

A TRUE REPUBLIC

BY

ALBERT STICKNEY

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“God said, I am tired of kings,
I suffer them no more ;
Up to my ear the morning brings
The outrage of the poor.

* * * *

“I will have never a noble ;
No lineage counted great ;
Fishers and choppers and ploughmen
Shall constitute a State.”—EMERSON.

“But a democratic nation may be imagined, organized differently from the American people. Is it, then, impossible to conceive a government really established upon the will of the majority, but in which the majority, repressing its natural instinct of equality, should consent, with a view to the order and stability of the State, to invest a family or an individual with all the attributes of executive power? Might not a democratic society be imagined in which the forces of the nation would be more centralized than they are in the United States; where the people would exercise a less direct and less irresistible influence upon public affairs, and yet every citizen, invested with certain rights, would participate, within his sphere, in the conduct of the government?”—DE TOCQUEVILLE.

N O T E.

THIS book is not the work of a scholar. It concerns matters which lie outside of my profession, and which I have never studied with thoroughness. To its writing I have been able to give only such time from day to day as could be taken from professional practice. It is not what I wish I might make it; no doubt it has many faults of which I have no knowledge or suspicion.

But it is written for a purpose. Its purpose must be the excuse for its existence.

The people of the United States have a new and great problem to solve. That they will solve it I make no doubt.

The immense growth of party which we have had in this country is something new in history. I do not think its evils have been duly weighed; nor do I think its causes have been carefully studied. It has been too readily assumed that political parties are desirable things in the State. We speak of the abuses of party government. Is it certain that party government now has its uses?

Party and party rule, as they now exist with us, are, as I believe, great evils—evils which naturally and certainly result from certain features in our political system.

In private life we find in every profession and employment many men who do their work as well as they know how. We have at times such men in public life; but, as a rule, our public men do their work, not as well as they know how, but only as well as the interests of party will allow them. Many of those men have good intentions, but they are bound

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A TRUE REPUBLIC.

CHAPTER I.

INTRODUCTORY.

WE have been living under the Constitution of the United States now nearly one hundred years, and in that time we have done a great work. We have cleared a wilderness, filled it with thriving cities and villages, and covered it with railroads and mills. We have, in the main, a free and law-abiding people. We have become one of the great nations of the earth.

Many men, too, think that we have a nearly perfect form of government, that here at last a true Republic has reached a ripe growth.

Yet we nearly all agree that the daily working of this government is not what we wish. Men in all parts of the country say much of Civil Service Reform. It means one thing—that whatever they may think as to the theory of our government, it does not in practice give satisfactory results.

We ought to have in our public affairs, as we should all agree, our very best men, and the very best work that they know how to give us. Nothing less than that will serve our needs. It is not enough for us to have merely ordinary men and ordinary work. And these best men and

their best work we must have at all times, in time of peace as well as war, in times of seeming safety as well as of danger.

Laying entirely out of consideration the needs of war, and looking only to our ordinary business relations with the rest of the world in times of peace, we need always the wisest and most economical management of our public affairs. The people that now wishes to win in the race of life must be able to sell cotton and woollen cloths and railroad iron at the lowest price. The price at which we can sell cloth and iron depends very greatly on the way in which our government affairs are managed. Every dollar spent by our public officials is in some way paid by the people, and is charged in the price of what we make and sell. To be able to sell cheaply, we must have our public affairs, as well as our mills and railroads, operated at the lowest possible cost and in the wisest way. We have to compete with all other nations; and the difference of only one or two millions a year in our government expenses may easily at some day win or lose for us the markets of the world.

But war is a thing that must still be counted as one of the possibilities of our daily life. It comes without warning. It is ruin without preparation. At this day campaigns are short and deadly. They are won by that people which can in the shortest time mass at one point the heaviest armies of the best men, with the best generals and the finest material. Armies cannot be made in one year or two. We have in our mere position a great protection. But we cannot depend on our position only for safety. In the war of the Rebellion we had an enemy as unprepared as we were ourselves; and we could then take two or three years to create and organize an army. We

had, too, such an immense advantage over our enemy in strength and numbers that we could throw away men, money, and material without stint, and still carry our cause. But suppose we were to have a war against a nation with an army like the Prussian army and a navy like the English navy. We could not then take two or three years to raise an army. Nor could we then waste thousands of men and millions of money. We must make our preparations in time of peace, before war comes, or we shall be beaten before we begin them. The winning of campaigns may at any time depend on mere economy of men and material; and the fullest preparation with vast resources may all go for nothing, unless we have great generals and great war ministers.

To manage well mills and railroads, as we all understand, requires men of great ability and thorough training. But how is it with the vast affairs of a nation? Our safety at any time depends on our having in our service at all times the Bismarcks and Napoleons, if they can be found. Individuals and private corporations in this country have little difficulty in finding good men to do their work, and in having that work well done. Go into any one of our best mills. Every man, woman, and child in the place has wonderful skill in doing some one thing. Nothing is wasted. The whole immense combination of men and iron and water and steam works like the delicate mechanism of a watch, and brings great results at the least cost.

But is it so in our government affairs?

We found here a new country. We had in the beginning to use rude methods and machinery. Our roads were rough. We built our dwellings of timber from the nearest forest, instead of brick or stone. Our bridges we made of open trestle-work, instead of solid masonry; but our build-

ings, our bridges, our railroads, all kinds of work done by private individuals, have been all the time growing better.

On the other hand, in our government affairs we began well, and have ever since been steadily losing ground. We had at first in our public service the best men in the country, and we had from them their best work. The men we now have in the public service are not our best men; nor do we have from them the best work that even they can give us.

There must be a reason for this. My belief is that the reason is to be found in our system of government. As I believe, our system of government is such that it must certainly drive and keep our best men out of public life, and is such as to make it certain that the men whom we have in public life will not give us the best work they know how to give.

Some of us have been in the habit of thinking that the Constitution of 1787 was a work finished for all time. It may be not so. Every new Constitution, or form of government, or statute is nothing but an experiment in political science. The Constitution of 1787 was simply another experiment; and the men who framed it never thought it anything else. The idea that some men now hold, that this Constitution of the United States is the one perfect piece of political machinery that the world has ever seen, is a weak growth of later years. The men of 1787 knew better. No one of them thought it the best form of government that could be devised. It was the only form on which they could then agree. It was a form, as they well knew, *to be tried*, and to be changed if upon trial it should be found, in some points, to fail.

The people of the United States is richer than any private individual, and it ought to be able to draw to its service the ablest men in the country.

It is my belief that we can in our public affairs have a better service than any private individuals can command in their private affairs, if we only have the right government machinery; and it is my belief that we can have the right government machinery. We have at this day wider information than the men who designed our Constitution a hundred years ago. Where they had only conjecture we have knowledge. They began an experiment—we have its results. Is it possible that from those results we can learn nothing? And are we forever to use the machinery of a past age, throwing away all the teachings of later years?

It is intended by this inquiry to find, if may be, what are the faults in our political system. For, in my belief, there are faults that can be clearly pointed out. The intention, then, is to find, if may be, the remedies for those faults. And, in my belief, the precise remedies can be pointed out.

It is no part of my purpose to dilate on the good points in our Constitution. They are, as I think, very many and very great. But this is a search for only diseases and remedies. Nor is it intended here to give a scientific treatise on government. Some general principles will be considered, but only so far as is needed for the purpose of this special examination.

It will be well to state, at the outset, the point to be considered.

We are in the habit of saying much about “popular government.” What do we mean by it? Not that the people of the whole country are themselves to raise, equip, and command their armies, pass their laws, or themselves sit on the benches of their courts; but only that the people are, directly or indirectly, to select the men who are to do this government work for them.

This government work which is to be done by the people's servants is of different kinds. And a very natural division of that work, which in this country we have assumed to be a wise one, is this. There are—

1. The administration of justice.
2. Executive administration—the management of the affairs of the army, the navy, the post-office, the treasury, and other similar departments of the Government.
3. Legislation, as it is commonly called—which is, in effect, the exercising the supreme control in the State over the citizens, and over all the work of all kinds done by public servants.

It will be assumed that in its general features the framework of our Government is what it should be. Justice is to be administered by courts and judges, constituted in the main as they now are. The Executive administration is to be carried on by different departments, with one man at the head of each department, and with one man over all departments, whom we call the Chief Executive. Legislation is to be carried on by one or two assemblies of men (whether one or two will not be here discussed) who are elected, directly or indirectly, by the people, and the Legislature is to have the power of passing the laws and controlling the supplies.

Some modifications in our system of government will be proposed which are not deemed of the utmost importance.

But it has been already said that our system of government is such as necessarily and certainly to keep out of the public service our best men, and is such as to make it certain that the men in our public service will not give us their best work. The main inquiry here made, then, will be what changes, if any, we need in our political sys-

tem, in order to secure in each department of our public service—

1. Our best men.
2. Their best work.

If we can secure these two points, we shall have nearly all we can ask. We can hardly have more than that under any system of government.

And there is no need of theorizing. The student in political science cannot, indeed, like the chemist, make his own experiments. He can only study experiments made by other men in times gone by. But those experiments made by other men have been very many, and of many kinds.

Some men think that hereditary monarchy may, with all its evils, be the only effective means of dealing with lawless men, who are certain to be found in every society. Other men think that we need to adopt some features from what is called parliamentary government. It will best serve the purposes of this inquiry if we first give some consideration to these two systems, and see what lessons we can learn from either.

CHAPTER II.

HEREDITARY MONARCHY—THE TYRANNY OF KINGS.

AMONG civilized nations hereditary monarchy, of the absolute type, is coming to be a thing of the past. Yet it has, even for republicans, some useful lessons. It has its bad features. But it may be that it has some features which it would be well for us to copy.

A pure despotism, with no limits whatever to the power of the monarch, can seldom, if ever, exist. Some limits there always are to the use of his power, fixed either by custom or by the temper of the people, beyond which the monarch does not venture to go.

But hereditary monarchy, as far as it can have one typical form, and as far as it here claims our notice, has these distinguishing features—

1. One man is the head of the executive administration.
2. This same one man is the supreme authority in the State. He holds the purse and makes the laws.
3. He is chosen, not for his fitness, but by the chance of birth.
4. He is "irresponsible;" that is, his power cannot, if he misuse it, be taken from him by any peaceful procedure under the law.

This system of hereditary monarchy, with these main features, has been often tried, by one people after another, in the world's history. And their experience has very clearly established certain results. And, whatever may

have been the theory of the English laws, this system of hereditary monarchy has been in times past very thoroughly tried in England. The experience of the English people under it will be found sufficient to show the good and bad points of the system everywhere.

The first feature which has been mentioned, that of having one man at the head of the whole executive administration, has undoubtedly, at times, given good results. In fact, under all systems of government, all the efficient administration we have ever seen has been had when, from one reason or another, affairs have been under the control of one man. But these good results come only when this head of the executive administration is both an able man and an honest one. When he is either weak or dishonest, then the results are bad.

But this is an advantage that we can have under a system of government which is elective, which has in it no hereditary element. We can give to an elected chief magistrate any degree of power. We may, if we will, make him a despot. To gain any advantage, as far as this point is concerned, we need not have an hereditary system of government. And in fact the most brilliant administrations in the history of hereditary monarchies have usually been in the reigns of the usurpers who have founded dynasties, and not of the descendants who have inherited their power. Hereditary monarchy, then, can have no advantage, even as to vigor of administration, unless it can also give us some security for getting at the head of affairs men who are both able and honest.

How, then, has the system operated, in so far as it gives to one man the supreme authority in the State?

It has been well proved that the control of the people's money, and the control of the methods of government,

that is, the power of making the laws, should never be put in the hands of one man, for two reasons. No one man can have the needed wisdom. We must have the wisdom of many minds. No one man should have so vast power; it must be placed in the hands of an assembly, of many men. English history has been one long struggle to conquer from the crown the right to control the revenues and make the laws. The English people have found that they could not trust this power to their kings. They have found that it can be safely given only to some body of men chosen by themselves. And that has been the experience of all races and of all ages.

How, then, is it as to the next feature, the choosing the men who are to hold power in the State by the chance of birth? What kind of security have we that we shall get able and honest rulers?

Here, too, the system has been thoroughly tried. We need only take the teachings of experience. And, from experience, we find that this method of selecting rulers by the chance of birth cannot be depended on as a means for giving us the best men for high service in the State.

The founders of royal houses have often been able men, men who have won their crowns in a struggle which called for power of some kind in the winner. But how often does it happen that their descendants are able men? What kind of a permanent machinery for getting wise rulers is this hereditary system? In selecting the men who are to hold in their hands the destinies of a people, shall we choose a man who has himself done great deeds, or a man who is merely the son of his father? There can be no doubt as to the answer to this question. The hereditary system may have other good points. But as a means of selecting great men for a people's rulers, it has failed. We

need only look at the experience of the English people to decide that point.

A very able writer in the *Edinburgh Review* says:*

“In the one hundred and fifty years, or nearly so, between the re-settlement of the Crown and the accession of her Majesty there have been seven reigns. Excepting William III., can it be said that any of the other six sovereigns were capable of being permanent prime ministers, and of directing the foreign policy of the nation? Anne was governed by bedchamber women. George I. was a stranger to the language and laws of the country to which he was called in the decline of life. George II., incompetent himself, had the good fortune during a part of his reign to be guided by a sensible wife. We were spared the reign of a King Frederick. The long life of George III. was obscured by mental disease. Of George IV. and William IV. we need say nothing. All these princes were well-meaning, and loyal to their trust. They were simply, one and all, incapable of forming a reasoned opinion upon any important question, civil or military. The earlier sovereigns of the House of Hanover, taking little or no interest in the domestic politics of this country, were chiefly concerned with foreign policy, and their foreign policy consisted entirely in using the resources of England for the protection of their petty electorate. George III. not only involved this country in a war which dismembered the empire, but he meddled with every detail of administration, and, by keeping the patronage of the Government in his own hands, was enabled to do a great deal of mischief. George IV., as Regent and King, found congenial ministers in the Percivals and Castlereaghs and Liverpools. The attempt of William IV. to assert his royal will, and its signal failure, are matters of recent history. Even William III. valued the Crown of England only as it aided him in accomplishing the sole object of his life—the humiliation of France and the readjustment of the balance of power.”

But passing this point, whether the accident of birth is a wise method for the selection of the rulers of a nation,

* “The Constitution and the Crown,” *Edinburgh Review*, July, 1878 (Amer. ed.), p. 149.

what kind of training, for a man who is to wield power in the State, is the life of a royal prince? Can there be, as a rule, anything worse? Suppose him to have by nature great talents, can he, in any other position of life, be surrounded by influences more likely to make him a useless man? He has his career made for him. He already has the first place in the State. He has nothing to gain. He is pressed by no need. He is tempted by every pleasure. It is almost certain that he is not an able man. It is a miracle if he ever becomes a useful one. And how often has it happened in the history of royal houses that kings have been only harmless? The hereditary monarch, from his cradle, is taught that the people are his. The power which he holds in the State, as he is taught, is his—is his property. He inherited it from his father. He is to hand it down to his son. He makes it the aim of his life to increase it, with his other possessions, at his people's cost. If he is not an exceptionally upright man, he will use his power, as he does his other property, for his own gain and pleasure, and not for his people's good. How often has an English king been either a wise or a well-meaning ruler?

The great English novelist puts in the mouth of an English gentleman these words: "Ours is the most loyal people in the world, surely: we admire our kings, and are faithful to them long after they have ceased to be true to us. 'Tis a wonder, to any one who looks back at the history of the Stuart family, to think how they kicked their crowns away from them; how they flung away chances after chances; what treasures of loyalty they dissipated, and how fatally they were bent on consummating their own ruin. If ever men had fidelity, it was they; if ever men squandered opportunity, 'twas they; and of all the enemies they had, they themselves were the most fatal." The

mere incident in the story of Esmond culminates at the scene where England's hereditary king throws away a crown for a mistress. The picture is taken from the life. English kings for years warred against the English people, and while sitting on England's throne were in the pay of England's enemies. They knew no duty, and they kept no oath. Kings, emperors, and sultans, in all times and all countries, have used their power in one way. Their tyranny has been limited only by their people's endurance. When Englishmen praise English royalty, they forget their own history. They have floating in their minds some dim vision of monarchy without a monarch. There is no wrong that a people could suffer that the English people have not suffered at the hands of their kings. All the liberties the English people have ever had, they have had to conquer from those kings.

Whenever, too, a king is not himself an able man, he is always a puppet in the hands of other men and of women. A royal court is almost certainly a hot-bed of intrigue. Mr. Hallam says of the downfall of one of Queen Anne's ministries :*

“Every one knows that this ministry was precipitated from power through the favorite's abuse of her ascendancy, become at length intolerable to the most forbearing of queens and mistresses, conspiring with another intrigue of the bedchamber and the popular clamor against Sacheverell's impeachment. It seems rather a humiliating proof of the *sway which the feeblest prince enjoys even in a limited monarchy*, that the fortunes of Europe should have been changed by nothing more noble than the insolence of one waiting woman and the cunning of another. * * * The House of Bourbon would probably not have reigned beyond the Pyrenees, but for Sarah and Abigail at Queen Anne's toilet.”

* Hallam, “Const. Hist.” vol. iii. p. 210.

And Mr. Bagehot, one of the latest eulogists of English royalty, writes :*

“Where there is no court, there can be no evil influences from a court. What these influences are, every one knows ; though no one, hardly the best and closest observer, can say with confidence and precision how great their effect is. Sir Robert Walpole, in language too coarse for our modern manners, declared, after the death of Queen Caroline, that he would pay no attention to the King’s daughters (‘those girls,’ as he calls them), but would rely exclusively on Madame de Walmoden, the King’s mistress. ‘The King,’ says a writer in George IV.’s time, ‘is in our favor, and what is more to the purpose, the Marchioness of Conyngham is so too.’ Everybody knows to what sort of influences several Italian changes of government since the unity of Italy have been attributed. These sinister influences are likely to be most effective just when everything else is troubled, and when, therefore, they are particularly dangerous.”

Until the reign of the present sovereign, how often has it happened that English monarchy has been anything but the rule of royal favorites and royal mistresses ?

But the most vicious point in a system of hereditary monarchy is the fact that the monarch is “irresponsible,” that his power, if he misuse it, cannot be taken from him by any peaceable means, under the law.

The hereditary monarch holds his power for his life. He may only lead a life of idle luxury, or he may waste the people’s money in wild debauchery. He may use his power wisely. He may, from any motive, even from the best motives, use his power in such a way as to bring ruin to his people. Yet, under the law, there is no way to be rid of him. It may well be that the power of removing the head of the executive administration is one open to abuse. But it must somewhere exist. Is it safe to give to any

* “The English Constitution,” p. 140.

one man the command of the people's armies and the appointment of all their officers, and yet have, under the law, no means of taking from that man his vast power, if the people's interests require it? This fact, that, under a system of hereditary monarchy, the sovereign cannot be peaceably removed, has been the cause of every armed revolution in every hereditary government the world has ever seen. When kingly tyranny goes beyond the bounds of endurance, then a remedy will be made, if none exists. If a royal tyrant cannot be removed peaceably, under the law, he will be removed forcibly, by war. Macaulay says: "During the hundred and sixty years which preceded the union of the Roses, nine kings reigned in England. Six of these nine kings were deposed; five lost their lives as well as their crowns." What did this mean? Simply, that the English people were compelled to make armed revolution part of the ordinary procedure under their system of government—for lack of any other remedy against the abuses of royal power.

The English people have at last become weary of war, as a means of removing royal tyrants. They have found it too costly a method of changing the head of the executive administration. They have found by the bitter experience of centuries, after loyal devotion to their sovereigns, that they cannot trust power in the hands of hereditary kings. They have been driven, in self-protection, to take power from their "irresponsible" kings and put it in the hands of "responsible" ministers. They have found that a king cannot be trusted with even the choice of these ministers. They allow him that choice only in form.

The English people have had a thorough experience of hereditary monarchy, and they have at last learned—

1. That the heads of their executive administration, the

men who are to command their armies and navies and decide their foreign policy, must be selected, not by the chance of birth, but for fitness of some kind.

Their ministers are, therefore, in an indirect way, chosen by the House of Commons.

2. That these heads of the executive administration must be removable, under the law, for unfitness of some kind.

The ministers are, therefore, in an indirect way, removed by the House of Commons.

3. That no one man can be trusted with the supreme authority in the State, can be allowed to hold the purse and make the laws.

That is a power which must be in the hands of an assembly, chosen by the people, or by some part of the people.

English history is one series of revolutions against kings. It is, too, one long revolution against hereditary monarchy. This whole device of constitutional royalty, as it is called, is simply an attempt to keep the form of hereditary monarchy without its substance. The English people keep their king, and strip him of his power. The king inherits the throne. The House of Commons choose and remove the ministers.

That is the theory of the English Constitution at this day. That is the result which the English people have worked out in their political life. It is a result which they have reached against their wishes. The English people, more loyal than any other in the world's history to their hereditary kings, have, despite all the beliefs and feelings inherited from their fathers, been driven to destroy hereditary power.

These, then, are the points which we gather from the history of hereditary monarchy, in England and elsewhere:

1. No one man should be trusted with the supreme power in the State—the power of making the laws and controlling the revenues. That should be only trusted to an assembly of men.

2. To have one man at the head of the executive administration, if he be both able and honest, gives vigor to that administration.

3. The men who are to hold power in the State must be selected, not by birth, but for their fitness.

4. The men who are to hold power in the State should be “responsible,” as the phrase is—that is, there should be some means, under the law, of removing them for unfitness.

CHAPTER III.

CONSTITUTIONAL ROYALTY—UNFINISHED REVOLUTION.

THERE has grown up in England a form of government which is called "constitutional monarchy" or "constitutional royalty." And very many men, even in the United States, think that this "constitutional royalty," or something in some points like it, is, on the whole, the best form of government the world has yet seen.

This constitutional royalty, as far as here concerns this inquiry, has these main points—

1. Parliament, or the House of Commons, is the supreme supervisory power in the State. It votes the supplies and makes the laws.

2. Whatever may be the law, in practice the king's ministers, and not the king, are the chief executive.

3. These ministers, though in law they are the king's servants, are "responsible," not to the king, but to the Legislature. They are, in an indirect way, appointed and removed by a vote of the House of Commons.

One further point is to be noted.

These ministers have two distinct sets of duties—

1. They are the heads of the executive administration.

2. They are too, in effect, the heads of the Legislature. They sit in the Legislature, and propose all important measures of legislation.

And this point, that the executive minister has also

legislative duties, will be found to be the most important feature in the whole system.

For the purposes of this examination, it will be assumed that the legislative work cannot be better done than it is done under the English Government.

But how is it as to the executive administration? How perfect a piece of machinery is that?

It is sometimes said that the English Government may not be perfect in point of form; it may not be such a machinery as a theorizer would devise on paper; but it "works well;" it is practical; it is something which has "grown," and is thoroughly fitted to the needs of the English people.

How true is this? How does this machinery "work?" Let us take at the outset this "practical" point.

Let us especially examine the "working" of the English War-office. It is a part of the system, no better and no worse than the other parts. The last time it was really tried was in the Crimean war. Let us see how it stood the test.

Sir Garnet Wolseley says:*

"The history of the Crimean war is still fresh in the memory of those who took part in it. Never was any expedition planned by a home government with more reckless ignorance of war and its requirements than that which landed at Eupatoria. At the beginning of the campaign our Treasury was as parsimonious as it was subsequently lavish in expenditure. About twenty-four thousand British soldiers—no finer body of men have ever worn her Majesty's uniform—were hurled ashore without the means of carrying their wounded, and even without sufficient tools to bury their dead. British discipline in two or three hard-fought battles won for England a brilliant but a short-lived success; and when, through the military ignorance of those in Downing Street *who planned the campaign*, that devoted

* *Nineteenth Century*, March, 1878, p. 436 *et seq.*

little army dwindled down almost to a handful of half-starved scare-crows, those who had starved us through their ignorant parsimony sent out commissioners, whose avowed business it was to select a victim from among our generals on whom to cast the blame. They selected the ablest of them as their scape-goat, and held him up to public opprobrium because he had not made a road from Balaklava to the camp, although they knew full well he had neither the tools nor the labor at his disposal for such an undertaking."

* * * * *

"I have alluded to the military ignorance of our ministers in the Crimean war: here is an example of it. A letter was read in the House of Parliament one evening from an officer in the field, in which he referred to the want of all means for conveying our sick and wounded to the ships for embarkation, adding that our army had to depend upon the French *cacolets* lent to us for that purpose. The English minister who was responsible for army affairs at once got up and indignantly denied the statement, adding that he knew it to be untrue, because he had the best authority for asserting positively that there were a hundred hospital panniers at that moment in the Crimea. He might just as well have said there were so many toothpicks there; as a hospital pannier, which he evidently thought was a conveyance of some sort, is nothing more than a wicker-work basket, made in a peculiar manner, for the reception of medicines, operating instruments, and other medical appliances. The page of Hansard which records that reply is the gravest of all possible satires upon *our war administration* of that time."

* * * * *

"Curious stories without end might be told to illustrate my statement as to the inefficiency of many of those who composed the staff which originally embarked in 1854. Here is one as it was told me by an eye-witness: while the army was in Turkey, before it left for the Crimea, an important military operation had to be undertaken. A few days before that named for the operation, my friend went to a staff-officer in high position, who was his immediate superior, and whose duty it was to make all the necessary arrangements, and to draw up instructions for all the departments and general officers concerned, and asked if he had any orders to give. The reply was: 'No; I have not yet thought over the matter, but I will see to it by-and-by.' The next day the question was repeated with a similar re-

sult, and upon the third day—the day before this very complicated and difficult operation was to have taken place—as my friend repeated his question he saw that his superior was whittling a piece of stick. That superior was an amiable old gentleman and an excellent carpenter. He listened calmly to my friend, who was rather excited, seeing that nothing was ready for the move, and that no attempt had as yet been made to prepare for it. After a pause, the man on whom for the moment a great national responsibility rested looked up and said: ‘Perhaps, Captain ——, you do not know what I am doing.’ ‘No, sir,’ replied my friend. ‘Well,’ said the old general, ‘upon strolling about here this morning, I perceived that there was no latch or bolt to Lord Raglan’s cupboard, and I am making one, as an agreeable surprise for him.’ Here was an army about to begin a most serious undertaking, the preparations and arrangements for which could only be made by this high official; but so utterly was he incapable of taking in the serious responsibility that rested on him, so ignorant was he of the duties attached to his position, that he employed his time in carpentering, when all his intellect, all his energies, should have been devoted to the great duty which devolved upon him.”

He says further:*

“During the epoch I have referred to [the period before the Crimean war], the army of England was unworthy of being classed as a fighting implement fit to be employed against an enemy more formidable than a Kaffir or an Asiatic, and, even when so engaged, gained its ends always with difficulty, and not always without discredit and disaster. It was a police force dressed in the guise of soldiers. It was a body—a fine muscular body certainly—without a soul. All ranks were full of courage—without doubt the first and greatest factor in military excellence—but all other warlike instincts were wanting. Its generals, men of Peninsular experience, were old in body and old-fashioned in mind, while its regimental officers were entirely ignorant of their profession. They would have made the finest private soldiers in the world, but they were as little acquainted with the art and science of war as the rank and file they were commissioned to lead.”

* *Nineteenth Century*, January, 1878, p. 2.

Let us look somewhat farther. An English army was sent to the Crimea to invest and capture a great stronghold. The general in command knew nothing of the numbers of the enemy he was to attack, nor of the country where he was to make his campaign. After he had been in the Crimea for four or five months, it was found that this fortress, which he was to have invested and captured, had regular communications with the main-land *by a bridge*. This bridge had been built four or five years. But no one in the English army or War Office had so much as heard of it, until it was found on a map "sent home by the captain of a vessel who learned of it from some of the Tartars!" Men were dying in the English army by thousands for want of the food and clothing which lay less than ten miles away from them. The road on which the army depended for all its supplies had broken up. It had from the beginning been certain that it would do so. There was one man in the whole world who should have seen all these things beforehand, and who should have done something to hinder them—the head of the English War Office. He was the one man in the world who knew nothing of them, and who did nothing to set them right, even after he knew the condition in which the army was. He himself testified, before a House of Commons committee, that he had "no official information" that his troops were ill-fed, but that he did at last, "in common with the rest of the world," "become painfully aware of it." He could not tell when it was that he knew of the breaking up of the road on which depended the safety of his army; "it was one of those facts that unfortunately *grow upon one* as events follow one another!" He seemed in some doubt as to whether the road really had broken up, but finally toiled to the conclusion that it had, inasmuch as "it was

seen *by its consequences* that things were not carried to the front." He was asked if he took any steps to have a road made as soon as he heard of the failure of the old one, and his answer was, "No, I cannot say that I did." That was a thing, he said, that it was "absolutely necessary to leave to officers on the spot."

The "officers on the spot," it would seem, thought it a thing which it was "absolutely necessary to leave" to the War Office at home; for *they* did nothing. And there was an English army, with food at their elbows, actually starving, because no one knew whose duty it was to feed them. If they had left their digestive organs where their supplies were, at the other end of the road, affairs might have gone on well enough. But that point, too, had been overlooked.*

* The Duke of Newcastle testified before the Roebuck Committee:

"Qu. 14,426. And I am bound to say that some four or five months afterward we ascertained, what was not before known in this country, or elsewhere before that time, that the Russians had another means of access into the Crimea, some miles to the eastward of Perekop, *by a bridge* * * * a bridge which was commenced by the Russians some *four or five years ago*, by which they had obtained a good road. * * * I have seen a plan which was sent home by the captain of a vessel, who obtained the information *from some of the Tartars*. * * *

* * * "Is there no other information?—No."

* * * * * * * * *

"Qu. 14,588. Were you ever informed that the troops were ill-fed, and that the horses had little or insufficient forage?—A. Of course I received that information. As I said before, *in common with the rest of the world, I was painfully aware of it.*

"Qu. 14,589. *I mean officially?*—A. *No; I think not.*

"Qu. 14,590. You obtained all that information from the newspapers, did you?—A. *No; from complaints principally from persons that had suffered.*

That is, as I believe, a fair picture of the way in which the affairs of the English War Office and army were managed during the Crimean war.

But it may be asked, Were there not then exceptional circumstances which created the condition of things which then existed? Was not the ignorance of English army officers to be assigned to some cause not connected with the system of Parliamentary Government?

No doubt much of the ignorance of English army officers was the result of the purchase system, under which young gentlemen of rank, who knew everything about fox-hunting and nothing about war, were allowed to buy with good English sovereigns the privilege of wearing her Majesty's uniform, receiving her Majesty's pay, and throwing away the lives of her Majesty's loyal subjects. No doubt

"Qu. 14,591. You were not informed that the failure on the part of the commissariat to feed the troops was occasioned by the *failure of other departments in their duties?*—A. *Not officially.*

"Qu. 14,592. When did you first receive information of the break-up of the road from Balaklava to the camp?—A. I do not remember the exact date; it was *one of those facts that unfortunately grow upon one as events follow one another; and it was seen by its consequences that things were not carried to the front.*

"Qu. 14,593. Can you tell whether any *information* was given you of the *probable failure* of the road, before the failure took place?—A. *Certainly not.*

"Qu. 14,594. So that *you remained altogether in the dark* as to the *chance of the non-supply of the troops* arising from the failure of the road?—A. *Yes.*

"Qu. 14,595. *So soon as you heard of the failure of the road, you took steps*, did you not, to have a road made of some sort or another?—A. *No, I cannot say that I did; because it was impossible for me to be able to judge whether the thing was practicable then. There are things which it is absolutely necessary to leave to officers on the spot."*

they risked their own lives bravely enough. But, as I maintain, the condition of the English War Office, as it was then developed and disclosed, was the certain and natural result of what men call the English system of "Parliamentary Government."

Let us examine it, and see what kind of a machinery it is, how it is fitted for accomplishing the two purposes of—

1. Getting in the executive service the best men for that service.

2. Getting from them their best work in that service.

The head of the War Office in England is selected, in the vast majority of instances, not because he knows anything about the army, nor because he has ever shown any administrative talent, nor because he has ever had any administrative training, nor because he has proved himself, even in Parliament, to be a ripe statesman, but for the one reason that, at that particular time, he, with some other men, can bring together a certain number of votes in the House of Commons on some matters of general legislation. And these matters of legislation, nine times out of ten, have nothing whatever to do with the affairs of the army. In short, the heads of the executive offices are chosen not because they are fit for their executive work, but always for fitness they have shown for something else.

But after the ministers are chosen, how does the machinery work as to the second point, the getting from these men at the head of the executive departments their best work in those departments?

At the outset, we have the point, that these heads of departments have two distinct kinds of work to do, legislative and executive. These two kinds of work are utterly unlike, and call for different men to do them. Not once in a hundred years is there any one man who has the

powers that fit him to do them both. One alone is all that a man can find time or strength for. And if one man tries to do both sets of duties, it is certain that he will not do both well, and the chance is that he will do both ill.

This is not a matter that rests on theoretical considerations or conjecture. But on this point we have the experience of one of England's greatest ministers. Mr. Martin tells us, in his life of the Prince Consort :*

"It has long been accepted or understood that it was Sir Robert Peel's opinion, in common with that of Mr. Canning, that the Prime-minister should be in the House of Commons. Such was his opinion for a great part of his career; but his experience of the last four years had led him to a different conclusion. * * * The amount of work imposed upon the first minister in the House of Commons, in addition to what he had to go through elsewhere, was too great for any human strength."

That ground of itself would seem to be enough to decide the question, whether executive ministers should sit in a legislature.

But assume, for the moment, that the heads of the different executive offices, although selected for none but Parliamentary reasons, were the best men that could be found for their executive offices. Assume that they had, each of them, wonderful abilities for both kinds of work. Assume, too, that they could have the time and strength to do both well. There is another point. The system is so framed as to make it certain that these men at the heads of the executive offices will give their time and thought, in the main, to work in Parliament, and not to the work of their executive offices.

* Martin's "Life of Prince Consort," vol. i. p. 266.

The one point which is commonly made by men who admire English Parliamentary Government is, that under it ministers are made "responsible" to the House of Commons. So, indeed, they are.

But for what?

The War Minister of England is held "responsible," not for what he himself has or has not done, but for something done or not done by the ministry as a body. Individual responsibility for individual acts is destroyed.

