

PARTY LEGISLATION.

People who think for themselves—there are not many of them, but specimens are to be found—must often question the wisdom of government by party. We are so used to it that it sounds like heresy to express a doubt upon the subject; but then we are used to a good many things, and cherish a good many things as infinitely precious, which would hardly bear the test of pure reason.

The glorious "British Constitution" itself,—the Charter of our Land,—and all that sort of thing—exists in its infinite perfection only in the dreams of visionaries, and were we to analyze many of the benefits conferred by it, they would be found to consist more in sound than in substance, and to possess a traditional rather than a real vitality. It is expedient, therefore, to take this matter of party rule, and look at it in one or two lights with a view of ascertaining whether it is worthy the confidence we repose in it,—whether, indeed, it is anything more than a relic of barbarous days, quite incompatible with the needs of an advanced civilization.

I have always protested against the absurdity of a form of representative government which practically sets men above measures, and, the exigencies of party above the requirements of the nation. Of course, if a nation chooses to let those at the head of affairs look to their own interests before those of the people, and consents to a system by which the struggle for power is allowed to override every other consideration, well and good. Only do not let us cry up this sort of thing as wise or salutary; and, above all, let us disabuse our minds of the idea that it is inevitable. The perfection of representative government would clearly be attained if every measure submitted to Parliament could receive the full, free, unbiassed consideration of every member and be disposed of on the lines of individual judgment. Our system is unfortunately, almost the reverse of this. The House is divided into two great parties, and its business is transacted on the strange principle that whatever is proposed by one side shall be resisted by the other, the object in view being not to benefit the community, but to strengthen the position of one or other of the factions to whom the community entrusts the responsibility of dealing with its interests. An onlooker, amused at this strange spectacle, years ago defined party as the madness of the many for the gain of the few, and that is the best definition yet. Unfortunately, there is a prevalent idea that bad as party rule may be, it has become absolutely necessary, and that we could not at this period get rid of it, lest a worse thing befall us.

The question has received the attention of a writer in the current number of *Macmillan's Magazine*, and many of the writer's conclusions are so much my own, that no apology is necessary for briefly indicating the nature of them. Representative government, we are reminded, means that the feelings of the country shall be reflected in Parliament, and that the government shall be carried on in accordance with the national will. But is this realized when members who represent constituencies of all shades, views, and requirements, yield up themselves and representative trust to the leaders of the Ministry of the hour, or of the Opposition, and submit to an organization which dictates not only how they shall vote, but when and on what points they shall speak, if indeed they are permitted to give expressions to their opinion at all in the course of any given debate.

The sham representation to which we have grown accustomed, but which is none the better on that account, has led to gross misconception as to the character and importance of the Ministry. They are not, properly, the masters but the servants of Parliament. It virtually appoints them, and with what view? Simply that they may *Minister* to its requirements. The Ministers are its servants, and it is only by an abuse of the Constitution that they figure as its masters.

"That they should give themselves the airs of Directors would, had not long habit familiarized us with the practice, appear even more preposterous than that a coachman should insist upon taking one road while his master wanted to go another." This being the true state of the case, the member who gives a party vote against his own convictions, rather than risk bringing about a change of Ministry, has no just ground for doing so. The notion that Ministers are bound to resign on defeat upon any question is based on an utter misconception of the true character of their functions. Why should the coachman strike because his master insisted on his going the road the master wanted to take? The nearest thing to this absurdity is found in the story of Lord Sefton's French cook, who resigned the Premiership of his kitchen, on being told that his lordship at table had been observed to put salt into his soup,—though it is not recorded that even then, all the under-cooks and scullions followed the example of their chief and threw up their appointments in a body.

