

SESS. II.—1891.
NEW ZEALAND.

CONSTITUTIONAL REFORM COMMITTEE

(REPORT OF), TOGETHER WITH APPENDIX.

Report brought up 8th September, 1891, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

WEDNESDAY, THE 17TH DAY OF JUNE, 1891.

Ordered, "That a Committee be appointed, with power to call for persons and papers, to inquire into and report as to the form and working of Executive Governments elsewhere, with a view to such modifications of the existing system of government in New Zealand as will diminish the evils of the present party-system: the Committee to consist of the Hon. Mr. Bryce, Mr. Palmer, Captain Russell, Dr. Newman, Mr. Buick, Hon. Sir J. Hall, Mr. Saunders, Mr. J. W. Thomson, Hon. Mr. Ward, and the mover; three to be a quorum."—(Mr. O'CONNOR.)

R E P O R T.

1. YOUR Committee have the honour to report that, in their opinion, many and very serious evils are inseparably connected with, and spring from, the system of party government here; that it is unsuited to such a colony as New Zealand; and that in other colonies, and even in England, similar evils have been felt, varying only in degree, consequent upon surrounding circumstances and different phases of the system.

2. Your Committee, having consulted various standard works enumerated in the records, have made numerous extracts, a few of which are annexed to this report. The works referred to generally condemn party government as demoralising and wasteful not only in a financial sense, but also of the time and energy of electors and their representatives.

3. Even in England, where party government has grown up by degrees and under peculiar circumstances, reforms will be required before it is accepted as satisfactory, and therefore it should not be regarded as the best model upon which to form a Constitution for the government of a new country. A variety of circumstances exist in New Zealand which do not exist in Great Britain, and which make it desirable that any system of government adopted here should rest upon well-understood law, and be adapted to the peculiar circumstances and requirements of the colony.

4. The vast difference in the population and importance of the two countries must be duly appreciated before we can justly estimate the suitability or unsuitability of British usages for adoption in this country.

5. This is especially manifest with reference to the parliamentary rule by which a government is dependent for its existence from day to day upon being able to secure the support of a majority of the people's representatives for every one of its more important measures; a system which offers a constant temptation to the members to struggle not for the common good of the nation, but for the possession of place and power. In a country like England, where there are over six hundred and forty members of the House of Commons, and where only exalted station, strong influence, or transcendent ability can place a member within reach of a seat in the Cabinet, this demoralising feature is not so injuriously felt as it is in New Zealand, where a large proportion of members will probably believe themselves to be quite eligible for office.

6. Even amongst the millions of Great Britain it is not every century that produces in any one individual that rare combination of administrative and controversial power which the greatest English statesmen have possessed, and therefore we should not adopt any system under which the less important power of controversy is sure to be preferred to the far more essential qualification of administrative ability.

7. The rule that a Ministry must be unanimous in all its decisions, that each member is responsible for the actions of the whole, and the whole for the actions of each member, is calculated to

destroy independence of thought and action, and not unfrequently results in the exclusion of valuable men from a Ministry.

8. The constitutional practice of a Ministry resigning when any important measure which it has introduced has been rejected has led to the mischievous practice of allowing Bills to drop whenever their passage becomes doubtful, thus compelling the Ministry to become followers, rather than wise and courageous leaders; and, it almost necessarily compels a Ministry, under the instinct of self-preservation, to pander to any popular delusion of the hour, instead of making a stand against shortsighted popular impulses.

9. But what the colonies have most to deplore is the fact that each Ministry is tempted to entrench its position and to buy off opposition by the expenditure of public money, a proceeding which has been felt to answer the double purpose of making the work pleasant at the time, and difficult to any succeeding Ministry taking office with the intention of pursuing a more prudent and honest policy.

10. In the opinion of your Committee the most suitable model for our imitation will be found in the present Government of the Swiss Federation. After twenty-six years' experience, the Constitution accepted in 1848 was revised and improved in 1874, and has worked remarkably well ever since. Both the original of 1848 and the revised Constitution of 1874 were the work of a committee of able and experienced men, many of whom were thoroughly conversant with the forms of government adopted both in Great Britain and in the United States; and, by taking that which has proved good and suitable from either, they have succeeded in avoiding the weaknesses of both.

11. The recommendations which your Committee offer under the head of "Executive Reform" are intended to secure the following advantages:—

I. That the Parliament may be enabled to exercise a real supervision and control over all legislative and administrative action.

II. That the executive may be selected by the Parliament itself in a manner likely to secure the services of the men best suited to the work, and at the same time so place them that they can seek the public welfare, untrammelled by party considerations and undegraded by the practice of stratagems to secure their own positions.

III. That the representatives of the people may have freedom to vote according to their unbiased opinions, without the necessity of supporting what they believe to be wrong or opposing what they believe to be right for the purpose of serving party interests.

IV. That the people of the colony may be able to look up to the Ministry as men engaged in watching over their interests, and not as men waging party warfare.

V. That the people of the colony may have confidence in the administration of public affairs, take an intelligent interest in the proceedings of the Legislature, and thus create a healthy public opinion on public affairs, and the part taken by their representatives.

With these objects in view, your Committee submit the following outline of the Constitution which they have agreed to recommend:—

EXECUTIVE REFORM.

I. Upon the assembling of Parliament after each general election, and as soon as the Speaker of the House of Representatives has been elected, he shall then, for the twenty-four hours next ensuing, receive nominations for seven members of the Ministry. Any person qualified to be elected to the House of Representatives shall be eligible for election to the Ministry. The nominations shall be signed by at least six members of the House of Representatives and by the candidate, or the consent of the candidate may be sent by telegram.

II. The Speaker shall notify the closing of the nominations and fix the time for the election, such time being not more than seventy-two hours, nor less than twenty-four, from the time of closing the nominations, provided that the Speaker may remedy any irregularity of form therein.

III. The voting shall be taken by ballot, and upon the principle of proportional representation, each member having one transferable vote, exercisable in the alternative for as many candidates as he pleases, by writing a figure denoting the order of his choice opposite each name, as illustrated in Schedule A.

IV. The Speaker shall preside over the election, and may appoint such assistants as he may require. Each candidate shall have the right to appoint a scrutineer. The counting of votes shall be proceeded with as prescribed in Schedule B, and the Speaker shall declare the result, which shall be final.

V. Any member of the Ministry may vacate his office in such manner, or for any such cause as may vacate a seat in the House of Representatives; and the House of Representatives may at any time, by resolution, declare the appointment of any Minister cancelled, provided such resolution be carried by a majority of two-thirds of the whole House.

VI. Vacancies in the Ministry shall be filled by ballot taken in the House of Representatives. The vote of an absolute majority of the whole House shall be required in the case of one vacancy; any greater number shall be elected after the manner prescribed in clause 15.

VII. The Ministers shall each year elect one of their number to be their Chairman and another to be Vice-Chairman, and shall determine the department which each member shall preside over. No Minister shall be Chairman for two successive years.

VIII. At meetings of the Ministry, if the Chairman be not present, the Vice-Chairman shall preside; but no action shall be valid unless four Ministers are present and concur.

IX. The Ministry shall make regulations for the conduct of business, keep minutes of their proceedings, and present copies of such minutes and regulations, attested by the signatures of the Chairman and at least one other Minister, to each Chamber of the Legislature upon the first day of the meeting of each session of Parliament.

X. The Ministers shall have full control over the different departments of State, under the authority of law; but the appointment of Judges of the Supreme Court, members of the Legislative Council, the Agent-General, and such other appointments as may hereafter be declared by law shall be subject to the sanction of Parliament; nor shall the Ministers recommend His Excellency the Governor to dissolve Parliament without like sanction.

XI. The Ministers shall, if directed by a resolution of either Chamber, or may of their own motion, cause to be prepared and introduced for the approval of Parliament any legislative or other proposal.

XII. Ministers shall submit to both Chambers as soon as possible, at the annual session, full and explicit returns of the expenditure and receipts for the past year, and also the estimated expenditure and receipts for the ensuing year, and shall be responsible to Parliament for the economical and efficient administration of the public service, and such other duties as Parliament may impose.