And, as one member of the ministry, he is held responsible, in the vast majority of instances, not for work done by him or them in the affairs of the War Office, but for something done in the House of Commons. It may, indeed, happen that a ministry would be driven to resign for mismanagement of the War Office or the Foreign Office. Nearly always, however, the head of the War Office, as one of the ministry, goes out of office, not for anything that concerns the management of the army, but because the ministry have lost votes in the House of Commons on some matter of Roman Catholic Emancipation, or the Irish Church, or a House Tax.

In other words, England's War Minister leaves the War Office, not for what he has done ill in the War Office as to army affairs, but for what other men have done ill, in another place, as to other things.

Will such a system as that get good work in the executive offices?

Suppose a mill-owner were hiring a superintendent, and were to say to him, "I employ you because you know how to manage my mill; I shall keep you in charge of it just so long as you manage it well, and no longer: meantime you will be well paid in money and in reputation"—there would be some possibility that he might have the work of

his mill well done. Suppose, on the other hand, he were to say, "I do not employ you because you know how to manage my mill. I am well aware that you have never seen the inside of a mill in your life. I expect you to spend your whole time in the town-meeting. Do your work in the mill well or ill, that is not the point which will decide me to keep you in my service. But the moment you cannot bring me seventy-five votes in that town-meeting, I shall find a new superintendent." That course, one would think, would not work well with mills; nor does it with governments.

It needs no very keen brain to see that if, in order to keep office, men must keep votes in the House of Commons, it is to this keeping votes in the House of Commons that they will give their time and thought.

To sum up this branch of the matter, then, the War Minister of England, or the head of the Foreign Office, or of any other executive office, is always a man taken from Parliament, by Parliament, for work done in Parliament. For keeping his executive office, he depends on work to be done in Parliament; and there it is certain he will do his best work.

Not only is that the natural result of the system, but it is the way in which the system actually works. Their War Minister has always spent his time in managing the House of Commons. He has always been made War Minister for the reason that he could manage the House of Commons.

If there has ever been in England, as Englishmen believe, a great war minister, it was Pitt. If ever there was a man who believed in the present English "system" of Parliamentary Government, it was Macaulay. Let us see

what kind of a war minister Pitt was, on the testimony of Macaulay. He says :*

“Great as Pitt’s abilities were, his military administration was that of a driveller. He was at the head of a nation engaged in a struggle for life and death, of a nation eminently distinguished by all the physical and all the moral qualities which make excellent soldiers. The resources at his command were unlimited. The Parliament was even more ready to grant him men and money than he was to ask for them. In such an emergency, and with such means, such a statesman as Richelieu, as Louvois, as Chatham, as Wellesley, would have created in a few months one of the finest armies in the world, and would have soon discerned and brought forward generals worthy to have commanded such an army. * * * But the fact is that, after eight years of war, after a vast destruction of life, after an expenditure of wealth far exceeding the expenditure of the American war, of the Seven Years’ War, of the war of the Austrian succession, and of the war of the Spanish succession united, the English army, under Pitt, was the laughing-stock of all Europe. It could not boast of one brilliant exploit. It had never shown itself on the Continent but to be beaten, chased, forced to re-embark, or forced to capitulate. To take some sugar island in the West Indies, to scatter some mob of half-naked Irish peasants, such were the most splendid victories won by the British troops under Pitt’s auspices.”

Such was, according to Macaulay, the fitness of the man for the duties of his place. But how did he get and keep his place? Let us learn from the same authority :

“While his schemes were confounded, while his predictions were falsified, while the coalitions which he had labored to form were falling to pieces, while the expeditions which he had sent forth at an enormous expense were ending in rout and disgrace, * * * his authority over the House of Commons was constantly becoming more and more absolute. There was his empire. There were his victories, his Lodi and his Arcola, his Rivoli and his Marengo. If some great misfortune, a pitched battle lost by the allies, the annexation of a new

* Encyclopædia Britannica Article “Pitt.”

department to the French Republic, a sanguinary insurrection in Ireland, a mutiny in the fleet, a panic in the city, a run on the bank, had spread dismay through the ranks of his majority, that dismay lasted only till he rose from the treasury bench, drew up his haughty head, stretched his arm with commanding gesture, and poured forth, in deep and sonorous tones, the lofty language of inextinguishable hope and inflexible resolution. Thus, through a long and calamitous period, *every disaster that happened without the walls of Parliament was regularly followed by a triumph within them.* At length he had no longer an opposition to encounter. * * * It is true that Addington might easily have been a better war minister than Pitt, and could not possibly have been a worse. But Pitt had cast a spell on the public mind. The *eloquence*, the judgment, the calm and disdainful firmness which he had, during many years, *displayed in Parliament*, deluded the world into the belief that he must be eminently *qualified to superintend every department of politics*; and they imagined, even after the miserable failures of Dunkirk, of Quiberon, and of the Helder, that he was the only statesman who could cope with Napoleon."

That is not an exceptional case. That is the way in which the system has been working ever since the English people have had what they call "Parliamentary Government." That is what the English people have, "Parliamentary Government," and not executive administration. They have never a war minister—nothing but a leader of the House.

That is not all. Could these ministers know that they would certainly hold their places for even four years, there might be a possibility that they would learn something of their executive work. They never have a certainty that they will hold office for a month. How soon it may at any time happen that the English ministry in office will be defeated in Parliament on a vote as to Church discipline, and will be therefore compelled to resign, no man can tell. It may be in less than six months after they take office, or

it may be after the experience of a few years has given them something really like an acquaintance with their official duties. It makes no difference which it is, whether the time has been long or short, whether the ministers have become through experience useful public servants, or whether they still blaze in the full glory of their pristine ignorance.

From 1762 to 1868 there were thirty-four administrations. Of these thirty-four administrations eleven lasted less than one year, five others less than two years, and five others less than three years. Only three of the thirty-four lasted longer than six years.

Under such a system experience and training cannot be had. One thing is absolutely certain: however much the War Minister may know about the Irish Church and the House Tax, he will know nothing about army affairs.

But it may be said, that although the heads in the British administrative offices may be ignorant of department matters, yet the subordinates (especially since the adoption of the Civil Service rules) are well trained, and the chief can always have the advice and knowledge of experienced men under him.

But is this enough? The men who believe in Civil Service Reform urge it because they have found that men in government service, as well as elsewhere, must have training and experience. But it is not enough to have only the subordinates able. The man at the head, who has the real power, must, of all men, be the man of capacity and training, or there can be no efficient administration. These subordinates may do mere routine work very well. They will do nothing but routine work. If, in order to get good work, it is found that even the underlings must have capacity for their especial duties, and

must, above all, have training, all the more important is it for the chiefs. Can they alone be ignorant and unskilled?

It may be said that these ministers at the head of the war and naval offices can, in all matters of importance, get advice from army and navy officers. But suppose army and navy officers do not agree in their advice. Who is to decide? No one *can* decide but the man who has in law the power. Of all the devices in government machinery, none is so dangerous as that of giving power to a man on the expectation that he is never to use it, but is in all things to be guided by other men wiser than himself. Men who have power do use it, and always will. It was by a direct order from the ministry that the British troops made the expedition to the Crimea, to attempt the reduction of a great stronghold, without organization and without supplies. Sir Charles Napier said at a public banquet in London, "I state it to the public, and I wish them to know, that had I followed the advice of Sir James Graham [First Lord of the Admiralty], I should most inevitably have left the British fleet behind me in the Baltic."* Sir Charles meant, of course, that *he* would have been left there *with* the fleet.

So far, then, as we have now seen, the natural result of the English system of government, as it concerns the executive administration, is this: It selects the heads of administration entirely with a view to their fitness for other work. It makes it certain that they will do that other work. It makes it certain that they will not have the knowledge or training needed for their department duties when they come into office. It makes it as nearly certain

* Martin's "Life of Prince Consort," vol. iii. p. 131.

as it can that they will never get that knowledge and training after they are in office.

But another point is to be considered. There has never been any way of getting any vigorous or efficient administration anywhere, in governments, or mills, or railroads, other than by having one man at the head, giving him power, and holding him responsible for accomplishing results. No doubt that one man must be under proper supervision and control. So, too, must an executive committee of many men. But, to have good administration in a government, there must be at the head of each executive department one man, with power, who is held responsible for the working of the whole of that department, and for nothing else. And there must be over all the departments one man, with power, who is held responsible for the working of all the executive departments, and for nothing else. It is a fact well learned by all men who have ever had to do with affairs of any kind, that to have vigor you must have power in the hands of one man, and to have responsibility you must have the responsibility of one man. When we come to supervision, to the general ordering of the general course of affairs, we need something else. Then we must have counsel, of many minds; but for execution we must have force, of one will.

Now, English executive administration has no head. The result is, they have only confusion.

I do not rest for this point on my own opinion. I am well aware that a man who undertakes to discuss the working of a government of which he has seen nothing must be ignorant, and is probably mistaken. But on this point we have the highest authority, that of Sir James Fitzjames Stephen, the clearest thinker (to my mind)

among Englishmen of this day on matters of English government. He has written :*

“Long before the Crimean war, Sir James Stephen, who, in 1847, left the Colonial Office, of the permanent establishment of which he had been the head for many years, used to say continually that the war departments were so organized that if a European war occurred they would utterly break down. The Colonial Office of those days was the office of Secretary of State for War and the Colonies. At the time in question I believe there was not, and had not been for many years, a single soldier in it. Its functions, and those of the Secretary at War and the Commander-in-chief, were so strangely intermixed that I believe no one knew distinctly how they were related to each other.” * * *

“If it be asked what Parliamentary Government has to do with this result, I answer, it has practically *destroyed all unity in administration*, by reducing the office of king to a cipher, and by replacing him by a set of ministers who *shift backwards and forwards*, who are equal among themselves, and are little kings in their own departments, and who are, therefore, neither competent nor inclined to attempt to give *distinctness and unity to the whole system*.” †

He says further :‡

“This arrangement does not appear favorable to a *vigorous central control* of the different departments. It puts the Prime Minister in a position greatly less powerful than that of a king, and I believe a *king of some sort*, a king who *really governs*, and it may be for a limited time, to be *essential to good administration*. * * *

“Facts known to all the world strongly suggest that the effect of the Parliamentary system upon the executive government of the country has been to deprive the king of all real power, and, by the introduction of fictions and the creation of unconnected offices, to convert the executive government into an *aggregate of isolated institutions*, having no common centre, no clear and well-defined constitution or connection with each other, and no permanent heads.”

But how, it may be said, has the English nation won all its great successes ?

* *Contemporary Review*, Dec., 1873, p. 15. † *Ibid.* p. 16. ‡ *Ibid.* p. 14.

English victories have been won by the dogged courage of English soldiers and sailors, by the genius of single English men, the Marlboroughs and the Clives, in spite of the most wonderful mismanagement of the home administration. The English people pour out their lives and treasure for years in a war to crush a foreign people or overthrow a foreign tyrant, and at last find a Wellington or a Nelson to lead their armies and their fleets. But the Wellingtons and Nelsons have, in the incompetence of the home offices, foes more terrible than the Napoleons and foreign armies. Campaigns now are decided in a great measure by the length of the purse. But no treasury can long stand such enormous drains as are in these years brought on a people by feeble management with good intentions. There must be not only generals in the field, but there must be great ministers behind them at home. Either alone will not be enough. England was able for years to keep all Europe in her pay, and at last to wear out Napoleon. But how would it be now, in this age of railroads, if the English people were to have a war with the Prussian armies under Von Moltke? A campaign and a war may in these days be easily decided by the genius of the war minister at home, as well as of the captain in the field, and be decided with amazing swiftness. Can the English people longer take risks like these?

Moreover, how can such a thing be possible, as any vigorous stable policy in the War Office, the Foreign Office, or anywhere else, when ministers are going in and out of office every six months or every two years? No one can tell when there will be a change in the ministry—when there will be a new “government,” as the phrase is—nor can human wit tell who will be the men at the head of it. The English nation may be in the middle of a great war;

the ministry blunder in the House of Commons on some revenue question. There must be a new war minister and a new head of the Foreign Office. No doubt any system is absurd which makes the chief executive go out of office at the end of four years, when the nation may be in extreme peril, when a change in the head of the government may mean ruin. But under such a system men do at least know when the change is to be made, and can perhaps make some preparations for it beforehand. Indeed, in a time of great national danger there would be at least a possibility that the executive, if he were a great man, might be re-elected. But changes of executive administration in England are decided by nothing but a parliamentary dice-box.

The hap-hazard way in which the chief executive office in the English Government is made a shuttlecock for Parliamentary politicians, is put very pleasantly in a letter written to his brother by Lord Palmerston, just after he became prime minister in 1855:*

“February 15th, 1855.

“MY DEAR WILLIAM,—

‘.....Quod nemo promittere Divum
Auderet volvenda dies en attulit ultro.’

“A month ago, if any one had asked me to say what was one of the most improbable events, I should have said my being Prime Minister. Aberdeen was there, Derby was head of one great party, John Russell of the other, and yet, in about ten days’ time, they all gave way like straws before the wind, *and so here am I*, writing to you from Downing Street, as First Lord of the Treasury.”

But there are certain arguments which are often urged in favor of the English system of government which should perhaps be more fully considered.

* Ashley’s “Life of Lord Palmerston,” vol. ii. p. 76.

It is said that ministers should sit in the Legislature, in order that they may there be held responsible for their administrative action, and that they may there be called on to explain and defend that action.

So far as a legislature needs information as to the work of the executive offices, it can be much better given by written reports than by oral answers to hasty questions. In fact, information which is sufficiently full to be of any real service to a legislature cannot be given in a mere debate or a mere oral colloquy. It must be given in the form of written reports. If anything more than the reports be needed, legislative committees can easily send for witnesses with books and papers. Members of the Legislature on its floor can no doubt put sharp questions and get sharp answers. But for giving exhaustive information, that is a process which is very insufficient. Moreover, if a minister must spend his time on the floor of the Legislature, it is an impossible thing that he should have the thorough knowledge of the affairs of his department which will enable him to give any accurate information of its doings. And which is the better, that a minister should have a policy which will defend itself, or that he should spend his time in the Legislature defending a poor one? And his policy certainly will be a poor one if he uses his hours outside of his office. His time should be spent in making a policy. If he makes a good one he can leave its defence to other men. This system of double duties never has worked well, and it never will.

But it is said, if ministers sit in the Legislature, and go out of office on a vote of the Legislature, we secure harmony between the legislative and executive departments. It is said that the men who shape the legislation of the country should properly and wisely have in-

trusted to them the work of carrying that legislation into effect.

But if it be really an important point, that the men who propose and pass legislative measures should be the men intrusted with the execution of those measures, we have a new difficulty. Suppose a ministry remains in office for a long time. It has during that long time passed many measures. According to this argument, it is this very ministry which has framed and passed all these measures which should have their execution. And the longer they have been in office, the more necessary it is, as far as this point is concerned, that they should stay in office. As a fact, however, no matter how many measures the ministry may have passed, no matter how wise those measures may have been, or how necessary it may be for the successful working of those many and wise measures that the ministry should stay in office, so soon as they are defeated in *one* important measure of legislation, out they must go. If they have been long in office, presumptively both their legislation and their administration during that long period have been in harmony with the views of the Legislature and of the country; and they have gained experience in both departments.

Moreover, the question on which the ministers resign is usually not a matter of legislation passed by their opponents, but one which they fail to pass themselves—which neither party has passed. So that, instead of the administration of legislative measures being put in the hands of the authors of those measures, it is as matter of practice put in the hands of their enemies. And in the case supposed, when a ministry has been long in office, although the whole point of the system, as it is generally stated, is to have as executive officers men who are in harmony with

a majority of Parliament on matters of legislation, the ministry have to resign because they disagree with a majority of the House on one question, to make way for men who disagree with a majority of the House on five hundred.

It may be said that the question on which the ministry disagrees with the House is the latest one, and therefore presumably the most important. But is the latest question always or often the most important, either presumably or as a matter of fact? It may be, and often is, a question of the very least importance, that is, in comparison with the long series of measures that have gone before it.

But what is the real weight of this argument that the executive officers, the ministers, should be "in harmony" with the majority of the Legislature? "In harmony" as to what? Is it very material to have your war minister "in harmony" with the Legislature as to matters of Church discipline, or as to anything other than his administration of the affairs of the War Office? Can any man be so insane as to argue that a war minister like Bismarck or Von Moltke would wisely be removed from his office for his opinions on a revenue bill?

That, however, is the English "system."

Undoubtedly there should be provisions for removing the head of the War Office for inefficient management of the affairs of the War Office. But that is precisely what the English "system" does not give. Neither the appointment nor the removal of the officer, in the vast majority of instances, is made to depend on, or have any connection whatever with, the efficient administration of the duties of the office. Can this be wise?

So far, we have seen how the executive administration goes on under the English system of government, when the English people are so fortunate as to have a govern-

ment. But they do not always have one. England may be in the midst of a great war, fighting for her life. The ministry is beaten in the House of Commons, and resigns. There must be a new head of the War Office. Some one has to "form a government." Some one man must be found who can, at that particular time, with other men, combine a majority of votes in the House of Commons.

Now it is not always the case that any one man can be found who will take this task upon him, or who can accomplish it, if he does; for every man in Parliament knows that, if he takes office, he cannot hold it for a day, unless he can have his Parliamentary majority at his back. It may be that the men who are needed will not combine. Meantime there may be great questions of foreign policy, or of civil or military administration, pressing for a wise decision without delay. The safety of the nation may depend on the action or inaction of an hour, and there is no official in existence who can act. And when the next official comes into existence, it is certain that his action cannot, unless by a miracle, be wise.

This is not matter of imagination nor of antiquity—it is the statement of the actual working of English government machinery at this day. And it seems such a surprising condition in which to find the executive administration of a great nation, that a certain amount of detail will be used.

In February, 1851, the ministry of Lord John Russell resigned, and the resignation came in this way: On the 14th February the ministry had a severe contest on the bill to prevent the assumption of territorial titles by Roman Catholic bishops, and carried the bill under a strong opposition. They lost strength afterward on a question as to the repeal of the Window Tax. They were then de-

feated on a motion carried by the opposition, for leave to bring in a bill to assimilate the county franchise to that of the boroughs; and this notwithstanding Lord John Russell had given his assurance that he would himself submit, at the opening of the next session, a measure for the extension of the suffrage. The ministry thereupon resigned.

It was on the 22d February that the resignation took place.

The Queen sent for Lord Stanley, and requested him to "form a government." And he declined, saying that he thought it difficult, *in the existing state of parties*, to form a stable government, though he would try, if again called upon by her Majesty. And he recommended that an attempt should be made to strengthen the present government or to reconstruct it.

Lord Aberdeen was sent for, and was requested to form a government. And he declined, giving, among other reasons, his conviction that no ministry could stand which refused, as he must do, to deal with the question of *Papal Aggression*.

The Queen a second time sent for Lord Stanley, who made an attempt for the co-operation of the men upon whom he must depend for his working majority. And he failed.

Her Majesty then, being able to find no one else who would undertake to form a ministry, wrote to Lord John Russell, who had just gone out of office, as follows:*

"All possible combinations have failed in their turn. First, you declared your inability to carry on the Government on account of the hostility displayed toward it in Parliament. Secondly, Lord Stanley declined forming a government of his party until every other possi-

* Martin's "Life of Prince Consort," vol. ii. p. 347.

bility had been exhausted. Thirdly, you have failed to reconstruct the Government by a combination with Sir Robert Peel's friends. Fourthly, Lord Aberdeen did not think it possible for him to form a government with his friends alone. Fifthly, Lord Stanley has failed in the attempt to construct a government by a junction with some of Sir R. Peel's friends, or of his party alone."

A memorandum from Prince Albert, written at the time to the Duke of Wellington, throws further light on the situation. He wrote:

"The important questions agitating the public mind are—

"a. Protection or Free-trade.

"b. Parliamentary Reform.

"c. Papal Aggression.

* * * * *

"It would appear from this that the Peelites, with the support of the Whigs and adhesion of the Radicals, Irish and Roman Catholics, would be able to carry on an efficient government; but Sir James Graham and Lord Aberdeen distinctly declared that the country expected a measure to be carried against the papal aggressions, to which the Peelites neither will nor can be a party; while the House of Commons is actually pledged to some measure by deciding for the introduction of Lord John Russell's bill by three hundred and ninety-five to sixty-three votes. Lord John will accordingly have to pass some such measure, but this very measure will detach permanently from him a great portion of his ordinary supporters.

"From this it would appear that Lord John and the Whigs must bring in, on the part of the Government, an antipapal measure, but that they require a junction with the Peelites for the carrying on of an efficient government, preventing a revolution in Ireland, and keeping the confidence of the Radicals, which is necessary for a peaceful carrying out of parliamentary and financial reforms.

"So matters stand in theory. In practice *innumerable personal difficulties* will have to be overcome; as, for instance, who is to form that government?"

And the memorandum of the Prince ends:

"The Queen requests the Duke of Wellington's opinion upon the problem here proposed."

And indeed it must be admitted it was a "problem" which stood in need of a solution. That was indeed a question, of more or less importance, who was to "form a government." Lord John Russell wrote at the time to the Prince Consort :*

"I am very glad to hear that the Queen has sent for the Duke of Wellington, and not sorry that he is at Strathfieldsaye. It will be an excellent reason for the Queen's *not sending for any one* to-day. I own that, without some such reason, *I was afraid that the prerogative of the Crown might pass to the House of Commons.*"

Meantime England was on the brink of a great war, and was without an executive.

Take a later case.

In February, 1852, the one thing of all most pressing, for the English Government, was to arm the nation for defence. Lord John Russell's ministry was left in a minority in the House of Commons, resigned, and Lord Derby had the task of forming a new government. He offered Lord Palmerston the Chancellorship of the Exchequer; and Lord Palmerston declined to serve under Lord Derby, "on the ground that he could under no circumstances assent to the expediency of imposing *a duty on foreign corn.*" And Lord Palmerston was the one man in any of the ministries of the time who showed any real administrative talent.

Take the next case.

When Lord Aberdeen's government took office in 1852, Mr. Martin says :†

"Her Majesty had no hesitation in charging Lord Aberdeen with the formation of a new government. This was on the 19th, and it was not until the 28th that the new ministry were able to kiss hands

* Martin's "Life of Prince Consort," vol. ii. p. 349.

† Ibid., vol. ii. p. 482.

upon their appointment, so many were the difficulties to be overcome, when there were fewer offices to fill than able men with just pretensions to fill them."

This was the 19th of December, 1852. The needs of the country at the time can be gathered from a letter written on the 31st of January, 1853, by Lord Palmerston to his brother :*

"We are *laboring to place the country in a state of defence*, and our only limit is the purse of the Chancellor of the Exchequer; but whatever may be at the bottom of the secret thoughts of the French Emperor, into whose bosom no man can dive, yet I see no reason to apprehend an immediate or even an early rupture with France; *and if we have two years more of preparation allowed us*, we shall be in a *good defensive position*. In the mean time we do not allow that we are even now defenseless."

To an enemy of England, how charming must have been the spectacle of a country with its war minister engaged in the manipulation of parliamentary majorities, and turning over the affairs of his office, whenever he chanced to vote wrongly on a question of papal aggression, to a new man (if one could be found) who knew less than himself! All this was when the English people expected a war with France, and within about a year of the war with Russia. Is it hard to understand how that war found the English army a mass of magnificent raw material, without any efficient working organization.

Events went on. On the eve of the Crimean war, after the British fleet had moved up to Constantinople, Lord Palmerston offered his resignation from the ministry. He was not, indeed, at the head of the Foreign Office or the War Office. But it was thought by nearly all men that his mere presence in the ministry, in any position, was of

* Ashley's "Life of Lord Palmerston," vol. ii. p. 6.

the utmost importance to the country. His reason for resigning, given by himself in a letter to his brother-in-law,* is as follows :

“ I told Aberdeen and Lansdowne last year, when I joined the Government, that I felt great doubts as to my being able to concur in the *plan of parliamentary reform* which John Russell might propose this year. * * * I had then nothing left for it but to resign. * * * I could not take up a bill which contained material things of which I disapproved, and *assist to fight it through the House of Commons.*”

In the first failures of the Crimean war, Mr. Roebuck made his motion for the appointment of a committee to inquire into the condition of the army before Sebastopol, and the conduct of certain departments of the Government. Lord John Russell immediately resigned. The position in which the ministry was then placed is thus given by Lord Palmerston in a letter to Lord John Russell : †

“ As regards the country, the action of the executive will be *paralyzed* for a time, *in a critical moment of a great war*, with an impending negotiation, and we shall exhibit to the world a melancholy spectacle of disorganization among our political men at home similar to that which has prevailed among our military men abroad.”

Mr. Martin says ‡ of the same matter :

“ The Queen protested against this decision [to resign], as *exposing herself and the country to extreme peril*, it being manifestly impossible to change the Government at such a moment without *deranging the whole external policy of diplomacy and war*. A break-up of the Government at this time would also exhibit to the world the humiliating spectacle of a disorganization among our statesmen at home, akin to that which had become too palpable among our military men at the seat of war, and had already tended greatly to lower our prestige in the eyes of Europe.”

* Ashley's "Life of Lord Palmerston," vol. ii. p. 19.

† Ibid., vol. ii. p. 71.

‡ Martin's "Life of Prince Consort," vol. iii. p. 200.

Another repetition was then had of the attempts to create an executive. The Queen wrote to Lord John Russell, who was chronically in office one day and the next day out :*

“The Queen has just seen Lord Lansdowne after his return from his conference with Lord John Russell and Lord Palmerston. *As moments are precious, and the time is rolling on* without the various consultations which Lord Lansdowne has had the kindness and patience to hold with the various persons composing the Queen’s late government having led to any positive result, she feels that she ought to intrust some one of them with the distinct commission to attempt the formation of a government.”

And, indeed, most men would admit that it was a wise thing for “some one” to “attempt” the formation of a government. And the note continues :

“The Queen addresses herself in this instance to Lord John Russell, as the person who may be considered to have contributed to the vote of the House of Commons which displaced her last government, and hopes that he will be able to present to her such a government as will give a fair promise to overcome the great difficulties in which the country is placed.”

And when Pitt made his coalition with the Duke of Newcastle, the country had been without an administration for eleven weeks, in the middle of a war.

Is not this somewhat alarming? I concede, and urge, that a properly constituted legislature should have the power of removing the head of the War Office. But for what? For voting wrongly on Roman Catholic emancipation, or for mismanagement of army affairs? If only one minister were removed for his own failure to do well the work of his own office, there would be reason in that. But in England the whole ministry go out. When and how a

* Martin’s “Life of Prince Consort,” vol. iii. p. 206.

new one can be had, no man can tell. The "system" is a series of revolutions. Every change of ministry is a revolution—a peaceful revolution, it is true, a revolution under the law; but still a revolution, full of danger in times of danger.

In times past the English people used, as part of the ordinary machinery of their government, the method of armed revolution, in violation of law, against the tyranny of a king. At the present time they use the method of peaceful revolution, under the law, when they wish to change a ministry. It is not a wise or safe method.

Thus far it has been assumed, as men generally do assume in discussing what is called Constitutional Royalty, that the king is king only in name—that the sovereign

1. Uses the will and judgment of the Commons in his appointment of ministers.

2. Uses the will and judgment of the ministers in all executive action.

3. Uses his own will and judgment in nothing.

I say this is generally assumed in discussions on these matters.

It may be that few men, or no men, would lay down these three propositions broadly as they are laid down here.

But the manner of making the assumption is commonly this: In discussing these matters, Englishmen, and many Americans, say that the king can do no harm in the State. They say, he has, indeed, in law, the appointment of his ministers; but, in fact, he must appoint ministers who are satisfactory to the Commons. They say, he is, in law, the chief executive; but, in fact, he must follow the advice of his ministers.

Now, if the king has any real power in the State, he can use it for both good and evil. If he can do good by the

wise use of his power, he can do harm by the unwise use of it.

It is no doubt true, as Englishmen always claim, that a wise and upright king in the English State, as it is now ordered, *can* do an endless amount of good. It is as true that a king in England who is not *both* wise and upright can do an endless amount of harm. If he is a man of the purest intentions in the world, unless he be also wise and able, he is most dangerous. He may mean to use his power wisely; other men will try to use him and his power unwisely. To make the use of it safe, the wisdom must be where the power is—with him.

This point deserves careful examination.

Undoubtedly there is no danger in this nineteenth century that any English king will be a Charles, or any English queen will be an Elizabeth. No doubt royal power in England at this day is as thoroughly under the control of public opinion as the power of ministers—or of the House of Commons. Public opinion controls everything, as soon as it once gets an existence and a voice. Nor will there be, for many years to come, if ever there is, in England, an armed revolution against royal or other tyranny. When the people once gets the free use of its voice, it no longer needs to use its hands. This is becoming an age where brains and thought are stronger than mere muscle.

But in England, down to this present reign, with hardly an exception, there has been no English king or queen who has not used the power that the law gave them, on their own judgment, on their own will, for their own purposes. Each one of them has always made the hardest struggle they could, with such weapons as they dared to use, against the will and well-being of the Commons and the English people.

But how has it been in the present reign?

So late as the year 1852, her Majesty, the present queen, dismissed Lord Palmerston from the ministry, for no reason whatever except that he did not conduct the business of the Foreign Office in a manner that conformed to her ideas of the personal dignity of the sovereign. There was no question made as to his administrative ability, or as to his being in complete accord with Parliament on all points of home and foreign policy. He might have been, and in the minds of the majority of Englishmen he was, the one man in England to fill his place. But he was dismissed, on the mere will of the sovereign, for these purely personal reasons. Lord John Russell, on the occasion of this dismissal, read in the House of Commons a royal memorandum on the duties and failings of Lord Palmerston. It was the language of the monarch, approved by the minister, and it was as follows :

“The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what she has given her royal sanction. Secondly, having once given her sanction to such a measure, that it be not arbitrarily altered or modified by the minister. Such an act she must consider as failure in sincerity toward the Crown, and justly to be visited by the exercise of *her constitutional right of dismissing that minister*. She expects to be informed of what passes between him and foreign ministers before important decisions are taken based upon that intercourse; to receive the foreign despatches in good time, and to have the *drafts for her approval* sent to her in sufficient time to make herself acquainted with the contents before they must be sent off.”

Lord Palmerston was dismissed because he transacted the public business on his own motion, on his own responsibility, without consulting the Queen. Yet English writers say that it is the minister who is “responsible” for the executive action; that he, and not the monarch, must

meet an impeachment for the action of the Crown. If the law has any consistency, it is the minister who should have the deciding will. This royal memorandum, so late as the year 1852, says that the minister has not that deciding will, that he shall not act without the sovereign's approval, and that if he does so act, the sovereign will dismiss him, no matter whether he belong to the majority in Parliament or not.

This doctrine was not simply asserted by the Queen. Lord John Russell said, at the time of reading the memorandum :*

“I thus become responsible for the sanction of the doctrine I am about to read. * * *

“I think that when, on the one hand, the Crown, in consequence of a vote of the House of Commons, places its constitutional confidence in a minister, that minister is bound, on the other hand, to the Crown, to the most frank and full detail of every measure that is to be taken, and is bound *either to obey* the sanction of the Crown, or to leave to the Crown that *full liberty which the Crown must possess of no longer continuing that minister in office.*”

And he spoke of the Queen's “constitutional right of dismissing that minister.”

Lord Palmerston on the same occasion said :

“No important political instruction is ever sent to any British minister abroad, and no note addressed to any foreign diplomatic agent, without the draft being first submitted to the head of the Government, in order that the *pleasure of the Crown* might be taken upon it ; and if either the *higher authority* or the Prime Minister *suggested alterations, those alterations were made, or the despatch was withheld.*”

This means something. There is the fact of a dismissal of a minister, not on any vote of the Commons—not on the will of the Commons—of the ablest administrator England then had in her service, on nothing but the royal will.

* Hansard, Third Series, vol. cxix. p. 90.

The admirers of English constitutional royalty have been mistaking a person for an institution. They have been mistaking the reign of one pure and upright queen for the monarchy. The expectation is that always the sovereign will have no will of his own, but will merely register the will of Parliament. That has, in the main, been so, in this present reign—when the sovereign is a woman, who is, of course, compelled to lean on the advice of some one, and who, under such exceptional circumstances as have never before existed in the history of English royalty, has followed good advice from good advisers. But has it never happened that an English king has had bad advisers, or that he has not taken advice?

Mr. Bagehot says :

“If we look at history, we shall find that it is only during the period of the present reign that in England the duties of a constitutional sovereign have ever been well performed. The first two Georges were ignorant of English affairs, and wholly unable to guide them, whether well or ill. For many years in their time the Prime Minister had, over and above the labor of managing Parliament, to manage the woman—sometimes the queen, sometimes the mistress—who managed the sovereign. George III. interfered unceasingly, but he did harm unceasingly; George IV. and William IV. gave no steady continuing guidance, and were unfit to give it. On the Continent, in first-class countries, constitutional royalty has never lasted out of one generation. Louis Phillippe, Victor Emanuel, and Leopold are the founders of their dynasties. We must not reckon in constitutional monarchy any more than in despotic monarchy on the permanence in descendants of the peculiar genius which founded the race. As far as experience goes, there is no reason to expect a hereditary series of useful limited monarchs.”

Why is it that “it is only during the period of the present reign that in England the duties of a constitutional sovereign have ever been well performed?” Because this is the very first reign in the history of the Eng-

lish monarchy when the will of the sovereign has submitted to the will of the Commons.

But concede that an English king will never again try to use, for his own selfish purposes, the power that, under the law, he has. Concede that English monarchs have at last entered on a career of self-abnegation that will never end. Assume that English ministers will do all executive acts—in other words, that the hereditary king is king only in name, and that the real king is the minister.

How many Englishmen, even advanced Liberals, will admit or claim that this power of appointing the ministers, which, under the law, belongs to the king, is a power which he is to use at all times in complete subservience to the will and judgment of any other man or body of men, even of a majority in Parliament, and not in the least according to his own judgment? Suppose England to be engaged in a great war for her life, and that a Bismarck had been found in the English nation who was the one man, of all men, to be at the head of the War Office. Suppose, too, that this war had already been going on for several years, that this one man had been during those years at the head of the War Office, and had there shown his singular genius and fitness for that one place. Suppose, then, that on an important question of legislative policy the ministry found themselves in a hopeless minority, and resigned. Here is the one man who can save the English nation. Whom shall the king, in such a case, place and keep at the head of the War Office? Shall he take the man who will ruin the nation, and throw away the man who will save the nation, simply for the reason that the one is and the other is not one of a combination of men who have a majority in the House of Commons? I doubt if many Englishmen would go as far as this.

