work went forward more confidently. During Jefferson's first term there were, in all, 164 changes in 334 principal offices, accompanied by more changes in the lesser.<sup>13</sup>

From this it was but a short step to more machine-like politics. The Postmaster-General had already emerged as the Santa Claus of patronage, and now state delegations to Congress began to present to the President complete slates of nominees for appointment. The Congressional nominating caucus for the presidency first showed its efficiency in 1808, and by 1811 it was apparent that the nominee must be obligated to his unofficial electoral college. By 1821, J. Q. Adams could write that one half of the members of Congress were seeking office, and that the other half wanted something for their relatives.<sup>14</sup> Yet it was between 1809 and 1829 that there had seemed to be some hopes of party affiliation and it is worth remembering that Andrew Jackson, the great architect of the spoils system, was one of those who urged it most strongly, if not with complete sincerity. "Now is the time", he wrote to President Monroe in 1816, "to exterminate the *monster* called party spirit."<sup>15</sup>

These hopes quickly faded, as they were bound to, before the inherent logic of the parliamentary system, and after the passage of the Four Years' Law in 1820 and the involved conflicts among Monroe, W. H. Crawford, J. Q. Adams, Clay, and Calhoun, Andrew Jackson was sent to Washington on the crest of a popular wave. According to Fish, "When the people voted in 1828 that John Quincy Adams should leave office, they undoubtedly intended that most of the civil servants should go with him".<sup>16</sup> For better or worse, Jackson and his Kitchen Cabinet were to ensure, and even blatantly to celebrate, the marriage of patronage and parliamentary government. The idea of rotation of office had now struck deep roots in the nation's life after a century and a half of fairly sober evolution in New York, New England, and Pennsylvania and one generation of rash, hot-house growth beyond the Appalachians. Combined with the open and continuous use of offices for partisan purposes, it produced the full-fledged spoils system. It is important to note that the years 1829-45, during which the spoils system was established at Washington, were also the years during which Peel and others were wrestling with some variations of the same problem in Great Britain. In addition, British governments were during the same period resisting the demands for patronage of British North American colonists.

When one considers the thoughtful analysis of these matters in general

<sup>12</sup>Quoted in Fish, *op. cit.*, 39, note 3.

<sup>13</sup>*Ibid.*, 42-3.

<sup>14</sup>*Ibid.*, 49.

<sup>15</sup>*Ibid.*, 61.

<sup>16</sup>*Ibid.*, 78. Or see General Duff Green's prediction in the *Daily Telegraph*, Nov. 2, 1828: "We know not what line of policy General Jackson will adopt; we take it for granted, however, that he will reward his friends and punish his enemies", *ibid.*, 107. W. L. Marcy summed it all up in the Senate: "To the victors belong the spoils."

British and American histories, it seems not too much to say that Canadian historians have failed in their duty to their nation by a sort of tacit conspiracy to suppress the same elements in British North American history. The ancestors of most present-day Canadians, English and French, came to North America before 1700, and in one way or another Canadians have always been extremely realistic about their political life, local, regional, and national. They are realistic now and they would be better equipped for intelligent political action if they had a complete, instead of a partial, explanation of how Canadians regarded parliamentary government in the past. Perhaps because a political scientist wrote it, the book by R. M. Dawson<sup>17</sup> whose contents would do most to enlighten them seems to be ignored by the writers of general Canadian histories. This sturdy theme in Canadian life should not merely be alluded to and then swiftly enshrouded in the pseudo-respectable cloak of responsible government, for it has been warp and woof of political activity down to our own time.