XIII. If any member of the House of Representatives or of the Legislative Council be elected a member of the Ministry his seat in either Chamber shall be *ipso facto* vacated; but Ministers shall have the right to be present to speak and initiate proposals in either Chamber, but not to vote.

SUMMARY.

I. To illustrate the foregoing proposals, a comparison should be instituted with the Executive as it is at present selected, principally to meet the exigencies of party, where inexperienced and unfit persons have frequently been included, where Ministers are necessarily under the dominance of a Premier, where the Executive is frequently governed by expediency and party considerations, where the very existence of the Cabinet is dependent upon its retaining a sufficient number of partisans in the House, with the consequent temptation to abuse resources of State, to preserve Ministerial existence, and to all these considerations we must add the interested misrepresentations and vilifications of the other side. Then we shall be prepared to appreciate an Executive specially selected to exercise definite functions and responsibilities—individually and collectively free—untrammelled by party considerations, secure in its position, and elevated above the whirl of political debauchery.

II. Next take the House of Representatives, where discord reigns; where party struggles obscure and obstruct the discharge of parliamentary duties; where Government is supposed to lead, but really is itself driven by any combination strong enough to overthrow the balance of power; where members may be coerced by a threat of dissolution or corrupted by patronage—almost powerless for good—practically denied the right to initiate—where, with great waste, so much is commenced and so little finished—where so many abuses flourish under the vagaries of a system which leaves the representative a shadow of power, but a real discredit. Compare this also with a Parliament supreme, with a political atmosphere purified, with free scope to each member to exercise his privileges and vote honestly upon the merits of every question submitted to him. The people, too, would have issues simplified. The accretions of the past have left our political machinery clogged, encumbered, and disconnected. The voters' aspirations should lead to true and direct action; nothing less will satisfy their common-sense. When an election takes place now, the people learn but little of the Legislature, and less still of the administration of public affairs; all is filtered through the bias of partisanship, and so obscured by personal considerations as to reduce public affairs to the second place.

EUGENE O'CONNOR,
Chairman.

8th September, 1891.

SCHEDULE A.

Ballot-papers (arranged alphabetically).

THE voter is required to denote by figures the order of his choice:—

- | | |
|-------------------|------------------|
| 1. J. Adams. | 13. I. London. |
| 10. W. Brown. | 12. R. Maxwell. |
| 6. R. Cullen. | 14. H. Nelson. |
| 2. L. O. Denbigh. | 9. P. G. Oliver. |
| 4. P. W. Evart. | 15. J. Frank. |
| 3. J. Frost. | 16. W. Jones. |
| 7. S. Gunn. | 8. R. Tailleur. |
| 5. B. Kettle. | 11. P. Blucher. |

SCHEDULE B.

I. The ballot-papers, having been all mixed, shall be drawn out in succession and stamped with numbers, so that no two shall bear the same number.

II. The number obtained by dividing the whole number of good ballot-papers tendered at the election by the number of members to be elected *plus* one, and increasing the quotient (or, where this is fractional, the integral part of the quotient) by one, shall be called the quota.

III. Every candidate who has a number of first votes equal to or greater than the quota shall be declared elected, and so many of the ballot-papers containing those votes as shall be equal in number to the quota (being stamped with the lowest numerals) shall be set aside as of no further use. On all other ballot-papers the name of the elected candidate shall be deemed to be cancelled, with the effect of raising by so much in the order of preference all votes given to other candidates after him. This process shall be repeated until no candidate has more than a quota of first votes, or votes deemed first.

IV. Then the candidate or candidates having the fewest first votes, or votes deemed first, shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him or them; and Rule III. shall be again applied if possible.

V. When by successive applications of Rules III. and IV. the number of candidates is reduced to the number of members remaining to be elected the remaining candidates shall be declared elected if they have the quota of votes.

VI. When the voting results in a tie between two or more candidates, or in the number of candidates required having less than the quota, then a fresh ballot shall be immediately taken, under the provisions of Clause 6, and limited to those candidates having the number of votes nearest to the quota or affected by the final tie.

APPENDIX.

GENERAL EXTRACTS.

THE theory on which a party is constructed is this: A special line of policy is considered to be the best for the country. Certain men are deemed capable of giving effect to that policy. To enable them to do so, they must be got into office. To get into office they must have a majority in their favour in the House of Commons. To secure this majority, there must be organised co-operation amongst the supporters of the policy in question. This plan is plausible, but, like everything else in the world, it is not perfect. It has often been abused, and not seldom made the instrument of oppression and injustice. Pope expressed the view common in his day when he described party to be "the madness of many for the gain of the few." Men so dissimilar in character as Defoe, and David Hume, Thomas Paine, and Edmund Burke, the author of Junius's Letters, and Addison, all condemned the party system as being frequently dishonest, not unfrequently corrupt, sometimes disastrous, and always objectionable. . . . The register of the successes and the disappointments, the vices, the follies, and the quarrels of those who engage in contentions for power, is neither a pleasant, a profitable, nor an elevating chapter in the history of this country.—*Joseph Cowen's "Speeches," p. 145.*

I seriously submit to you that parliamentary government is not allowed to have its most complete development in consequence of the frequent and, in many cases, quite unnecessary changes of Ministry, which, so far from constituting or obtaining responsible government, have the effect, in my opinion, of establishing the most thoroughly irresponsible system of administration with which I am acquainted. If greater public evils have not happened than any which have been disclosed, you have to thank the character of the men who serve as Ministers of the Crown, and especially the character of your permanent Civil servants—not the character of the system under which they work.—*Speech of Sir Anthony Musgrave, January, 1878.*

The drawbacks to the party system are so palpable, and have been so repeatedly set forth, that we may content ourselves with a very general statement of them. One of course, is that Ministers who look to the support of a great political connection are obliged to pay for it in the distribution of patronage, and cannot select the most competent men for the service of the public. Another equally patent objection is that no leader of a party can venture to be very much in advance of the opinions of the rank and file. He must often be obliged to relinquish or modify schemes which he believes to be for the public good, and be satisfied with settling questions for a quarter of a century, when otherwise he might settle them for generations. Such a system is not favourable to the growth of political foresight, and leads to the habit of "patching up," as fatal in public as in private affairs. . . . Party naturally gravitates towards faction, and this tendency is only kept in check by the honourable feeling and political sincerity which for the most part distinguish English gentlemen. Even within the limits thus imposed upon it the exigencies of party do occasionally carry statesmen into measures which, however necessary in themselves, are not recommended to the public by the source from which they proceed; while, whenever it does happen that these limits are transgressed, and that the hatred of rivals or the thirst of power becomes the primary or sole motive of party action, we see wild work indeed, and such as may well cause the most prudent and practical of politicians to speak of party as a monster which ought to be bound in chains and cast into the bottomless pit. Then it is that the most cherished principles, the highest public interests, the most venerable institutions become degraded.—*T. E. Kebbel, "Nineteenth Century," 1882.*

The life of a legislator, who is earnest in his efforts to faithfully perform his duty as a public servant, is harassing and laborious to the last degree. He is kept at work from eight to fourteen hours a day; he is obliged to incur the bitterest hostility of a body of men as powerful as they are unscrupulous, who are always on the watch to find out, or to make out, anything in his private or his public life which can be used against him.—*Practical Politics (Roosevelt).*

Is there any sane reason why want of confidence, expressed by a majority of the House, in any single Minister, or in the conduct of his department, should involve the downfall of a whole Administration? Can there be anything Utopian in the proposition that the Ministry should retreat within the old lines of strictly executive service, each Minister being directly and individually responsible, not to the Cabinet, or the Prime Minister, but to Parliament?—*Matthew Macfie, "Contemporary Review," 1884.*

The long familiarity of Englishmen with this institution, and with the copies of it made in the European countries which possess constitutions, has blinded them to its extreme singularity.—*Popular Government (Maine)*.