But it may be said this is an extreme case ; and we must not judge of a system by extreme cases. On the contrary, a system is to be judged precisely by its capacity for meeting extreme cases. Almost any system will do as a fair-weather system. The whole matter comes down to this— is the King of England, in the selection of cabinet ministers at any time, under any conceivable circumstances, to use his own will? If he is, upon what principle is he to be allowed to do so? Upon no conceivable principle, for no possible reason, except that the public good demands it. And how is he to ascertain whether the public good does demand it? Men, the wisest and best, may differ on the point. Who is to decide? In the nature of things only one man can decide—the man who has in law the power. And how is he to decide? He must decide on his own judgment, for he can decide on no other. He might as well try to walk on other men's legs.

There never has yet been a government on the face of the earth where men have not used the power that the law gave them. There never will be one. In years past the English kings have always used their power at their own will. In years to come English kings will still use their power at their own will. They may use it with the most upright purposes, for what they think the people's good. But if the English people wish to keep the possibility of this royal power being well used, they must take the possibility of its being ill used. They will sooner or later find that, for their own safety, it must be in wise hands.

The English people—there is no doubt of it—need to have some one man use, in fact, precisely the power that the king has, in law. They need to have one man at the head of the whole executive administration who shall con-

trol the whole executive administration, who shall have nothing to do with legislation, who shall give vigor and stability to the whole government policy.

But the man who is to do work like that must be a man with strength of his own, something more than another man's son. He must be a man who has proved himself, who is able to do great deeds, who is chosen for what he himself has done and can do, and not on the hope that he will let other men do something for him. He must have a will and judgment of his own. The people must be able to put their trust in what he will do on his own judgment, and not be driven to pray that he will take good advice from good advisers.

And the man who is to have power like that must, of course, be himself held "responsible" for the use of it. It will not do to hold some other men "responsible" for his misdeeds. Who was the wonderful being that hit on this weird fancy of vicarious atonement in affairs of state?

The experience of the English people had shown them that when they did chance to have a king who was able and upright, they had wise and strong executive administration. But they found that this chief executive power must be put in the hands of a man who was—

1. Chosen, in some way, for fitness of some kind.
2. Removed, in some way, for unfitness of some kind.

This had been the lesson of all English history.

They should have made their machinery such as to choose and remove their king, and not his ministers, for some fitness or unfitness of his own. The fitness or unfitness for which ministers are removed should be fitness or unfitness, not for catching votes, but for executive administration. If the House of Commons can be trusted to appoint and remove a dozen ministers, they can be trusted

to appoint and remove one king. If the House of Commons can be trusted to remove a war minister because he has wrong ideas on the Irish Church, they can be trusted to remove him because he knows nothing about army affairs. The difficulty in the English Government is, that they remove the wrong man for the wrong thing. The English people must use with the king himself the same rule that they use with his servants. *He* must be chosen for fitness. *He* must be held responsible. And then give him the use, in fact, of the power he has, in law.

And at last, what is this "system" of "English Constitutional Royalty" as it stands at this day?

It begins with giving the chief executive power in the State to a man, not because he is himself fit, but because he is another man's son. It gives him that power, not to use himself, but for other men to use for him. It does not hold him responsible for the use of the power that he has, but holds his ministers responsible for the use of power they have not. His ministers, who are to use the power that the law gives to him, he is to appoint, not on his own judgment, but at the will of the House of Commons. These ministers, who are the heads of the executive offices, are appointed because they are fit, not for the work of their offices, but for something else. After they are appointed, they give their best efforts, not to the work of their offices, but to something else. The minister does not know how to do the work of his office, but must use the judgment of other men. He is removed from his office, not because he has done its work ill, but because the ministry as a body have blundered in Parliament. Because they have blundered in Parliament, the ministry are removed from their executive offices; and they keep their places in Parliament, where they have made their blunders.

The king, who is, in law, the chief executive, does nothing. The ministry, which is, in fact, the chief executive, does work in the Legislature. The House of Commons, which should do nothing but give supervision to the whole administration, is ever meddling with details. The king, who should use his executive power, has his hands tied by the ministers. The ministers have their hands tied by the House of Commons. The House of Commons has its hands tied by the fear of the next general election.

Men say this is a wonderful system of "checks." It is precisely a system of "checks," and nothing else. We might as well try to run a railway train by the brakes, as manage the army, and navy, and great public works of a nation by any such machinery as that. Such a wonderful thing in the shape of a government was never before seen on the face of the earth, or any other heavenly body. The brain of no human being could ever have devised so ingenious a scheme for having every man's work done by some one else, and everything done ill.

"Why is it," Mr. Bagehot asks,* with charming *naïveté*, "that our English Government, which is beyond comparison the best of parliamentary governments, is not celebrated through the world for administrative efficiency? It is noted for many things; why is it not noted for that? Why, according to popular belief, is it characterized by *the very contrary*?" Why? For the very simple reason that the "popular belief" is true.

It was left for the English people to give to the world its most unique exhibition of the glories of "Constitutional Royalty" when Sir Robert Peel, in 1839, declined to take office because her Majesty the Queen refused to re-

* "The English Constitution," p. 273.

move the ladies of the royal bedchamber. What a sight for England's enemies! That the point of who should be the war minister of a great nation should depend on the question which of two noble ladies should flutter with the sublime ecstacy of drawing on and off the royal hose! And men write gravely of such an affair.

We hear much said of the "English system" of administration. Does any living Englishman know what it is? Sir James Fitzjames Stephen tried to find out, and failed. He gives us the result of his search, as follows:*

"I will content myself with a single additional remark on the chaotic condition to which our Parliamentary system has reduced the executive government. No one living man knows what the system is, or where to get an account of it. Many years ago—more than twenty—I studied the subject with some care, with a view to writing a book about it. Engagements of other kinds caused me to lay the scheme aside; but my inquiries satisfied me that there was no tolerable account of the subject to be found anywhere, and that the only way of forming one would be by giving thorough studies and making personal inquiries which hardly any one is in a position to undertake."

But how did such a machinery ever come into existence?

The English people had their hereditary king. He was not chosen for any fitness of his. He had vast power under the law. And no matter what abuse of that power he might make, there was, under the law, no means of removing him. They found that here was an evil they could not longer endure. They sought a remedy.

They might have said, We will have no king. Or they might have provided some means of choosing a fit man to be king. Or they might have taken from the king his

* *Contemporary Review*, Dec., 1873, p. 16.

power. Or they might have provided some means, under the law, of removing him for an abuse of that power. If they had done either of these things, they would have aimed straight at the evil from which they had suffered.

They did neither.

They kept their king, and surrounded him with "advisers." Even then, if they had punished or removed the king for not taking the advice of his "advisers," there would have been reason in that. They did nothing of the kind. They punish or remove the "adviser," because the king will not take the advice.

These "advisers," the ministers whom the king, in law, appointed and removed, he appointed and removed at the will of Parliament. Naturally it came to be the rule that the ministers were taken from Parliament. The whole machinery came to be a roundabout method of an election by Parliament of ministers from its own members. There was the origin of this confusion of legislative and administrative functions, of this custom of appointing and removing a war minister for things that have no connection whatever with the work he is to do.

Very clearly, too, if the people kept their hereditary king, who was king in form, they could not have an elective king, who should be king in fact. That is the reason why they must have a ministry, which is nothing but a collection of heads of departments, with no one man who is at the head of the executive administration, and who is responsible for it all. For that man would be the real King of England.

The English revolution against hereditary monarchy is not yet finished. It may never be finished. But until it is finished, and until royal power is placed in fit and responsible hands, the English people will have, not a gov-

ernment, but a medley. This attempt to use the machinery of hereditary feudalism for doing the work of a free people is a method behind the age.*

And from the workings of English Constitutional Royalty, we can, unless these views are greatly mistaken, gather these points :

1. There should be one man at the head of all executive administration, with power, responsible for the whole of that executive administration.

2. An executive officer should be chosen for his fitness for the work of his office, and not for work in the Legislature.

3. He should give his time and thought to the work of his office, and not to work in the Legislature.

4. He should be held "responsible" for the work of his office, and not for work in the Legislature.

5. It is not enough to hold only ministers "responsible" for the use of power which is vested in a chief executive. The chief executive himself must be held responsible for the use of his own power.

And these points, on being simply stated, would seem to approve themselves to the common sense of men.

* See Appendix A.

CHAPTER IV.

FALSE REPUBLICANISM—THE TYRANNY OF PARTY.

IN the minds of the men of 1787 who framed the Constitution of the United States, one idea stood out more strongly than any other. They had seen, as they thought, the evils of a tyranny of king and lords. They said, therefore, we will have no king and no lords. There shall be nothing hereditary in our system of government. They said, we will have—

1. No man inheriting power for his birth.
2. No man holding power which cannot be taken from him.

But they said—

1. Power shall be given to men for their fitness.
2. Power shall be taken from men for their unfitness.

The end of this Government was to be the good of the people.

The intention was that this Government should be, as the phrase is, a government by the people, that—

1. The people should choose their own rulers.
2. The people's offices should be used only in the people's service.

The result has been a government by party.

1. Party has chosen the people's rulers.
2. The people's offices have been used in the service of party.

As it seems to me, few men are in the habit of thinking

how far these two statements are true, how thoroughly the interests of the people have been sacrificed by our public servants to the needs of party. It is a point worthy our careful consideration.

Let us take the two points in their reverse order. Let us first see how far the people's offices have been used in the service of party.

Party did not at once get its full growth. Nor did the system of party rule at once bring its full fruits. Able men wished to serve the people under the Government; and the people wished and had their services. It took many years for party politics to drive our best men from public life, where they wished to be, and where the people wished they should be.

But the system began its work early. The abuses began as soon as parties got their existence. In the earliest days of party history, party men acted on true party principles. They used the people's offices to pay for party services. They used official power for party ends.

Thomas Jefferson was the first leader of the first opposition party. Let us see what party action was in his day, as he describes it.

Mr. Jefferson writes, just before his own election as President,* under date 12th February, 1801 :

“Edmund Livingston tells me that Bayard applied to-day or last night to General Smith, and represented to him the expediency of his coming over to the States who vote for Burr; that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston, and to W. C. Nicholas, who confirms it to me. Bayard, in like manner, tempted Livingston,

* Jefferson's "Writings," ed. Boston, 1830, vol. iv. p. 515.

not by offering any particular office, but by representing to him his (Livingston's) intimacy and connection with Burr, and that from him he had everything to expect, if he would come over to him. To Dr. Linn, of New Jersey, they have offered the government of New Jersey."

And as to this bargain and sale of the people's offices, from Mr. Jefferson there came not so much as one word of surprise.

Very naturally, Thomas Jefferson, the apostle of liberty, the foe of monarchy and corruption, the first leader of the first opposition party in our history, may claim and keep the glory of being the first President of the United States who confessedly used the power of his office for mere party purposes. He gives us the statement of his own deeds and principles in a letter dated the 23d March, 1801—immediately after his inauguration to the office of President of the United States.*

"That some ought to be removed from office and that all ought not, all mankind will agree. * * * Some principles have been the subject of conversation, but not of determination: *e. g.*—1. All appointments to civil offices during pleasure, made after the event of the election was certainly known to Mr. Adams, are considered as nullities. I do not view the persons appointed as even candidates for the office, but make others without noticing or even notifying them. * * * 3. Good men, to whom there is no objection but a difference of political principle, practised on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys and marshals. The courts being so decidedly federal and irremovable, it is believed that *republican* attorneys and marshals, being the doors of entrance into the courts, are indispensably necessary as a shield to the republican part of our fellow-citizens, which, I believe, is the main body of the people."

These words were written when John Marshall was

* Jefferson's "Writings," vol. iii. p. 464.

Chief-Justice of the United States. Did Mr. Jefferson really believe that John Marshall dealt out decrees according to the political opinions of the suitors before the courts? Did Mr. Jefferson mean that the "attorneys and marshals" whom he appointed were to know parties in the administration of justice, or that they were in any case to interfere with the due and decorous administration of the law?

These questions can best be answered by considering what Mr. Jefferson has written in reference to the somewhat noted case of Callender.

Callender had been indicted, tried, and convicted under the Sedition Act. He had been sentenced to pay a fine for his breaking the law. There was no doubt of the man's guilt, nor had there been any error in his trial. He was pardoned by the President, who ordered his fine to be repaid him by the Government. Of this executive action Mr. Jefferson wrote:*

"In the cases of Callender and others the judges determined the Sedition Act was *valid under the Constitution*, and *exercised their regular power* of sentencing them to fine and imprisonment. But the executive determined that the Sedition Act was a nullity under the Constitution, and exercised his regular power of prohibiting the execution of the sentence, *or rather of executing the real law.*"

It could not admit of a doubt that Congress had the power to enact laws to punish rebellion, or that such laws should be enforced. It was clear, too, that a sure way to bring the government to ruin was to hinder those laws from being executed. It will be seen that Mr. Jefferson had some difficulty in finding a fitting phrase to describe

* Jefferson's "Writings," vol. iv. p. 75.

this executive action. To "execute the real law" by pardoning a criminal convicted for breaking it is something new in legal definitions and in legal ethics. The executive whose action is thus happily described was Thomas Jefferson, the first President who deliberately encouraged violation of the laws, and who had, it is presumed, with due solemnity, taken his oath to "defend the Constitution of the United States."

Let us consider another instance :

The right of an accused person in a criminal prosecution to have "the assistance of counsel for his defence" has always, in this country, been allowed to be essentially necessary for securing the liberty of the citizen. And so important was it deemed by the founders of our Government, that even in the Constitution of the United States it is secured by a special clause, though it was not, in ordinary times, or at the hands of ordinary men, thought to be in danger. On the trial of Burr for high treason, Mr. Luther Martin, one of the lights of the American bar, was one of the counsel for the prisoner. And during that trial Mr. Jefferson, then President of the United States, wrote to his friend Mr. Hay, who was concerned in the prosecution :*

"Shall we move to commit Luther Martin as particeps criminis with Burr? Graybell will fix upon him misprision of treason at least; and, at any rate, his evidence will put down this unprincipled and impudent federal bull-dog, and add another proof that the most clamorous defenders of Burr are all his accomplices."

In later years we have seen the President of the United States ostentatiously welcome a prisoner in the dock at a

* Jefferson's "Writings," vol. iv. p. 87.

state dinner in the executive mansion. It has, however, seldom been the case that the Chief Magistrate of this country has used the influence and power of his high position to hinder the conviction and punishment of criminals, or to interfere with the administration of justice. For executive action of this class Mr. Jefferson gives us the earliest precedent. And it needs high authority.

Now Mr. Jefferson was a conscientious man. Nor was he a man who seriously intended to violate his oath of office. But he was the first high official in the Government who set the example to the people of the United States of deliberately defying the law. From his teachings of resistance to what he called illegal laws came the whole theory of nullification, and the whole fact of the rebellion. Would he have ever done the things here mentioned except for the pressure of party and party needs?

The practice instituted by Mr. Jefferson, of making appointments to and removals from office for mere party reasons, grew until Mr. Van Buren established it in all its fulness. From his time it was the regular system, acted on by both parties, that public offices were the spoils belonging to the victors in the party contests. And from that time down to the present the ordinary practice has been, on the coming in of a new party, to remove every official belonging to the old party, and use his place as a reward for party service, except that some experienced men who were needed to carry on the ordinary department business have generally been continued from one administration to another.

The abuses of party action did not become so gross or so apparent until later in our history; and it is especially the period of the rebellion and its beginning that here concerns this argument.

Mr. Lincoln was in many ways a very great man—a man of remarkable eloquence, and of a peculiar wisdom that seemed at times to be a kind of inspiration. Most men will concede that he was a man of thoroughly pure intentions, having in all his acts only a wish to serve the people's highest interests. In him the people had unbounded faith. They were more ready to follow him than he was to lead them. His power over them he never knew. If, then, we find that such a man, in his attempts to serve the nation, was overborne by party and party influences, party in this country must have a power too great for the people's good.

As soon as Mr. Lincoln was elected President, it was seen that a war for national existence was to be carried on. It was clear that the war would be a great war. Great amounts of money and material were to be handled. The success of our armies and fleets depended on the way in which this money and material should be used. It was, to the people of the United States, matter of life and death that there should be placed at the head of the War and Navy departments men who were able and honest, as Mr. Lincoln well understood.

At the time of Mr. Lincoln's nomination for the Presidency at the Chicago Convention, according to one of his biographers, an agreement had been made between the friends of Mr. Lincoln and the friends of one Simon Cameron, of Pennsylvania, that if the Pennsylvania delegates to the Convention would vote for Mr. Lincoln, a seat in Mr. Lincoln's cabinet, if he should be elected, would be given to Mr. Cameron. This agreement had been made without Mr. Lincoln's knowledge. But after Mr. Lincoln was elected, he was asked to carry out the bargain which his friends on his behalf had made. As to what followed, the narra-

tive will be taken from Mr. Lincoln's biographer. The biographer says :*

"Cameron had many and formidable enemies, who alleged that he was a man notorious for his evil deeds, shameless in his rapacity and corruption, and even more shameless in his mean ambition to occupy exalted stations, for which he was utterly and hopelessly incompetent ; that he had never dared to offer himself as a candidate before the people of Pennsylvania, but had more than once gotten high office from the Legislature by the worst means ever used by a politician ; and that it would be a disgrace, a shame, a standing offence to the country, if Mr. Lincoln should consent to put him in his cabinet."

As to Mr. Lincoln's action, the biographer continues the story from the statement of one of the actors—Colonel M'Clure :

"I do not know that any one went there to oppose the appointment but myself. * * * Lincoln's *character for honesty was considered a complete guaranty* against such a suicidal act. No efforts had therefore been made to guard against it. * * * I hastily got letters from Governor Curtin, Secretary Slifen, Mr. Wilmot, Mr. Dayton, Mr. Stevens, and started. I took no affidavits with me, nor were any specific charges made against him by me, or by any of the letters I bore ; but they all sustained me in the allegation that the appointment would *disgrace the administration and the country, because of the notorious incompetency and public and private villany of the candidate.* I spent four hours with Mr. Lincoln alone ; and the matter was discussed fully and frankly. Although he had previously decided to appoint Cameron, he closed our interview by a reconsideration of his purpose, and the assurance that within twenty-four hours he would write me definitely on the subject."

Mr. Lincoln's own opinion of Mr. Cameron was so bad as to make him think that the mere appointment of Mr. Cameron by him to a cabinet position would of itself destroy his own great reputation for honesty. According to his biographer, he said :

* Lamon's "Life of Lincoln," p. 459.

“All that I am in the world—the Presidency and all else—I owe to that opinion of me which the people express when they call me Honest Old Abe. Now what will they think of their *honest* Abe when he appoints Simon Cameron to be his familiar adviser?”

The appointment was made. At the head of the Navy Department, where, too, as in the War Department, it was absolutely essential to the people's safety that we should have vigor, honesty, and knowledge, a man was placed who knew nothing whatever about ships or naval affairs, and who had never shown any qualifications for the office. He was a party man, appointed for party reasons.

The result was what was to be expected.

The Government was compelled to purchase large quantities of material of all kinds—arms and supplies for the army, and vessels for the transport service and the navy. To the ordinary lay mind it would seem natural and reasonable that vessels to be purchased should be fitted for the use they were to be put to. The arms to be bought should have been such as could be of service. And it was very clear that the men, of all others, who would be the best judges of what was needed by the two branches of the service in the way of ships and arms would be the officers of the navy and army. And the officers of the navy, in the beginning, had nothing else on which they could well be employed except these very purchases. For we had no vessels for them to command. For some reason, however, best known to the men who conducted the affairs of the country at the time, the political friends of Congressmen and cabinet members were found, of all men in the United States, to be the only ones having the needed skill and knowledge which fitted them to make purchases for the Government.

The purchasing of vessels for the Navy Department at

the port of New York was taken from the commandant of the Navy-yard there, and transferred to a man of whom a House of Representatives Committee* says that he had

“never had the slightest experience in the new and responsible duties which he was called upon to discharge, either in the naval service, the building or buying and selling of ships, or in any pursuit calling for a knowledge of their construction, capacity, or value, never having spent an hour in either.”

The committee further say that

“The evidence was abundant before the committee, that if it had been necessary to obtain the services of any gentlemen outside of the navy itself, those gentlemen, combining from experience and education the knowledge most calculated to fit them for this duty, independent of outside aid, could have been secured without the slightest difficulty for a salary not exceeding \$5000 for the year.”

The other points of the affair can be best given in a literal extract from the committee's report. They say of this purchasing agent that he

“received as compensation during the period of seven weeks previous to the 6th day of September, when this testimony was taken, the enormous sum of \$51,584, as admitted by himself before the committee. When this testimony was taken, information of its extraordinary character and import was communicated to the department, in the hope that an abuse so glaring, when pointed out, might be corrected. Yet, notwithstanding the department became thus possessed of the information that its own agent was, by this system of commissions, amassing a private fortune, the committee have been surprised to learn, from a recent communication from the Navy Department furnishing them with the numbers and prices of vessels purchased by Mr. Morgan for the Government since said 6th day of September, that the cost of those thus purchased by him amounts in the aggregate to the sum of \$1,736,992. If he has received the same

* House of Representatives, Thirty-seventh Congress, Second Session, Report No. 2.

rate of compensation since as before that date, there must be added to the sum of \$51,584 paid him before that date the further compensation of \$43,424 for services rendered since, making in all the sum of \$95,008 paid to a single individual for his services as agent of the Government since the 15th day of July, a period of four and one-half months."

And the committee add:

"The committee do not find in the transaction the less to censure in the fact that this arrangement between the Secretary of the Navy and Mr. Morgan was one between brothers-in-law."

Five thousand carbines belonging to the Government were sold to a private individual for \$3.50 apiece, and were immediately repurchased for the Government for \$22 apiece, making a difference on this one transaction of nearly \$90,000. One lot of these carbines suffered this process of sale and repurchase twice. They were first sold by the Government at a price merely nominal, and were repurchased at \$15 apiece. They were again sold by the Government at the price above stated, of \$3.50, and again repurchased at \$22. How many other times these arms did service under the purchase and sale treatment, or whether they ever did service in the field, did not appear.

A certain contractor testified that he furnished supplies to the Government to the amount of \$800,000, on which he made a profit of over forty per cent. The purchases from him were made in direct violation of law. Two politicians in New York, one of them an old personal and political friend of the Secretary of War, had \$2,000,000 of Government money placed in a private banking-house, subject to their order for the purchase of supplies, in violation of law: \$250,000 of this money they spent without ever accounting for any of it. It was in evidence that of this amount \$10,000 was paid for a large quantity of

groceries supplied by a dealer in hardware. And another sum of over \$20,000 was paid for "straw hats and linen trousers." But no one in the army saw any of our troops decked in this fantastic costume. Within the period of one month \$151,000 was paid for fortifications which were to be constructed at St. Louis, before even the contract for doing the work was executed. Two steamers were purchased by a friend of high Government officials for about \$100,000, and were immediately sold to the Government for \$200,000. One steamer was chartered to the Government for \$2500 a day, and the Government paid \$135,000 for a period in which she lay at a wharf before she was ever once used. One railroad company received for transportation in one year from the Government over \$3,500,000, being an excess over the company's entire earnings for the previous year of \$1,350,000, or about forty per cent. And the rates charged for this transportation were about thirty-three and one-third per cent. in excess of the rates paid by private individuals. The brother-in-law of the president of this railroad company was Mr. Lincoln's Secretary of War.

These are merely single instances of the way in which the people's money was wasted by the party leaders and their political supporters.

That was not all. In every war, under any form of government, there has generally been more or less waste of the public money. It remained for the great republic of modern times to give to the world the most unique exhibition of campaigning recorded in history. Not only did we waste our own men and money, but we fed and clothed the army of the enemy we were fighting. The Confederate forces got the very supplies which kept them in the field by trade carried on through the lines under

written permits given by the President of the United States.

The report of a Congressional committee states :*

“The testimony before the committee discloses the shameless and treasonable character of the trade which has been carried on within the rebel lines with rebel agents, and for the use of rebel armies. The amount of supplies necessary for the support of rebel armies, which, under the cover of this trade, has been sent through the rebel lines at New Orleans, Memphis, Norfolk, and other places, almost surpasses belief. Negotiations have been entered into and correspondence carried on by citizens of the United States with rebel agents to deliver for the rebel government provisions and other necessary articles to sustain the rebel armies in return for cotton.”

And the report adds :

“General Canby states that the rebel armies east and west of the Mississippi River have been mainly supplied for the last twelve months by the unlawful trade carried on on that river.”†

* Report on “Trade with Rebellious States,” Thirty-eighth Congress, Second Session, House of Representatives Report, No. 24.

† Here is a specimen of the permits under which this trade was carried on :

“An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the cotton above mentioned, and the parties having agreed to sell and deliver the same to said agent,

“It is ordered that the cotton, moving in compliance with and for fulfilment of said contract, and being transported to said agent, or under his direction, shall be free from seizure or detention by any officer of the Government ; and commandants of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets, will observe this order, and give the said * * * their agents, transports, and means of transportation, free and unobstructed passage, for the purpose of getting said cotton, or any part thereof, through the lines, and safe conduct within our lines, while the same is moving, in compliance with regulations of the Secretary of

But party influence went further than controlling the Treasury and the War and Navy departments. It controlled the appointment of our generals. Politicians aspired to the glory of the soldier. They were men without either education or experience. One of them at least had never in his life so much as handled a battalion or a company on a parade ground. Men of this kind were given general's commissions and the command of armies; and through their ignorance and incapacity thousands of better men than themselves lost their lives.

But party influence interfered with the management of our armies in the field. General M'Clellan may or may not have been a great general. It is certain that he never was allowed to fight his campaigns in his own way. He should have been allowed to fight them in his own way or not at all. Intriguing party leaders, for party reasons, did everything that could be done to hinder his success.

The affairs of the Government in all departments, throughout the war, were managed by party men on true party principles—that is, the people's offices were used, not for the service of the people, but for the service of party, to reward party men for party work. One party is no better and no worse than another. It is the natural result of our system of party rule.

Let us see, if we can, what was the cost to the people of the United States of these party methods.

In the nine years—1862 to 1870, both inclusive—during which came the war of the rebellion, our general government alone spent more than \$5,500,000,000. From the

the Treasury, and for fulfilment of said contract with the agent of the Government.

ABRAHAM LINCOLN."

Committee Report No. 24, Second Session Thirty-eighth Congress.

organization of the national government down to the year 1862, there had been only two years when its expenditures reached the figure of \$74,000,000. At that rate of former years, we may assume that the ordinary expenditures of those nine years, without any war expenses, would have been in all not more than \$600,000,000. The difference between these two amounts, about \$4,900,000,000, stands for a part of the cost of the war of the rebellion in mere money. But, aside from these expenditures of the national government, there were immense sums of money paid out by the States and cities and towns all over the country for war purposes. And the disbursements for the war have not, even in 1879, all yet been made. Five thousand millions of dollars is doubtless far within the figures of the money expenditure for the war made by the general government alone.

At least one-half that amount of money, \$2,500,000,000, was simply thrown away, or stolen, through the incompetency or dishonesty of our public officials. From the beginning to the end of the war the waste of the people's money was utterly unchecked. General Schofield, as high authority as could be cited, has written :*

“It is capable of demonstration, to the satisfaction of any average military mind, that our late war might have been brought to a successful conclusion in two years instead of four, and at half the cost in men and money, if any one soldier of fair ability had been given the absolute control of military operations, and of the necessary military resources of the country.”

Every intelligent man who saw anything of the way in which the war was carried on knows that to be a moderate statement.

* Cited in “The Army of the United States,” by General J. A. Garfield, *North American Review*, May-June, 1878.

Every one will admit that we began the war under great difficulties—that an immense army was to be organized and supplied, and that the machinery for that purpose was not then in working order to organize and supply it. But who was the proper man to be placed in charge of this enormous work of organizing and supplying this great army which was to fight for national existence—a party politician, or an honest and capable soldier?

Mr. Lincoln's opinion of his Secretary, of his "familiar adviser," was strictly accurate, as Mr. Lincoln well knew, when he placed him at the head of the War Department. Take the most charitable view that we can of that appointment, and is it anything more or less than the fulfilment by the President of the United States of an agreement to sell an office?

But wherein consisted really the greatest injury to the people's interests and the people's conscience? Perhaps not in the mere making or performing of an agreement to appoint, but in the character of the appointment. Lord Bacon admitted that he took bribes, but claimed, by way of defence, that he always gave just decrees. If Mr. Lincoln could have said to the people, "It is true that my friends bought votes for me at the nominating convention by promising that I should appoint Mr. Cameron to the War Department, and I, knowing the terms of the purchase, have taken the votes and paid the price. Buying votes is indeed a bad thing. But then Mr. Cameron is, of all men, the one most fit to fill that high office now in my gift. And by my oath of office, which weighs heavily on my conscience, I am bound to appoint him for his great fitness, and so I must do"—the position would be different.

Mr. Lincoln was at last compelled to summarily dismiss his Secretary. And, of course, the dismissal was made in

terms fitting the conduct which had been its cause. Here are its words:

“HON. SIMON CAMERON, *Secretary of War*:

“DEAR SIR,—I have this day appointed Hon. Edwin M. Stanton to be Secretary of War, and you to be Minister Plenipotentiary to Russia. Very truly,
A. LINCOLN.”*

That was not the end. The dismissed Secretary wished to have it appear on the record that he had not been dismissed at all, that he had voluntarily resigned his office, that his resignation had been honorably accepted, and that he had been honorably appointed to another position, where he, a man of high personal worth, was fitly to represent a great nation at an imperial court. As a matter of fact, he had not resigned. To make it appear so, it would be necessary that there should be a falsification of the correspondence between himself and the President, of the records of the people of the United States. And more than that, it was necessary that the President of the United States should be a party to this falsification of public records.

I take from the same biographer the account of the next scene, as given from the witness to the earlier incidents.

Colonel M'Clure says:†

“In my presence the proposition was made and determined upon to ask Lincoln to allow a letter of resignation to be *antedated*, and to write a kind acceptance of the same in reply. The effort was made, in which Mr. Chase joined, although perhaps ignorant of all the circumstances of the case, and it succeeded. The *record* shows that Mr. Cameron voluntarily resigned, while in point of fact he was summarily removed without notice.”

* Lamon's "Life of Lincoln," p. 461.

† *Ibid.*, p. 462.

How did it happen that Mr. Lincoln, a man of the most honest intentions, and moved at all times by the purest wishes for the people's good, appointed to office corrupt men, knowing them to be corrupt; that the stealing of money and the waste of life, which he could have made impossible by the mere giving or withholding his name on paper, went on without intermission from the beginning of the war to the end, with his knowledge, and with no substantial interference on his part?

With all his high purposes, with all his great eloquence, and with all the wisdom and shrewdness which Mr. Lincoln undoubtedly had, and whatever may have been his theories as to the duties of a President of the United States, in practice he always regarded party interests in his official action. His appointments were party appointments. In law, he, the President of the United States, had in his hands power which he was bound to use with a view only to the people's good. In fact, he gave the use of this power to the party men who surrounded him, to be used for party interests. That he intended to use his power wrongly for his own interest, no fair man can believe. That he allowed his power to be used for the interests of his party, and to the great injury of the interests of the people, no fair man can doubt.

The war was ended. The most remarkable state of affairs that has ever been seen in history called for wise action. One race—men of free blood, of free lives—had been conquered. They had been conquered, not by a foreign tyrant, but by a free Government, against which they had rebelled; and they were to keep their freedom. Another race, of slaves, were to be made free. They had got their freedom at the gift of the conquerors of their old masters. And these slaves and their old masters were to live on the

same soil, and have the same rights under the law. These two races had been deadly foes, and they were to be made into one people under the same laws, if that could be done. The task no doubt was a hard one; it needed wise rulers and the help of all men. It was the great work to be done by the administration of President Grant. Let us see how that administration gives its teachings.

Here was another President, a man of thoroughly honest intentions, a man of great strength of will, who had done the people great service, who began his administration with at least an attempt to perform the duties of his office to the best of his ability. Especially it was clear that President Grant at the outset of his term had strong prejudices against the professional party men, and intended not to be guided by them in his official action.

No man can fail to be influenced by his surroundings. President Grant was no exception to the general rule. There is no reason to think that he at any time changed his principles, or that he had in any part of his service as President any intention to do anything other than what he thought his duty. But he, too, submitted, as have all Presidents in late years, to the control of the party leaders, as nearly as can be gathered from his actions. Some of the events during his term of office are pertinent to this part of the discussion, and will be here given; and the attempt will be made to examine only such matters as admit of no real difference of opinion.

In the State of Louisiana there was, in the year 1872, a bitter contest for the control of the State government between the two prominent political parties. There was a dispute as to the office of governor, whether the Republican or Democratic candidate was elected. A suit was brought in the United States Court by the Republican

candidate for that office of governor. A committee of the United States Senate, of whom a majority were Republicans, and who cannot be presumed to have been unduly opposed to the policy of the Republican executive and cabinet, reported, as to this suit in the United States Court, as follows :

“It is at least questionable whether this bill on its face presented a case within the jurisdiction of the Federal court. * * * Conceding, however, that the bill did present a case within the jurisdiction of the court, that jurisdiction was limited by the scope of the bill, and gave no warrant to the extraordinary proceedings which were subsequently had in the case. The subsequent attempt of the court, on a bill in equity, to determine the title of Warmouth, Wharton, and others to act as State canvassers, was a matter wholly beyond the jurisdiction of the Federal courts.”

The fact that the Federal court had no jurisdiction did not, however, hinder a United States judge from making an order which gave final judgment, before the defendant was ever brought into court, declaring one board of canvassers to be illegally constituted, and forbidding them to take any official action on the returns. The order, although made by a judge, was, in point of law, worth precisely the paper on which it was written.

This order was followed by another, made equally in defiance of law, of which the same Senate committee say :

“It is impossible to conceive of a more irregular, illegal, and in every way inexcusable act on the part of the judge. Conceding the power of the court to make such an order, the judge out of court had no more authority to make it than the marshal. It had not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and *had no more legal effect* than an order signed by any private citizen.”