The manifestations of the patronage problem which characterized the First British Empire can be seen in clear, if pale, reflection in the Nova Scotian legislatures before the concession of representative government to the other Maritime colonies and later to the Canadas.<sup>18</sup> The battles which went on in British North American legislatures between 1758 and 1847 were almost exactly analogous to the evolution of the same issues, let us say, in New York between 1700 and 1825. Moreover, as Miss Dunham has shrewdly pointed out,<sup>19</sup> there was a startling and stimulating discrepancy between American and British North American plums of patronage. American state governors received about \$2,000 a year; Sir John Colborne took in £4,175, or about as much as the President of the United States. The chief justice of Upper Canada received £1,500 and the puisne judges £750; the chief justice of the United States received \$5,000 and the associate justices \$900. As Miss Dunham says, "These and other rewards dazzled the eyes of a rather poverty-stricken population, who either grabbed eagerly for them or looked with jealousy upon their possessors. . . . In this matter of patronage as in all other matters Upper Canada was open to contrast with the United States, where the elective principle was being tried even in the judgeships of state courts." The governor of a British colony had an awe-inspiring number of jobs to dispense, and the equivalent of W. W. Baldwin's "family compact" was always there to help him award them, often in profitable pluralism. As Mackenzie said with some exaggeration: "they fill every office with their relatives, dependents and partisans . . . they are paymasters, receivers, auditors, king, lords and commons".

There is little need to rehearse to this Association at any length the assaults made on the treasure lode by the popular parties in the various British colonies, and no need to elaborate upon how basic an incentive patronage was in the long struggle for responsible parliamentary government. The earliest explicit demands for a colonial counterpart of the

<sup>17</sup>*The Civil Service of Canada* (London, 1929). The treatment of the matter in question before 1867 (chap. I) is somewhat sketchy and loosely assembled.

<sup>18</sup>J. B. Brebner, *New England's Outpost* (New York, 1927), chap. IX, especially 254-63; *The Neutral Yankees of Nova Scotia* (New York, 1937), 12-7, 35-6, 68-91, 95-6, 101-2, 128-9, 149-55, chaps. VIII and IX *passim*, 344-50.

<sup>19</sup>A. Dunham, *Political Unrest in Upper Canada* (London, 1927), 29-36.

British cabinet seem to be those of the Toronto group in Jackson's year, 1828-29, and these were clearly demands for patronage. "At present", to quote a somewhat mysterious pamphleteer in behalf of cabinet government, "public offices in Upper Canada are merely sources of patronage; under such a system as is proposed above those in whom the people placed confidence would be, as they ought to be, at the head of provincial affairs".<sup>20</sup>

Most of our Canadian histories treat the command of public offices as a mere symbol of the general principle of autonomy, whereas the reverse may well have been true. The mass of the unprivileged coveted the rewards of office, but they could only obtain those created by their own votes of funds or were pacified by mere crumbs from the rich man's table. Naturally they were quick to realize that to obtain the real prizes they must become masters of the executive. Joseph Howe was one of those who saw this most clearly and one sometimes wonders whether this frank and open realism on his part may not be one of the principal reasons why Canadian historians have tended to be rather coy and timid about describing him in the round, back as well as front.

In Howe's first letter to Lord John Russell he described the existing executive councils as "remarkable for nothing . . . except perhaps the enjoyment of offices too richly endowed; or their zealous efforts to annoy, by the distribution of patronage and the management of public affairs, the great body of inhabitants".<sup>21</sup> If this seems an isolated and perversely exclusive distinction on his part, one has only to read on in his four letters about the cabinet system to find that patronage always springs to his mind, usually first, but tactfully sometimes second. He pictures a majority party at Westminster—"if they are so, they must influence the policy and dispense the patronage of the Government"—and then compares a government to a Derby winner. He points out that colonists "must be stamped with the lineaments of low cunning and sneaking servility" unless they may win "honours and influence" on the strength of the suffrages of their fellow-men instead of by importuning the official oligarchy. He imagines an election going against the government in New Brunswick for two reasons only—because "the great body of the people are dissatisfied with the mode in which the patronage of the Government has been distributed and the general bearing of the internal policy of its rulers". It seems unnecessary to add more. Patronage and policy tread out a minuet through his pages, and we know that patronage played a principal and an ironical role in the tragedy of his later life.

Howe is valuable as a witness because he and Maritimers generally held themselves to be more British and more loyal than the turbulent French of Lower Canada and the Americanized British of Upper Canada. We should, therefore, perhaps be not too surprised to find Papineau, Mackenzie, Lafontaine, and Baldwin using the spoils system as the cornerstone of their constitutional edifices. After all, British governments and British governors had always similarly employed it against them and had been very frank about it too, as the records attest.<sup>22</sup> One has only to

<sup>20</sup>*Ibid.*, 168. See also, for this whole episode, pp. 165-9, and W. L. Mackenzie to John Neilson, Nov. 27, 1828, in A. G. Doughty and N. Story, *Constitutional Documents, 1819-1828* (Ottawa, 1935), 464.