When an appointment is necessary in the Supreme Court it is made nominally by the Governor in Council, but in reality by the Ministry in office at the time. Is there any guarantee that the Ministry of the day will select the man most fitted for the judicial seat? There is none whatever. There is a check—that of public opinion. But this check is so weak that it will hardly ever be sufficient to prevent a bad appointment, especially in view of the inducements to make appointments in the interests of the members of a Ministry rather than in the interests of the public. The appointment by the Ministry, therefore, practically means leaving it with the Attorney-General, with power to appoint himself if he should so please. He will naturally be desirous of the office. His colleagues will be not only disposed to give, but afraid to refuse, it to him. Appointing him means another ministerial office at their disposal, the judicious filling of which may quicken the zeal of friends or disarm the hostility of opponents. Refusal means the secession of a colleague and the future opposition of the slighted Minister.—*Jeremiah Dwyer, Melbourne Review, 1877*.

The partisan who abandons his own judgment and blindly follows his leader is despicable enough, and may be a peril to the State.—*Thomas Burt, "Contemporary Review," 1890*.

In party contests, men do not battle for measures; they fight for candidates. . . . Politics, from being the science of Government, has become co-operative office-seeking.—*"The Co-operative Commonwealth" (Gronlund)*.

Where there are no real politics, office has few responsibilities, and its freedom from these and the chances it affords to the unscrupulous give intense keenness to the contest for it. Angry men hotly in earnest are not usually mealy-mouthed. So we have assertion and contradiction; the lie direct given and retorted; charges of corruption hurled backwards and forwards between the Treasury and the Opposition benches.—*Froude, "Edinburgh Review," 1886*.

The working of the system is at variance with the true principles of representation and free parliamentary government, tending to the prostitution of public interests to unworthy party ends, throwing the legislative machine out of gear, and involving administrative affairs in utter confusion. . . . War to the knife should be declared by the constituencies against the present corrupt exorcence of party organisation; for unless this is done, the evils complained of will in the future be intensified rather than reduced.—*Matthew Macfie, "Contemporary Review," 1884*.

Party obstruction, legitimate and otherwise, causes such a loss of time in the early part of the session that numberless useful Bills are thrown out towards its close.—*Monthly Review, Vol. I*.

The liberty to throw out bad Bills without involving the necessity of throwing out the Government, too, would be one of the greatest advantages to be derived from the abolition of party government. In the second place, if men were not bound together by party ties, there would be no reason why they should all attack and defend the same measure; reason and conviction would have fair-play, while in great emergencies the leading statesmen of the House would have less difficulty in coming together, and making it impossible for a really bad Minister to retain office. . . . The spontaneous agreement of men not compelled to act together by the force of party discipline, and each one coming forward on the strength of his own convictions only, would certainly carry more weight than a majority composed of men who are bound by the rules of their system to stand shoulder to shoulder and obey the commands of their leaders, whether they approve of them or not. . . . In the eyes of the independent public we fear the antagonism of parties has latterly seemed little better than a fight for place, to which everything else is sacrificed. What did even Mr. Cowen say on the subject not two months ago? "I am indifferent," he said, "to party organizations. I think the objects which lead men to union very paltry. They bring out the worse features of human nature. We may depend upon it, the feeling is spreading very widely. Place! Place! Place! That is the sole meaning which large masses of the nation are beginning to attach to politics." . . . The party system can no longer be conducted on those terms which compel honourable men to stoop to evasions and subterfuges, which in any other walk in life they would despise, and produce on the public mind the unfortunate conviction that the game of politics is played only for selfish objects, in which principles have no part.—*Quarterly Review, 1886*.

The Opposition has lately shown itself willing to make bargains with the Government. If the Premier will make a small concession on some petty point, like, perhaps, the granting of uniforms to the police, to some private member of the Opposition, then the leader of the party will be prepared to vote for important measures *en bloc*. Parliamentary proceedings have become a traffic or a species of barter. The leader of the Opposition seeks the Premier in some small room behind the Chamber, and says in effect, "If you will consent to do this or that, I shall accept your measures as they stand."—*The Australasian, 22nd December, 1888*.

The paralysis of the House of Commons is frightful, and threatens the very existence of representative government in this country.—*Sir Mountstuart E. G. Duff, "Nineteenth Century," 1887*.

The constituencies have elected a House of Commons, but it is not allowed to work. They have appointed a Government, but it is not permitted to transact even the most ordinary business of the

State. A minority of the minority organises, and the whole minority tolerates or approves a plan of misusing the forms of the House of Commons, under which no business can be got through. Representatives are too deeply disgusted to attend, and Ministers are worn out with work about as useful as polishing shot or picking oakum. Under cover of exposing grievances during the debates on supply, a band of members consume the whole of the time of the House in discussions which, were it not an object to paralyse the Executive, would never be raised, or would be concluded in as many minutes as they now occupy hours.—*Spectator*, 1889.

Politicians of every shade had long agreed in regarding the British Constitution with pride, until the veneration of many had degenerated into fanaticism.—*Erskine May*, "*Edinburgh Review*," 1854.

Pure party feeling demands the prostration of the reason and the will. It requires that a man should not only believe in the infallibility of his leaders, but also in the mortal errors and delinquencies of his opponents. He must not only defend and follow his party, even when they are wrong, but he must attack and resist the opposite opinions even when they are right. He is bound by ties almost as strong as those of military obedience; and he dreads the consequences of deserting his flag, even when he condemns the policy to which he is bound.—*Maine*, "*Edinburgh Review*," 1886.

I think it is evident that the people are tired of the system, and that it will have to be got rid of by one way or another in the course of time.—*T. E. Kebbel*, "*Nineteenth Century*," 1888.

In 1882 Mr. Gladstone informed Parliament that his domestic legislation had been a total failure, not because of the Tory party, but because of the rotten procedure of the House of Commons.—*Churchill*.

About the reform of the House of Commons there is absolutely no difference of opinion. Everybody agrees that it is a worthless and a useless House of Commons, and that a reform which takes place in it cannot possibly be a reform for the worse.—*Churchill*, *speech*, October, 1884.

Mr. Bright has added the weight of his authority to the general protest against political servility. What will be the value of party, he very truly asks, when its whole power is placed at the disposal of a leader from whose authority no appeal is allowed? This principle of absolute obedience is the principle of Jesuitism—a principle which secures wonderful results in the success of a particular set of interests, but is fatal to that individual freedom which is the soul of English political life.—*Public Opinion*, 25th June, 1886.

Parties strive to engross the prizes of office by the means which faction everywhere employs. The consequences are, the increasing ascendancy of the worst men, and the political demoralisation of a community, which, if a fair chance were given it, would furnish as sound a basis for good government as any community in the world.—*Goldwin Smith*.

Settlement in legislation depends upon the perturbations of the balance of conflicting interest. . . . Take the desire and faith of mutual help, the virtue of avowed brotherhood, for the accomplishment of common purpose, without which nothing great can be wrought by multitudinous bands of men. . . . Let the devil put a few personal interests into it, and you have all faithful deliberation on national law rendered impossible to the Parliaments of the world by the antagonism of parties. . . . The taunt of personal malignity and studied disrespect ignore the decencies of debate and lower the dignity of the House.—*Ruskin*.

Those who are not in the House of Commons cannot realise how the members must feel when, night after night, they see devices tried which entirely check their activity, and which not only defeat the measures which are being proposed, but degrade the great Assembly of which every member of the United Kingdom ought to be proud.—*Goschen*, *speech*, 1885.

These feelings of distrust and disapproval, if I do not mistake, are generated and maintained by this accursed system by which the party here strive to murder the reputation of parties on that side, and leaps over the dead bodies of murdered reputations to the Treasury seats. That these fruits of party government are not of mere local growth, but are natural and universal products of the system could be shown by evidence from all the countries which are ruled under it.—*E. G. FitzGibbon*, "*Melbourne Review*," 1887, *speech by Mr. Higginbottom*.

Each party, when in Opposition, must assist in bringing Government itself into contempt by holding up those who hold the reins to public ridicule or detestation.—*Froude*.

Probably no member of Parliament quite knows how scandalous and intolerable the present state of the House of Commons appears to the great body of quiet reasonable people throughout the country. . . . The actual truth is that people outside the House of Commons regard the confusion into which it has fallen, and its apparent helplessness to extricate itself, with ever-deepening disgust and shame.—*Matthew Arnold*, "*Nineteenth Century*," 1887.