How, it will be asked, did the absurdity of our present system come to prevail? Mr. Thornton rightly looks for its origin to a time when the House of Commons was not in any sense representative, so far as the nation was concerned, when, in fact, it only represented a certain class. Members of Parliament were mere nominees of territorial magnates with whom personal interest was the first consideration, and patriotism, at best, the second. The lords and gentlemen who allowed humbler folk to go into the House to represent them,

had each and all objects and interests of their own. These they were careful to explain to their nominees, and to impress upon them the paramount obligation of collective action, of presenting a compact front, and of voting black white, rather than losing objects they were sent to obtain. The faithful Commons had their reward in the sweets of office, and the "crumbs" which, so to speak, fell from the tables of their masters. This state of things has, in a measure, passed away, and members returned by independent constituencies might, if they chose, act independently and conscientiously. But the traditions of former days have hitherto been too strong for any approach to so salutary a change. Party spirit is still supreme, and still exercises a universal fascination.

That fascination extends even to the public who suffer by it. They take sides with feverish avidity, and have in truth no idea of politics except taking sides. Moreover, it may be questioned whether from ignorance of any higher form of political development they would tolerate at first a change which would be directly to their own interest. Would they grasp the idea of a Minister who acted on the principle that the best way of serving his country, as well as of retaining his hold of office, was to devote himself assiduously to the duties of his department, to which he could give his whole time when freed from the incessant interpellations with which he is now pestered, and from the incessant and absorbing lobby-work now incumbent upon him, in order to preserve or recruit a majority ever on the point of melting away?

Could they be brought to understand individual responsibility in place of that collective onus which offers no fair front to criticism, but shifts and changes at every touch, always seeking refuge in the recesses of intangible Party? It would be a wrench from the old lines—a new departure not at first easy to realize—yet it would undoubtedly have many advantages.

Mr. Thornton has pointed out one in the facility which it would afford for the representation of minorities. The object of such representation is not to enable a minority to rule, but simply to enable it to obtain a hearing, to which, under any reasonable form of representative government, it is certainly entitled. Now, there is probably not a shade of popular opinion which has not its representative in our House of Commons at Ottawa. Every shade should find expression, and if partisanship had ceased to enjoin silence, such expression would be obtained as often as fitting opportunity offered. We should thus get the sense of the entire people, and whatever opinions found utterance, would at least have the opportunity of supplanting those which at present dominate the political world. When we see how the majorities are made up, upon how few figures they often depend, and how these are obtained, it must be clear that the claims of minorities are at present unduly ignored.

A vicious old relic of the past, this legislation by party survives as an anomaly, incongruous, out of keeping with the interests and intelligence of the age, an impediment to progress, a reflection on civilization, and an evil insidiously undermining the fabric of popular representation.

Quevedo Redivivus.

IRISH LAND LAWS.

To Mr. Hiram B. Stephens many people are, doubtless, indebted for their acquaintance with what may be assumed as a fact: "That the Scottish Courts of Law have held that when the produce does not equal more than the cost of the seed and labour expended no rent is due."

Fulfilment of contract is a habit of the people of Scotland, and when in that country a landlord and tenant enter into an agreement with the knowledge that it is subordinate to the above-mentioned contingency, such cannot be considered as in any sense inconsistent with the fact that a bargain is a bargain. That in the event of certain occurrences a bargain may cease to be a bargain, neither admits of dispute nor a place amongst recent discoveries.

With the possible destruction of a farm by a land-slide, by an earthquake, by encroachment of the sea, or by any conceivable disaster, the force of the contract under which it was held would assuredly disappear; and there are other and less permanent causes which would be equally potent to annul an agreement. Land is commonly leased by its owners, and hired by tenants for the purpose of procuring from it crops of various and suitable descriptions. If by any act or by reason of neglect on the part of the proprietor that purpose should either be defeated or imperfectly carried out, it would seem only just to abrogate the bargain and compensate the tenant for the vexation and loss. But the equity of transferring from the tenant to the landlord loss arising from temporary causes beyond the control of either is a question that appears fairly open to discussion.

Landed estates, usually too extensive to admit of convenient cultivation by the owners, are divided amongst tenants, who, in consideration of the privilege of cultivating with a view to profit, agree to pay rent. The landlords, in consideration of being enabled to avoid the vexations, troubles, anxieties, and uncertainties which they would necessarily incur in attempting to work a vast area of land, accept this rent, which, although in many instances large in the aggregate, is found to be a very moderate return indeed from the capital invested. For many years the demand for land in the British Islands has been so