The Senate committee say further :

“Viewed in any light in which your committee can consider them, the order and injunction made and granted by Judge Durell in this cause are most reprehensible, erroneous in point of law, and are wholly void for want of jurisdiction.”

The order, of which the committee used these words, directed the United States Marshal to

“forthwith take possession of the building known as the Mechanics’ Institute, and occupied as the State-House, for the assembling therein of the Legislature in the city of New Orleans, and hold the same subject to the further order of this court, and meantime to prevent all unlawful assemblages therein.”

This order was signed, or claimed to have been signed, at midnight of the 5th December, 1872. On the 3d December, 1872, the Attorney-General of the United States in Washington telegraphed the following message :

“Department of Justice, December 3d, 1872.

“S. B. PACKARD, *U. S. Marshal,*
New Orleans, La. :

“You are to enforce the decrees and mandates of the United States Courts, no matter by whom resisted ; and General Emory will furnish you with all necessary troops for that purpose.

“GEO. H. WILLIAMS, *Attorney-General.*”

It is not unreasonable to conclude that this telegraphic despatch was sent for the purpose for which it was used. The purpose for which it was used was the execution of the “void” order just given. And that was the only “mandate” there was to be “enforced.” The use that was made of this “void order” was forthwith telegraphed to the President of the United States by his brother-in-law, one of the men who used it, in these words :

“New Orleans, December 6th, 1872.

“PRESIDENT GRANT,—Marshal Packard took possession of the State House this morning with a military posse, in obedience to a *mandate*

of the Circuit Court. * * * Decree of the court just rendered declares Warmouth's returning-board illegal. * * * The decree was sweeping in its provisions, and if enforced, will *save the Republican majority, and give Louisiana a Republican Legislature and State Government.* * * *

JAS. F. CASEY."

The legally elected Governor of the State of Louisiana, who was hindered by the United States troops, acting under this void "mandate" of a United States judge, from exercising the duties of his office, telegraphed to the President of the United States in these words :

"His Excellency U. S. GRANT,

President of the United States :

"Claiming to be Governor elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here, until there can be laid before you all facts and both sides touching the legitimacy of either government. The people denying the legitimacy of Pinchback's government and its legislature simply ask to be heard, through committees of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard."

The President of the United States made no answer whatever to the respectful written communication of the Governor elect of the State of Louisiana. His Attorney-General, however, presumably by the President's directions, sent the following reply :

"Hon. JOHN M'ENERY,—Your visit with a hundred citizens will be unavailing, so far as the President is concerned. His decision is made, and cannot be changed ; and the sooner it is acquiesced in, the sooner good order and peace will be restored.

"GEO. H. WILLIAMS, *Attorney-General.*"

Who can say that in these one hundred years no discoveries have been made in constitutional procedure? In an-

cient times it took years and a war to crush a government. It was here done in less than twenty days, without a drop of blood, by a piece of paper called a "mandate" of a court. And with what ease! Courts in former years were in the habit of hearing argument with parties before them. They took time to deliberate and render judgment. Here everything was done without any of the tedious delays, any of the weary wrangles attending the administration of justice in ancient times and under ancient forms. Judgment was given in the presence of only one party—the sworn testimony before the Congressional committee went so far as to say, in the presence of neither party.

In the same State, at a later period, the members of one House of the State Legislature were expelled from their place of meeting by the troops of the United States, acting under orders from the department at Washington.

In 1867 the Governor of the same State was "removed from office," and another governor appointed, by a common army order of a general of United States forces.

And so late as the year 1875, General Sheridan, of the United States army, sent to the Secretary of War a despatch containing the following words:

"I think that the terrorism now existing in Louisiana, Mississippi, and Arkansas could be entirely removed, and confidence and fair dealing established, by the arrest and trial of the ringleaders of the armed white leagues. *If Congress would pass a bill declaring them banditti, they could be tried by a military commission.*"

This despatch meant that United States citizens should be hung or shot without a trial by a court and jury. General Sheridan is a great cavalryman, but a poor lawyer, and no statesman at all. He is a wonderful man in his place—on the field of battle. His action was what might have been expected from an impulsive soldier. From the Pres-

ident of the United States and his cabinet, however, the country, of course, looked for wise and temperate counsels, and of course the country had them. The answer of the Secretary of War to this despatch was as follows :

“Gen. P. H. SHERIDAN, *New Orleans, La.* :

“Your telegram is received. The President and all of us have full confidence, and *thoroughly approve your course.*”

And the President of the United States, in a message to Congress, said of this proposed course of General Sheridan :

“*He never proposed to do an illegal act, nor expressed a determination to proceed beyond what the law might authorize for the punishment of the crimes which had been committed, and the commission of which cannot be successfully denied.*”

Lawyers in this country had been in the habit of believing that it was not within the power of a general of the army to shoot citizens of the United States without a fair trial in a court. It is well that they should be advised of their errors by a great publicist.

These are single cases. The political history of the United States in the years since the war has been a long story of corruption and misconduct on the part of public officers.

Since the year 1870, we have spent on our navy alone over \$180,000,000, for which we ought to have an efficient fleet of war vessels. We have nothing whatever to show for it. The money has been simply thrown away. The account given in 1874 by Admiral Porter of the condition of our navy is now as true as it was then. He then wrote :*

“I may therefore say that our navy, as compared with others, is

* Report Admiral D. D. Porter, printed with the Report of the Secretary of the Navy, Dec. 1st, 1874, pp. 199-201.

like a foot-soldier armed with a pistol, encountering a mounted man clad in armor and carrying a breech-loading rifle. It would be easy to imagine how little chance the man on foot would have should a conflict occur. * * *

“There is not a navy in the world that is not in advance of us as regards ships and guns, and I, in common with the older officers of the service, feel an anxiety on the subject which can only be appreciated by those who have to command fleets and take them into battle.

“If called upon at this time to command the naval forces of the United States, in case of hostilities, a position which it is my ambition and my right to fill, I should be put to my wit’s end to succeed with such an incongruous set of vessels as we now possess. Prudence would probably recommend that they be shut up in port, and no fleet operations be attempted with them; sending the wooden vessels abroad singly, to do all the damage possible until captured by the enemy; our fifty-gun frigates perhaps succumbing to a two-gun clipper armed with ten-inch rifles, and our small cruisers driven off by merchant vessels carrying rifle-guns of lesser calibre.

“This is no exaggeration. It is simply what will occur when we go to war, and it would be much better to have no navy at all than one like the present—half-armed and with only half speed—unless we inform the world that our establishment is only intended for times of peace, and to protect the missionaries against South Sea savages and Eastern fanatics.”

The revenue legislation of the country and the action of executive departments have, in repeated instances, been framed and guided in the interest of informers and spies, to enable them to plunder honorable merchants. Officers of the law, whose duty it was to protect the citizen, have used their power to extort money from honest men. It is matter of common knowledge that members of Congress have been paid for their votes. It is matter of recorded testimony that judges of our highest courts have corruptly received money, in bank-notes, the currency of thieves. In one form or another the party politicians, in

late years, have been accumulating fortunes by plundering the people. In the feudal times the kings of England, ruling by divine right, raised their revenues by force, in open violation of the law. In our own day and country, the rulers chosen by a free people levy taxes, under the law, and steal the money that is paid into the public treasury. The methods only have changed.

Finally, in the great commercial metropolis of the United States, the science of party politics reached its highest development and its perfect fruit.

There had been in New York, as elsewhere, nominally two political parties. But centralization was the order of the day. It surely was a discovery of genius that one man should manage both parties. On the surface, in the city of New York, there were apparently bitter contests between Republicans and Democrats. Intelligent citizens were deluded with the idea that there really were two sets of party men, who were battling earnestly and honestly for great political principles. The statesmen of the city of New York, calling themselves by two sets of names, would appear before the public, make their party platforms and resolutions, denounce one another's political sins, and then quietly and copiously dine and wine together, make up together their lists of candidates for public office, and arrange together with accuracy how the repeaters should roll up the majorities. And after honest citizens had cast their ballots for the candidates placed before them, with an innocent idea that they were in some vague way or other enjoying the franchises of free government, the men who arranged the scenery and characters of the play proceeded to plunder the public treasury, and rob private individuals.

These men, who controlled political affairs in the city of

New York, established as thorough a tyranny as has been seen in any civilized country in many years. Neither life, liberty, nor property was safe. One prominent member of the New York bar was struck down in the street and left for dead, because, as was believed, he had made himself too prominent in his opposition to the schemes of certain powerful men in the city of New York. Another was put in prison, without bail, for honestly protecting the property of other men that had been trusted to his care. Corporation elections were carried by corrupt orders of the courts. Bankers' offices were entered in broad daylight, and securities taken from them under the process of a Court of Chancery. The high prerogative writ of *habeas corpus*, the great bulwark provided by the English common law for the liberty of the subject, was used for the discharge from prison of convicted criminals. The remedial process of a Court of Equity, originally designed for the preservation of property for its rightful owners, was used for the purpose of taking it from them and giving it to thieves. As we now look back on it, the administration of justice in the city of New York a few years since has an aspect almost ludicrous. It was not then ludicrous. In England the courts had at times been made the means of political oppression, but they had been created, and had in the main been used, for the purpose of doing justice between man and man, and of protecting property. To use them for the purpose of simple stealing—that was an achievement reserved for the statesmen of a free democracy in the nineteenth century.

The results of the last Presidential election give us the latest instance of the legitimate workings of party and party rule.

We have in the Presidential office a man as to whose

strict personal honesty no one has a doubt. He began his administration by calling to his cabinet men of honor and ability. He, too, made it clear that his intention was, in his official action, not to be guided by the wishes of party schemers. He was elected to his office for the reason that the people believed he was going to give them civil service reform. He begins his administration with a declaration that there are to be no removals from office for mere party reasons. Every honest man throughout the country applauds him. Sound principle and consistency both require, too, that there should be no appointments to office for mere party reasons. He follows this declaration with an order (in effect) that executive officers shall not take any part in influencing elections. Again, every honest man applauds him. There can be no doubt of the wisdom of his action. At least he has none. In England, so long ago as 1779, the British House of Commons resolved that "it is *highly criminal* in any minister or ministers, or other servants under the Crown of Great Britain, directly or indirectly, to use the powers of office in the election of representatives to serve in Parliament, and an attempt at such influence will at all times be resented by this House as aimed at its own honor, dignity, and independence, and as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this free and happy constitution." The present President, before his election, announced his determination to serve in any event for only one term. If he had the capacity and honesty to serve the people well, his services would, indeed, at the end of one term merely begin to have their value. And then, if ever, should they be at the people's command. But having made and announced that decision, he has no personal ends to serve, no fears of party

men to influence him. And he has all the power. He has not changed his mind as to his duty. No new experience has shown him the folly of his own opinion or of British legislation. He was elected to office, not because the people at large knew him to be a great man, for they knew nothing of him at all, but because they believed him to be an honest man, and that he would honestly carry out his promises of giving them a pure civil service. They still believe him to be honest.

But the one thing that he promised to do he has not done.

Civil service reform meant only that public servants were to be appointed for nothing whatever but their fitness. A very large number of the men who had to do with carrying the election in certain doubtful States in favor of the present President have been appointed by that President to offices under the general Government. Who is there that believes that these appointments have been made for the fitness of the men? Most men believe that these appointments have been made because of some agreement or understanding that, if certain votes were counted in a certain way, the men who did the counting should be paid for it—with the people's offices. No one thinks the President made the bargain. He only took its fruits, and paid the price.

And the main feature of the last Presidential election is this, that the unelected candidate is charged with having made an attempt, which failed, to buy electoral votes with his own money, and the elected President is believed to have paid for electoral votes with the people's offices.

For a President of the United States to buy votes with his own money is a thing bad enough. For him to buy them with either promises or gifts of the people's offices

is somewhat worse. His money is his own, to do with as he wills. The offices are the people's, which he, their Chief Magistrate, is bound to bestow on the fittest men, and not to use in any way for his own profit; and, both in law and in morals, it makes slight difference whether a President of the United States himself makes the bargain to buy votes, or simply carries out the bargain made by other men, and pays for the votes after they are cast in his own favor.

But the most remarkable instance in our history, as far as I am aware, of the power of party, party habits, and party influences over official action, we have from Mr. Buchanan. It will be best given in the words of one of the actors in the scene, the Hon. Thomas L. Clingman.*

“About the middle of December [1860] I had occasion to see the Secretary of the Interior on some official business. On my entering the room, Mr. Thompson said to me, ‘Clingman, I am glad you have called, for I intended presently to go up to the Senate to see you. I have been appointed commissioner by the State of Mississippi to go down to North Carolina to get your State to secede, and I wished to talk with you about your Legislature before I start down in the morning to Raleigh, and to learn what you think of my chances of success.’ I said to him, ‘I did not know that you had resigned.’ He answered, ‘Oh no, I have not resigned.’ ‘Then,’ I replied, ‘I suppose you resign in the morning.’ ‘No,’ he answered, ‘I do not intend to resign, for Mr. Buchanan wished us all to hold on and go out with him on the 4th of March.’ ‘But,’ said I, ‘does Mr. Buchanan know for what purpose you are going to North Carolina?’ ‘Certainly he knows my object.’ Being surprised by this statement, I told Mr. Thompson that Mr. Buchanan was probably so much perplexed by his situation that he had not fully considered the matter, and that, as he was already involved in difficulty, we ought not to add to his burdens, and then suggested to Mr. Thompson that he had better see Mr. Buchanan again, and, by way of inducing him to think the matter

* Clingman's "Speeches," vol. i. p. 526.

over, mention what I had been saying to him. Mr. Thompson said, 'Well, I can do so, but I think he fully understands it.'

"In the evening I met Mr. Thompson at a small social party, and as soon as I approached him he said, 'I knew I could not be mistaken. I told Mr. Buchanan all you said, and he told me he wished me to go, and *hoped I might succeed.*' I could not help exclaiming, 'Was there ever before any potentate who sent out his own cabinet ministers to incite an insurrection against his government?' The fact that Mr. Thompson did go on the errand, and had a public reception before the Legislature, and returned to his position in the cabinet, is known; but this incident serves to recall it."

Assuming this narrative to be entirely correct, it may be that the acts of President Buchanan here told did not constitute, in law, the crime of high-treason. But where is the difference in common-sense? A President of the United States "sending his own cabinet ministers to incite an insurrection against his government!" How did this happen? Party feeling, and the life-long habit acquired by Mr. Buchanan in party service, of always working for party success, is the only and the sufficient explanation for this most singular act. Mr. Buchanan had taken his oath to "preserve, protect, and defend the Constitution of the United States." It may well be doubted if it once entered his mind, at that time, or ever afterward, that he had committed so much as a slight impropriety of conduct. Not the least of the results of party rule, as we have had it developed in this country, is the fact that men seem, in the violence and great temptations of party conflict, utterly to lose their ordinary moral perceptions. Things that they would condemn in other men, or in themselves at other times, they do without thought or hesitation. For we need not, even with all the corruption in our modern political history, conclude that all or even many of our public men have been devoid of common

principle. They have not been. The power of party has done the mischief. The party men simply have yielded to the immense pressure of their surroundings.

So far, as to the effects of party on the use by public officers of their official powers.

We come then to the other statement that was made at the beginning of the chapter—that Party has chosen the people's rulers. How true is that?

We say that our public officers are chosen by the people. Is it a fact that the people really do elect their own public officers? Taking universal suffrage precisely as we now have it, are the men now in public office the men whom the people at large really wish to manage their government affairs? Are these men really the choice of the people?

The people at large, on the day of election, have at most the choice between two men or sets of men; and with the point who these two men or sets of men are to be, with the selection of the candidates, the people at large have little or nothing to do. It may be said that the people can and should have something to do with the selection of the candidates. However that may be, it is the fact that they do not. And we are here considering the way our system really operates. These candidates are simply selected, for either party, by the leaders who control that party, or often by the one man who controls the party. One party retains the control of the Government for three or four Presidential terms, as the case may be. By that time sufficiently powerful interests may combine against it to induce the people to throw it aside for a new party. But so long as one party keeps control of our government affairs, so long a small handful of men in that party, not always the same men for the whole time, substantially ap-

point our public officers for us. When any one man or set of men in public office commits very glaring outrages, it often happens that that man, or set of men, will fail of getting the people's vote at the polls. In short, when the abuse of power goes beyond all endurable limits, we have a revolution—under the law—at the polls. But sometimes those limits seem impossible to be reached. Do we often see a man of so bad a character as to make him certain of defeat when supported by the ordinary party machinery? Do we often see a man of so bad a character as to fail of getting that support?

In theory and in law, the people elect their rulers. In fact, these rulers are not elected by the people, but are appointed by the party leaders. The real working of the Government is controlled, not by the officials whom the people nominally elect, but by the party managers who really appoint those officials. These party managers hold, as such, no position known to the law; they have no duties or responsibilities under the law. Usually they hold some official position for the purpose of drawing a salary from the people. But their real power they have, not from their official position, but because they control the party policy, and, above all, the party nominations. And they hold their real power in the State, not for any short term of years, but without any limit whatever as to time, simply until their tyranny becomes unbearable, and we have a peaceful revolution at the polls.

When our Constitution of 1787 was formed, the American people intended to use wisely the lesson they had from English history, and from all history. They had learned that irresponsible power in a hereditary monarch certainly made a tyranny. They said, therefore, we will have no hereditary king, and no tyranny by any man or

set of men. They established, as they thought, a true republic—a government, of the people, by the people, for the people. They established, as a matter of fact, a powerful oligarchy, a tyranny, of the people, by party, for party. They kept, as they thought, the real control of the Government. They kept, as a matter of fact, nothing but a right of peaceful revolution. Elsewhere tyranny and revolution both violate the law; with us they both follow it. Often, before our time, revolution has resulted only in a change of tyrants; with us it is still the same. We rebel against the tyranny of one party; we simply place ourselves under the rule of the other party; and then again go through the same cycle of tyranny and revolt.

The Constitution of the United States had been formed “to secure the blessings of liberty” to the people of the United States in the year 1787, and their posterity after them. Surely in the Year of Grace 1871 the blessings of liberty had been manifold and varied, and perhaps of a kind not altogether contemplated by the founders of the Government, or desired by their posterity. We have had one President inciting rebellion against the Government, another selling the highest office of the people in his gift, another overturning by force of arms the government of a State, subjecting its people to the rule of plunderers, and refusing even the common decency of a hearing to its chief magistrate, who came simply to ask protection for his people’s rights. Citizens of the United States have been imprisoned without due process, without any process, of law, and without bail. We have had the election of our rulers taken from us by party oligarchies. We have had the money of the people stolen and their lives wasted by the officers who should have guarded us from harm. We have had our courts of justice used, not to protect

life, liberty, and property, but to rob honest men, and open prison doors for convicted thieves.

So long ago as the thirteenth century the barons of England took arms for wrongs lighter than these, and conquered their liberties from an English king. One King of England lost his crown and his head for insisting on illegal revenues. Our own ancestors levied war against the most powerful monarch on the face of the earth for the right to vote their own taxes. All the grievances that all the colonies together suffered at the hands of the Home Government before the Revolutionary War were a mere trifle compared with what the people of the city of New York alone suffer at the hands of their rulers in a single year. But we bear our wrongs patiently, because we have ourselves made this Government under which we live, and because, as we think, we ourselves choose these men who make our laws and spend our money.

But, it is sometimes said, the real cause of the present condition of our public affairs is the fact that we no longer have the same class of men in public life as in the years gone by. Where are the Websters, the Calhouns, the Clays, in our national Government of to-day, it may be asked? It is said we suffer from our own apathy; we have in our own hands the remedy against these wrongs—we must choose a better class of men for our public officers.

But why is it that we no longer have the same class of men as of old in public place? How does it happen that our public men are no longer as able or upright as they were in former years? For, without imagining all the glory to have passed from the earth, it will be generally admitted that there has been a falling off in the character of the men in our public service.

This is only another effect of party rule.

No man can now hold office under our Government for any long time unless he will sacrifice the interests of the people to the interests of party. The party leaders wish pliant men who will serve party, and not honest men who will serve only the people. They will not have in official position men whom they cannot control and use. The men they cannot control and use they drive from public life.

The men who stay in public life are compelled to yield and submit to party. They cannot resist the immense party pressure which surrounds them. We have had notably three Presidents—Mr. Lincoln, General Grant, and Mr. Hayes—each of whom, as most men will agree, took office with the purpose of always serving the people without regard to the interests of party. They all at last gave themselves more or less completely to the control of the party men. So long as they tried to do their simple duty to the people, they found themselves in the midst of enemies, without friends. They had to surrender. To resist would take strength more than human.

But is there any way out of this party tyranny? May it not be that this party tyranny is a necessary incident of republican institutions in any form, that it is an evil which we must submit to, and bear as well as we can? May it not be, even, that party has its good points, its advantages?

To answer these questions, we must consider what are the causes which bring party into existence, the nature of party, and its uses.

CHAPTER V.

PARTY—ITS CAUSES, ITS NATURE, AND ITS USES.

ALL men will admit that party rule, as we have had it in this country, has been attended with great evils and abuses. But most men think that these evils are merely accidents of the time, that in some way party government can be kept and these evils can be removed, that these evils are far outweighed by the good results which party brings, and that party, with all its evils, is a machinery without which free government cannot exist.

I believe this to be a mistake; that these evils which we have had are not mere accidents, but that they are of the very essence of party; that we cannot rid ourselves of these evils unless we rid ourselves of party; that what men call the good results of party we should still get if we had no parties; 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.

I am well aware that these views will be commonly deemed rank heresies. Yet they may be sound. And if they are sound, they are surely important.

I shall then, in this chapter, attempt to show—

1. How party, as we have had it, came into existence.
2. What party, as we have had it, really is.
3. What uses party, for us, really has.
4. What we should do with it.

And our first inquiry is, How party, as we have it, came into existence.

The intention of the founders of our National and State constitutions was, that the people should both choose their public officers and control them. Looking to that end, they said, We will have our public servants hold office for short terms of years. Then, if a public servant does his work well, at the end of his term we can elect him again. If he does his work ill, at the end of his term we can drop him, and choose another man in his stead.

The purpose was to keep all public servants dependent on the people—who were to be the source of all power, and were to control its use.

And this system of a short term of years they made use of both for the members of the Legislature and for the Chief Executive.

Another point is to be noted. As to their Chief Executive, they provided no means for removing him at any time before the end of his term, in case he did his work ill. They said, in so many words, that he could be removed from office only on “conviction of treason, bribery, or other high crimes and misdemeanors.” He might use his power so unwisely as to bring ruin on the people; but if he was honest in what he did, there was no remedy under the law. And, though nothing was said on the point, it was no doubt the intention that the same rule should hold as to the Legislature and other public servants.

The English people remove the minister who commands their armies, not because he does his work well or ill, but because his ideas on the Church Liturgy are not what they should be. We remove our President, who commands our armies, not because he does his work well or ill, but because the earth has made four journeys through

space around that star which we call the sun. It is hard to say which we should most admire as a means of ascertaining the tenure of office of public officials, the parliamentary or the astronomical system.

It may be that this term system was the only one we could have. That is yet to be considered. But one point seems clear.

If the Constitution had said, every public servant shall be removed as soon as he fails to do his work well, whether he has been in office one month or one day, then we should have put the servant under pressure to do his work well. When, however, we said, a public servant shall hold his office for a term of four or two years, whether he does his work well or ill, and for another additional term of years if he can carry the next election, then we put the servant under pressure to carry the next election. And when we said (as we did in effect) *all* public servants shall depend for keeping their offices, not on whether they do their work well or ill, but on carrying the next election, then, instead of giving them each a separate interest to do his own work well, we gave them all one common interest to carry the next election. We made it certain that they would combine, and form parties, for the purpose of carrying elections.

But there was another point. The knowledge which all men had, that at the end of a fixed time there would be a large number of vacancies, made it certain that other men, who were not in office, would combine for the purpose of getting out the men who were in office, and getting in themselves. The term system was certain, then, to create two great parties for the purpose of carrying elections. The men who were in formed a party to keep office. The men who were out formed a party to get office. It may

be that the term system had other results. It had at least this result.

English ministers, who depended for keeping their offices on keeping votes in Parliament, gave their best efforts to keeping those votes. Our public servants, who depended for keeping their offices on carrying elections, in the same way gave their best efforts to carrying elections. Whether they wished it or not, our public servants were driven by this point in our system of government to make this work of carrying elections their regular profession. In that profession they gained great skill. In that work they were sure to have more skill than the ordinary citizens, who gave their time and thought to other things. The professional must always beat the amateur. These party organizations became vast and powerful. The leaders of these parties controlled party action. It came to be the fact (almost without an exception), that no man could be chosen to an office without a party nomination, and no man could have a party nomination against the will of the party leaders. And the party leaders would give party nominations to no man who did not do party service. The natural and certain result was, that party leaders, for party purposes, controlled the elections of public servants, and the action of public servants after they were elected.

The expectation had been that this system of short terms would secure—

1. The best men for the people's service.
2. Their best work for the people.

The result was that this term system secured—

1. The best men for party service.
2. Their best work for party.

The expectation had been that the people, through this system of short terms, would themselves control—

1. The election of public officers.
2. The action of public officers after they were elected.

The result was, as has been seen, that party controlled—

1. The election of public officers.
2. The action of public officers after they were elected.

This result which we have had is not a strange or a new one. It has always come, wherever the cause has existed.

Whenever, under any system of government, it has been necessary for the men who are in office to carry elections in order to keep in, and it has been possible for the men who are out of office by carrying elections to get in, then there have always been parties, or factions, which have been really only combinations for the purpose of getting place and power. Then public officers, instead of doing the work of their office, have always done election work; instead of serving the people, they have served party; instead of being statesmen, they have been politicians. Whenever the system of government has been such as to create a profession of election carriers, that profession has always been filled with the men who were best fitted for it. It was so at Athens; it was so at Rome; it is so in England and in the United States; and it is becoming so in France. It is so alike under a constitutional monarchy and under a false republic. It is only the natural operation of natural laws.

The mistake which we made, and which other peoples have made before us, lies in perverting the use of the machinery of election. That machinery, as I shall try more fully to show, is, within certain limits, the best machinery that can be devised for the mere choosing of public servants. But it is not the fit machinery for securing good service from them after they are chosen. For that pur-

pose we must have, not a machinery of re-election for fitness and good conduct, but only of removal and punishment for unfitness and misconduct.

What, then, is party, as we have had it?

It has been generally assumed by political writers that parties here and in England have been combinations for the purpose of carrying measures in the interest of the people.

I maintain, on the contrary, that parties have never been combinations to carry measures; that the interests of the people have always been subordinated to the interests of the men who have been working for office; that parties have pressed measures only as far as party interests demanded; and that, in this country, in the large number of instances, the questions raised by party men have been questions which, so far as the true interests of the people at the time were concerned, should not have been raised at all.

Let us examine some instances of party action, and see how far this is true.

Thomas Jefferson was the head of our first opposition party. And no doubt he believed that an opposition party was then a necessary thing in our Government. Let us see what were the points on which Mr. Jefferson and his friends made up our first party contest, and consider whether the true interests of the people demanded unending strife or thorough rest on the points that this opposition party then raised; whether there were any wise measures that they then proposed to carry; whether this party combination was a combination of citizens for the purpose of carrying measures of any kind.

Let us take Mr. Jefferson's own statement of the needs of the people at the time.

He writes on the 24th of April, 1796 :*

“The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican, monarchical, and aristocratical party has sprung up whose avowed object is to draw over us the substance as they have already done the forms of the British Government. The main body of our citizens, however, remain true to their republican principles. The whole landed interest is republican, and so is a great mass of talents. Against us are the executive power, the judiciary, two out of three branches of the Legislature, all the officers of the Government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants and Americans trading on British capital, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies—men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England.”

The “Anglican, monarchical, and aristocratical party” was made up of the men who had risked their lives on the field of battle fighting an English king. They were the men who had created this republican government under which we now live. The man who had “invented” the “banks and public funds” “for the purposes of corruption” was Alexander Hamilton, who had done almost more than all other men to get our Constitution adopted and organize a working machinery under it, while Thomas Jefferson was taking lessons in political science from the mobs of Paris. The “executive” who, with Hamilton and the others, was working to suppress freedom and republican institutions, was George Washington. In the “great mass of

* Jefferson’s “Writings,” vol. iii. p. 327.

talents," the men who did not "want to be officers" was, it is to be presumed, Thomas Jefferson, who, however he might write of Washington and Hamilton in his private letters, was yet entirely willing to hold for years, under one of them, and with the other, a seat in the cabinet by which all these nefarious schemes of corruption were devised.

To such lengths did party strife and party violence go in those early years of party existence, that Washington wrote, in a letter to Jefferson himself :*

"To this I may add, and very truly, that until the last year or two I had no conception that parties would, or ever could, go to the lengths I have been witness to. Nor did I believe until latterly that it was within the bounds of probability, hardly within those of possibility, that while I was using my utmost exertions to establish a national character of our own, independent, as far as our obligations and justice would permit, of every nation on the earth, and wished, by steering a steady course, to preserve this country from the horrors of desolating war, I should be accused of being the enemy of one nation and subject to the influence of another; and to prove it, that every act of my administration would be tortured, and the grossest and most insidious misrepresentations of them be made, by giving one side only of a subject, and that, too, in such exaggerated and indecent terms as could scarcely be applied to a Nero, to a notorious defaulter, or even to a common pickpocket."

Twenty years before this time, Thomas Jefferson and his party friends, with Washington and Hamilton, had been struggling for the freedom of the colonies. Freedom had been gained. Ten years before they had all been working in harmony to form a government.† They had formed it.

* Washington's "Writings," vol. xi. p. 139.

† Jefferson himself, indeed, was not in the country at the time of the Constitutional Convention.

After the Government had been formed, they had to choose the men who were to carry on this new government. They had chosen the men.

At the end of the first twelve years under the Constitution those men who had been carrying on the government were just as fit for their places as they had been when they were chosen. They were more so. They had in the beginning only been honest and able. They had now gained experience. They were charged with attempting to turn our republican government into an English monarchy. The charge was not true. No man in his calm judgment could believe it. It was a charge which accomplished one purpose, that of capturing public offices.

The Jefferson party soon developed into the party of what was called State Rights; and for years this doctrine of State Rights was a war-cry on which one of the great national parties existed. It was under Mr. Jefferson's teachings that this doctrine of State Rights had its birth. At a later period it took the form of nullification, which was only another name for the right of a State Legislature to declare void an act of the national Congress.

How sound a doctrine was this, and how far did the true interests of the people demand a contest over it?

It was urged by the supporters of the doctrine of nullification that these States had been originally, and were still, sovereign States; that all the powers they had not given to the general government by the Constitution had been by them retained; that they had never, by the Constitution, given to the general government the power of coercing a State; and that if a State should declare null and void any act of the national Legislature, the national executive had no right to enforce any such nullified law against the State or its citizens.

It is almost hard to understand the constitutional argument of nullification. What these implied powers reserved by sovereign States were, what were sovereign States, and whether the States composing the Union were such sovereign States, were points that might, in the case of imaginable leagues, or imaginable federal governments, admit of doubt. But as to the right of these particular States, under this particular government, established by this particular constitution, to nullify or make void, by an act of a State Legislature, any act of the United States Congress—as to that, there never could be any doubt at all. For there it was, written, in the very words of the instrument itself, adopted by the same peoples that had created the State legislatures and governments (or adopted, if you choose, by the States themselves), that “this Constitution and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land, * * * anything in the Constitution or laws of any State to the contrary notwithstanding.” There was no doubt as to the words or their meaning. Long argument was had as to whether the States or the people of the States had made the Constitution. That point was very immaterial. There was no doubt as to what the Constitution said, whoever might have made it. Long argument was had as to whether the States had been or remained sovereign States. It made no difference. There was the paper; and the States or the people composing them had assented to that paper. Long argument was had as to whether there was an implied right of nullification. The right was taken away by express words. Finally, it was urged that this Constitution was only a compact between separate and sovereign States. But in the case of a mere compact, has either party, as a matter of law, a right to break it? Even if this were only

a compact, what were the words of the compact? They plainly were, that a certain body, called a Congress, should have the power of making laws, which should be binding on all men, in all the States. And has it ever been claimed that, even in the case of a mere compact, the compact can rightfully or lawfully be broken or abrogated by only one party? When you come to the right of revolution against tyranny, that is another question. But these matters were always discussed as matters of law, under the Constitution of the United States.*

In the case of a government imposed by force upon a people against its will, most men do not question the right of that people to forcibly resist arbitrary and oppressive acts. But here was the case of a government made by the people of these States themselves, a Constitution assented to by them, which provided peaceable and lawful means for its own modification, and even for ending its existence. The Legislatures of three-fourths of the States could, by the terms of the Constitution itself, amend it in any way,

* Luther Martin, in the Constitutional Convention, proposed to add in the third section of the third article, after the clause which defines treason against the United States, the following: "Provided, that no act or acts done by one or more of the States against the United States, or by any citizen of any one of the United States under the authority of one or more of the said States, shall be deemed treason, or punished as such; but in case of war being levied by one or more of the States against the United States, the conduct of each party toward the other, and their adherents respectively, shall be regulated by the laws of war and of nations." But this provision was not adopted. Luther Martin's letter to the Speaker of the House of Delegates of Maryland. Elliot's Debates, vol. i. p. 382.

There would seem to have been no doubt in the minds of the framers of the Constitution as to what constituted the offence of treason.

and of course they could amend it in such a way as to provide for the release of any one, or more, or all of the States from its obligations. In other words, the Constitution itself provided the means by which there might be such a thing as peaceable secession. And can it be argued that there could be, in law, under the Constitution, such a thing as forcible secession?

But, it was said, here are, or may be, unconstitutional laws. Grant it. What had a State Legislature to do with the matter? Clearly, if a law passed by Congress was constitutional, the State Legislature had no right to speak; and if the law was unconstitutional, the State Legislature had no need to speak; and in either case it had no call to speak; for the courts, both State and national, would declare that law unconstitutional, and therefore void, whenever an attempt was made to enforce it. Even under any State Constitution, where did the State Legislature ever get judicial authority, to pass on the constitutionality of any law, either State or national? State courts had such a right, in the first instance; but what had a State Legislature to do with it, which was only a creature of a constitution, and whose only power given by that constitution was to make certain laws?