The time of Parliament is, beyond all comparison, the most precious possession of the people of these kingdoms. Whether we consider its mere money value, as measured by the earnings of its professional and mercantile members, or its potentiality for good to the nation, this is demonstrably and obviously true. Notwithstanding this, it is notoriously wasted as nothing else is wasted; worse than this, its waste is attended by an amount of mental discomfort to all patriotic men, and a loss of health and energy to members of the House which it is impossible to exaggerate.—*Samuel Plimsoll*, "*Fortnightly Review*," 1886.

The oldest and noblest representative Assembly in the world is unable to control its own proceedings; the intentions of the majority of its members, representing the opinions of a majority of the nation, are deliberately and successfully defied; time—invaluable time—is wasted with childlike folly; and measures which the community desires are arrested at the will and pleasure of one or more influential members. Scenes of disorder, which would not be tolerated in any other body of elected Englishmen, have become one of our parliamentary institutions, and the deterioration of the tone and character of debate is rapidly deteriorating the estimation in which our representative government is held. Disloyalty to the House of Commons is treason—high treason—which the constituencies will rightly regard as a capital offence.—*Henry H. Fowler, "Nineteenth Century," 1885.*

It is an essential function of a representative House to control the finances, but the New Zealand House of Representatives has for years past abandoned this duty, and simply voted the sums of money which the Government has asked it to vote, notwithstanding the fact that a wide divergence of opinion existed in the community respecting the wisdom of the financial policy that was being pursued. . . . The utter inability of the Assembly to perform the functions appertaining to a Parliament is further illustrated by the manner in which it worships the Ministry of the day.—*E. W. Purnell, "Political Pamphlets," Vol. xx.*

The party system, whereof the strangeness is concealed from modern Englishmen only by the force of habit, leads, it has been well said, to this result: The sixteen cleverest men in Parliament are set to govern the country, whilst the sixteen next cleverest men are employed in hindering the work of government; the talents which should be enlisted in the service of the nation neutralise each other, and are rendered almost useless.—*Edinburgh Review, 1890.*

Party feeling is probably far more a survival of the primitive combativeness of mankind than a consequence of conscious intellectual differences between man and man. It is essentially the same sentiment which in certain states of society leads to civil, intertribal, or international war; and it is as universal as humanity. It is better studied in its more irrational manifestations than in those to which we are accustomed. It is said that Australian savages will travel half over the Australian continent to take in a fight the side of combatants who wear the same totem as themselves. In Southern India a series of dangerous riots are constantly arising through the rivalry of parties who know no more of one another than that some of them belong to the party of the right hand and others to that of the left hand. . . . It is through this great natural tendency to take sides that the wire-puller works. Without it he would be powerless. His business is to fan its flame; to keep it constantly acting upon the man who has once declared himself a partizan; to make escape from it difficult and distasteful.—*Maine, "Popular Government."*

It is patent to everyone who studies political affairs that the maturity of sound opinion upon all subjects has been materially retarded by the *animus* which is a motive largely actuating both sides in the prosecution of their contests. The primary desire is to get into office—to enjoy power, with its attendant prestige and benefits. Human nature being what it is, no opportunity is lost of the "Outs" discrediting the measures brought forward by the "Ins." However good a Bill may be in itself, and however loud may be the call of the people for its being passed into law, it always has to run the gauntlet of the rival jealousies of the two parties. This, on the surface, may seem to be a very good thing, and in one sense it is; but could not more than the ultimate results achieved be secured if a body of legislators were so constituted as to insure the elimination of those elements which give rise to such continuous personal conflicts and to such bitter party hatred, which at times, and in no times worse than our own, bring the whole system of government into that sort of contempt which is now and again felt for the deliberations of a local vestry? How are the people outside the walls of Parliament to form their opinions of particular measures brought forward if the men in Parliament do their utmost in many cases to misrepresent the intentions of the framers of the Bill, with the object of discrediting the party in power and getting them turned out? This is literally the chief business which the party out of power devotes its energies to.—*Crump, "Formation of Political Opinion."*

An editor, for instance, conceives a violent dislike for a certain Prime Minister who has perhaps criticized his paper in an uncomplimentary way. What is the result? Hardly an issue appears without more or less of abuse being heaped upon his name, and more or less of abuse being hurled at every act of his Cabinet. Such a course of proceeding persisted in, not only month after month, but year after year *ad nauseam*, is wearisome and *ennuyant* in the highest degree, even if spicily done.—*Crump, "Formation of Political Opinion."*

I believe that party, instead of being a machinery necessary to the existence of free government, is its most dangerous foe, and that in order to get anything which really deserves the name of Republican Government we must destroy party altogether.—*Stickney, "A True Republic."*

In John Stuart Mills's "Principles of Political Economy," on the last page of the second volume, we read: "Even in the best stage which society has yet reached, it is lamentable to think how great a proportion of all the efforts and talents in the world are employed in merely neutralising one another. It is the proper end of government to reduce this wretched waste to the smallest possible amount, by taking such measures as shall cause the energies now spent by mankind in injuring one another or in protecting themselves against injury."

One of the great blots upon our system of government is the sustained obstruction practised by those out of office against legislative or other measures proposed by those in office.—*Crump "Formation of Political Opinion."*

“How,” asked Mr. Gladstone, “is the time of the House of Commons to be economised?” The answer is simple: Let the House of Commons mind its own business—thoroughly and exclusively.—*Donisthorpe*’s “*Individualism*.”

The individual may be both honest and prudent in himself, but as a member of the Assembly he is liable to be carried away by the passions of the crowd, and to consent to resolutions which, a short time before, he would have unhesitatingly rejected. The orator can only influence by playing upon the popular passions, and when once the storm has been raised no feeling of shame can check its violence. . . . The populace gives the rein to its evil passions; it envies and oppresses the nobler and better minority, whose existence is a standing reproach and protest against its own rule. The worst qualities of the *demos* come to the surface—pride, arbitrary caprice, the love of frequent and useless change, brutality: the less it rules itself, the more oppressive is its rule of others. Parties are formed whose mutual hatred is stronger than patriotism, and whose mutual struggles distract and ruin their common country. The State is endangered by incessant changes, and brought to ruin by the want of stability.—*Bluntschli*, “*Theory of the State*.”

There is urgent need to form public opinion independent of Parliament and of all electoral machinery whatever. The fierce rivalry of parties, and the way in which party absorbs all political thought amongst us, is a growing danger. It may be argued that the healthy organization of party is an essential condition of parliamentary government. As practised with us, the organization of party tends to crush and stifle the free play of public opinion. Members of Parliament feel it a duty not to embarrass their party leaders by discussing any question which their leaders do not sanction, or even criticising anything they do or omit to do. Party men and politicians outside Parliament follow the same cue, and encourage the members in silent discipline. The journalists and publicists usually have their party side, and make it a point of honour to stir no awkward topic, but with their whole force to support the party side. Thus, as the whole political energy of our day runs into parliamentary channels, and is organized with military discipline to secure party victories (and the same thing is even more conspicuous in the United States), the free formation of public opinion is almost as difficult as under the despotism of a Czar or a Napoleon.—*Frederick Harrison*, “*Westminster Review*,” 1886.

If, on the contrary, popular election hands over the people’s government in their name to an agency of unprincipled chicanery and self-interested intrigue, the result must be popular corruption and governmental meanness. The people will be only debased by the flattery of solicitation, and national interests will be sacrificed to individual or party jobs.—*Lord Norton*, “*Nineteenth Century*,” 1885.

It necessarily limits the field from which they are drawn to those who have promised absolute subservience to the party. Independence is thus excluded, but independence is certainly one of the qualities which the nation ought most anxiously to cherish. It cannot but be of evil consequence that the nation should ostracise its most original and honest thinkers in order to secure a voting-machine that can be trusted to give out whatever verdict its managers require.—*J. B. Kinnear*, “*Principles of Civil Government*.”