<sup>21</sup>Sept. 18, 1839; Kennedy, *op. cit.*, 384-90; the other three letters, 390-414.

<sup>22</sup>Almost any document taken at random from the collection of Kennedy for 1791-1850 illustrates the principle on one side or the other; *ibid.*, 211-514.

proceed as far as the ninth and tenth of Papineau's Ninety-Two Resolutions of 1834 (and they are the first specific ones) to find patronage labelled the chief villain, and Mackenzie's Seventh Report on Grievances begins its recital with: "The almost unlimited extent of the patronage of the Crown, or rather of the Colonial Minister for the time being and his advisers here, together with the abuse of that patronage, are the chief causes of Colonial discontent." Again one could multiply examples and, in doing so, one could not fail to observe that the reformers' demands for extension of the elective principle to the Councils and to other public offices are simply North American variations on the main theme.

With Lafontaine and Baldwin we come to the men whose capacity to win majorities, and whose sheer stubbornness with governors who were aiming to play George III on them, won cabinet government for Canada just as the younger Pitt had won it for Great Britain sixty years before. Every serious student of Canadian history knows that the principle upon which they stood or fell, the yard-stick which they invariably used for victory or defeat in their quest, was control of the patronage. Bagot began the surrender to them after his conversations with Lafontaine by consenting to the retirement of Attorney-General Ogden, indeed his whole letter of September 13, 1842, to the French leader is a bargaining proposal in terms of dismissals and appointments.<sup>23</sup> Lafontaine went so far as to refuse to concede that any cabinet officer who was compelled to retire had a right to a pension, and when the second Lafontaine-Baldwin ministry forced out the burr-like Dominick Daly, it was a grateful *British* government which cushioned his fall with the emoluments of commissioner of Tobago.<sup>24</sup> Responsible government and patronage were indeed one matter, so inextricably amalgamated that they can seldom be found apart in the tangled party politics of 1841-47. Sir Allan MacNab said "that he would be damned if he would put any but friends into office if he was in power",<sup>25</sup> and the Lafontaine-Baldwin alliance accepted or resigned office in accordance with governors' willingness or unwillingness to allow them to control dismissals and appointments. Metcalfe summed up the whole conflict as almost any Englishman would have seen it when he declared that it was not about any principle of government, but about the question as to whether "the patronage of the Crown should be surrendered to the Council for the purchase of Parliamentary support".<sup>26</sup>

The story need not be continued down to its triumphant conclusion under Elgin and the first swarmings of the Canadian variety of periodical political locusts, but before leaving it, one observation is perhaps in order. Joseph Howe managed to make Lord John Russell's objections to Durham's proposals look pretty ridiculous, but he overlooked a real difference between British and North American practice in patronage and one which goes far to explain the transatlantic misunderstandings which persisted down to Elgin's time. In Great Britain, while cabinet, or "political", officers lost their places with a change of government, relatively few "civil" officers, or as we should say, civil servants, did. The North American practice was far more ruthless, and even such statesmanlike victors as Lafontaine

<sup>23</sup>*Ibid.*, 473-4.

<sup>24</sup>Dawson, *op. cit.*, 6.

<sup>25</sup>G. E. Wilson, *The Life of Robert Baldwin* (Toronto, 1933), 183.

<sup>26</sup>*Ibid.*, 187.



and Baldwin reflected the years of deprivation by reaching very far downwards to collect the spoils. It is with the sweeping North American transition from oligarchy to democracy in mind that Smellie makes the interesting observation: "It may be said it was the very slowness with which in England democratic government was substituted for aristocratic privilege that made possible the success of our Civil Service. It was rescued from private patronage without becoming public spoils."<sup>27</sup>

This remark leads us to a path out of the mire, a saving grace by which democracy can redeem itself—a stable, expert, highly paid, and competitively selected civil service. In this matter, as in the alliance between patronage and parliamentary government, the British led the way, even though the M.P.'s were so inert or recalcitrant that most of the work had to be done by Orders-in-Council. "An aristocracy was on the defensive and compelled to improve its efficiency if it were to survive." The process began obscurely about the end of the Napoleonic wars, became noticeable in the Indian service before the middle of the century, and was quietly but persistently prosecuted in the Home services by Gladstone and a few others, who brought to the machinery of government something of the mid-Victorian businessman's passionate urge to eliminate waste and inefficiency.