This doctrine of nullification was not merely a claim that unconstitutional laws passed by Congress should not be enforced. As to that, all men agreed. It was a claim that a State Legislature could pass on the constitutionality of those laws, and could lawfully organize armed rebellion. Where did they ever get any such power as that? Under what State law or State Constitution, or divine dispensation?

It was said that the national government had no right to coerce a State. That point did not go far enough. The true point was, that a State government had no right to

be coerced—it had no right to put itself in a position of resistance. There was no doubt that the national government had a right to enforce its laws on individuals; and the State government had no right to speak in the matter, on the one side or the other.

This whole doctrine of nullification, which subsequently grew into rebellion, would never have been heard of, had it not been for the existence of parties and the needs of party contests. The whole question was one which never should have been raised. It was not a practical question. If Congress should at any time pass laws beyond its powers, under which some individual citizen should be illegally deprived of liberty or property, he had his remedies in the courts, and those remedies had always been equal to all needs. The courts had often declared statutes, both of Congress and of the State Legislatures, to be unconstitutional, and therefore void. There was no difficulty in that. And if it should ever come that there should be a grand overwhelming combination of Congressmen, President, and judges, striving to make and enforce unconstitutional laws, then, indeed, it might be time to think of armed revolution, after all peaceful remedies under the law should have been tried, and had failed. This was all that lawful citizens, who wished only their rights, ever could or ever did ask. But for the purpose of carrying elections that was not enough. There being at the time no other “issue,” as it is called, on which people could be excited, there being no practical question on which there was any real division of existing interests, this doctrine of State Rights was conjured into being, made a war-cry, and on it was developed a great party combination, which was in after years the nucleus for resistance to any and all unpopular measures of the national government.

When Mr. Jefferson and his friends first raised the cry that Washington and Hamilton wished a monarchy, that was a cry which should not have been raised. Even if still there were in the country some men who wished a monarchy, such a wish was nothing but an idle dream. That point was decided—was a thing of the past—and there it should have been left. There was then a great work before all men, in which all men were bound to join—that of rebuilding the people's fortunes under the new government which we had. How did it matter what form of government a few individuals had wished twenty years before?

But though the issue as to whether we should have a monarchy was dead and gone, the feelings which the contest over that issue had roused were still living, and could be played on by party men, for their own ends, and against the people's interests.

So, too, in 1830, although there was then no one measure of Congress which the country would agree in disliking, and though it was impossible to organize any serious opposition to any one national law, yet it was very easy to rouse the fears of many men that at some time national laws might be passed which would be unconstitutional, and which some of them might wish to resist. And by playing on those fears, it was easy to organize the party of what was called State Rights, which meant simply State rebellion. What reason was there for this strife? We can now look back on it calmly. Did the true interests of the people of the United States demand it? This Constitution we had. It might some time become necessary to change it. If so, then we could change it, by peaceful means under the law. It might possibly become necessary to do away with it altogether. If so, then we could meet in convention, and do away with it altogether, by

peaceful means under the law, as we had made it. Meantime we had to live under it and obey it. And that was all that the people needed to think of. But that was not enough for party men who were struggling for office.

At the end of our first fifty years under the Constitution we had, indeed, a government, and great material prosperity under it. For all ordinary affairs of peace, the machinery of the national Government had proved itself sufficient. As matter of law and mere argument, too, it had been very well settled, in the minds of the large majority of thinking men, that the laws of this Government were not to be swept aside at the will of any one State or number of States; but that all the citizens of all the States were really bound to obey these national laws, whether they willed it or no, so long as they were laws, was not a fact that had been drilled into the convictions of the people. If rebellion was thought of at all, it was thought of as a thing to be reasoned with and persuaded, not to be crushed. De Tocqueville, in 1833, wrote: "Experience has hitherto shown that whenever a State has demanded anything with perseverance and resolution, it has invariably succeeded; and that, if it has distinctly refused to act, it was left to do as it thought fit." And he said further: "If the sovereignty of the Union were to engage in a struggle with that of the States at the present day, its defeat may be confidently predicted; and it is not probable that such a struggle would be seriously undertaken." And that doubtless was the opinion of most men who then chose to think on the point.

That the Government was not then a strong government, and that its laws did not then in all cases command instant and thorough obedience, was due to parties and party contest.

Later still, in 1860 and 1861, suppose there had not been two great parties engaged in a great contest for the offices of the Government, striving (honestly, perhaps) to inflame the people's feelings, instead of urging them to some wise practical measures of policy, who can say that we should have had the war of the rebellion? Concede that slavery was a great wrong to the slave and a great injury to the master. What was the wise thing for all parties, to have strife and war, or to find some wise measure which would solve the difficulty in the best interests of all men?

Perhaps that was a thing which could not have been accomplished. But it was precisely what the party men, in either party, neither tried nor wished. They did not devise measures in the interest of the people. They were working for victory at the polls over their opponents.

And since the war of the rebellion ended, what has been the course of our two political parties? Has either party proposed one practical measure for solving the political problems we had to solve?

Let me quote, as to the policy of the general government, in what has been called the reconstruction of the South, the words of a distinguished divine, who is a member of the Republican party. Dr. Leonard Bacon, in a letter to the New York *Tribune*, dated 12th December, 1876, writes as follows:

“More than eleven years have passed since the armies of the civil war were disbanded, and the work of reconstructing the States recovered from the enemies of the United States was begun. Nothing in our political outlook to-day is more manifest than that the reconstruction attempted in the negro States has been a failure. * * * The blunder in reconstruction was not that which the Democratic party would have made—universal suffrage for white men, and no suffrage at all for black men; it was the more excusable blunder of

universal suffrage without distinction of race or color—universal suffrage instead of intelligent suffrage. * * * One word—*party*—sums up the reasons why nothing of this kind was done in reconstruction. The Democratic party in Congress at that time was not very numerous; but I will venture to say that had there been among its leaders a few men, ever so few, with mind and soul enough to ask how those disorganized populations might be made to pass from under military government to a condition of peaceful order and prosperity under republican forms of government; had there been only two or three Senators, and as many Representatives, willing to rise, at such a juncture, out of politics into statesmanship, out of party into patriotism, the result might have been far different from what it is now. Had they said, ‘This work of reconstruction is above all party interests, and therefore we are ready to consult and co-operate heartily with all who will unite with us in giving to those recovered States the best practical government at the earliest practicable day;’ had they said, ‘The abolition of slavery is a completed fact, the freedmen of each State are to be incorporated into the commonwealth, and no man’s color or race is to exclude him from any civil or political right; but government in those States cannot safely rest on the suffrages of ignorant millions just coming up out of slavery or of any other class as ignorant as they’—such an appeal, I am sure, would not have been in vain. It would have taken effect in Congress. It would have had an effect on the nation. The power of extreme and hot-headed men to lead or drive the Republican party would have been broken, and common-sense would have asserted itself. But at the decisive moment, Democratic Senators and Representatives were thinking not so much how to establish the best practical system in the recovered States as how to embarrass the Republican party.”

That is all very admirable, all very true. But suppose, on the other hand, that the leaders of the Republican party had been men “willing to rise out of politics into statesmanship, out of party into patriotism,” was there any statute to forbid it, and would there have been any evil constitutional results? More than that, which party was peculiarly called on to take measures which were truly for the public weal, the party which was in power, or the par-

ty which was not? So it has been ever since party machinery became fully developed. The one thought with party men, on either side, at all times, however good may have been their general intentions, has been, not what will best serve the interests of the people, but what will best serve the interests of party. Such is the legitimate tendency of the system, and it has worked out its tendencies with wonderful success.

Take the proceedings of our national Legislature during the present administration. The party men on both sides have made it their chief work to search the past history of their opponents (bad enough it is for either), for the mere purpose of finding material to use for the next political campaign, as it is called. Here have been important questions of revenue and currency waiting for action. And our legislators do nothing. Many men think the matter of civil service reform is, in legislation, the one thing most important to the country. Upon that question the party men on both sides are agreed, to say all they can, and to do only what they must. On every point where the country needs action, the party men avoid action. If they should act, they think they might lose votes. Everything that they do or say, everything that they leave undone and unsaid, has one purpose, the carrying the next election.

These are only single illustrations taken from our political history. They might be multiplied and extended.

No doubt our political parties have in many instances taken sides on questions of real interest and importance to the people. And party men have, no doubt, often been the means of giving us good legislation and good administration. I do not mean that party men have never done good service, or that their conscious purposes have been

always or often corrupt. But the good work that has been done has not been the work of party, but has generally been done in spite of party and of party influences.

It may be said, however, that this may be the nature of party combinations here, under a republican government, with universal suffrage, but that it has not been so in England; that there, at least, party and party rule have been the only means of gaining freedom and good government.

But let us examine this; and let us begin the examination with the very first manifestation, as far as I am aware, of true party machinery in English history.

Macaulay's account of the state of affairs at the general election of 1698 is a precise counterpart of the party opposition made by the Anti-Federalists, in the first years of our government, to the men and measures of Washington's administration. In England the policy of the Whig ministry had been most wise, and had brought the most wonderful prosperity to the nation. And the Parliament then in existence, the Parliament of 1695, was a parliament of the best men in the country, called into the people's service, as were our own rulers immediately after the Revolutionary War, by the most pressing needs of the nation. Macaulay says:*

“That election [of 1695] had taken place at a time when peril and distress had called forth all the best qualities of the nation. The hearts of men were in the struggle for independence, for liberty, and for the Protestant religion. * * * The majority, therefore, readily arranged itself in admirable order under the ministers, and during three sessions gave them, on almost every occasion, a cordial support. The consequence was that the country was rescued from its dangerous position, and when that Parliament had lived out its three years, enjoyed prosperity after a terrible commercial crisis, peace after a

* Macaulay's "History," chap. 24.

long and sanguinary war, and liberty, united with order, after civil troubles which had lasted during two generations, and in which sometimes order and sometimes liberty had been in danger of perishing. * * * Such were the fruits of the general election of 1695. The ministers had flattered themselves that the general election of 1698 would be equally favorable to union, and that in the new Parliament the old Parliament would revive. Nor is it strange that they should have indulged such a hope. Since they had been called to the direction of affairs, everything had been changed—changed for the better, and *changed chiefly by their wise and resolute policy*, and by the firmness with which their party had stood by them. * * * The statesmen whose administration had been so beneficent might be pardoned if they expected the gratitude and confidence they had fairly earned. But it soon became clear that they had served their country only too well for their own interest. In 1698 prosperity and security had made men querulous, fastidious, and unmanageable. The Government was assailed with equal violence from widely different quarters. The opposition, *made up of Tories*, many of whom carried Toryism to the length of Jacobitism, *and of discontented Whigs*, some of whom carried Whiggism to the length of republicanism, called itself the Country party, a name which had been popular before the words Tory and Whig were known in England. The majority of the House of Commons—a majority which had saved the State—was nicknamed the Court party. The Tory gentry, who were powerful in all the counties, had special grievances. *The whole patronage of the Government, they said, was in Whig hands.* * * * There were three war-cries in which all the enemies of the Government, from Trenehard to Seymour, could join—‘No standing army;’ ‘No grants of Crown property;’ and ‘*No Dutchmen.*’”

The king who had saved the English nation was a Dutchman; some of his advisers, who had been most trusted by himself and by the nation, were Dutchmen. Some of the troops who had done most valiant service to the English people were Dutchmen. And if one thing at the time was certain, it was that England could not be safe without a standing army.

In the first years of our national Government Washing-

ton and Hamilton, and the men who had helped to carry out their policy, made the nation. Such a thing as an English monarchy in this country, after the establishment of the Constitution, was a thing that neither Hamilton nor Washington nor any of their political friends ever dreamed of. And the men then in charge of our public affairs were deposed from the management of the Government, under a cry that they were endeavoring to befriend England, and set up here an English monarchy.

In England in 1698, and in America in 1800, party men, on mere party cries, drew into one combination all the enemies of the men who were then in office, all the elements of discontent in the country, and drove wise men from the councils of the nation, for the purpose of getting place for themselves.

We have seen that, in this country, party feeling and the necessities of party contests urged a President of the United States to the length of inciting rebellion against his own government. In the English House of Commons, party needs urged men to the length of supporting treason. Hallam says of the case of Admiral Russell:*

“The credulity and almost wilful blindness of faction is strongly manifested in the conduct of the House of Commons as to the quarrel between this commander and the head of the Admiralty. They chose to support one who was secretly a traitor, *because he bore the name of Whig*, tolerating his infamous neglect of duty and contemptible excuses, in order to pull down an honest though not very able minister who *belonged to the Tories*.”

It remained for English statesmen in 1832, at the last great struggle for freedom in English history, in the contest over the first Reform Bill, to give one of the most

* Hallam, “Const. Hist.,” vol. iii. p. 126.

remarkable instances of the true working of party machinery.

The Duke of Wellington, with the other leaders of the Conservative party, were making the attempt to "form a government." The House of Commons was determined to have Parliamentary Reform. And no government could stand which did not bring in a Reform Bill. The Conservatives had been steadily fighting, with all their strength, against reform. The Liberals had been steadily fighting for reform. Both parties, it is to be presumed, believed in the principles they professed. The Liberals professed to believe that the passage of a Reform Bill would be the saving of the nation. The Conservatives professed to believe that the passage of a Reform Bill would be the nation's ruin. What the two parties did was this: The Conservative leaders proposed to take office and pass a Reform Bill. The Liberal leaders refused to allow the Reform Bill to pass unless they could take office themselves. Both parties were ready to throw away their principles to get place.

That is merely one instance. So it has always been in English Parliamentary history. Each party has been, at one time or another, on both sides of every important question of government policy. Principles and measures have had little to do with the action of parties in England, except that there, as here, the party leaders have used the great questions of the day as battle-cries in the struggle for place. Many great men and honest men in England have been party men. They have, too, done great service to the English people. But they have done that good service always in spite of party and party influences.

Within the last three years it has seemed that the English people were almost at the turning-point of their fort-

unes. As it seemed for a time, they were on the eve of a great war with a powerful nation for dominion in the East, and we were about to witness either the downfall, or a new and extended growth, of the Anglo-Indian Empire. Was England brought to the position in which she was a few months since by the temperate counsels of wise statesmen? How did it happen that on this great question of a great war, which could not but bring misery to many individuals, and might possibly bring disaster for years on the mass of the English people, the expressed opinion of all public men followed almost exactly the party lines? Is it a possible thing that no one of the Liberal party men was in favor of a war with Russia, and that no one of the Conservatives was opposed to it? That, in the nature of things, could not be. But such is the effect of party contest and party feeling, that with this question before them, of life and death to the nation, the men of one party did all they could to plunge the nation into a war, while the men of the other party did all they could to keep the nation out of a war, and the English people had the calm, deliberate thought and action of neither party. "Politics" may consist in the mere contest of party men for power and place. That is not, however, statesmanship.

But is this the only point to be noticed? We have in this country developed not only parties, but enormous party machinery for the mere purpose of carrying elections—a machinery that is intricate, costly, powerful, and tyrannical. The man in public place in these days in this country must be, not a statesman, but a man of skill and capacity in manipulating this election machinery. And how is it in England?

In the *Fortnightly Review* for July, 1877, is an article

written by Mr. Chamberlain, of the House of Commons, entitled "A New Political Organization." It gives an account of one of the most significant and important movements in English history. There has been now for some time a "Liberal Association," for the purpose of regulating candidates and measures for the Liberal party in the city of Birmingham. That one organization has, according to Mr. Chamberlain, brought about this result. "It has given them (the Liberals) the control of the representatives of the local government of the town." It is now proposed to form a similar organization extending over the whole nation. Mr. Chamberlain explains that the managing committees in the Birmingham association "are elected by public meetings generally called in each ward, and open to every Liberal resident." There is to be a similar organization in every parliamentary constituency, and there is to be a national council, composed of representatives from all the local councils and associations. This national council is to regulate, directly or indirectly, and to a greater or less extent, the policy of the Liberal party in England. Some of Mr. Chamberlain's sentences are very pertinent and very interesting. He says: "Owing to various causes, and notably to the extension of the suffrage, and to the increased interest taken by the mass of the people in general politics, it is not only desirable, but absolutely necessary, that the whole of the party should be taken into its counsels, and that all its members should share in its control and management. It is no longer safe to attempt to secure the representation of a great constituency for the nominee of a few gentlemen sitting in private committee, and basing their claims to dictate the choice of the election on the fact that they have been willing to subscribe something toward the expenses. The

working class, who cannot contribute pecuniarily, though they are often ready to sacrifice a more than proportionate amount of time and labor, are now the majority in most borough constituencies, and no candidate and no policy has a chance of success unless their good-will and active support can be first secured."

In other words, according to Mr. Chamberlain, a national society is now to be formed, for the purpose, nominally, of guiding the policy of the English Liberal party. It needs no great shrewdness to see that this organization will be used for nominating candidates for Parliament and all local elective offices, and that the men who control this organization will control the action of the Liberal party throughout the kingdom. This party organization on the part of the Liberals will compel the formation of a like organization on the part of the Conservatives. The English people, in short, unless appearances are very deceptive, are soon to have inaugurated, in its most approved form, that grand political panacea, the caucus system. Some Englishmen believe that by the Reform acts they have at last secured the thing for which they have been struggling for centuries, for which so many noble lives have been lost, and so much noble toil has been given—a free representative government. They have as yet secured nothing of the kind. They have secured a government, by party politicians, through the machinery of frequent popular elections. And they are just entering on that blessed era in the progress toward free government, the era of party tyranny.

Mr. Goldwin Smith writes, in an article in *Macmillan's Magazine* for August, 1877:

"The tendency in party government to supersede the national Legislature by the party caucus has long been completely developed in the United

States, where it may be said that in ordinary times the only real debates are those held in caucus, Congressional legislation being simply a registration of the caucus decision, for which all the members of the party, whether they agreed or dissented in the caucus, feel bound by party allegiance to record their votes in the House—just as *the only real election is the nomination by the caucus of the party which has the majority*, and which then collectively imposes its will on the constituency; so that measures and elections may be, and often are, carried by a minority but little exceeding one-fourth of the House or the constituency, as the case may be. *The same tendency is rapidly developing itself in England*, and it is evidently fatal to the existence of parliamentary institutions.”

When we study political institutions, our effort is to learn, not only how affairs are now from past causes, but how affairs are to be from causes now existing. English public affairs are now in only a transition state. The caldron is still seething. The English people have not yet finished their revolution. The men who think they admire party rule in England, admire a state of things which is now disappearing, and which has resulted from causes which have already disappeared. But what a change there has been even now! Here is a great people, which has had statesmen in its service—Burke and Pitt and Fox, Grey and Peel and Gladstone. By what strange freak of fortune does it chance that the management of their government affairs has fallen into the hands of a somewhat clever writer of tawdry romances? For the one reason that he is a shrewd manipulator of party machinery. No one ever thought him a statesman. But that is the man that party rule naturally and certainly puts in high place, where he has to deal with such a man as Bismarck. Doubtless it is highly pleasing to the German Chancellor. But is it greatly for the best interests of the English people?

So far we have an examination of the facts of history. But how must those facts necessarily be, from the nature of things?

It is said that parties are combinations of citizens for the purpose of carrying measures. I maintain, on the contrary, that these combinations, which we call parties, never can be anything but combinations of office-holders, to carry elections.

The citizens who compose these political parties do not, and cannot, themselves frame and decide the actual measures of public policy. They can and do only elect the men who are to frame and decide those measures. Taking the theory at its best, then, the first thing, in point of time, to be done by these political parties, is to elect men to public office.

And with the men who manage these parties, however upright may be their intentions, the end which is first, in point of time, is to get office for themselves; to this end they must have the support of other party men; to this end they must give their support to other party men. The party organization naturally and certainly becomes an organization of men who combine and work together to secure their own election to the different places under government. It becomes, try to disguise it as we may, a system of trading in office.

In the affairs, too, of any great nation, or even of a single city, there are, not one or two, but very many, weighty questions of public policy. As a matter of fact, the men composing these large parties cannot all agree on more than one or two of those main questions. Nor do they profess to. And as to those one or two main questions, they agree, not on actual measures to be carried, but only on what they are pleased to term general principles.

There is, however, one point on which the party leaders can agree—their candidates for office. And here they do agree. On all other points they must differ, and they do differ. They do indeed, before each election, say something about “principles;” they make a “platform,” as they term it—a collection of “sounding and glittering generalities,” so vague as to mean nothing, by which they think they can catch votes. This word “platform” truly describes the thing for which it is the name. It is something to be put under foot.

Whatever may be the theory of political parties as they should be, wherever there are many offices and many elections, the natural and certain result is that these party organizations, as a fact, are used for the purpose of carrying elections and not measures. Parties do not elect men to put into action certain principles; they use principles as battle-cries to elect certain men.

That is not only the working of party rule, it is the theory of party rule as it actually exists. Any other statement is only the theory of party rule as men wish it might be.

What, then, are the uses of party?

It is often said that in a free government we must have parties, that they are necessary, in order—

1. To get concerted action.
2. To keep alive the interest of the people in public affairs, and thus
3. To preserve free government.

How far is this true?

And, first, must we have these vast party combinations for the purpose of getting concerted action?

For the purpose of accomplishing results, in government affairs as well as in private affairs, we must have,

there is no doubt, combination. But do we need, in order to get combination, permanent party organizations, such as we have had? Combinations of men, for the purpose only of carrying measures, always must and always will exist. No system of government can possibly be devised which will prevent it. If men have interests that need to be protected, they will combine to protect those interests. If at any time there is any one great controlling interest as to which wise legislation or executive action is needed, is it a possible thing that men will not combine and work together, to get that legislation or action, as they always combine in all private affairs, as they always have done in public affairs?

It is said we must have combination. We cannot hinder it, do what we will.

Let us go a step farther. It may be that, so far from parties being necessary to get concerted action, they are even a great hindrance in getting it.

We have seen so much of parties and party contests that we have almost come to look on them as an end in themselves. But what is always the real end to be reached in public affairs? As we should all agree, it is *action* of some kind. In order to have that action wise, we need calm thought and discussion before we decide what that action shall be, and united effort after our action is decided. We need at every stage, not strife between two factions, but harmony of all men. We must have the *working together*, of all men's minds, to get the wisest thought, of all men's wills, to get the strongest action.

This working together, this harmony, of thought and action, we need, too, from our public officers even more, if possible, than from the people themselves; for it is the public officers who are to decide on the actual government measures.

And how does this machinery of party tend to help or hinder us in getting these results, wise thought and strong action, from both the people and their public servants?

Parties and party contests make it an impossible thing to get from the people their calm wise thought and action. One party seizes one side of a question, the other party takes the other side, or, oftener, each party takes different sides in different sections of the country. What the party men labor for is not to find out the best thing to be done by the men of all parties, but to catch votes for their own party. And their whole effort is to make men follow party and work for party success, instead of using their minds and their judgments. In party contests men do not think over measures; they fight for candidates. We have always strife, not deliberation.

So it is as to the action and thought of the people themselves. But how is it as to the action of our public servants? It is our right to have our Senators and Representatives sit down together and give us the best possible results of their combined wisdom. When once they enter our legislative halls they have no right to know that there is such a thing as party in existence. They are bound to think only what are the best measures for the people's interest, and to give us those measures. That is not what they do. Every measure is made a "party question." If the administration party, as it is called, brings forward a wise measure, the opposition party, if it dare, opposes it, for fear their enemies may gain votes through having done the people good service. These party men may be able men; they may be men of honest intentions. They are driven by the pressure of this vast party machinery to serve party and not the people, whether they wish it or not; for on party they depend for their future.

So much as to whether party and party machinery helps or hinders us in getting from the people and their servants wise action. But when measures are once decided and taken, surely no one can claim that party strife as to those measures should go on unceasingly. But it never ends. No question is ever at rest.

In private affairs, when men have once made a decision, they act. The decision may or may not be wise. Of that they cannot be certain. But when the decision is once made, they do something—they put their decision to a trial; and if, upon trial, they find they have made a mistake, then they try something else. In public affairs we should do the same. When a course of action is once determined on, then all men should agree, in putting it to the test of experience. If the course of action is not wise, time will so prove; and then we can try other measures. And so we should do, were it not for party.

It is now fourteen years since we ended the war of the rebellion. When that war ended we had before us, no doubt, a great work. It may be that no one then understood precisely how that work was to be done. Time would certainly have shown us the way, if party strife had not always kept the people blind. We can now, at least, easily see that this work, though great, was simple. We had only to keep the peace, and let the laws of nature work out their own results. The war had been begun and carried on by the people of the North with one purpose, to enforce obedience to United States laws. That was all that war could do for us, if our success was most complete. When the war was ended, we had to re-establish the executive machinery of the United States Government and the United States Courts in the Southern States. And we had to keep an army there to enforce United States

laws—an army of one hundred thousand men, or five hundred thousand men, if need was. That army should, from the beginning, have been large enough not merely to crush resistance, but to make the thought of resistance impossible. That would have been economy in the end. It was most truly for the interest of the Southern people. Then, if it was necessary to have new United States laws to secure to any one class or all classes of men the enjoyment of their rights, Congress could pass the laws, and the laws could be enforced. There were some things that could not be done by acts of Congress or by army orders. Time was needed to heal the wounds of a great revolution and a great war. The Southern people had been ruined. Their property was gone. They needed to work, and they wished to work. And the one great service we could have done them was simply to keep the peace between them and their former slaves by the mere presence of an overwhelming armed force, so that affairs could in the shortest possible time settle into peaceful channels. The party politicians, who have talked so much about the rights of the black man, have, most of them, cared nothing for those rights. What they wished and accomplished has been to keep up strife between two races and to protect neither. The interests of the Southern people and of the Northern people were precisely the same, to have peace and quiet. There are lawless men everywhere. There were lawless men in the Southern States. But the vast majority of the white people there wished to keep the peace. The party men on both sides have, consciously or unconsciously, done everything in their power to continue the strife that should have ended when the Southern armies surrendered. If at the end of the war a committee could have been appointed of fifty intelligent

men from the South, of the men who had been in the field while the war lasted, and the same number of the same class of men from the North, and if to that committee could have been given the absolute power to arrange matters as they thought wise, it is my belief that all the difficulties of the situation would have been easily surmounted. Our whole troubles have come from this never-ending party strife.

And not only do party men foster strife when we need harmony, but in this strife they know no law or limit. They push it as far as their wishes and courage go—even to the length of armed rebellion. It was so when the first opposition party was formed in the time of Washington. It was so when Mr. Buchanan and his friends encouraged resistance to the Government. It will always be so as long as parties exist.

But it is in time of war, when a people should be united, when they must show an unbroken front to their enemies, that the greatest evils from party have ever come. In every time of danger that the people of the United States have yet had, party has nearly ruined us. Party men, whatever may have been their intentions, have in practice not heeded the needs of the people, have looked at party ends, have brought war on us when it suited their purposes, and, when war has come, have done much to bring on us defeat and destruction.

In the only two important wars that we have had, the war of 1812 and the war of the rebellion, when all men should have united against the common enemy, we have been nearly ruined by party strife.

The calm opinion of to-day is that the war of 1812 was entirely needless, that it was begun on no sufficient reason, that it was carried on with disgraceful inefficiency,

and that it brought no substantial results. That the war ever came, or that it was carried on as it was, was due to the violence of party contest. One party dragged us into the war for party reasons. The other party, after war had come, did its utmost to cripple the administration and make the war a ruinous failure, for party reasons.

I take from letters of Jeremiah Mason,* written during the war, certain extracts, pictures of the state of affairs as he then saw them. He says:

“Washington, July 20th, 1813.

“To me most things here are new, and not a few appear strange. I expected to find some dissatisfaction among the old friends of the administration. But I was not prepared to expect the violent jealousies among them which I find. They have no confidence in each other. * * * The Secretary of State and of War are each some distance down the river, at the head of separate bodies of troops, preparing to oppose the enemy. They are both ambitious of military command, and envious of each other. The influence of the President is much less than I supposed. There seems to be little plan or concert in the management of public affairs.”

“Washington, October 8th, 1814.

“The Government is in utter confusion and distress. Without a cabinet, without credit or money, the nation is in a most deplorable condition.”

“Washington, November 24th, 1814.

“If the war goes on, the States will be left in a great degree to take care of themselves. What this will end in it is impossible to foresee. This is the cause from which, in my opinion, a dissolution of the Union is to be apprehended. * * * If the people discover the general government is unable or unwilling to defend them, they will soon withdraw all support from it, and look for relief to their State governments. If compelled to tax themselves to support their militia and State troops, they will not at the same time pay heavy taxes to the United States.”

* Hillard's "Life of Mason" (privately printed).

Mr. Mason had a clear idea of the danger of the nation and its cause. He writes in another letter :

“Our political institutions are new, and not very well understood by the people. Our government is weak, and has been for the last thirteen years carried on by courting their prejudices and worst passions. I am not certain that our people are so much more enlightened and virtuous than the rest of mankind, as their demagogues are constantly telling them. We are not without ambitious spirits ready to take advantage of occasions. I do not, however, believe there is any immediate danger of the establishment of an arbitrary government by usurpation. I think the country is not yet prepared for it, but I fear it is preparing. I do not see much chance of the government's getting into better hands. Should that happen, no men in the nation could raise it from its present degraded condition up to the tone and style of Washington.

“The government must probably for many years remain in this degraded state, vibrating between life and death. The administration may often pass from one faction to another. *Each faction, with intent of securing the continuance of their power, will gratify the worst prejudices of the people, and pursue measures they know to be base and unworthy.* Such a course would probably soon end in confusion, out of which might arise a new order of things, were it not that the State governments will be able, as is hoped, to afford a tolerable degree of security for individual rights.”

The war of the rebellion came. As to whether it would have come had it not been for party strife, men may differ. But after the war once came, as to the disastrous effects of party strife men cannot differ.

Again, as in the war of 1812, when the nation was in the greatest danger, when we needed, of all things, that all loyal men should sink their differences of opinion on other matters, and fight together for mere existence, we had nearly half the men at the North arrayed in opposition to the Government, doing all they could, whatever may have been their purpose, to aid the public enemy and destroy the nation.

In short, at all times, in war and peace, the need of the

people is agreement—on something to be done. The need of parties and of party men is always strife over what they call “principles.”

We have in this country every four years a convulsion of the whole nation. The entire business of the community stands still at an immense money loss. If the men of a new party come into power, they may adopt a totally new system of levying revenue; they may bring in a new tariff; they may overthrow the existing currency, or issue a quantity of irredeemable paper money. The commercial and banking operations of the whole country may be thrown into utter confusion. Prosperity may be changed to ruin, for large numbers of our citizens, according to the particular measures that demagogues think will carry them into office. The mere machinery and labor of a Presidential election cost immense sums of money. This money is paid, in one shape or another, by the people, and out of the people’s purse. Why should the people pay this immense tax every four years, have their public servants at all times doing duty to the party instead of to the State, and be subjected to this immense business loss and this enormous upheaval of the whole social fabric? We may, indeed, live through it. The people’s liberties may not be permanently destroyed by it. We may be prosperous in spite of it. But why should we have it?

The English system of government and our own system are both bad. We have a revolution once in four years. They have one whenever the ministry are beaten in the House of Commons. I do not yet feel certain which system is the worse.

We come, then, to the next point. Is it a necessary thing to have this party strife, in order to keep alive the interest of the people in public affairs?

One of the most frequent complaints of the day is that our people, and especially the educated men, do *not* take an interest in public affairs. And the complaint is in a measure well-founded. Men do not take a healthy interest in the affairs of our government. And why is it so? Simply this: the ordinary citizen knows that he has no power, that the party men can and will manage our government affairs very nearly as they choose. But before party machinery and party power became so fully developed, men did take the deepest interest in all the affairs of the nation.

All men in the country, but the educated men more than any others, think and read and talk of public affairs more now than ever before. As a class, the educated men are more eager than any others to go into public life. Nothing else has for them such fascinations. But they cannot get there. They are kept out by the party leaders. They try again and again, and they fail. What has at times seemed the indifference of elegant leisure is in fact the despair of repeated defeat.

Is it a possible thing that men of any class should lose their interest in the public affairs of their own country, of their own time? This government and these laws, we live under them. They make or mar men's fortunes and the fortunes of their children. Men who read and think at all, read and think of the affairs of every people and of every age. Wherever we go, in a railway train or in the farm-houses, we hear all men discussing matters of European politics. Are we suddenly to lose all interest in the affairs only of our own country, and in the making of our own laws? On the contrary, remove these party oligarchies, and the best men in the country would again come into public life. Remove these party contests, and we

should have, instead of this feverish upheaval once in four years over a mere struggle for office, a steady, healthy interest in questions of public policy. When men found that they really had some power in affairs of State, they would try to use it. Men in any country have never, under any circumstances, been able to lose their interest in the affairs of their own Government. We are not now to have such a miracle for the first time in the world's history.

To say that we must have these party contests in order to keep up the interest of the people in public affairs, is to say that a man must have a fever once in four years to keep warm.

Are these party combinations, then, necessary to preserve free government?

All the republics in history have been destroyed by party—by these organizations of men who have made a profession of carrying elections. The tyranny of kings has been often overthrown by one people or another in the history of nations. The tyranny of party is the most dangerous enemy freedom can have. No people has ever yet conquered it. These single royal tyrants, with only one life, are puny things; but this immense monster party, which is immortal, has the people's own strength.

But if these were the only evils resulting from party combinations we might be comparatively at ease. We have not yet the worst point. It is this necessity of carrying elections, under which we put all our public servants, which is the root of all the corruption of our public men. We bind them hand and foot, in the chains of party slavery. And we do more: we compel them to serve the powerful interests in the land which control votes. Our public servants, on questions of revenue, on all matters of legislation,

where we have a right to their honest judgment and honest action, do not give us their honest judgment and honest action. They are driven to look at the next election. They say they work for their party. They give it too good a name. They shape their official action in such a way as to gain the support at the next election of the rich and powerful men and corporations. Disguise it as we may, they sell their official action for votes; and the next step downward, the selling official action for money, is one that is easily and often taken. But that is not often the first step.