It seems to me that party government has come to be a vehicle for self-seekers’ ambition. It is a snare and an antiquated delusion. Political programmes of party are snares also. True men should owe allegiance to measures, not to party. . . . Government by brag and shout cannot be tolerated for ever. If that hateful fiend—“party”—could be slain, political warfare might be carried on under far less debasing conditions. In every political struggle there would be a nearer approach to true unity on either side, instead of a false and forced cohesion of chance particles. A party man discovers his advocacy is compelled to measures distasteful or even hateful to him. If he break with his party, and join the opposing camp, the same lot will be his fate. To be *minus* party is, under the present baneful system, to be *minus* political influence. Party allegiance results in a want of force and heartiness in political life. A man compelled against his will to vote and to think in the same way as his leader is a man robbed of the power to use his faculties. What is the result of this blighting influence but a political deadlock? Let us revert, as Sir Bartle Frere once said, to earlier, simpler, and purer methods. We have had enough of government by party. . . . Our present system of government is eating into the very marrow of our national life; it is making all men think, with the cynic, that the very words, “patriotism,” “honour,” “truth,” “earnestness,” and the like should be relegated to a glossary of obsolete phrases. Lifelong allegiance and subordination to a party or to a chief mean to the thinking man lifelong intellectual enslavement, for the thoughts of men are diverse. It is impossible to conceive of a man, not being a drone or a half-witted nonentity, who can find himself in accord with the views of any party or chief whatsoever upon all points. There must be some different planks in his platform. Political principle under the party system comes to mean political dishonesty. Smothered insubordination and half-hearted political action are the inevitable products of this accursed legacy of party government, seeing that no man can give heart-whole help to measures he secretly despises.—*The Circle*.

The word “politics” has gradually acquired a double signification, but nothing is more distinct than these two meanings. In the more vulgar sense politics is a struggle for personal power by party contests; they breathe defiance to opponents; the passions are stimulated by platform oratory and by party organisation; a short-lived social war rages through the land; wild theories are broached; false promises are made; and it would seem as if the most solemn and important act which the nation can be called upon to perform was to be accomplished by noise, excitement, and intemperate language. But the word “politics” has a higher import. It is not so much the conflict

and the triumphs of one set of men over another, as the trial of the principles which govern States and Empires.—“*Edinburgh Review*,” 1885.

It is needless to say that our public servants cannot possibly do their work thoroughly; they cannot give it their best thought and effort. They will necessarily and certainly give their time to election work; they will put their best work where it will do the most good—in the management of caucuses and conventions. In short, we can lay it down as a law of politics. Tenure by election certainly destroys official efficiency, and turns government into an election-machine.—*Stickney*, “*The Political Problem*.”

Party diminishes responsibility by dividing it; subjects the Executive Government to sudden and dangerous changes; it confers office upon the wise and the upright together with the incompetent and the corrupt, and in turn ejects them from power simultaneously: degrades politics from a science to a warfare, assigning public office not to the ablest men necessarily, but to those who have the greatest political power.—*Cox*, “*Institutions of the English Government*.”

The advantages of party discipline are almost insignificant beside its evils, beside its moral cowardice and insincerity, its want of principle and indifference to the public interest. No one can view without some feeling of disgust the cavilling and bickering, the maligning misrepresentation and calumny which pass for political criticism, and which are the chief articles of party warfare.—*Williams*, “*Party and Patriotism*.”

President Hayes not only saw the magnitude of the evil, but he pointed out the difficulties in the way of reform with great clearness. “The most serious obstacle,” said he, “to an improvement in the Civil Service, and especially to a reform in the method of appointment and removal, has been found in practice under what is known as the ‘Spoils System,’ by which the appointing power has been so largely encroached upon by the members of Congress. The first step in the reform of the Civil Service must be a complete divorce between Congress and the Executive in the matter of appointments.”—*Charles Kendall Adams*, “*Contemporary Review*,” 1889.

It is impossible to lay down M. Scherer’s pamphlet without a conviction that the opinion is held in France by the public men who direct the public affairs of the French Republic that the party system cannot continue without corruption. The account which this writer gives of the expedients by which all French Governments have sought to secure support since the resignation of Marshal Macmahon, is most deplorable. There is a scale of public corruption, with an excessive and extravagant scheme of public works at one end of it, and at the other the open barter of votes by the electoral committees for the innumerable small places in the gift of the highly-centralised French Administration. The principle that the “spoils belong to the victors” has been borrowed from the United States and receives a thoroughgoing application. Every branch of the public service—even, since M. Scherer wrote, the judicial bench—has been completely purged of functionaries not professing allegiance to the party in power for the time being.—*Maine*, “*Popular Government*.”

Freeman writes: “The United States are regularly convulsed at fixed intervals by the personal question, ‘Who shall be President?’ England, Italy, every constitutional kingdom, is irregularly convulsed at uncertain intervals by the personal question, ‘Who shall be Prime Minister?’ So is the commonwealth of France, with the further chance of another personal question, ‘Who shall be President?’ in other words, ‘Who shall be temporary King?’ turning up unexpectedly. Switzerland, on the other hand, is never convulsed by any of these questions; for it has a form of executive under which none of them can ever be put.—*Universal Review*, July, 1890.

The Victorian legislators and colonists adopted what they intended to be a close counterpart of the British constitution with sanguine anticipations of its proving worthy of like veneration. But, the community being utterly democratic, there were, to begin with, neither Lords nor Commons, no privileged self-representing class, and no large section having cultivated intellect, leisure, and wealth for the multitude to choose representatives from. Artificial distinctions of class had, therefore, to be made and privileges assigned, but to them the prestige and dignity of the Lords and Commons of England could no more be imparted than could the architectural beauty, the venerable antiquity, and the historical interest of Westminster Abbey be transfused into “The Cathedral,” in William Street. . . . Poor colony! If it be your business, which is of consequence to you, you have chosen a marvellous plan for transacting it—a plan which no business man would tolerate for an hour in regard to his own affairs—commercial, professional, or private—if he would escape ruin, and the reputation of suitability for admission to a madhouse. Imagine a bank the elected directors of which should divide into factions, and from time to time interrupt and defer all banking business of the directory until they had fiercely contested and settled which of themselves should pocket the largest sums in attendance-fees, and be enabled to take “spoils” out of the bank cellar for the benefit of themselves and their friends. . . . This seems to be an absurdity too gross for suggestion, yet, with merely changing the word “directors” into “members of Parliament,” we have a simple and truthful parallel of the system of government by party in its application to the mismanagement and perversion of the affairs of the colony.—*E. G. FitzGibbon*, “*Melbourne Review*,” 1878.

If free government can be carried on in no other way, the prospect is dark, for party is apparently doomed alike by morality and by the growing tendencies of the age. But there is obviously one other way at least in which free government can be carried on. Instead of making office the prize of a perpetual faction fight, the members of the Executive Council of State may be regularly elected by the members of the Legislature for a certain term under such a system with

regard to the rotation of vacancies as may at once secure sufficient harmony between the two bodies and a sufficient continuity in the executive government. The responsibility of the Executive for the decisions of the Legislature, and its obligation to resign upon every legislative defeat, which is a mere accident of English history and devoid of rational foundation, would then cease.

The Legislature and the Executive would be at liberty each to do its own work. The Executive would be national, and would receive the general support of the community instead of being an object of organized hostility to half of it; it would be stable instead of being, as it is now throughout Europe, ephemeral as well as weak. Responsibility on the part of its members instead of being diminished would be increased.