To an outside student the British civil service has been and still is an appalling chaos governed as much by obscure tradition as by law, and some of its most lauded features upon close examination prove to be largely mythical,<sup>28</sup> but it derives a great deal of its acknowledged strength from a principle which was repugnant to nineteenth-century North Americans. British civil servants do not partake in political activity except to vote, and conscientious and capable British civil servants need not fear removal because of a change of government. The old seventeenth-century respect for an office as property became part of the sporting code of aristocratic politics, and aristocracy did not yield to democracy in England until the last quarter of the nineteenth century. By then efficiency was recognized as so imperative that wholesale removals could not be tolerated, in spite of men like Sir James Graham, who doubted whether "parliamentary government can be conducted on such principles of purity."<sup>29</sup> Moreover, by then the scientist and the technician were becoming necessary. Smellie's summary seems an apt one: "After 1870 this contest between patronage and efficiency became a contest between the policy of *laissez-faire* and the new collectivism."<sup>30</sup>

Sir Robert Borden took as the subject of his presidential address to this Association in 1931 "The problem of an efficient civil service."<sup>31</sup> "Unfortunately it is perfectly true", he said, "that Canada did lag behind both Great Britain and the United States in abolishing the evil of political patronage and in creating a more efficient system of appointment to the public service than that which prevailed for forty years after Confederation."

<sup>27</sup>Smellie, *op. cit.*, 109.

<sup>28</sup>Notably the selection by open competitive examination. An investigation just before the War revealed that of the *upper half* of the Service (some 60,000 clerical positions) only one third was recruited by competition. Concerning the competition which exists, an observer might be excused for echoing *Punch's* surprise over the university boat race because only Oxford and Cambridge had entered.

<sup>29</sup>Quoted in Smellie, *op. cit.*, 114.

<sup>30</sup>*Ibid.*, 260.

<sup>31</sup>*Canadian Historical Association Report*, 1931, 5-36.

We have already seen some of the reasons why both of the North American polities were likely to lag behind Great Britain, but it is perhaps worth while to suggest another, for it seems to throw some light on our present situation. It is that even while the United States and Canada were poorer than Great Britain, life in North America was more lavish, resources seemed inexhaustible, and waste was tolerated on a spacious scale which appalled every European observer. The depression of 1873, on the other hand, seems to have marked the beginning of a feeling in the United Kingdom that opportunities were lessening, competition was increasing, and inefficiency must be checked. Only since 1929 has something like a similar feeling been developing in North America.

To-day all three countries are in much the same box in the matter of their political apparatus, and all three are struggling strenuously to improve the permanent portions of their governments. International relationships are panicky because dictators can and do strike faster than democracies and because in an air war the first strokes may be decisive. Meanwhile, violent and world-wide economic fluctuations dislodge humble citizens from their niches in ways they can never understand. Domestically, therefore, the state has become the expected agent to care for the casualties of our warped productive economies, and in endless ways the performer or the regulator of our public and semi-public services. We live in times of urgency and tension, and yet we cherish parliamentary institutions, at least we do until crisis is serious enough to necessitate their swift conversion into dictatorship.<sup>32</sup> But crisis government irks us, as 1914-20 proved, and we want to feel that our traditional institutions will serve us as well or better than the unpleasant authoritarian structures of the post-War world. It seems possible that they can do so, but only if we can out-grow our North American spoils systems and forge one instrument for our salvation in the shape of the best civil services we can afford and the nations' brains can provide.

*Discussion.* Mr. Brown asked whether it was true in Canada, as it was in England, that corruption and absence of parties went together.

Mr. Brebner replied that there had not been any systematic investigation which would allow this question to be answered.

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<sup>32</sup>L. Rogers, *Crisis Government* (New York, 1934).