Some men have been in the habit of thinking that the corruption which we have had among members of Congress and of State Legislatures was some special fruit of some special feature of republican institutions. That is a mistake. Whenever, under any system of government, it is necessary for public officers to catch votes for elections, they will catch the votes. The votes will be bought and paid for, with money, or office, or official action, as the case may be, whether it be under a monarchy or a republic.

It will be well to examine some points in the history of corruption in England.

Since Parliamentary government came into existence, it has been necessary for English party men to control votes and seats in the House of Commons. These votes and seats which were needed by party men, were, until no very long time since, procured in the simplest possible way—they were simply bought and sold for money, as a matter of ordinary every-day business.

Macaulay says: "From the day on which Caermarthen was called a second time to the chief direction of affairs, Parliamentary corruption continued to be practised with scarcely an intermission by a long succession of statesmen

till the close of the American war." Mr. Hallam gives* £90,000 as the annual amount of what was called "secret service money," a fund always believed to have been used for the purpose of buying members of Parliament. The *Crédit Mobilier* and *Union Pacific* scandals in this country are the merest repetitions, with changes of name, of the purchase of members in Parliament by the City of London and the East India Company in the reign of William III. There was then, as in later years, the same difficulty in finding witnesses and in opening their mouths; the same wonderful losses of books, papers, and memories; the same mysterious disbursements of large amounts of money paid in the coin of the realm. The East India Company paid in one year, as was alleged by its officers, to members of Parliament, £80,000. The Speaker of the House of Commons received one bribe of a thousand guineas for simply expediting a local bill. And one bribe of £50,000 was offered to the Earl of Portland. George III. wrote to Lord North: "Mr. Robinson sent me the list of the speakers last night, and of the very good majority. I have this morning sent him £6000, to be placed to the same purpose as the sum transmitted on the 21st August."

It was to be placed where it would do the most good.

Although the practice of buying votes in Parliament and paying for them in money seems to have ceased about the beginning of this century, yet the practice of buying and selling seats in Parliament for money went on for years longer. It was the ordinary practice. Before the Reform Bill, men bought seats from the proprietors of the nomination boroughs; after the Reform Bill, they bought seats from the electors. The bargain was made

* "Const. Hist.," vol. iii. p. 164.

and carried out, and the money paid, openly, in the sight of all men.

Public opinion in England has greatly diminished the amount of corruption in English Parliamentary elections. But down to this day it is, as far as I can gather, among gentlemen of position and education in England, esteemed a perfectly right and proper thing to buy with money the votes of electors to a seat in Parliament. Undoubtedly public opinion is better than it was. Corruption in Parliamentary elections is not what it was. But so late as the year 1870, in a report of a Commission on the elections in the borough of Bridgewater,* it is stated:

P. VI. "We have obtained quite enough evidence to justify us in reporting to your Majesty that there is much reason to believe that in Bridgewater, within the present century at least, no election has ever taken place except under the influence of practices which, not only by the *Lex Parliamenti*, but by the common and statute law for the time being in force, were corrupt and criminal practices, and lawfully punishable as such." * * *

P. VII. "Whether in the old times, when the areas of place and population were narrow, the qualification such as we have stated it, and the constituency small, or at the present time, when all those conditions appear to have extended to the uttermost, or in the intervening period, the proportion of local corruption has been always the same. It is always three-fourths, at least, of the actual constituency who are said to be hopelessly addicted to the taking or seeking of bribes, and who show by their conduct that the imputation is well deserved; while of the remainder a very large part, perhaps by far the largest, are addicted to the giving or offering or negotiating of bribes. Rank and station appear to make no difference. Neither do we find that the needy are more corrupt than the 'well to do,' nor the latter less prone to corruption. It is the chronic disease of the place, and not one political party is more or less than any other

* Bridgewater Election Inquiry Commission: Reports from Commissioners, 1870. Parliamentary Records, vol. xix. p. 30.

tainted with the malady. The Tory bribes or is bribed because he believes that his adversary will forestall him in the race if he attempts to run it on 'purity' principles. The Liberal acts, and justifies his action, precisely in the same way."

Speaking of the electors, the report says :

"They claimed their bribes as of right—a common right, a right founded not so much upon contract as upon ancient precedent and general practice."

The report further stated that out of six hundred voters only about fifty would take no part in corrupt practices before 1868 ; and

"at the present time at least two-thirds of the new voters were of a class who are always amenable to money considerations, and the old voters remained much as they were before. Mr. Barham, indeed, stated that when he came into the town on the morning of the election he saw hundreds of the new voters standing about in the cattle market, like cattle themselves, waiting for the highest bidder."

The report of the commission shows very clearly, as do other Parliamentary records, that bribery at elections to Parliament was reduced to a regular profession, followed regularly by men who gave their services for pay to the men in either party who might chance to need them. And these practices were not apparently disapproved or questioned by reputable English gentlemen. In the same report appears the statement as to the Bridgewater election of 1866 (p. 37), that "Walter Bagehot and George Patton, Esquires, two of the candidates, were privy and assenting to some of the corrupt practices extensively prevailing thereat." And in a schedule of bribers annexed to the same report appears the name of Alexander William Kinglake.

Some men have an idea that there has been some magic in the name or essence of an English country gentleman that made what is called corruption impossible. But,

when corruption in the House of Commons was at its height, the House was filled with English country gentlemen. English gentlemen in those days thought it no harm to buy or sell votes in Parliament as well as seats. It is not believed that members of Parliament any longer sell their own votes for money. But Mr. Bagehot writes,* in our own time: "There are said to be two hundred 'members for the railways' in the present Parliament. If these two hundred choose to combine on a point which the public does not care for, and which they care for *because it affects their purse*, they are absolute."

From all which facts it is to be gathered that buying seats in Parliament for money, and selling votes in Parliament for other good and valuable considerations, are practices not yet entirely dead, even under a "constitutional monarchy."

But it may be urged that free government has never yet in the world existed without parties; that, even if we could abolish parties, the experiment would be one full of danger, of which no man can foresee the result.

Here, too, we need not rest on theory or conjecture. The experiment has been tried. We have its results.

There was one time in the history of this country when we had no political parties. Parties did not come into being until the recurrence of two or three Presidential elections had shown the use that could be made of them. And until just before Mr. Jefferson's election in 1800 we had nothing that deserved the name of party.

And how did the people prosper without those blessed engines of liberty?

We went through the war of the Revolution without

* "English Constitution," p. 176.

parties. Some men were royalists, others were rebels; but there were no organizations that could be called political parties. Men were agreed to fight the common enemy, at least as far as party was concerned.

The war ended. We had to form a Constitution; again we had no parties. The members of the Constitutional Convention came together, a body of men having just as strong differences of opinion as any body of men at any later time. Some of them wished a monarchy, some of them a republic, others a mere league. They met, *agreed on nothing*, either of principle or of detail, as to the features of the government they were to have. They were not even agreed to have a government. But they met *to agree on something*. And they did agree. They made the framework of a government, a harmonious system, not indeed a perfect one, but, according to Mr. Gladstone, "the most wonderful work ever struck off at a given time by the brain and purpose of man."*

And after the Constitution was formed a great work was still to be done. Here was a nation that was bankrupt, weighed down with public and private debt, ruined by a long war for freedom. A new government was to be created under this new Constitution. There were no courts. There was no army or navy. There was no treasury or revenue. To organize a government, build up its credit, create a treasury and fill it, that was the work which our public men had to do. And it was done. The legislation of the first twelve years under the Constitution was almost as remarkable as the Constitution itself. That legislation of those twelve years made our Government

* "Kin Beyond Sea," *North American Review*, Sept.-Oct., 1878, p. 185.

substantially what it now is. The whole machinery has since been operated almost precisely as those men of the first three administrations left it. The work of succeeding Congresses, compared with the legislation of our first twelve years, has been hardly anything more than the passing of revenue and appropriation bills.

At the beginning of the events that finally led to the War of the Revolution, it had been necessary for all men to agree on some one line of action. When the war began, it was necessary for all men to agree on some one form of league. When the war was ended, it was necessary for all men to agree on some one form of government. And up to that time the people had gone on without parties or party contests. It was, in fact, almost entirely due to the absence of parties and party contests that men, in the thirty years from 1770 to 1800, were able to carry out any one of the points of policy, every one of which was absolutely necessary to accomplish the freedom of the colonies and the formation of a new national government. If the two great political parties that grew up within the first twelve years of our national history had come into being before the Constitution was formed, I do not believe the Constitution would ever have had an existence. If they had come into being immediately after the Constitution was formed, I do not believe the Government would ever have had an organization.

And after the Constitution was formed and the new Government was organized, we still needed, as before, *agreement*. Whether men had before wished a mere league or a government was now a matter of no moment. They had agreed, to have a government. Whether men had before wished to have a republic or some other form of government was now a matter of no moment. They

had agreed, to have a republic. Their differences of opinion on these points were dead things of the past; and so they should have been left. If it be said that although it had already been decided that we were to have a republic, yet it was still to be decided what kind of a republic we had made by this new Constitution, the answer is, that was a question to be decided, not at the polls, but in the courts. If, after the experience of years, it should be found that this Government, formed under this Constitution, was not a successful working machinery, then, indeed, it would be time to have another Constitutional Convention, and see if this machinery could not be in some way modified, so as to make it a success. But until that was done, and so long as this Constitution remained unchanged, the thing for all men to do was *to agree*, in giving it the fairest trial. It may be said that men had to discuss the qualifications of candidates and the advisability of measures. No doubt that is what they should have done. That is precisely what under the party system they did not do. But after they had discussed the qualifications of men and the advisability of measures, will any one deny that they were all bound to obey the laws?

But it may be urged, How has it happened that so many men, great and able men, have been convinced of the necessity of parties? Can it be that these men have all been mistaken, and that party, with all its evils, has not had its mission?

There is one time in the history of national governments—rather, there is the time before they begin to have a history or an existence—when something like party has a legitimate place in national mechanics. There is one thing which so dwarfs all others in importance as to make it wise for men to sink all other differences, and *combine* on

that one question alone. And that is the struggle for freedom and free government against tyranny and usurpation. Wherever usurped power has been maintained, by its hereditary transmission to the descendants of usurpers, there it is just and wise for all men to *combine*, in one party, if we choose so to call it, to conquer their freedom, peaceably if they can, by war if they must. But when that has been done, when freedom has been conquered, when a people has once established it as a fact that usurped power is not to be inherited, but that the rulers of a people are its servants, to be chosen by the people themselves, then the need of party, or anything like party, is gone. Party then becomes nothing but faction.

Now, in 1787 we had our freedom. Our right to choose our own rulers had been conquered. We needed no parties. And at first we had none. Their absence was our blessing.

We soon had parties—when we needed them not. And we have ever since had them. Their presence has been our bane.

Well might Washington give, as his last advice to the American people, a warning on the dangers of faction. It is well to recall his words of wisdom :

“I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

* * * * *

“It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

“The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party discussion, which in differ-

ent ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism.”

This thing that we call party is the poison which makes a healthy national life an impossible thing. These great party combinations, instead of being combinations of citizens to carry wise measures in the interest of the people, are only combinations of politicians to carry elections in their own interest. Parties, so far from being necessary to carry measures, to keep alive the interest of the people in public affairs, and thus to preserve free government, are the most powerful hindrances to efficient action, keep alive endless and needless strife, are hot-beds of corruption, and are the most dangerous enemies that free government can have.

This party oligarchy under which we now suffer is not the creation of any one set of men. The present party leaders are not responsible for its existence; they are not to be blamed for it. It is the natural legitimate fruit of our government system. It is not from choice that our public men sacrifice the interests of the people for those of party. They form these immense and powerful combinations only because our system of government drives them to it. They must carry these elections, or they will lose their places. They will make this election work the profession of their lives so long as we compel them to do so. But if we will only free them from the necessity they are now under of doing party work, we can have from them as faithful service and as good work as we have from the men we employ in private life.

How is it to be done?

We must do two things.

First, we must, if we can, keep our public servants out

of this profession of carrying elections. Second, we must, if we can, destroy the profession altogether.

In order to accomplish the first result, to keep our public servants out of the profession of carrying elections, we must free them from the necessity of going into it. In order to accomplish that, we must, unless there be some good reason against it, have every public servant hold his place as long as he does his work well. We must regulate his tenure of office by the way in which he does its duties, instead of by the movements of the heavenly bodies. We must destroy the term system.

In order to accomplish the second result, to destroy this profession of carrying elections, we must, if we can, so arrange matters that the profession will not pay; then men will not follow it.

Now, if we elected only our Chief Executive and the members of our Legislature, there would be very few offices which election work could capture. And if we abolish the term system, no one could tell when even these few offices would be vacant. The professional election worker would find his occupation gone. He now keeps to his profession, even if he is for a time out of office, because he knows there will be, at the end of one, two, or four years, a large number of vacancies, some one of which he hopes to get. Take from him this hope, and he would betake himself to some other employment.

If we should, then, do these two things, reduce the number of elective offices, and abolish the term system, we should at least put our public servants under pressure to do well their official work, and put an end to this trade of carrying elections. Parties for any proper use, combinations for the purpose of getting wise government action, would still exist whenever there was any need for them.

But would there be other bad results?

Our purpose in having the people elect their public officers is to secure in the public service our best men. Our purpose in putting our public officers on the term system is to secure from them their best service. If we do away with elections, what security have we for getting our best men in office? And if we do away with the term system, what security have we that we shall get from our public servants their best service?

Those are the questions next to be considered.

CHAPTER VI.

THE SECURITIES FOR GETTING THE BEST SERVANTS.

It was assumed at the beginning of this argument that the general framework of our Government was good, that its division of the work and the duties of different departments and officials was a wise one. It was said that the main inquiry here would be, How we are to secure in each department of our public service—

1. Our best men.
2. Their best work.

A short examination was then made of some points in the three distinctive types of government—Hereditary Monarchy, Constitutional Royalty, and what we have called a Republic.

As to Hereditary Monarchy, the conclusion reached was that the hereditary system, as a machinery for selecting the men who were really to wield power in the State, was a failure, and that the good result which was sometimes gained under that system, that is, vigor and stability of administration, could be had under a government where the officers were elected, as well as where power was inherited. It was simply a question of how much power a people should give their chief executive; and the power could be given as well to an elected executive as to a hereditary executive.

The examination of Constitutional Royalty brought us to the conclusion that executive officials should not do

work in the Legislature, and should be held responsible only for their executive work; and further, that there should be at the head of the whole executive administration one man, with power, who should be held responsible for the working of that whole executive administration.

The examination of the working of our own system of government showed that, instead of our having a government where the people really have the choice and control of their officers, there has grown up a party oligarchy, which has taken from the people the choice of their public servants and the control of their public work, and has established an oppressive tyranny.

The argument then was, that party, instead of being a machinery necessary for getting wise action in the interest of the people, was only a combination of men for the carrying of elections, was the strongest hindrance to wise action; that it was the cause of endless, needless, and pernicious strife; and that, instead of being a necessary engine of free government, it is really the most dangerous enemy free government can have. And it was urged that we must devise some means of ridding ourselves of these combinations, which exist only for the purpose of taking from us the choice of our public officers and the control of their public action.

It was argued that the only means of destroying these party oligarchies, and freeing both citizens and our public servants from their tyranny, was to abolish the term system, and reduce, as far as possible, the number of elective offices. But it was suggested that possibly those changes might interfere with the securities which the people now have for getting the best men in the public service, and for getting from those men their best work.

It was argued that the only officers to be elected by the

people should be the Chief Executive and the members of the Legislature. It is to be noticed that under the national Government those are the only officers that are elected. But the arguments here brought forward are general in their bearing, and apply with the same force to State, county, city, and town governments as to the national Government.

The argument from this point forth will still be made general. And the next point to be considered is, What are the real securities that the people can have for getting in each department of the public service their best men?

That means, of course, the getting in each department of the service the best men for that department. One of the points urged against what is called Constitutional Royalty was, that the heads of the executive administration are selected for their fitness, not for the duties of their executive offices, but for work in the Legislature. And one of the worst results of party, whether under a system of constitutional royalty or under a republic, is that public officers of all kinds are selected for their fitness, not for the duties of any office, but only for election work.

To secure the best men in our service, we must, if we can, secure two things—

1. That the best men shall offer themselves for the service.

2. That they shall be taken into the service.

How, then, shall we secure the first point of these two, that the best men shall offer themselves for the service?

It has been already said that private employers have no difficulty in finding good men to do their work. Men usually seek employments that are congenial, and sooner or later find the work for which they are best fitted. The men who are fit for the people's service will be sure to

seek that service. We can here trust to the operation of natural laws, if we will only allow them to operate. To simply allow the operation of natural laws must be our first end.

To accomplish this end, the main thing we have to do is simply to remove the barriers we have raised by our system of false republicanism, to destroy this party oligarchy, which drives from the service the men who will serve only the people, and keeps in the service only those men who will serve party.

But, besides that, the people should use the immense advantages which they have over all private employers in competing for labor. As things now are, we throw them all away.

These advantages are—

1. The people have a service that is, or can be, more permanent than that of any private employer.
2. Their affairs are more vast, more important; and the people are richer than any private employer. They should, therefore, and can, pay better, in money.
3. Above all, they can in their service give fame and reputation beyond what any private employer can dream of giving.

How do we use these advantages?

All professions and occupations have their chances. But, aside from those chances, every profession or business in the country, other than our public service, gives to the men who enter it a certainty of employment for life, if they will do honest work. The carpenter, the blacksmith, the lawyer, and the physician all know that, if they only do honest work, they are certain of having work all their lives. So we deal with all private servants. Is it so with our public service?

To our public servants alone we say, Whether you do our work well or ill, you can have a *certainty* of employment only for four years or two years, and for any longer time you must take your chance of carrying an election at the end of that term. You may grow gray in our service; you may give us the best labors of a long life. You may have spent many years so faithfully in learning the duties of your office that you are without any other profession, and have no other means of earning your bread. We give you no certainty of employment for any time. We warn you in the outset that, whenever the party leaders need your salary to reward some of their followers for work done in carrying elections, they will have it, and your gray hairs and your years of faithful service will count for nothing.

That is the sober truth, without exaggeration. That is precisely what we say to the men who wish to enter our employ. Can we, on such terms, get the best men?

Take the next point. Our public affairs are vastly more important than the business of any private employer; they involve larger amounts of money and property—they concern wider and more varied interests; and the people of the United States have in their possession and under their control the wealth and fortunes of all the individuals in the land. We ought to pay our public servants more than any private employers can possibly afford to pay. We thus have it in our power to draw to our service the very ablest men. We need them. We ought to pay for their work, as we can well afford to do.

Moreover, the men we need to do our government work are not the men who live the lives of elegant leisure, on fortunes that other men have made for them. We wish these men of leisure in the service, if they can stand the

tests, if they can and will do the hard work. But in the service of a real government there is no place for idlers. Here is the finest work in the world, to be done by the men who can do it best. Men's minds are like their bodies; those only are good for use that are trained in hard work of some kind. In the large number of instances the men in the world who can do good work are not the men of fortune, but they are men who need to be paid in money for the work they do; and those men we cannot get unless we pay them well in money. There are places enough in the world where they will be well paid. To those places they will go.

Now, although we can pay and ought to pay, in money, more than any employer in the country, what we do is this: We say to the men who wish to enter our service, Although we give you no certainty of permanent employment, we do give you a certainty of poor compensation. We are the richest employers you can find; we are the meanest paymasters. In any other service than ours you have the possibility of a reasonable fortune. We give you the certainty, if you are honest, and give your whole time honestly to our service, of little better than poverty.

Is that a wise policy? In the war of the rebellion, of what consequence would ten or twenty millions of dollars in salaries have been to the people of the United States, if, by paying that amount of money, they could have saved the twenty-five hundred millions and the lives that were thrown away? It is always so. There is never any economy in poorly paid labor.

But it is on the third point where we have our greatest advantage that we make our greatest sacrifice.

We have it in our power to give to our public servants fame and reputation for good work done in our service.

We make it certain that they shall not gain fame or reputation in that service, if they do nothing but serve us well. Here, too, the term system makes our chief difficulty.

Even if we should once get in our service all the best men in the country, putting wholly out of consideration the effects of party, the system of elections for short terms of years would certainly result in driving from our service the best men.

The expectation was, in having elections at intervals of years, that, when an official did good service, he would be re-elected at the end of his term. That is not, however, the way in which the system operates. Nearly every official act of every public officer, according as it is done in one way or the other, works a direct gain or loss to some one man or set of men. The men whose interests are injured by the action of public officers know their injuries, and can easily combine. The interests that our officials protect by upright action are commonly the general interests of the whole people, who cannot, or do not so easily, combine. Moreover, by each separate act a public officer may make a new set of enemies. At the end of his term many men, for many reasons, wish his one place. The natural result is, that when a public officer stands for a re-election, all his enemies, and the friends of all other men, combine against him alone. And what chance of re-election, under such circumstances, has a man who has simply discharged his duty, without conciliating by improper means the powerful interests in the land, whatever they may be? Suppose the case of a man of great and varied knowledge, a master of the principles of finance, learned in jurisprudence, a man of sound sense and judgment: put him in Congress to-day, let him simply give himself to the most faithful performance of his duty, never speaking but

with an honest purpose, doing his work in the most skilful but unobtrusive manner; let him neither have nor use the arts of the politician; let him neither flatter nor deceive the people who put him in his place, and will any one claim that such a man would be likely to secure a second term in Congress, as affairs now go, or as they have gone at any time in the last thirty years?

When, then, we add the certainty that this plan of general elections for short terms of years certainly brings into existence this army of men who make the carrying of elections their profession, who need all the places under government for their own purposes, what human possibility is there that the good men who do now and then get into the public service should stay there?

We see every session in Congress a few eminent men of business—bankers, mine-owners, and merchants. They never appear for more than one or two terms. What does it mean? Simply that these men, who have, by the gaining of their own fortunes, proved that they are probably men of honesty and ability, who have a strong wish to enter public life, and give to the service of the people the fruits of their experience and the use of their powers, cannot remain in the people's service, because they are independent, because they make enemies and do not serve party.

The best men cannot long stay in our service. But unless a service is permanent, men can have no possibility of gaining in it fame and reputation. In all the ordinary professions and occupations of life, reputation comes only from long and faithful service. Can it be otherwise in the public service? When we established the term system, we made it as certain as we could that when the system had time to work out its natural results it would be impossi-

ble for men to get fame from simply doing well the people's work. We drive them into the profession of election-carrying.

By our term system, then, and by the tyranny of party, which is its chief result, and by our practice of giving to our public servants poor compensation, we not only refuse to use the great advantages of our position with reference to other employers, but we do all we can to keep the best men out of our service.

But suppose all these barriers removed, and that the best men for our service offered themselves for it, as they certainly would. How, then, are we to make sure that the best men shall be taken into the service?

To secure this point we must so arrange that—

1. The choice shall be made by those who are best able to make it.

2. The men who are to make the choice shall have all possible means of testing the men from whom they are to choose.

3. That the choice shall be made freely and honestly.

The first of these points, that the choice of public servants shall be made by those who are best able to make it, shuts off at once, as to the whole body of executive officials, except the chief, the method of popular election.

I admit and claim that, for the selection of the Chief Executive of the nation, the free choice of the whole people, if it can be had (not the choice of a few party leaders), is the best means that can be devised. So, too, I believe that, when party tyranny is destroyed, the free choice of the whole people is the best machinery for choosing the members of a legislative body. But as to the qualifications of the vast number of executive officials in a large public service, it is an utterly impossible thing that the people at

large should be able to form an intelligent judgment, or any judgment at all.

The point I make is, not that the system of popular election places the choice of our public officials in the hands of any ignorant class of the people, but that *all the people*, on this point, without reference to class, are ignorant, are equally ignorant, and wholly ignorant. As to these qualifications of single Government officials, no one can possibly know anything at all, except the immediate superiors in office of the men in question.

To secure, then, that the choice of our public servants should be made by the men who are best able to form a judgment, or by men who are able to form any judgment at all, it is necessary that all subordinates in all our executive offices should be appointed by the head of the office, from the men whom he has tried in the office; in other words, that as to the great body of executive officials, election by the people, or by any part of the people, should be altogether abandoned.

And as far as this point alone is concerned, if we concede it as to any of the subordinates, we must concede it as to all. As to any one branch in any of the great executive departments, who is there that can know anything of the real working capacities of the men in that branch, except the man who is its head, who has the work of those men every day under his own eyes? As to the heads of the different branches, who can possibly know anything of their working capacities, except the man who sees their work every day, their immediate superior, the head of the department? And as to the heads of departments, who can possibly make as intelligent a choice as can be made by the Chief Executive, who has had the department matters and the department men under his eyes, it may be for years?

As far, then, as this point is concerned, all the officials of the entire service, except the Chief Executive, should be appointed, and not elected. And the appointments should be made, of the officials in each office and department, by the head of the office or department.

This system, it is very easily seen, would result simply in a steady stream, by promotion, from the bottom to the top, throughout the whole executive administration, until we came to the very head—to the Chief Executive. And that is precisely what we have in every well-organized service in the world. The Chief Executive cannot, of course, appoint himself. And he should be elected, as it seems to me, by the vote of the whole people—substantially as he is, in form, now. He should be a man who has already, in some way, made a national reputation. And if party and party influence were destroyed, no man would be elected by the people who had not such a national reputation.

The intention in giving the people the direct choice of their officials was to secure a wise choice. The people, as to this vast number of executive officials, cannot, from mere lack of knowledge as to the men, make as wise a choice for themselves as some one else can make for them. They should, then, trust the choice to those men who can best make it.

How, then, can these men who are to make the choice have all possible means of testing the men from whom they are to choose?

Here again we need, of all things, a service that is permanent. The men in the service must have time to show what they can do. There must be time for the processes of natural selection to operate. Make the service permanent, and the men in it will all find their level. As cer-

tainly as it happens in other professions, the able men will rise to the top, and the weak ones will drop to the bottom.

Much is now written and said in favor of what is termed competitive examination. No doubt competitive examination is a thing to be used. But examination in what? In Greek and Latin and Mathematics? They are good in their place. Give every man, in every profession, as much of them as he can have. But they will not, by themselves, give us good public servants. What we must have is the competitive examination of actual service. We must in our Government service put men to the same tests that we do in other services and professions—the test of actual work. Have men enter the public service always at the bottom of the ladder, and have them compete at the special work they are to do. Let them prove themselves. Find the best men by the natural selection that actual service will make.

But to have the possibility of any such competitive examination as this (and it is the only one that can have any real value), we must have no term of service of four years, or two years, or any term of years whatever. The public service must have the same permanence that we find in the service of our great mills and railroads, if we hope to be able to find men out, to know what they can really do. We must drop the men at the end of one day, if they so soon show themselves unfit. If they show themselves fit, we ought to keep them for their lives.

Then, as to the third point, how are we to secure that the choice of officials shall be made freely and honestly?

As far as concerns the appointments by the superior executive officers of their subordinates, we must secure honesty of official action in that respect by the same means

through which we secure it in other respects. That is the point to be considered in the next chapter.

And as to the election by the people of a chief executive and of members of our legislatures, how are we to secure that those elections by the people shall be honestly and freely made?

For that we only need to destroy party. The American people can be trusted. This fear that some men have of the people's honest vote is not well-grounded. Wise and honest opinions have their due weight with all men. Our difficulty now is, that party demagogues have an undue weight, which they get only from the fact that they control all this immense election machinery. Destroy that, and they will have only such power and influence among men as they can gain in an honest natural way—in honest natural employments. We have created an artificial condition of things.

Were the people left to make their own choice of the men who are to make their laws and do their other government work; were they unmolested by the arts and mechanisms of party men who have selfish purposes of their own to serve; were all the citizens, high and low, rich and poor, learned and ignorant, simply left to their own counsels, and allowed to honestly choose the men they really deem the best fitted to manage their public affairs, they would, to-day and at all times, place the Government in the hands of the best men. The mass of the American people, and of any people that has ever conquered the right to choose their own rulers and take any real part in the working of their own Government, are honest men. They respect honest men. They are guided by honest and capable men in all the ordinary affairs of life. The people would choose honest men to Government positions, if they were

left to themselves and to the advice of their natural advisers. Is there, even now, any point that makes a man so strong a candidate as the having a reputation for honesty? Remove party machinery and the influence of party men, and the people's choice would almost invariably be a wise one. There have been many times in our history when elections by the people have been had of men to fill important stations, and when, from special circumstances, there has been no party pressure, or party pressure has had no effect. The uniform result has been that the people have made a good choice. Times of great public danger come, when the people are thoroughly alarmed, when every man thinks and acts to the best of his ability. The best men then are chosen to public place. So it was when men were sent to the Continental Congress and the Constitutional Convention. So it was throughout the early years of our Government, before party got its growth. Many times in late years it has happened that the people have become weary and disgusted with the conduct of the professional politicians who have for years succeeded in capturing their votes. They rebel, and elect a man of character. Ordinary men, of less than the ordinary amount of education, are amenable to ordinary influences, to reason and to honest argument. They, as well as the richer and more highly educated men, appreciate the necessity of having honest men in the Government. They would be influenced by the honest men in their voting at all times, were elections free from party pressure. In all private affairs of life, all men, rich or poor, learned or ignorant, choose their servants, their blacksmiths and their shoemakers, their lawyers and their physicians, looking to the one point of whether these their servants have proved themselves to be honest and capable men. Is it conceiv-

able that men will choose their public servants on any other grounds? Will they in all the ordinary affairs of life act like men of sense, but in their public affairs alone act like men without sense? That is not human nature. Whenever, in the history of this country, bad men have been elected to public office, it has been the work of party. Whenever the people have, for any reason, risen above party pressure, they have elected good men.

The argument of this chapter thus far amounts to this—

1. To secure the best men for our Government service we must simply not stop the operation of natural laws. We must put our service on the same footing with the service of other employers.

2. We must use the advantages that we have over other employers. And to that end—

3. We must abolish the term system.

4. We must have executive officials appointed by the heads of offices and departments, and not elected by the people.

5. We must destroy party. And to that end we must destroy the term system.

The argument in this chapter has been, in form, an inquiry how, in the future, we are to succeed in getting the best men into our public service. The inquiry has been, in fact, how in the past we have succeeded in keeping the best men out of the public service.

The ablest men in the country, the men who could best serve the people, have always been, and now are, eager to enter the people's service. They cannot get there. There is nothing that spurs men like the desire for fame. And that desire has at all times, and everywhere, brought forward great generals and great statesmen, whether in empires or republics, to serve the people, whenever the peo-

ple has been allowed to take their service. Public life has for most men a wonderful fascination. And in this country, before party machinery and party management became so complicated and powerful as they now are, before the term system had worked out its legitimate results, Congress was full of able men. The ablest men and the best men in the country were eager to go there. It is not kings and emperors alone who can get great men in the service of the State. The Athenians and Romans always were, and the people of the United States always have been, able to have their greatest men in their service for the mere asking. They can have it even without the asking. These men beg to be taken into the public service. How is it that we do not take them? How are we able to hinder this common law of nature, this law of supply and demand, from having in our Government affairs its legitimate operation? Everywhere else it is in full force. Here alone it fails.

There have, in the history of the human race, been two great forces that have, at one time and another, struggled to prevent the people from selecting for themselves their wisest men to manage their Government affairs. Those two forces have been the tyranny of kings and the tyranny of faction.

The tyranny of kings we need not fear. Until we overthrow the tyranny of faction, it will be an impossible thing for the people to get the services of their best men, though those men are at all times eager to serve them.

But, it may be said, if we give up the term system, how shall we secure any "responsibility" on the part of our Government officials—how shall we secure good and faithful service at their hands?

That is the question next to be considered.

CHAPTER VII.

THE SECURITIES FOR GETTING THE BEST SERVICE.

THE last chapter brought us again to the conclusion, which had been reached at earlier stages of the argument, that it was especially necessary, in order to do away with the evils under our present system of government, to abolish the term system. But we had yet to consider whether, by abolishing the term system, we should not lose some security which we now have for getting good and efficient service from our public officers.

As I understand it, that is the only use of the term system—it is supposed to be a security for good and efficient service. It has, as I understand it, always been adopted and used, only as an indirect method of removal, for conduct on the part of a public officer which in some point failed to meet the approval of the citizens who elected him.

Let us consider, then, whether we can, as far as this point is concerned, safely abolish the term system. And let us make the inquiry broader. We have just considered the question, What are the best securities that a people can have for getting the best servants? Let us go a step farther. Suppose we have our machinery such that we shall secure the best men in our public service, what, then, are the best securities we can have for securing from those best men their best work?

To secure from our public servants their best possible work involves two points. We must so frame our system as to secure that our servants shall—

1. Do the best work within their knowledge.
2. Have the knowledge how to do the best work.

In other words, we must so frame our system as to secure, so far as we may—

1. Thorough honesty; and,
2. Thorough training.

How is that to be done?

Here, again, let us leave theories and conjecture. Let us take actual experiments, and see what have been their results.

Let us take a leaf from English history.

The English people pride themselves on the purity of their courts. However it may be in all other places, in an English court of justice, it is always said, a lord is no better than a clown. There, at least, justice can be had by all men. But has it always been so?

So long as judges were dependent for their tenure of office on the will of the Crown, there were to be found in all England no viler tools of kingly tyranny than the judges on the bench.

A change was made. English judges were made independent. They were made to hold office so long as they did their work honestly—during good behavior, as the phrase goes; and at once English judges became honest and upright men. And, from the day of that change, the history of the English bench has been (with hardly one exception, if even one) a record of utter official purity. Everywhere else corruption; on the bench alone purity. On the bench corruption until this change in tenure, and purity ever afterward.

A remarkable result, surely! Can it be matched in the records of any other people? Let us take a companion picture from our own national life.

While we were making with our executive and legislature the experiment of short terms, we were making another experiment with our judiciary.

For many years, in nearly all the States, the judiciary held office during good behavior. And for many years it was a point recognized by both parties, or by all parties, that judges should be independent of all party considerations, that their appointments should not be party appointments, and that their duty was solely to interpret the law, and to dispense justice impartially between man and man. After party lines became strongly fixed, it was seldom, indeed, that a President would appoint a judge from the ranks of his political opponents. But it was by all men agreed that a judge, after he was appointed, was, and should be, no longer a party man. Both parties agreed, that the judge should know neither party; and in some way it happened that the judges of all our courts, both State and national, for a long series of years, were, with scarcely an exception, men whose perfect official purity was never so much as questioned.