It would become individual, whereas now it is only collective, the whole Cabinet and the party majority being bound to support each Minister whatever may be his failure in duty. Personal aptitude might be considered in the elections to the offices, whereas at present little can be considered beyond the necessity of providing for all the leaders, and a good financier or Minister of Marine would not be turned out because he was in the minority on a Franchise Bill. . . . The greater part of its energy is now expended, not in the work of administration, but in preserving its own existence. Not only is it exposed to the incessant attacks of an opposition whose business is to traduce and harass it, but it is now hardly able to sustain itself against the irresponsible power of the Press, wielded nobody knows by whom, but often under secret influences, which are a great and growing danger in all communities. To keep the popular favour, which is to them the breath of life, the members of the Cabinet have to be always on the stump, reserving to themselves little time for rest or reflection, and the stump orator is rapidly superseding the statesman.—*Goldwin Smith, "Contemporary Review," 1885.*

He said that the principle of government by party will some time or other come to be put to the challenge in English political life.—*Justin McCarthy, "Contemporary Review," 1887.*

Hume says: "As much as legislators and founders of state ought to be honoured and respected among men, as much ought the founders of sects and factions to be detested and hated; because the influence of faction is directly contrary to that of laws. Factions subvert government, render laws impotent, and beget the fiercest animosities among men of the same nation, who ought to give mutual assistance and protection to each other. And what should render the founders of parties more odious, is the difficulty of extirpating these weeds when once they have taken root in any State. They naturally propagate themselves for many centuries, and seldom end but by the total dissolution of that government in which they are sown."—*Hume's Philosophical Works.*

We believe that if the nation once fully realised the position, it would introduce some form of referendum in regard to constitutional Acts which no Parliament, however anxious to do so, would dare to repeal.—*Lord Hartington, "Spectator," 1889.*

At first they would probably wonder that it could ever have succeeded at all; and that a system, by which the Empire had been brought to the very verge of ruin, before statesmen could be roused to discriminate between their major and their minor obligations, should have been tolerated for a day by a nation which prides itself on its knowledge of the art of government. . . . Party has, by many great statesmen, been considered only an accident, not an essential, of our English form of government.—*Speech by Lord Hartington, "Quarterly Review," 1886.*

The party system betrays in Canada the same fatal weaknesses which it betrays elsewhere. In the absence of organic questions, the list of which must everywhere in time be exhausted, no rational or moral line of division between parties will remain; party becomes mere faction, and the struggles for principles degenerates into a contest for power and pelf, carried on by means not purer than the end. This is as inevitable as any moral consequence can be. . . . We shall be obliged to introduce the ballot for legislators as well as for electors, if we mean the legislator, like the elector, to vote according to his conscience. Perhaps he would sometimes speak on one side and cast his ballot on the other; but it is the vote that we want to have on the right side, not the speech.—*Goldwin Smith, "Contemporary Review," 1887.*

Palmerston, in a speech made in the House of Commons on the 3rd March, 1831, said: "When, then, the public voice calls for change, when innovation is demanded, not by the bow-window orators and market-place politicians, but when the calm and steady voice of those whose property, intelligence, and station place them in a far different class; when the voice of such men calls loudly and constantly for change, it would be vain to attempt to persuade ourselves that there is not some real and practical evils which it is the duty of Parliament forthwith to endeavour to remedy. . . . Our constitution has grown up piecemeal, and by changes wrought gradually and from time to time in the frame and texture of our institutions."—*Lord Palmerston, "Opinions and Policy."*

Cobden, in a speech made on 29th October, 1862, said: "We have not an honest state of parties in Parliament. It is a hard truth, but it is the truth, that parties are not on an honest basis in Parliament."—*Cobden's Speeches.*

As a rule Ministers profess great consideration for the opinions of Parliament: it is only the Opposition that they treat with contempt. Where an important vote is pending they first try to make sure of their majority. If there are any signs of disaffection in the Ministerial rank and file, they rally their party, an appeal is made to party feeling, the disaffected have to stand out, all the influence at the command of Ministers is employed to conciliate them, and, when all else fails, a threat of resignation or of a dissolution of Parliament will generally bring them to terms. The Ministerial ranks are then closed, and the reunited majority behind the Treasury benches are used to crush the Opposition majority. To the outside public all seems fair and square, but none the

less effectively have Ministers exercised their influence and authority to silence the voice of the majority.

Is it really desirable that Ministers of the Crown should exercise authority over Parliament? Is it not desirable rather that Parliament should exercise authority over Ministers? Is it not an essential principle of parliamentary government that Ministers should be held responsible to Parliament instead of Parliament being held responsible to Ministers?

According to Earl Grey party government has had the happy effect of enabling Ministers to obtain "authority" in the House, and it is carried on for the benefit of Ministers, and in order to enable them to coerce Parliament. And no doubt, in this respect, the system has succeeded admirably. Party government has placed Parliament at the feet of the Ministry of this day. A Ministry, by means of a party vote, may coerce a majority, and thereby exercise authority and openly set the House at defiance.

I contend that it is solely because Ministers exercise their authority that it is so difficult to get any legislation out of Parliament. So far from being of any assistance, in my opinion party government is a positive hindrance to legislative action.

Party warfare is peculiar to parliamentary life—I might almost say to English parliamentary life, for it has not fairly established itself in any non-English speaking races; and even in England itself it has found no place in any other departments of public or private service.

Had government by party not come into existence under exceptional circumstance; had it not been the slow growth of generations; had it not been associated with the names of our most eminent men, and with some of the proudest events of our history, and had almost become a part of our national life, it would find few defenders amongst us at the present day. The system is tolerated because of old associations, and because we have come to think that it is in some way an essential part of our time-honoured Constitution; but if it were now for the first time proposed for our acceptance, I venture to say that it would not recommend itself either to the intelligence or to the moral sense of the community.

When Government by departments was in operation, the heads of departments were controlled by the sovereign; we have not yet had government by departments directly controlled by Parliament; yet this is precisely the kind of government that the Constitution provides for. The functions of Ministers are, or ought to be, simply administrative. Ministers are the Executive Committee of Parliament. It is their duty to carry on the departmental business of government, and nothing more. And there is no more reason to anticipate that the members of a Committee of this kind would meet only to differ and dispute than would any Select Committee of the House appointed for any other purpose. If a Select Committee do not agree, the minority may submit a separate report, setting forth the reasons why they differ from the majority, and when the question submitted to them comes up before the House, the fullest light will be thrown on the whole matter in dispute. There is no reason why Ministers should not follow the same rule.

Government by party necessitates the existence not of one but of two leaders; not of one party, but of two parties; and these two leaders and two parties are supposed to be in direct opposition to each other—an arrangement not conducive to unity of action on the part of the House, but the reverse.

The dread of Ministers resigning if defeated on their measures will, it is true, induce their followers to support them; but their support will be of an indiscriminating character—that is to say, they will support the bad measures as well as the good ones. The argument, therefore, proves too much, unless we are to assume that Ministers are infallible.

What would be thought of a bank manager, for instance, who, whenever he made a proposal to his directors, insisted that they should either accept that proposal in its entirety or his resignation? Would the directors not say that they were entitled to his best advice in any case, and that it was for them to accept or reject that advice as they thought proper? Suppose the manager went further, and said, "I have a scheme to lay before you which, I believe, would benefit the institution, but that scheme I decline to carry out unless you tell me beforehand that you will not alter it in any way whatever." Would not the directors consider it was time to get rid of such a manager? Yet this is exactly the attitude which the Cabinet assumes towards Parliament, if we are to accept the arguments put forth by the advocates of the present system.

The nomination of the Executive by Parliament would, in my opinion, bring about a vast and beneficial change in the government of the country. It would put an end to the dominating influence of the Premier, and destroy the unity of the Cabinet. Parliament could then remove at pleasure any Minister whose conduct it disapproved of. It would have the selection of Ministers in its own hands, and the best men from both sides of the House would be eligible for office in the same way as the Speaker is now. The selection would not be from one section of Parliament, but from all sections, and the Ministry would represent all shades of opinion. At present one-half of the best men in Parliament are permanently excluded from office. There would also be a possibility of differentiating the functions of administration and legislation. Both kinds of functions are now exercised by the Cabinet. Ministers attempt too much when they undertake to administer the affairs, and at the same time to provide legislative measures for a great empire. The functions of administration are sufficiently onerous and important to engage their undivided attention. By relieving them of the business of legislation, which properly belongs to Parliament, there would be some chance of obtaining an efficient system of departmental supervision, while by leaving Parliament unhampered by considerations of changes of Government it would be able to devote itself zealously to the work of legislation. If the heads of departments found it necessary to recommend legislation, their proposals would, no doubt, be impartially considered by Parliament. In this, as in other matters, Ministers would take their instructions from Parliament, not Parliament from Ministers, as at present. Probably it might be necessary, in order to prevent the time of the House being wasted in discussing the various proposals which might be introduced by

private members, to appoint a Legislative Committee to examine and report, as is now done in France and in several Continental States, where parliamentary government exists. The whole system of party government could, in this manner, be quietly and effectually got rid of. There would be no striking at Ministers through their policy; no rejecting of good measures in order to bring about a change of Government. Members would be in a position to discuss measures on their merits, or, at all events, without permitting party questions to influence them. There would be no weak Governments, and no danger to the liberties of the people from too strong ones. As Ministers would not be appointed because they belonged to a party, there would be no motive for turning them out of office. They would be in deed and in truth the Ministers, not the masters of Parliament.

I do not imagine, however, that we shall ever get rid of party altogether; nor is it necessary or desirable that we should. But it is desirable that we should do away with party as it is; that we should get rid of the bitterness of party feeling, the dishonesty of party tactics, and the evils inherent in the system of party government. It would be a gain to society if we could divest politics of its mean and mercenary character. But wherever men have strong convictions, and are earnest in the propagation of them, they will always combine and organize in order the more effectually to secure their adoption by the public. We shall still have party, therefore; in politics, as in other departments of human knowledge, there will always be at least two parties—the party for things as they are, and the party for things as they ought to be. The “spoils for the victors” would, however, be no longer the motto of party warfare. The victory, to whichever side it turned, would be one of principles; the prize of contention would not be place or patronage, but the favour and gratitude of a great nation.—*David Syme, “Representative Government in England.”*

A Cabinet Government—that is, a government chosen by the King out of the party which has the majority in the House of Commons—is only one out of many forms of representative government. It suits us because it is like our other institutions, the growth of our own soil; but it by no means follows that it can be transplanted whole into other countries, or even into our own colonies.—*Earl Grey.*

If a man could shake out of his mind the universal noise of political doctors in this generation and in the last generation or two, and consider the matter face to face with his own sincere intelligence looking at it, I venture to say he would find government by a party a very extraordinary method of navigating.—*Carlyle.*

Under our present parliamentary system the average member is, in truth, seldom called on to exercise a perfectly independent judgment on particular questions of importance. He exercises his judgment once for all when he decides whether he will support or oppose the Ministry; by that division his subsequent votes are for the most part determined. Whether this is a high state of political morality may well be doubted. . . . True men should owe allegiance to measures, not to party. . . . A party man—whether a member of the Government party or of the Opposition—has to support measures of which he does not approve, and to oppose measures of which he does approve. . . . No man worth calling a man can be in accord with any leader on all points, for every man thinks differently from every other man.—*Freeman.*

THE FOLLOWING IS A TRANSLATION OF PART OF THE LAW CONSTITUTING THE SWISS EXECUTIVE, CALLED THE FEDERAL COUNCIL.

ART. I. The Federal Council is the directive and highest executive authority of the Confederation. It is composed of seven members, appointed for three years by the Federal Assembly, and chosen from amongst all the Swiss citizens who are eligible for the National Council. There must not be more than one member from the same Canton. The Federal Council is appointed after each election of the National Council. The vacancies which take place during the three years are filled at the first session of the Federal Assembly for the remainder of the term.

ART. III. The parents and relations both in a direct and collateral line, the parents and relations to the degree of cousins-german inclusive, and also the husbands of sisters, cannot sit at the same time in the Federal Council. The same degree of relationship must not exist between a member of the Federal Council and the Chancellor, his substitute, the Keeper of the Records, the Registrar; nor between a member of the Federal Council and the secretary of his department and their high subordinate Federal functionaries. As a rule the Federal Council cannot nominate as secretaries of departments or as high Federal functionaries any persons who are in the above-indicated relationship to one of its members. A member of the Federal Council or a high official who enters into a marriage contract which is within the prohibited degree of relationship must resign his post. A special Act will designate the functionaries to whom the above regulations are applicable, and until that Act has become law the Federal Council shall decide.

ART. IV. A member of the Federal Council cannot, either by himself or proxy during the continuance of his duties, take any other employment, neither in the service of the Confederation nor in a Canton, nor follow any other calling or profession.

ART. VI. The Federal Council is presided over by the President of the Confederation. There is also a Vice-President. The President of the Confederation and the Vice-President of the Federal Council are nominated for one year by the Federal Assembly from among the members of the Council. The President on leaving office cannot be elected President or Vice-President for the following year. The same member cannot take office again as Vice-President for the two following years.

ART. VII. In the absence of the President of the Confederation, the Federal Council is presided over by the Vice-President, and, in the case of the latter's absence, by the member who falls next in the order of nomination. The members filling extraordinary vacancies take rank from the date of their election, and remain in office for the remaining terms of their predecessors.

ART. VIII. The Chancellor of the Confederation is present at the meetings of the Federal Council with a secretary. The Chancellor records the Acts and decisions which have been passed, and the secretary keeps the minutes.

ART. IX. The Federal Council grants to the several departments the necessary number of secretaries and of copying clerks within the limits of the law respecting the appointments of officials and of the annual Budget.

ART. XI. All the employés and the people attached to the service (with the exception of the officials, of which the nomination belongs to the Federal Assembly, by virtue of Art. 85, No. 4 of the Federal Constitution) are nominated by the Federal Council after the notification of the vacancy. Each member of the Federal Council has the right of presentation.

GENERAL PREROGATIVES AND DUTIES OF THE FEDERAL COUNCIL.

ART. XII. The prerogatives and duties of the Federal Council within the limits of the present constitution are, among others, the following:—

1. It directs Federal affairs according to the laws and decrees of the Confederation.
2. It gives a watchful care over the due keeping of the Constitution, as well as over the terms of the Federal compacts; it undertakes by its head, on receipt of a complaint, the necessary measures for the due carrying-out of these terms, when the remedy is not of the nature of those which ought to be laid before the Federal tribunal in the tenor of Art. 113.
3. It guards the rights and privileges of the Cantonal Constitutions.
4. It presents drafts of laws and decrees to the Federal Assembly and gives its advice upon the propositions which have been addressed to it by the Councils or by the Cantons.
5. It provides for the execution of the laws and the decrees of the Confederation and of the judgments of the Federal Tribunal as well as of the results of arbitrations in settlement of disputes between the Cantons.
6. It makes the appointments which are not the prerogative of the Federal Assembly or of the Federal Tribunal or of any other authority.
7. It examines the treaties of the Cantons either between themselves or with foreign powers, and it approves them if they are constitutional.
8. It is responsible for the interests of the Confederation outside, notably in the observation of international reports, and it is in general charged with foreign affairs.
9. It is responsible for the external safety of the Swiss, for the maintenance of its independence and its neutrality.
10. It is responsible for the internal well-being of the Confederation, in maintaining tranquillity and order.
11. In case of urgency and when the Federal Assembly is not in session, the Federal Council is authorised to raise the necessary troops and to dispose of them, under the obligation of calling together immediately the Council if the number of the troops raised exceed 2,000 men, or if they remain on foot three weeks.
12. It is charged with the Federal military revenue, as well as all the other branches of the administration which belong to the Confederation.
13. It examines the laws and ordinances of the Cantons, which must be submitted for its approval; it exercises supervision over the branches of the Cantonal administration, which are placed under its control.
14. It administers the finances of the Confederation, submits the Budget, and renders an account of the receipts and expenses.
15. It supervises the conduct of the officials and employés of the Federal Administration.
16. It renders an account of its actions to the Federal Assembly at each ordinary session, presenting to it a report on the situation of the Confederation both home and foreign, and recommends to its attention the measures which it believes useful to the well-being of the commonwealth. It makes also special reports when the Federal Assembly or one of its Chambers demands them.

ART. XIII. The President opens all the documents addressed to the Federal Council, sending them to the respective departments which deals with them, or submits them to the Federal Council and sees that the business is expedited. The President submits every session to the Federal Council a list prepared by the Chancellor of all the Acts promulgated. He decides when the voices are equal—*i.e.*, he has a casting-vote. In elections he votes like the other members.

ART. XIV. The Federal Council can only deliberate when there are at least four members present.

ART. XV. All decisions are taken by the absolute majority of the members present. In order to carry a question there must be a majority of four members at least.

ART. XVI. No member can absent himself from a sitting of the Council without leave. The President can grant leave for a week; for a longer leave the permission of the Council must be obtained.