So matters for a long time remained. Party politicians had seats in Congress, in the State Legislatures, but not on the benches of the courts.

So it remained in the State of New York until the year 1846. And in that State the judges were wise and upright, and the legislators were no more knavish or foolish than legislators of other States.

In an evil hour certain wisecracks, most of them lawyers, tried to make a new State Constitution. Only one point of it needs here to be considered. And the consideration

of this point, as its effects developed in the State of New York, will answer for all like experiments in other States.

At the time of this formation of a new Constitution, as tradition tells us, there were in the upper courts of the State two or three judges who were guilty of the crime of growing old. They were known to be upright. But advancing years had stolen from them somewhat of their youthful impetuosity. As the Constitution then stood in New York, the judges of the upper courts went out of office on reaching the age of sixty years. And, with that protection, there could hardly have been any alarming amount of senile incompetence on the bench. But there were two or three single individuals whom it was deemed necessary to get rid of. If they had been well-pensioned, and had been requested to resign, they would undoubtedly gladly have done so. There is no doubt that they would have been removed for incompetence by the Legislature, if they really were incompetent. But there has been at all times in our national history a chronic tendency to sweeping remedies and constitutional reforms, as they have been called. Certain men argued that if judges should be elected, as were all other officers, for short terms of years, the people would be able, at the end of his term, to drop a judge who became incompetent or was guilty of misconduct. And, moreover, it was said the having men hold office for life was not thoroughly in conformity with republican institutions. Public servants should be responsible, it was said, to the people, and should be dependent, on the people. So it was decided that the judges who had theretofore been appointed by the executive, subject to the approval of the Senate, to hold office during good behavior, should thereafter be elected by the people for a short term of years.

The mere traditions of olden times at first kept the courts pure. Such a thing as electing a man to the bench because he was serviceable in carrying elections for his party had never been heard of. It was not at once thought of. Very soon, however, party men, who were in quest generally of offices, sought judicial offices. All other offices were given to party men. Why should not these judicial offices be so given? They were so given. It had been learned that legislative and executive offices could be used for improper purposes, that legislative and executive action could be sold for favor, for influence, and for money. It was soon ascertained that judicial office and judicial action could be used and sold in the same way. And so judicial offices and action were used and sold. And in due course of time the bank accounts of certain judges of the highest courts in the State of New York showed that a seat on the bench could be made an office, if not of honor, at least of profit, and that ermine, though a costly robe, might yet yield rich revenues to the wearer.

Some astute reasoners endeavored to set up a new standard for official action, for legislators, executive officers, and judges on the bench. It was this: It was seriously argued, and became a well-settled principle of practice, that so long as a man in Congress or a judge on the bench was not paid a particular sum of money for a particular vote or order or decree, the vote or order or decree was not "corrupt." A judge might ruin the business of a great railroad by a receivership, might imprison an honest citizen without bail, might take a banker's bonds from his safe by an illegal order, or might carry on the business of judicial burglary under pretended writs of court; and so long as he was not paid in money for each one particular

act, his conduct was not to be called "corrupt." It was admitted that perhaps this conduct was not altogether praiseworthy, was not in all respects proper. But, according to a doctrine thoroughly in vogue, these things might all be done for a politician who had got the judge his nomination and election, or they might be done for a stock speculator who furnished his house for him, gave presents to his children, lent him large sums of money, gave him sumptuous dinners with companions not to be named in decorous society, and who for these admirable qualifications was selected, of all men, as the fittest to be the judicial friend. For such a man a judge might break open safes and steal railroads, imprison honest men and release thieves; and so long as there was no bargain for a specific money payment, there was nothing "corrupt" in it. It would be, indeed, hard for the man who suffered by any of these proceedings to see how the wrong done to him was any the less, because his property was stolen or he himself was thrown into prison merely to oblige a friend. It is hard to see how the judicial action is substantially excused by any such consideration. But this was often argued. Later years will not, it is apprehended, sustain this distinction.

It was soon seen that judicial offices were more important and valuable than any others. They had more power. These judges were above all power. These decrees of courts could be used to punish men or to shield them, for carrying through stock speculations or railroad elections, or elections to public office. And it came to be the fact that a very large proportion of the knavery of the party men was carried on under the protection and cover of process of the courts. It was all the more necessary that these places on the bench should be filled by men who

should be under the control of party. The result was, that whereas judges in the State of New York had been uniformly pure, with never an exception, as far as I have ever heard, they became as corrupt as any other class of public servants. They had more power; they were more lawless and tyrannical in the use of it.

It was a point questioned by no one, at the time of the formation of the national Constitution, that the judges should hold office during good behavior. No argument was had as to the reasons for it. But there is no doubt as to what the reasons were. In England the tenure during good behavior had been adopted, simply to make the judges independent of the king. So long as they depended on the king for their continuance in office, it was found that the king could control their action. And it was later found in this country that so long as judges depended on party men for their continuance in office, party men could control their action. No question was made, by the statesmen who drafted the United States Constitution, that the judges on the bench should be absolutely independent of all men. On all other points they differed. On this point they all agreed. On this point all statesmen, everywhere, have agreed. Even in New York, such has been the general disgust with the results of the experiment in electing judges for a short term, that, although the power of the party men hindered a return to the tenure for good behavior, yet the people did, by a constitutional amendment, lengthen the terms of the judges of the upper courts to fourteen years. And this was done for the one avowed purpose of making them *more* independent; yet the people shrank from making the judges, as they should be, *completely* independent, as far as their mere tenure of office can accomplish that result.

From the time our national Constitution was adopted down to the appointment of a politician to the Chief-justiceship of the United States, there was not one single instance, so far as I am aware, where the purity of any United States judge was justly questioned. The history of the United States courts, till within a very recent period, is a glorious record of official purity. Marshall, Curtis, Taney, Story, and Nelson are names that will live forever in national history.

On the bench we had perfect purity. We had it nowhere else.

But in the general Government and the State Governments party politicians made the platforms, and substantially appointed the Representatives and Senators, the President, and all the officers of the Government. Although the Presidents in the early times appointed only jurists to the United States courts, was it to be expected that they would always do so? Themselves the creatures of violent, and sometimes unprincipled, party men, could it be supposed that they would appoint better men to the bench than they did to the executive departments, or better men than themselves to either?

Does any one believe that Mr. Lincoln appointed Mr. Chase to the Chief-justiceship of the United States because he believed Mr. Chase to be the fittest man for the place? Mr. Chase may have been a great lawyer. It will hardly be claimed that he had, when made Chief-justice, proved himself one, or that he was appointed for the reason that Mr. Lincoln had any good reason to believe that he was one. And even if Mr. Chase had then been a man of high standing at the bar, the simple fact that he was the most prominent rival of Mr. Lincoln for the next Presidential term, was a most conclusive reason why he should not be

appointed to the highest place on the bench. Whatever might be the fact, it was certain that the belief would be, that the appointment was made only to get rid of a rival. And there were very many men at the bar and on the bench, who had then proved themselves to be storehouses of legal wisdom.

It has always been believed that two judges in the United States Supreme Court were appointed for the express purpose of reversing a previous decision of that court on the constitutionality of the legal tender act; and the decision was reversed, as the expectation was that it would be.

It has always been believed, too, by a large portion of the American people, that the votes of several judges of the United States Supreme Court on the points of the last Presidential election were controlled by the party sympathies of the members of the court. The belief may be not correct. It is very unfortunate that it should have an existence. It is very unfortunate, too, that the votes of all the judges of the court should, on every single question, correspond exactly with what were understood to be the wishes of their respective parties, and that the votes of some members of the court on different questions should not be, on principle, entirely consistent. Twenty-five years ago such a thing never would have been; and in earlier times no judge of any United States Court could have been found to lend himself to such a scheme of executive and military usurpation as did Judge Durell in Louisiana. It was the natural and certain result of a system which made parties such as they have been, that judges appointed under the system should have been at times corrupt men. The wonder is that we have not had many more of them, even with the tenure during good behavior. That

the standard of judicial action has been kept as high as it has been is very clearly due only to that tenure.

In the army and navy we had precisely the same experience. We cannot forget, of course, that nearly all the Southern men, in both the army and navy, at the opening of the Rebellion, left the service of the Government. Northern men would have done the same thing under the same circumstances. The men in the Southern army believed themselves to be doing their duty. The education of a life could not fail to have its effect. We must throw this anomalous case out of our consideration, in drawing our general conclusions as to the mere working of government machinery. And aside from this, down to the opening of the War of the Rebellion, the officers of the army and navy were men whose official conduct was utterly pure. And so it happens, too, that here we find the tenure during good behavior.

And at last, when party got its enormous growth and its enormous strength, we find that its influence corrupted even officers of the army and navy. The party men controlled and influenced the executive action and the action of the War and Navy Departments. If an able and upright officer balked the schemes of thieving contractors, he was speedily removed to some very harmless sphere of duty. Cotton expeditions were more important than winning campaigns. Army officers found themselves dependent on the powerful party men for their professional advancement. Of course, it was a possible thing to find in the United States army men who could be corrupted by the use of money and influence. Army officers as well as judges of the courts, in later days, in single instances, yielded to the immense pressure brought on them by party men. Such corruption as existed in the army and navy was caused by

the corrupt use of party power. That this corruption was not greater, was due to the high moral tone prevailing in the service, and this moral tone was due to the fact that officers in the army and navy held their commissions during good behavior.

But, it may be said, these are instances only of executive and judicial officers, and no general conclusions can be drawn from those special instances. Especially, it may be said that English experience and our own experience as to the judiciary cannot give us any conclusions on which we can safely rest as to legislators. It may be argued that there is a great difference between the position of the judge and that of the legislator.

So there is. But where is the difference, in this point? The judge interprets the law; the legislator makes it. The judge says what the law is; the legislator says what it shall be. The judge hears and decides between two parties or a limited number of parties; the legislator hears and decides for all the people. The judge hears counsel in court; the legislator hears all men in all places. Both judge and legislator have great power, the use of which, in one way rather than another, will work great pecuniary gain or loss to individuals. The honor of both can be sold; the power of both has been sold. And they have both been sold for money. And of the two, decrees of courts are more marketable than votes in a legislature. To buy a decree, you need pay only one man; to make votes of any value, you must buy many. And such has been our experience. The courts in New York, in 1870, were more shamelessly corrupt than our legislatures have ever been. The ways of making money and of giving bribes are the same now that they have been for centuries. Injunctions in the State of New York were as valuable for a

stock speculation in 1845 as in 1870. Receiverships would have been just as useful then as now for the purpose of ruining a rival or carrying a corporate election. It was not that judges' orders had no money value prior to the year 1846 in the State of New York. But they were never sold. As soon, however, as judges had to sit in political conventions when they should have been on the bench; as soon as they gave their time to manufacturing voters instead of hearing causes; as soon as they began to discharge thieves from prison instead of sentencing them; as soon as they had to study lists of repeaters instead of Blackstone and Kent; when, instead of confining their attention to the faithful discharge of their duties, they had to assist in working the ordinary party machinery and to help pay the ordinary party expenses, then they found it necessary to sell decrees for money, and they sold them.

But as to legislators, too, we have the actual experiments to end any doubts we may have.

Corruption, in its worst form, most men agree, disappeared from the English Parliament about the beginning of this century. Its disappearance was not caused by the extension of the suffrage, for no such extension had then been had. How did it come?

The system of rotten boroughs is gone. It deserved to go. It was full of the greatest abuses. But is there a possibility that it had precisely one good point?

In the bitter party struggles that continued for so many years in the House of Commons, it became necessary for both parties to have strong men to fight the Parliamentary battles. Able men could do good service and gain renown in Parliament. A Parliamentary career began to have great attractions for able and eloquent men. As these men made themselves useful to their respective par-

tics, and as they gained experience, and consequently power, it became more and more important to their parties to keep them in Parliament year after year. And the holders of large landed estates, on either side, at all times had in their control a large number of boroughs from which they could return to Parliament any one whom they might wish. So it came, that the rotten borough system was made the means of keeping in Parliament many able men, and some very great men, for so long as they might wish to hold their seats. Among these men who thus held seats in Parliament were nearly all the statesmen who have done England the greatest service. Chatham, Burke, Pitt, and Fox all came into Parliament from rotten boroughs. So it was, too, with nearly all of the men whose names are brightest in later English Parliamentary history. And in fact there was in the English Parliament a larger proportion of able and honest men in the latter part of the eighteenth century and the beginning of the nineteenth, when England was full of rotten boroughs, than in the seventeenth century or at the present day, at both which times the representation in Parliament has been comparatively fair and equal.

These men held their seats nominally for seven years, but really and substantially for life, or as long as they chose to keep them. They had everything they wished; they could keep everything they had. They had no need of managing party election machinery; they had not to court the interests of rich corporations. They had the possibility, by wise and just legislation, of gaining fame, the only thing they had to gain. By unwise or unjust legislation they could lose their honorable reputations, the only thing they had to lose. The result was that these men, though often full of class prejudices, were, and re-

mained, always men of honor, and, in matters where their class prejudices and the bitterness of party contest did not blind them, they were wise legislators.

Corruption disappeared from the English House of Commons, not because men became suddenly more virtuous, nor because there was less money in the world, nor because votes in Parliament became less valuable, nor through fear of punishment, but, in the main, because the men who led the House of Commons, and made public opinion in and out of it, were practically independent in their tenure of their seats.

This was the real cause that enabled the greatest English statesmen to do England their best service. Mark the change that has come. Whereas, fifty years ago, there were in the English House of Commons many statesmen who did not depend for holding their seats on carrying the next election, who did what they believed the best interests of the people demanded, without fear or favor of any human being, now the members of the House of Commons are fast becoming the slaves of party, as thoroughly as they have ever been in this country. Statesmen have given way to party mountebanks. From Burke to Beaconsfield—could there be a more stupendous fall?

The most brilliant eloquence in English history, their wisest legislation of the last hundred years—free-trade, revenue reform, the extension of the suffrage, nearly every government measure that has helped make England's present greatness—has come from the statesmen who held their seats from rotten boroughs. The traditions and manners of Pitt and Burke and Fox still hang around Westminster Hall. Party rule, under frequent elections, will have in England, sooner or later, its legitimate results. It has not yet brought back the grossest forms of moneyed corrup-

tion. But the present purity of English legislative halls, such as it is, is a legacy from the Golden Age of rotten boroughs.

The argument thus far has shown incidentally that at least there are some evil results coming from the term system, as we have had it established under our general Government. This term system is the front and foundation and superstructure of our present form of government. I propose, at the risk of some repetition, to examine more specially the reason for its adoption and its working.

The one purpose that is supposed to be accomplished by this system of short terms of office is, that the people thereby keep the complete control of their public officials, and that any abuse or misuse by these officials of their power is thereby made impossible.

There ran through all the discussions in the Conventions—both the Constitutional Convention which framed the Constitution, and the State Conventions that adopted it—a thorough distrust of the honesty of the men who should hold public office under the new national Government. This Constitutional Convention had among its members Washington, Hamilton, Madison, Franklin, the Morrises, and Luther Martin. The members were generally men of the same stamp with those just named. Jefferson called them “an assembly of demigods.” These men were selected by an honest people, for a great work, in a time of great danger, when the best men are, from mere popular instinct, placed in high positions of trust. It was just as true then as now, that knaves are always suspicious, and honest men are seldom so. And yet somehow it came, that the members of these Conventions, State and national, really believed that the officials and legislators under this

new general government would be a different kind of men from the officials and legislators under the State governments. It was feared that they would in some way combine to destroy the liberties of the people. Somehow or other, it was imagined that any new government, outside of and above the State governments, was to be a monstrous thing, and its officials were to be monstrous beings, not amenable to the ordinary laws of human nature. This is no exaggeration. Mr. Gerry, in the Constitutional Convention, made a motion "that the national executive be appointed by the State executives." And he argued in support of the motion, that he "supposed that in the national Legislature *there will be a great number of bad men* of various descriptions. These will make a wrong appointment; besides, an executive thus appointed will have his partiality in favor of those who appointed him—that this will not be the case by the effect of my motion, and the executive will by this means be independent of the national Legislature." Mr. Randolph opposed the motion, and argued, "An executive thus appointed will court the officers of his appointment, and will relax him in the duties of commander of the militia."* Even Hamilton said,† "Take mankind as they are, and what are they governed by? Their passions. There may be in every government a few choice spirits who may act from more worthy motives. One great error is, that we suppose mankind more honest than they are. Our prevailing passions are ambition and interest; and it will ever be the duty of a wise government to avail itself of those passions, in order to make them subservient to the public good; for these ever induce us to action."

* Yates's "Minutes."

† Elliot's "Debates," vol. i. p. 439.

Now, which is the more thorough security against the dishonesty of a servant, public or private—to discharge him for present misconduct at the end of four years, or to-day? As a security against dishonesty, or inefficiency, or any misuse of trust, the term system utterly fails, in principle and practice. The machinery should be so arranged, as it easily can be, that an officer shall be discharged now, not two years from now, for misconduct of any kind which makes him an unfit public servant. And can anything other than this be an approach to a real safeguard?

The purpose of having officers hold for a term of years is this, to make those terms very short, and thus to have the officer come up for a re-election at short intervals—at intervals so short as to give the people, indirectly and in effect, the power of removing him at any time. There was also the idea, that in a short term a public officer would not have the time to accomplish any great harm by any abuse of his power. And, of course, the only honest purpose which this term system could serve was to remove the officer at the end of the short term, *only if he deserved removal*, and to continue him in his office if his work had been well done. That being the end, then, why not frame the system so as to reach the end directly and at once, and not indirectly in the remote future? Why not give to some one man or body of men the power of removing the officer at the time for misconduct or unsatisfactory work of any kind, and let him continue in office so long as his work is good? That is the way we do with private servants. Why should we not do so with public servants?

Moreover, the whole tendency of the term system is to make it as certain as anything can be, that we shall never hold any one official responsible for any one act. It goes far to destroy all official responsibility. If an officer mis-

behaves, men do nothing at the time. They think it will be so much easier to drop the officer at the end of his term than to punish him now. They therefore wait for the end of his term. But when the end of the term comes, they forget what any one man has done or left undone. Then comes the contest between two great parties, over great moral questions. Then it is a matter of "platforms" and party "records."

The expectation, too, was that under the term system the people would have it in their power, if they should wish, to make the removal. But that has not been the result. The result under the term system has been the creation of this immense party machinery. The people have not, in practice, been able to remove. The power has been taken out of their hands by party.

It might be said that we should avoid some of the evils of the system if we made the terms longer. But the only purpose of having the term at all is to have it short, so that the people can in effect remove the officer at any time, or very soon. The point I urge against the short term of one year is that it is not short enough, that the whole term system is vicious, that no official should have a right to remain in his office for a day, after he fails to do his work well. The term of ten or twenty years is simply so much worse than the term of one year. When men say the term should be lengthened, as many men do, it shows only that they are thoroughly conscious that there is something rotten in the system as we now have it.

But any system of long terms would have its peculiar disadvantage.

Napoleon commanded the armies of France at the age of twenty-seven. Suppose some young man shows the

genius for affairs of State that Napoleon showed for war, or only very great talent, and that he has an opportunity to enter the national Legislature at the age of thirty years. Suppose the term for which he was to hold were fifteen years, the longest term of which there would ever be any reasonable probability. At the age of forty-five his term would end, and he would be a man, certainly (if he were honest), without a fortune, and probably without even a very moderate competence, with no profession or occupation, at a time of life too late to learn one, possibly with a family dependent on his salary for their daily support. The best men will not take such risks. And it is this very class of men, the men who might display so great abilities as to be selected for public station at an early age, who are, of all men, the ones who would render the State the greatest service; for they would not only have greater abilities, but an earlier experience, and a longer possible time of service. Such were Pitt and Hamilton—nearly all the great men the world has ever known, the men who make or save a nation.

It is as a machinery for holding officials "responsible," that the term system has its only value. But, in effect, the term system is a system under which officers are "irresponsible" almost as thoroughly as under any hereditary monarchy. The hereditary king holds his power for his life; and meantime, even if his use of that power is most unwise and disastrous, it cannot be taken from him. The President of the United States holds his power for four years; and meantime, even if his use of that power is most unwise and disastrous (so long as it be honest), it cannot be taken from him. It is true, if the President is guilty of a crime, he will perhaps be removed by impeachment. So, too, if the king commits a crime, or many crimes, he

will perhaps be removed by a revolution. But the one is, in effect, as thoroughly an "irresponsible" ruler as the other. The only difference is this: With our President the time during which he is an "irresponsible" ruler is fixed, and certainly short, instead of being unfixed, and possibly long. But why should a man be "irresponsible" for even four years?

In theory the term system is unsound. In practice it has been found most ruinous. It has destroyed the responsibility of public officials; it has, as far as any system could so do, taken from the people the control of their public servants. It has been tried, and it has failed.

Here have been, then, experiments of all kinds, with public servants of all kinds, with results of all kinds. What are the results of these experiments?

The experiment of having men "irresponsible" for the use of their power, that is, giving men power that cannot be taken from them, has been tried, thoroughly tried, and has always failed. Giving them irresponsible power for life has been tried, with hereditary kings, under different names and forms, and that has always failed. Giving men irresponsible power for a term of years has been tried many times, in many countries, and that has always failed. The experiment of making men "responsible" for the use of their power—that is, of having them hold their power only so long as they use it well, and taking it from them instantly (not at the end of one or two years) so soon as they use it ill—has been often tried, and it has never failed. It has been tried with judicial officers, with executive officers, and with legislative officers—always with the one unvarying result.

Now what is the reason of it? For a reason there must be.

Every man lives for the future. If for his future advancement he depends on a king, he serves the king; if for his future advancement he depends on party, he serves party; if for his future advancement he depends only on doing his work well, he will do his work well. English judges were dependent on kings—they sold their official action for kingly favor, and for money. American judges and legislators were dependent on party—they sold their official action for party favor, and for money. When judges and legislators have been free, have depended, for their fame and future, only on being honest, they have been honest.

How wonderful it is! With our private servants, too, we find, if we keep them in our service only so long as they serve us well and honestly, they serve us well and honestly. It is no miracle, nothing but a law of human nature. And the wonderful thing of all is, that this law of human nature governs public officials as well as human beings.

How was it that for sixty years we had in the courts of New York utter purity, until we tried the term system, and that then, under the term system, we had as scandalous corruption as had ever disgraced the history of any civilized nation? The man who is keen enough to find any other reason for this phenomenon than the term system itself will make himself famous by his astuteness.

One other question he will then do well to answer. It being conceded, as it will be, that the public service has wonderful charms for all men who have any gifts fitting them for it, and it being certain that if we will only reward our public servants as we do men in the other employments of life, we can have the best men in the country to do our work, if by the abolition of the term system

we should secure in our public servants independence, and, therefore, honesty, what more could possibly be had, or what more could possibly be wished?

This is no mystery. All that is needed is that we should apply to matters of government the same common-sense rules that we use in all our other affairs.

So far as to securing *honest* work—that is, the best work that a man knows how to give.

How is it, then, as to securing for our public servants training, knowledge, experience? How are we to secure that they shall know how to give us the best work?

Here is, as it seems to me, one of the most important points of this whole examination.

And here is the great fault of the term system. It destroys, to a certainty, the possibility of our public servants gaining any thorough training for their official work.

It will be wise to here examine shortly the ideas of the men who gave us the system, and their purposes.

The idea of the colonists, when the Constitution was framed, was that any one could be a legislator. Every man voted in the town-meeting, and was a legislator. Nearly every man, too, who voted in the town-meeting occasionally went to the State Assembly or Senate for one or two years, and was a legislator there. And the colonists imagined that these same men could, well enough, go to the national Congress, and be legislators there. The only danger, then, to be guarded against was this, that these plain farmers and honest merchants, who were upright, simple beings at home, should not be converted into Julius Cæsars when they reached the seat of the national Government. And to the majority of the men of the time it seemed the sure and only way to protect themselves against that danger, to give to all officials only a

short term of office in which they could have any opportunity to carry out their designs of usurpation. This may seem like an attempt at a humorous description of those men in a past age. It is nothing of the kind. Any one who will carefully read the debates in the various State Conventions which met to consider the adoption of the Constitution will find those debates full of precisely the fear here mentioned.

It was assumed that usurpation and tyranny were the only dangers, and that the system of short terms of office was the only safeguard.

The idea our ancestors had as to the qualifications required in Government officials was, in the very early times, not very far from accurate. In the colonial days, at least in New England, the laws of property were taken bodily from the English common law. In fact there was very little property to need a law of any kind; and the legislation of the period was principally confined to the fixing of the number of lashes which should be the penalty for using profane language on the Lord's-day, or like matters, which needed no very deep knowledge of the great principles of jurisprudence. The people were poor; their relations with one another and with the rest of the world were simple. The forests were to be cleared, houses were to be built, the Indians were to be fought, after the irregular methods of frontiersmen. The times before the Revolutionary period had never called for statesmen. Even when the Constitution was formed, the body of the people did not thoroughly understand that they then needed statesmen, or that the later periods of the national life and growth would need statesmen. There was less knowledge then than now. Professions and occupations were fewer, had not so many subdivisions. In the rural districts ev-

ery man could do everything. The lawyer tilled his farm in the hours between the preparation of his briefs, or, more truly, tried causes in the intervals of his agricultural pursuits. That there was such a thing as a science of government, was a fact that those men forgot, or, rather, that they had never known or dreamed. The machinery for the composition of the national Legislature was precisely what had always been used for the composition of the State Legislatures. That these legislators should be chosen by the people, was a thing assumed by all. And that they should be kept dependent on the people, by being elected only for short terms, was agreed by all.

Even then, in the first years of the nation, the legislation in Congress needed the wisest men in the country. There was the heavy debt to be funded or otherwise arranged. Revenue was to be raised. Courts were to be organized. The whole internal machinery of a new government was to be constructed. The whole scheme of the nation's foreign policy was to be decided. Wise men were needed to deal with great questions. And it was necessary, too, that the men who carried on the Government should give time and careful thought to their labors.

But if the best men in the country were then needed, and if it was then necessary that statesmen should give time and thought to the nation's affairs, how is it now? To manage well a railroad of a hundred miles requires the experience of years. Theology, medicine, law, need the labors of a lifetime to begin to learn them. Science is almost newly created in a decade, and its teachers must be its most zealous students, or they soon become only its landmarks. A blacksmith or a carpenter takes years to learn his trade, as it is called, before he is trusted to do the commonest bits of work. And he is ever inventing new ma-

chinery, new ways of doing new things ; he is always learning. There is no ordinary profession or occupation, that does not call for study and training before a man is allowed to practice it, and in which a man does not need the experience of a whole life. But our men of public affairs we select, in the large majority of instances, without any reference to the point of whether they have or have not, for the work they are to do, either experience or knowledge.

The science of legislation, or rather the basis upon which a science of legislation is yet to be built, is wider now than ever. What is there that a law-maker would not need at times to know? He has to deal with matters of finance, commerce, manufactures, crime, pauperism, the relations of capital and labor, the control of great corporations, armies and navies, harbors, railroads, and canals. On all these matters he will need knowledge. That knowledge he can perhaps get from other men who have it. But there is a special science of his own profession, which he has yet to make for himself, and that is the science of the actual working of laws. Some men have an idea that you can make a nation rich, good, or wise, by a statute. Perhaps you can. It is certain you can by statutes greatly help or hinder a nation in reaching those results. But by what statutes? Simple resolutions will not be enough. One of the great books of the world is written on the "Spirit of Laws." But there is yet to be learned the *science* of laws, which will concern itself, not with vague theories, but with the actual results upon the life and health of nations, which particular measures of legislation are, by actual experiment, ascertained to have. And it is this science which we must give our public servants an opportunity to learn—rather to create. The days of im-

aginative theorizing are over. In every other department of human thought and action we know that men must investigate and experiment. The chemist no longer satisfies himself with mere words about essences and relations. He must weigh and measure, learn what these substances in nature are, and how they work on one another. The student in medical science will now content himself with no silly saw, such as "Like cures like," but will find by actual experiment "what cures what." Can it be otherwise with the men who are to gain any knowledge of the science of government? To expect that a man should be able to do good work in the Government service without that especial training which can only be had by the study and experience of a life—that he can be a legislator, because he is a banker or a lawyer, because he has read some books on finance, or constitutional law, or on political economy—is as absurd as to suppose that a man could build and navigate a war-steamer because he knows something about iron and coal mines. To interpret the laws as they are, after they are made, requires a life training. To make our laws as they should be, we take men without any training at all, and we dismiss them from the public service before they can gain even a little experience.

Now, how are we to secure that our public servants shall gain this training for the special work of their offices, which it is absolutely necessary for them to have?

In the first place, as has been argued before, public servants must have duties of only one class. Especially the men in the executive administration should have nothing to do with general legislation; and the men who have to do with the general legislation—the deliberating and deciding as to the policy of all departments of the Government—should not meddle with the details of administration

of any one department. This is a principle so rudimentary, so thoroughly in accord with the experience of all men, that argument would seem needless. The great vice of the present English Government system is the neglect of administration by the heads of departments, and the incessant meddling with details of administration by the Legislature.

Assuming, then, that each public servant is to have only duties of one class, clearly the system should be so framed as to give the official every possible inducement to give his whole time and thought to the work of his office, and to nothing else.

This term system gives every inducement to every public official to give his time and his best efforts to the carrying of elections. We have tried it thoroughly. That is the one result it has had. It has converted this great army of public officers into one great election machinery. We make it an impossibility for them to get training; we make it a certainty that they will never get it.

Was there ever any system, devised for any purpose, so ingeniously designed to defeat its own ends?

Even yet we have not reached the vital defect.

If we ever wish to get good work from our officials or have them become the masters of their professions, we must so frame our system that every man in the Government service, from the top to the bottom, will have everything to gain from simply doing the work of his office well—everything to lose from simply doing the work of his office ill. Each one of them must have before his eyes the *possibility of a career for life* in this Government service, with the possibility of gaining the greatest prizes, the highest positions, in that Government service, if he there shows himself the best man.

Lord Bacon says, "To take a soldier without ambition is to pull off his spurs." That is precisely what we do with all our public servants. We say to them: "If you enter our service, leave hope and ambition behind you. Serve some other master. Give your time and thought and labor to party, and not to us. Whether you do our work well or ill, it will give you no claim upon us. At the end of four years, if the party men have found you useful, they may give you another four years' pay from our Treasury. But *we* promise you nothing. Win your spurs elsewhere, not here."

Every honest trade, or business, or profession gives to honest men who do honest work the possibility of a career for life. We must put our public servants on that same footing, if we ever hope to have from them good work, or have the Government service anything other than it now is—a disgrace to the nation.

This clearing out of all offices, or of any one office, at the end of four years, or of one year, or for any cause other than for inefficient service, is most disastrous. The service must have permanence. Men must have the chance, which they have in other professions, of rising to the very highest positions, as the reward of great work. The whole point of all the discussions on Civil Service Reform is, that you must have this permanence in the service for the subordinates. But the plan is, as usually stated, that this permanence is to be for the subordinates only, and the heads of departments must still come in and go out on the old term system. That is most unwise. Do we say to men in our army, "Promotion you may have up to a certain point, but our general-in-chief we shall always select from the clergy?" The highest places of all in the service must be the prizes open to all men in the service. In that

way only can you spur men to the highest exertions. In no other way have men ever been able to get any other than poor work. If we have our departments full of clerks who can never be anything but clerks, we shall never have anything but the work of clerks, mere routine hack-work from men who are devoid of ambition. And should the men in the highest places in Government be the only ones devoid of knowledge and training?

If, then, the argument thus far be sound, if we assume that officers should hold their offices during good behavior, as the phrase goes, what shall we call good behavior?

The Constitution provided in terms that the President should be removed on "conviction of treason, bribery, or other high crimes or misdemeanors." By implication, as lawyers will agree, this takes away the power of removal for mere incompetency. And what was made by the Constitution the express law as to the President, has been uniformly the practice as to other officials. The idea and the practice among our public civil officials has been, that any officer, before his office is taken from him, must be convicted of some scandalous crime, on a trial, such as criminals have in a criminal court.

This idea comes from the old principle under which offices are held to be property. In England, in law, offices were property, which could be acquired by descent. With us, in practice, offices have been property, which could be acquired by purchase. The English theory and the American practice can hardly be held to be the sound principle for an efficient government service. No argument will be wasted to the point that these public offices belong only to the people, that they are trusts to be given and taken away with a view only to the people's interests, and that they are in no sense *property*; that the officer has no right

whatever, of any kind, in the mere holding of the office. He is to hold it so long only as the people's interests are best served by having him hold it.

Any public officer, then, should be removed the instant he fails, for any reason whatever, to do his work in the most perfect manner. Hold him "responsible," as men are elsewhere held responsible, not for good intentions (let them be used for their proper paving purposes), but for accomplishing results. Add to the list of crimes, for which public officials may be removed, the crime of failure. Can we have any efficient work under any other system?

One point farther. We must so arrange our system as to have thorough supervision of every official by some one man or body of men, whose especial duty it shall be to make that supervision, and who shall be held responsible for making it. Nearly every breach of trust in private life comes from the lack of proper supervision, from leaving large amounts of money or property in men's hands for long periods, with no examination by other men. The temptation is too strong. If men were sure that any misuse by them of property intrusted to their care would be surely and quickly found out, such misuse would almost never happen. So it is with public trusts. And how is it possible to have thorough supervision, with officials who shift from one day to another, and who are driven to give their time to other affairs?

The points to be examined in this chapter were stated to be, how we are to secure that our public servants shall—

1. Do the best work within their knowledge.
2. Have the knowledge how to do the best work.

And these points are the utmost that we need to secure, or that we can secure under any plan of government.

If this argument has any soundness at all, it is clear that neither of these points can be secured under the system of terms of years.

Let us go a step farther.

As far as the tenure of office is concerned, there are only three systems to be considered :

1. The holding for the uncertain term of life.
2. The holding for the certain term of years.
3. The holding so long as the work in the office is well done.

Which of these, as a system, is the most reasonable ?

Common sense and experience both teach us, that there should be in every government machinery, as to every single office, high or low, executive or legislative, some provision for the removal of the officer from his office. Then the only remaining practical question is, whether the mere *time* of this removal shall be decided by death, by the movements of the heavenly bodies, or by the conduct of the officer.