ART. XVII. The voting is open on all matter under consideration, with the exception of the elections. In this case the elections are made by ballot. The minutes of the meetings show the members present or absent. Each member has the right to place on record that he has not voted for a decree passed by the Federal Council, but for another relative proposition on the same subject.

ART. XVIII. When a member of the Council or one of his relations in the prohibited degree has a personal interest in a deliberation this member is obliged to withdraw.

ART. XIX. All the decrees and the decisions emanating from the Federal Council are signed on behalf of the Federal Council by the President of the Federal Council and by the Chancellor, or by those who are acting in their stead.

THE FOLLOWING EXTRACTS ARE TAKEN FROM THE WORK OF SIR FRANCIS ADAMS, BRITISH ENVOY TO BERNE.

The electoral franchise is based upon manhood suffrage; general election every three years. There are two Chambers: (1) The National Council, 147 Deputies, one for every 20,000 electors; (2) the Council of States, which consists of forty-four deputies, two from each Canton. In general they sit separately, but for some special purposes they deliberate in common. The Federal Council is the executive authority, and is chosen as shown in the articles on that behalf, which *vide*. The Referendum, which provides for the revision of the Constitution, can be called into requisition by either Chamber, by eight of the States, or 50,000 Swiss citizens. If the majority of citizens pronounce for, then the Chambers are renewed to frame the desired measure, which when formed is referred to the popular vote before becoming law.

The most remarkable part of the Swiss Constitution is that which is also most notorious—that is, the institution known as the Referendum. All Federal laws, as well as resolutions of a general nature which are not declared to be urgent, after having been passed by both Chambers, are submitted for adoption or rejection to the Referendum, if the demand is made either by 30,000 vote-possessing citizens, or by eight Cantons. All measures accepted by the people become valid upon being published by the Federal Council. There are also Federal resolutions declared—perhaps in some instances rather arbitrarily—to be of an urgent character. These come into operation at once, and are not submitted to the popular vote.

The Swiss Constitution, in which the Executive has no negative voice, simply gives to the people the power which the American Constitution gives to a magistrate chosen by the people. To those who do not think it well that a Legislature, or one branch of it, should be absolutely unrestrained, there is clearly nothing very wonderful in the Referendum.

The debates of the Swiss Parliament are carried on with much decorum. There is seldom a noisy sitting, even when the most important subjects are being discussed; interruptions are few, and scenes, such as have unhappily have of late been painfully frequent in our House of Commons and in the House of Representatives, New Zealand, do not exist.

The Federal Council, having been elected by the Federal Assembly for three years, cannot be dissolved by that body in the interim any more than it can itself dissolve the Assembly. Its members take part in the debates of both Chambers. It does not in any way depend upon the majority in the Assembly. Its members, each in his own department, prepare Bills and resolutions either suggested by one of the Chambers or of their own initiative, and these measures, when agreed to by the Council or even by a majority of its members, are submitted to the Chambers, who deal with them in the manner already described. The Council does not consist, as is the general rule in the English Cabinet, of a body of men all holding similar views.

The initiative is the exercise of the right granted to any single voter, or body of voters, to initiate proposals for the enactment of new laws, or for the alteration or abolition of existing laws.

The Swiss Executive is an elective Council, or Ministry of seven persons. No one can doubt its ability. It transacts a mass of business, such as falls to few Cabinets. It guides the policy of a State eternally menaced by foreign complications; it preserves harmony throughout a Confederacy made up of twenty-two Cantons, each jealous of one another, and sympathising only in common jealousy of the Federal power. Peace and prosperity prevail throughout Switzerland. This is strong proof that the Confederacy is served by Ministers of marked ability and of sterling character.

The Swiss Parliament gives the strongest proof of its own wisdom which can be demanded from any legislative body. It maintains in office a practically permanent Executive, which in point of stability stands in the most salient contrast, not only with the ephemeral Ministries of France, but also with the short-lived Cabinets of England. No American President has ever held office for so long a period as have many members of the Swiss Council.

The excellence of the educational system in Switzerland can best be judged by its results. That "every child in the entire Confederation, who is not mentally incapacitated, is able to read and write" is no mere idle boast on the part of the Swiss, but a well-authenticated fact. The poor value the right which their children possess to be educated at the cost of the State as one of the most treasured privileges conferred upon them by their constitution, and the rich on their part look upon popular education as one of the surest and best means of preserving the tranquillity and prosperity of the Confederation, where the Government is practically in the hands of the masses.

"Defence not defiance" might well be adopted by the Swiss troops, for they are essentially a force of militia intended for defensive purposes to secure the neutrality of the country—an army framed upon the strictest economy. Great Britain, approximate cost per soldier, £64 10s. 4d.; Switzerland, approximate cost per soldier, £7. Population, 2,933,334 (or three millions roughly); imports (1887), £33,481,396; exports (1887), £26,843,705. It must be remembered, in the case of Switzerland, that nearly the whole of the raw material as well as the half-finished goods used by the manufacturers, require to be imported; and also that large quantities of articles of food of all kinds have to be brought into the country.

The Swiss Council are not the leaders so much as the experienced agents of the Swiss people. The Councillors are selected for capacity; hence the continuance in office of men recommended by the possession of experience. The Swiss Council is never permanently at variance with the Assembly, and never retires on account of a parliamentary defeat.

ADDITIONAL EXTRACTS RELATIVE TO SWITZERLAND.

When a Minister failed, in 1882, to carry a measure relating to education, there was no question of his giving in his resignation, and a Swiss paper, opposed to him in politics, remarked that it was lucky the parliamentary system did not exist in Switzerland, as otherwise there would have been an immediate resignation of a capable, honest, and devoted administrator.—*Edinburgh Review*, 1890.

In Switzerland the national finances are prosperous, and the country is not overburdened by a national debt. Education has permeated every class. . . . Among a people traditionally disposed to lawlessness, complete liberty has been made compatible with order, and theological animosities, which for centuries have been the special bane of the Confederacy, have been assuaged or removed by the healing influence of religious freedom and equality.

Switzerland has an army of 200,000 men, which is enormous if measured by the resources of the Confederacy.

Switzerland contains all those sources of division which have dismembered greater States. The Swiss are from one point of view not so much a nation as a league of twenty-two nations. They possess no common language: German, French, and Italian are each in official use.

Swiss democracy has met and triumphed over all the obstacles to national unity arising from differences of race, from religious discord, from historical animosities, and from the difficulty inherent in federalism of reconciling national authority with State rights.

With the matter of education, wrote Mr. (now Sir) Horace Rumbold, when Secretary of Legation at Berne, the Swiss people manifest a veritable passion, and it is a thing worthy of sincere admiration—though but natural, perhaps, in the land that gave birth to Rousseau, Pestalozzi, Fellenberg, and others—to note what heavy self-imposed pecuniary sacrifices they cheerfully make to the cause. The public foundations, the private gifts, the State contributions devoted to education by this otherwise thrifty, close-fisted race, may be truly said to be noble in the extreme. The Swiss parent looks upon the schoolhouse not merely as the place where his children are educated and fitted to make their way in the world, but as a political nursery where many of those doctrines cherished by the staunch republican are developed and fostered.—*Edinburgh Review*, 1890.

The President of the Swiss Republic said in a public meeting, "Facts and not persons are what interest us. If you were to take ten Swiss, every one of them would know whether the country was well governed or not. But I venture to say that nine of them would not be able to tell the name of the President, and the tenth, who might think that he knew it, would be mistaken."

It is impossible to define with any clearness the party lines, the political complexion of the National Council being about eighty Radical Democrats, forty Conservatives, and twenty-five Ultramontanes. These party divisions seldom appear in the deliberations of the Assembly, there being a substantial unanimity on most public questions and general policy of legislation. When in session they impress the observer as business men consulting informally about the common interests with an entire absence of oratory, questions of privilege, points of order, or parliamentary tactics; they talk and vote, and there is an end of it. . . . Considering the scope of the powers exercised by the Swiss Federal Assembly very little popular interest seems to be taken in the election of the members, for it exercises a power far greater than that which belongs probably to any Legislative Assembly. . . . There is no other country where the direct popular vote has the same authority as here in the choice of its representatives.—*Mr. Winchester to Mr. Bayard, re Government, Swiss*.

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