Experience shows—

1. That the system of having officers hold so long as they do good service, makes it as nearly certain, as any system can, that we shall have good service.
2. That the system of having officers hold until death, makes it entirely uncertain whether we shall have good or bad service.
3. That the astronomical system makes it utterly certain that we shall have a bad service.

We come to another point.

In late years we have had in our government affairs a vast deal of corruption. And no one can estimate too highly the injuries that it has done the people.

But as far as the mere moneyed interests of the peo-

ple at large are concerned, what we have suffered from in our public servants has been not so much their corruption as their ignorance, their lack of training for their special work. The corruption we have among our Government officials generally concerns the moneyed interests of private individuals and corporations. Bad enough it is. But as to matters that concern the large general interests of the whole people, our legislators and other public officials have ordinarily good intentions. But they do not know what the interests of the people really demand. If they did, they would gladly do what is right and wise. Of course they must work for their party. We compel them to that. But, in the few and short intervals of time when they are not manipulating elections, they would really wish to give us some good legislation and good administration, if they only knew how to do it. They are often really able men. They may be good lawyers, or may know well some business that they have followed before they entered the Government service; but they have no especial training or knowledge for the work they are to do there, and that training and knowledge we make it impossible for them to get.

But whatever may be the real dangers under our system of government, the great fear of the body of our people is the fear of combinations among public officials, for the purposes of tyranny or corruption.

Certainly we have not avoided that evil under our present system. No more corrupt or more powerful combinations could be found than our present party combinations.

But, as far as concerns any wilful misuse by public servants, for any motive, of the power in their hands, the main safeguard of the people always must lie in the character of the men who are selected to be our public servants.

If we get in the public service our best men, men who have been tried and proved, men who have been through life faithful to all the trusts they have ever held, and if we then leave them free to learn their work and to do it as well as they know how, we can rest content that no great evil will befall the State. We have tried everything as a protection against misconduct in office. And what is there that we have found to be of any use? We have had statutes for the punishment of bribery and corruption, and the system of short terms. The two together have been of no avail. We have tried the system of parties. That has given us simply a powerful tyranny.

Yet there have been times in the history of the English House of Commons when its members were above any suspicion of dishonesty. Would any one have ventured to offer Burke or Pitt a thousand guineas for pressing a local bill in Parliament? Imagine a man proposing to Hamilton, or John Adams, or Mr. Calhoun, or Mr. Webster to pay stock certificates or bank-notes for votes in Congress! With men like those in the Legislature, we were as safe against bribery and corruption as with John Marshall on the bench. Does any one believe that men of that stamp, if we could secure them in the public service, would, so soon as ever they set foot in legislative halls, become thieves, and belie the history of their whole lives?

We know that that cannot be. Take the great names that we have had in our judicial history—Marshall, Kent, Curtis, Shaw, and Story—was it any fear of punishment or of removal from office, that made those men faithful to their public trusts?

Each one of those men knew that he needed to look to no party caucus, to no powerful men, for his continuance in office. He could hold his place to the end of his life,

so he was only honest. He knew that so long as he gave able and upright decisions he would keep the respect and confidence of all men. He knew (if he ever thought of the point) that if he gave dishonest decisions, there would be, in sober fact, the least chance in the world of an impeachment or punishment. But he knew, too, that suspicion would be certain, and that his good name would be as certainly ruined by suspicion as by proof and conviction of all the crimes on the statute-book in all the courts of the land. But no one of those men carefully weighed in his mind the point how far he could be corrupt, and yet escape an impeachment, or how much favor he could show to this or that suitor, and still save his reputation.

There are men in the world who can be trusted.

The natural inclination of any upright man, who has earned the confidence of his fellow-men, is to do right and justice. And to secure honesty in our public servants, that is the main point which we must look to, the securing for the Government service our best men.

To secure that, as has been seen, we must destroy party; for that alone it is that keeps the best men out of our public service.

And to reach that end, or either of the ends here urged as desirable, we must abolish the term system.

But it may be that, as to particular departments of the Government, there are special reasons why the conclusions here reached are unsound. There are, too, some points, not of fundamental importance, relating to the constitution and operation of those departments, which seem to me to deserve examination.

These matters will next be considered.

CHAPTER VIII.

THE JUDICIARY.

HAVING considered some general principles as to the selection and the tenure of all officials under Government, we have then to consider such special points as concern officers in the different branches of the service.

And first, what are the points that particularly concern the judges, the officers who have to do with the administration of justice?

The argument thus far shows, if it shows anything, that judges, of all men, should hold their offices during good behavior. If they are to have fear or favor of no men, they must be independent of all men, except that they must be punishable for misconduct.

Many men agree to that. But the men who would concede that point generally think that judges should not be chosen by popular election.

If parties and party power were destroyed, my belief is that our judges would be best elected by popular vote, under the same methods used for the election of a chief executive and members of the Legislature, instead of being appointed. I do not regard the point as a very material one—if they have the tenure during good behavior. We should in either way be very sure of good men.

But with party removed, I should feel more certain of getting the best men on a popular vote, than under any system of appointment.

It may be said that the ordinary men in the community

cannot judge of the qualifications of a judge. That is true. But the laymen in the people could not fail to be guided by the opinions of members of the legal profession as to the qualifications of particular men in that profession. Indeed, it is the members of the bar who make the reputation in the community of all the men of their own profession. The laymen seldom form opinions of their own on those matters. They get their opinions, consciously or unconsciously, from the lawyers. If we had, in form, a popular election of judges, it would be, in substance, an election by the bar, having, however, always, in the common sense of the people at large, a complete security against any spirit of clique which might grow up among the lawyers themselves.

Moreover, the judges on the bench have to pass on the acts of the Legislature and of executive officials. It seems wise, under these circumstances, that they should not have the possibility of reward or advancement at the hands of either the Legislature or the Chief Executive. Have them subject to supervision and removal at the hands of the Legislature, as they have always been. But, aside from that, have judges so placed that they depend for further advancement on their reputation among the citizens at large.

There are, no doubt, faults in our methods, in the administration of justice. But they do not concern the main purpose of this examination, and will, therefore, not be here considered.

CHAPTER IX.

EXECUTIVE ADMINISTRATION.

WE have next to examine the points which especially concern the executive administration in our Government.

It is the experience of all mankind that, in order to have anything like vigor or system in executive administration of any kind, it is absolutely essential to have the responsibility of one man. That is the special lesson which we have from English executive administration. If we have the responsibility of many men of a party, we have no responsibility at all. We must, then, if we wish our executive administration to be harmonious, systematic, or efficient, have one man at the head of it all, and hold that one man responsible for it all. And we must hold him responsible, not for good intentions, but for great results—for the perfect working of the entire machinery.

This same point, too, must run through the whole service; each man at the head of a department or of a minor office must be held responsible for the perfect working of that whole department or office.

The responsibility, too, of public officers must be a responsibility, so far as may be, always to one man. Otherwise the responsibility will not be steadily and evenly enforced.

The responsibility must be, too, so far as may be, responsibility for only one class of work. Otherwise we destroy the possibility of thorough training; and we make it certain that we shall have great confusion.

To sum up this branch of the case, then, if we wish vigor and system in our executive service, we must have throughout, from the top to the bottom:

Responsibility—

1. Of one man ;
2. To one man ;
3. For one work.

But then comes another point.

We cannot rightly hold one man responsible for having work done by other men, unless we give him the power, to select the men under him for their ability, and to remove them for their failure, to do good work. We must give every official the appointment and removal of his own subordinates.

Make that the law. Give our Chief Executive any name we wish—call him a president or a king, a sultan or a head-centre—but hold him responsible for the thorough working of the entire executive administration under him. Give him, then, as we must if we look for so much at his hands, the appointment and removal of all his heads of departments. He must hold each one of those heads of departments responsible for the thorough working of his whole department. Give each head of a department, then, the absolute appointment and removal of all heads of subordinate offices. And so it should be down to the bottom.

What is the result that must follow from such a system, and which it has always brought?

Every official, knowing that he will himself be removed if the work to be done by the men under him is not done well, will see to it that the work of those men is done well. He will be driven to enforce the utmost efficiency and honesty from every one of his subordinates. His holding his place will depend on what *they* do, as well as on what

he does himself. So it will be with every official from the top to the bottom of the service. We shall make it a matter of vital necessity, as far as any system can so make it, that every official will not only do his own work well, but will make other men do their work well. Instead of giving them all one common interest to carry elections, we give them all one common interest to carry wise government measures. Instead of putting them under pressure to work for party, we put them under pressure to work for the people.

And, of course, the Chief Executive officer, as well as all his subordinates, must be "responsible." Of all men, he cannot be exempted from the rules of common sense and experience.

To whom, then, shall the Chief Executive be "responsible," and how shall his responsibility be enforced?

He must be responsible to the supreme supervising body—which we call a Legislature—and his responsibility must be enforced by giving them the direct power of removing him summarily, without a hearing, if they think the public interests demand it, for any reason which to them may seem wise. But for this removal there should be required a two-thirds vote.*

To make a further security, which I do not believe would ever be needed or used, we could give to the Legislature the same power of removal as to all executive officials.

* This two-thirds vote should be, as I think, a two-thirds vote of the members of both Houses of the Legislature, sitting, for this purpose, in one body.

I cannot see the wisdom of using in a government, for any one purpose, the concurrent action of more than one body of men. It makes conflicting wills and divided responsibility.

What, then, would be the results of such a change from our present system? It would be feared by some men that it would bring great dangers.

Let us see what would be the precise changes from our present system. They would be these :

1. We take from the Chief Executive any voice in the appointment and removal of the great number of subordinate officials, which the President now has.

2. We give to him the power of appointing and removing his heads of departments, where he now must have the consent of two-thirds of the Senate.

3. For any misconduct or for any failure on his part to give good and satisfactory results, he may himself be at once removed.

4. If not removed for misconduct or inefficiency, he may hold office for his life.

Is it not clear that, under a system so modified, there is no danger to be feared from the executive? He would then be more thoroughly under control than he now is. As the system is now, there is no power in the Government that can remove him for action which may be most disastrous for the people, so long as he is only honest. There may be thousands of contingencies, which no human being can possibly foresee, which will make it absolutely vital for the nation's interests that the Chief Executive should be removed from his office without a day's delay. Can there be a doubt, that the power should be lodged somewhere to remove the man who commands our armies and navies if at any particular time he shows himself to be unfit for doing the duties of his office? Did any one ever hear of such a thing as insuring efficient work from a man who could not be removed from his place instantly, so soon as, for any reason, he failed to do his work well? Do

we give a private servant a long trial in court, before we dismiss him for incompetency or misconduct?

This "responsibility" of the heads of executive offices is the one good point in the whole English Government. It is a point which, without doubt, we need in our own system. But it is the one man at the head whom we must hold "responsible;" and it is the doing of his own work for which we must hold him responsible, and not work to be done in Congress.

And can anything be more childish, as a device for insuring efficiency on the part of a president or a king, than to *remove his servants*? Remove *him*, if our executive administration is to be anything but a bedlam.

If we put our executive under such a system as this, we shall have the best security we can for good administration. Under our present system we have no security for anything at all.

As far as I can see, the danger to be feared from the executive would be none whatever. What could a President do for harm, if he has no control of the purse? This control of the purse has always been enough to bring to his knees the proudest hereditary king. We do not, in this age, need stronger safeguards with an elected President.

The only danger to be feared would be at the hands of the Legislature. There is where the power lies. There would be the only source of danger.

Can the Legislature, then, be trusted with the power they would then have? That is the real question; and that question is next to be considered.*

* Much discussion has been had of late as to the method of electing the President. It is pretty generally agreed that the present pro-

cedure is faulty, and many plans have been suggested by way of modification.

As the provisions of the Constitution now stand, there is always a possibility of a failure to elect which may cause serious difficulties. This possibility of a failure to elect, under the present machinery, if political parties were destroyed, would be almost a certainty. The only point that makes it possible to use the present system is that the Electoral College merely chooses between the two party candidates, merely registers the decrees of the party leaders.

No body of men in government machinery can be of any real service unless they meet in one place, where they can have an interchange of minds, where they can act together and understandingly. The Electoral College, if it is really to act on its own will and judgment, should meet, deliberate, and vote, at one time and in one place. And if party rule were destroyed, then the Electoral College would become a real working assembly, of real use in the State. Let the College be the judge of the elections and qualifications of its own members, as either House of Congress is. We can trust our electors with that power as well as we can our Senators and Representatives. If parties and party machinery were destroyed, then we should send to this Electoral College our best men. They would have a real work to do, and they would do it well. And in the absence of parties and party machinery, it is clear that an Electoral College is the only way in which we could have anything like a choice of a chief magistrate, or of any official, by the whole people.

CHAPTER X.

THE LEGISLATURE.

To the minds of some men, a legislature is, it would seem, nothing but a bulwark against tyranny and usurpation.

But this is not so at all times. When any people begins the struggle for the right to spend their own money and choose their own rulers, they are driven to combination; and usually they find, or form, an assembly of some kind, which becomes the mainspring of revolution. This assembly in most instances afterward becomes a legislature. Naturally, therefore, men come to think that the main function of a legislature is to conquer and preserve freedom.

But when a people has once gained its freedom, when it has thoroughly established its right to choose for itself the men who are to manage its public affairs, then this function of a legislature is gone. Then a legislature becomes properly nothing but a body of men chosen by the people to exercise the supreme control over all its government affairs.

From the fact, too, that there has been in English history a continued conflict between the House of Commons and the Crown, men come to think that in any government such a conflict is unavoidable, that there is necessarily, at times, a contest for supremacy or equality between the Legislature and the Executive. But that need not be so. Where you have a hereditary king, there you certainly do have always an element of discord. A heredi-

tary king certainly will at times try to assert his own will for his own purposes. The Crown encroaches. A House of Commons, then, must be still a bulwark of liberty. But when hereditary power is destroyed, when the Chief Executive, as well as the members of the Legislature, is chosen by the people because he is a man fit for his place, then this need of never-ending war is gone. Then we can have, and we should have, harmonious co-operation between all officers, executive as well as legislative, for the highest interests of the people. Contest can then cease.

Something analogous to a conflict between a king and a popular assembly is always possible, too, where parties still have a vigorous existence, when there chances to be an Executive belonging to one party, and a majority of the Legislature belonging to the other. In that abnormal state of things we often have contests for place, more bitter than have ever been the honest contests for liberty.

But when this monster, party, is destroyed, then this never-ending strife for power between men in high places, for their own purposes, can end. Then we can have a government instead of a bear-garden. Public officers can then become public servants. Affairs can then run in their natural channels.

When this state of things comes; when we once begin to operate our Government merely for the purpose of having certain work accomplished in the best and cheapest way, then what is the place of a legislature, and how is it to do its work?

Here, too, some men have an idea that the great work of a legislature is to *make laws*, as it is called—that is, to lay down the rules that govern the descent and purchase of property, the rights of individuals, and their remedies for those rights in the courts. And some of us even go

so far as to think that the main work the Legislature has before it is to make men good, to supervise their morals and their religion.

As far as making men moral or religious is concerned, any attempts to accomplish these very desirable ends by statutes or resolutions have thus far not been crowned with success. There is a mistake in the method. And even as to the rights and remedies of individuals, every lawyer knows that nearly all the law we have is law which has been made by judges, and not legislatures. And strange as it may sound to some unprofessional ears, it is yet true, that the time of our courts is in a great measure spent really in undoing legislation, in efforts to protect individuals against the injustice that would result from following the letter of statutes, and the arbitrary rules which have in old times been laid down by courts themselves. As far as concerns the regulation of the ordinary rights of person and property, it would be much better if the Legislature would let those matters alone altogether, if it would leave those matters to the judges, if it were understood to be the law of the land that the judges could make new law, could depart from the old precedents when those precedents became antiquated, or for any reason worked injustice. Law, like medicine, should be administered by men who make it a study, subject, as all other affairs in the State should be, to the *supervision and control* of the Legislature.

The real work for a legislature in a real government, which is constructed and managed on common-sense principles, is this—to exercise over all public officials a supreme *supervision and control*. Supervision and control, and not the originating of measures of administrative reform, is their proper province. In a rightly arranged system of government, where all the officials throughout make

their official work the profession of their lives, to which they give their whole time and thought, which they therefore know better than other men, the schemes for administrative reform, and for practical measures in the government work, would naturally and almost invariably come from the men in the different special departments. Everything that these specialists in the different departments should devise and propose would, if it called for the spending of more money, or for any great change in the methods of working, be submitted to the Legislature, and would be by the Legislature approved and authorized. But in the vast number of instances that would be all that the Legislature would do.

The English House of Commons, our own Congress, and all our State Legislatures try to do more than that: they try to originate elaborate schemes of administration, and to arrange the details of government work. That is a mistake that comes from the lack of system which runs through these two forms of government, from the fact that neither the legislative nor the executive departments, either in Great Britain or here, are in the hands of men who give their entire time to one work—who know more about that one work than other men. The members of the Legislature do, in the vast number of instances, know as much about matters of administration as the executive officers who are specially charged with the care of those matters.

As soon, however, as the officers in different departments should become men of a profession, and should in that profession have more thorough knowledge than other men, then the body of the Legislature would become what it should be—a supervising committee—which would represent the whole people, and for them would simply regulate and control all this vast government work. This

supervising committee would hear the reports from the Chief Executive of work already done in the different departments of the Government, and of money expended; it would then listen to his plans for new work to be done; these plans would be submitted in the form of careful statements, giving accurate details of the work proposed and the money it is to cost. When a private individual is to build a mill or a railroad, he gets from an architect or an engineer plans and specifications; and if the architect or engineer knows his profession, those plans and specifications are correct, down to the minutest detail of cost and material. Government work is of precisely the same kind. It consists of building forts and ships, making vast harbor improvements, of raising and spending money. It is work of the same kind that is done for individuals. It can be done in precisely the same way, if only we are willing to adopt the same principles of common sense which we follow in our private affairs. And if we construct our government machinery on the same plan on which the great merchants operate their business, then what we call our Legislature would fill the function here pointed out.

Now, to secure an assembly which will do this work of supervision and control, and do it well, two points are to be considered:

1. Its constitution.
2. Its powers.

First, what shall be its constitution—how shall it be made up?

In such a body we need—

1. Members from all professions and callings—except party—for we wish this Legislature to have, among its own members, as far as may be, knowledge of all kinds.
2. Members, in number large enough, to insure that any

errors of one man or clique of men shall have as slight a chance as may be of causing unwise decisions.

3. Members, in number small enough, to insure efficient deliberation and action by this assembly as one body meeting together.

And, to secure these points, experience seems to show that the number of members in a legislature should be about five hundred men, and the constituencies should be regulated with a view to giving that number. And with a legislature of that size, it seems quite impossible that any one interest or any one business or profession could fail to have its full representation, or could have too large a representation.

That point of number being disposed of, how are these members to be chosen? As has been said, if parties and party schemers can be destroyed, there is no way so safe, and so sure of giving good results, as to have these legislative members chosen by a popular vote, of all men. The question will be one simply of choosing *the best men*. It is a certain thing that the men who would be chosen would be men who were well known for success in some honest pursuit. They would be men who had been proved and found true, and proved in some calling other than that of operating election machinery. The men we should choose would be men of affairs. Some of the scholars and students would be chosen if they had shown themselves to be men of wise judgment as well as wide knowledge. But the man who knows books, and nothing else, has no place in a government service.

And very clearly, if anywhere in our public service a body of servants having some permanence in its constitution and organization is needed, it is in the Legislature. How is it possible that a body of men, ever changing from

one year to another, should be able to have any real knowledge, or to form any wise judgment, as to any public question? These men in our national Legislature are to have the supreme control of everything. They need more thorough knowledge, if possible, than any other men in the whole service. Is it not clear that any man—the greatest genius in the world—who is to be of any real use in doing work like this, must have the peculiar knowledge that comes only from giving his time and thoughts to this work, and to nothing else, year after year? Above all things, can he do our work well if his first end and aim must always be to secure the next election for his party? Here more than anywhere else in our government must we have training and knowledge. These men in this supreme assembly must, of all men, be *free* to give their time and labor and their best judgment to the people's work. For them, above all men, party and the term system must be destroyed. If we destroy party and party rule in this supreme council, we might almost have it everywhere else. If we leave it there, we might as well leave it everywhere else.

There comes, then, the question, What powers should this national Legislature have?

As it would seem, this supreme Council or Legislature should have—

1. The absolute control of the money.
2. The absolute power, in its supreme discretion, of making *all necessary laws*, and of regulating the duties of all public officials.
3. The absolute power of removing, by a two-thirds vote, for any cause in its judgment sufficient, any government official.
4. No power whatever over appointments.

(1.) As to the control of the money, that is a power that Congress now has, that the House of Commons has, that the legislative assembly has, in every free government.

(2.) As to the power of making all necessary laws and of regulating the duties of all public officials, that is a power that the English House of Commons has; and no evil result has ever come from their having it. It is a power that every State Legislature has; and no evil result has ever come from their having it. It is a power that our Congress now has, with only a restriction as to subjects. On those subjects, however, over which Congress has now any power at all, its power is supreme, except for the President's veto, which will be afterward considered.

Why should there be these restrictions as to subjects on which our national Legislature may use its supreme power?

What living man or body of men could possibly foresee, now or in the year 1787, all the matters on which this people will need national legislation? Somewhere under our government system, either in our Congress, or in Constitutional Conventions chosen from time to time, the power must be of deciding what measures of national legislation are required by the interests of the whole nation; and the simple question is, Who can most wisely decide as to what those measures shall be—the members of the Legislature, or the members of what we call a Constitutional Convention? In other words, shall these matters be decided by the men of experience who make government affairs their one profession, or by new men taken at hap-hazard from other professions?

There can be no doubt that, even now, many measures of national legislation are needed which are not within the power of Congress. Since the year 1787 we have grown;

new interests have come into existence; the people have new needs; new kinds of work are to be done by our public servants. Many matters will at once strike any mind on which national legislation is necessary, and where legislation by the separate States is utterly insufficient.

Our entire manufacturing interests are every year seriously interfered with, and their very existence is endangered by the failure of the water in the rivers and streams which furnish power for many of our mills. These rivers and streams, almost everywhere, have failed greatly in late years, both in the quantity and regularity of their water supply. It is on all hands agreed that this failure in the water supply is caused by the alarming destruction of our forests. This same cause has made large tracts of our territory subject to long and severe droughts, such as used years since to be almost unknown. No one can tell the possible danger to manufactures and agriculture, if the destruction of our forests goes on in years to come as it has gone on for the last hundred years. Dr. F. M. Oswald, in the *Popular Science Monthly* for August, 1877, ascribes the barrenness and desolation of countries which were once the most rich and flourishing gardens on the earth to nothing but the destruction of the forests. And he quotes from Champollion, as to a district in the very centre of the Sahara, the following passage:

“And so the astounding truth dawns upon us that this desert may once have been a region of groves and fountains, and the abode of happy millions. Is there any crime against Nature which draws down a more tangible curse than that of stripping our Mother Earth of her sylvan covering? The hand of *man* has produced this desert. And I verily believe every other desert on the surface of the earth was Eden once, and our misery is the punishment of our sins against the world of plants. The burning sun of the desert is the angel with the flaming sword, who stands between us and paradise.”

It is very clear that if legislation is at all necessary to protect the forests of the country, the legislation of single States could accomplish nothing. It must be national legislation or none. Congress has now no power to legislate at all on the point; and the wealth of the country in years to come may depend on it.

The mere existence of New York harbor may depend, in the same way, on the keeping the present flow of water in the Hudson River. And that depends on keeping the forests. The preservation of the Mississippi River, our greatest public highway, depends on keeping our forests, through the whole region from the Rocky Mountains to the Alleghanies — or, it may be, from the Atlantic Ocean to the Pacific. Legislation by the States is worth no more than resolutions in a town-meeting.

Without question, we need a national Board of Health.

It has been very generally conceded that there should be a "uniform system of bankruptcy" throughout the States. And the main purpose of any bankruptcy system is, to have only one administration and distribution of the estate of a living man among those who are entitled to it, for the whole country. But why should there not be the same unity of administration of the estate of a dead man? In these days of railroads and telegraphs, any man who is engaged widely in business enterprises, and who amasses a large fortune, is almost certain to leave property in different States. In every State there must be, as the laws now are, a separate administration. How much expense and confusion would be saved if there could be only one administration for the whole country, as in the case of the estate of a bankrupt!

No one now will question the benefits arising from the use, under proper restrictions, of corporations. They make

possible large enterprises of all kinds to which the capital of individuals is unequal. They make possible, too, stability of management, and the investment of capital by one person, in many different enterprises, which would be beyond the power of any one man or set of men to oversee or control. And these corporations often must necessarily have property, and carry on their operations, in many different States. Much trouble and expense would be saved if there could be one national law for the formation of corporations, which should have an existence recognized by law, through all the States, for all purposes. The giving of such a power to Congress was proposed at the time the Constitution was framed; and the necessity of such a provision has become more and more apparent in these later years.

Can any one doubt that it would be, in very many ways, a great advantage if the laws of inheritance, the law of marriage and divorce, and all branches of mercantile law, were uniform throughout all the States? But they can never become so until Congress has full power to legislate on all subjects.

It may even be considered whether there would not be an advantage in having not only general laws applicable everywhere through all the States on very many matters that cannot now be thought of, but also whether there would not be great economy to the whole country in having only one set of courts of justice. Of what possible advantage is this double jurisdiction? To propose the abolition of State Courts at the time of the formation of the Constitution would have been folly. Such a plan would never have been for an instant considered. It would never have been even proposed. But why should we have, in numberless matters that concern rights of property, one

law in Massachusetts and another law in New York? And why should we have the law administered, for one class of parties and matters, by a court that we call a United States Court, and for another class by what we call a State Court?

As the Constitution now is, Congress can legislate on no new subject without a constitutional amendment, ratified by the conventions of a certain proportion of the States. This is a proceeding difficult, dilatory, and expensive. Certainly, if party influence were removed, and Congress was composed of the men who were really the choice of the people—men who should make the science of government and the interests of the people the study of their lives, and who were independent—these restrictions as to the mere *subjects* of Congressional legislation could be safely done away with. The general restrictions on *all* legislation should be, perhaps, retained. But certainly the Houses of Congress could be as thoroughly trusted with the general powers of legislation as the State Legislatures, or any other legislative body. The power should be somewhere to make laws without restriction as to subject-matter. It would be as safely placed in a Congress composed as has been indicated, as in any body of men that could be found. If we are to have such an intense dread of officers appointed by the people themselves, who is there that we shall trust, in matters of legislation or anything else? If there is to be an efficient government, there must be power. The only question is, Where shall it be? There should be more flexibility in our government machinery. We cannot at this time make provision for the needs of all coming ages; we must leave it for the men who are to come after us to decide what legislation they need. And who can possibly decide so wisely as the Legislature itself?

There is no such thing as the people themselves deciding. That we do not wish if we could have it. We wish our men of the greatest wisdom and experience to decide for us. Should we think of calling in a collection of horse-dealers to prescribe to the medical men what remedies they are to give their patients for the next fifty years? If we take five hundred men at random from the community, it does not follow that they know everything about legislation, and that they are fit to regulate the Government machinery for all coming time, even if we do give them the name of a Constitutional Convention.

This Legislature, too, must be supreme over all departments, not co-equal with other departments.

Somewhere in the State there must be one power that is final and supreme, or we have only turmoil. Now, where shall this supreme power be? Can it possibly be in safer hands than those of an assembly of the wisest and most experienced men in the country? Shall it be with one man, with the separate wisdom of one man, or with the many men, with the combined wisdom of all?

That being assumed, there should be no such thing as an executive veto. No one man in the State can be safely given the power of overruling the decision of a body of men such as our Legislature should and can be. We make it a large body for the very purpose of eliminating the possibility that the mistaken views of one man or a few men shall be able to do any real harm. It might, indeed, sometimes happen that this one man whom we call a President would be right, and the whole large assembly of men whom we call a Legislature would be wrong. Of that we must take our chance. The chance is very slight. But when the will and judgment of the Chief Executive comes in conflict with that of the Legislature, there should

be no question for an instant which is to yield. We cannot have two masters, in government or elsewhere.

The whole point of the necessity of a veto comes from the same idea before mentioned, that government is a perpetual conflict—a system of “checks and balances.” It should be nothing of the kind. There must be, on the contrary, system, unity; and that we can never have where there is a contest for supremacy or equality.

But it might well be wise to require for *all* legislation the same protection which we now require for measures that have been vetoed by the President—a two-thirds vote. Measures of general policy, which are really called for by the people’s interests, would seldom fail to get that two-thirds vote. But this point, too, would probably be most wisely left to the discretion of the Legislature itself, to be decided by the experienced men from the results of their own experience.

(3.) We come, then, to the power of removing the Chief Executive.

If this Legislature or supreme council is to have any control at all over the executive administration, it must have the absolute power of removing the Chief Executive for any cause which is in the opinion of the Legislature sufficient. And here is the wise method, and the only efficient method, of securing between the executive and the Legislature that harmony of which so much is said. This power of removal should be guarded, too, as it would seem, by requiring a two-thirds vote for its use.

Somewhere this power of removal should be; and it should be in the hands of men who would have the knowledge how to use it wisely.

No man or body of men could have the knowledge, as to the fitness or unfitness of the Executive, which the Leg-

islature would have. They would be the men in the State who would have had, from day to day, all his official conduct under their eyes.

Give this body of men no voice in the appointment of the new President, and I can see no possible way of finding a body of men who could be so thoroughly trusted to use honestly the power of removal, as this same Legislature. If the policy or conduct of a President were mischievous, as it might be or become, there could be little doubt that a two-thirds vote could be had for his removal. If a two-thirds vote could be had for his removal, there is little doubt that he should be removed.

This is the power that the House of Commons has, as to all the heads of departments, on a mere majority vote—and they use this power of removal whenever the ministry err on some one single question of public policy. Men generally do not think the use by the English House of Commons of that power on such a reason is a source of danger. But remove party and party strife, and a President would never be removed for a single error. On the contrary, the knowledge that he *could* be removed for persisting in a policy at variance with the wishes or judgment of the Legislature would make him heed their wish and judgment. It would, too, make the Legislature tolerant of mere single errors of judgment on his part. And that is a possibility which men seem to have lost sight of, that either the Legislature or the executive could possibly act like reasonable individuals—that either one could possibly yield to the other. Suppose we have as President a man of wonderful administrative talent—that talent consisting, as it surely would, mainly in his having sound judgment for selecting his subordinates. Suppose that he gave us successful management of our affairs for many

years—that he managed the finances, the purchases of war material, and the expenditure of money for our rivers and harbors, with wonderful skill. There comes up some one question of public policy on which he and the Legislature differ. Why is it necessary that he should resign, or be removed, because he does not think the policy of the Legislature wise? Why can he not give up his own will, take the policy of the Legislature, and honestly carry it out, with all the skill which he has gained and shown in his years of service? That is the way men do in private affairs. Suppose this line of policy adopted by the Legislature were not the wisest, would the nation be ruined? Would not time show its lack of wisdom? And is there any reason to think that the members of the Legislature would be the only men in the community who would learn nothing from this test of time? Do we expect that our public officials will never make blunders, will invariably take the wisest course of action? And do single blunders invariably bring utter ruin in the affairs of nations? We must assume that, under the best system, we shall sometimes have a mistaken policy on the part of our rulers. We can only choose the machinery which will, on the whole, give us the chance of the fewest mistakes. But no mistakes can possibly burden us as does this never-ending strife between different men and bodies of men in the government. The whole matter comes to this one point: Can we find any method whereby we have the chance of fewer blunders, than the method of giving the final control of all our affairs to an assembly of the wisest men that the people themselves can select?

The power of removing judicial officers by a two-thirds vote is one given to one or both branches of the Legislature in nearly every State in the Union. And as to the

propriety of their having that power, there is general agreement. And the power has seldom, if ever, been misused.

(4.) We come, then, to the next point, that this Legislature should have no voice whatever in the appointment of officials, the Chief Executive or any other.

Invariably, whenever a legislative assembly has had anything to do with appointing executive officers, that assembly has become a hot-bed of intrigue.

I assume that the members of this Legislature, the very large majority of them, would be men of pure intentions. But if they had in their hands the appointment as well as the removal of the President, there would always be a temptation to scheming men to combine against the President for the purpose of putting some other man in his place. If, however, the choice of a successor depended on the action of a body of men which had then no existence, so that the matter of who should be the successor would be one that could not possibly be made certain beforehand, could not be made the matter of bargain or understanding, then the danger from this source is reduced to the least possible degree. For that reason we should make it certain that this Legislature, though it might remove a President, could have no voice in the appointment of his successor. Remove from them, and from all men in the nation, this great temptation to combine in an intrigue against the Chief Executive.

In the British House of Commons men are always scheming to get office. It is so in our National Legislature, and in every one of our State Legislatures. It was so in our old Continental Congress, which had only one power of any kind or description, that of appointing the commander-in-chief of the army.

Throughout the war, Washington, nominally in com-

mand of the army, never could be certain one day whether he would be in command the next. Every member of Congress had a separate plan of campaign. No two men had the same plan. No one man had the same plan two days. There was nothing but intrigue. The men in that Congress were as pure-minded men as ever met in one body for any purpose. They had magnificent intentions. It was only because their intentions were so good that they intrigued. They saw that affairs did not prosper. They had the power to interfere, and they used the power, with the best motives and the worst results. It is always so. For deciding the general features of national policy we undoubtedly need the wisdom of many men. For executing that policy, and, above all, for selecting men, we must have the one-man system.

I cannot see how any better machinery can possibly be devised for the choice of a President than our present Electoral College, if it meets in one body, and if we remove the influences of party. Put it in the people's power to send members of Congress to this Electoral College, if they wish to do so. In any event, we should be certain that the members of this College would have advice, and all the real assistance that members of Congress could give them. In all probability the choice of such a College would be the choice that would be made by Congress itself. But still Congress should not be the body which would have the power to make that choice. The two powers should not be in the same body.

Here, too, it is proper to say what is to be said as to the provisions for temporarily filling a vacancy in the office of President. Let us do away with that fifth wheel to a coach, the Vice-president. Provide simply that, in case of a vacancy in the office of President, from any cause, the

senior cabinet officer shall be President until a new President is chosen by the Electoral College. That is a simple means of securing that there shall in no event be a vacancy, for so much as one day, in the Chief Executive office. It secures, too, that the temporary control of executive administration shall be in the hands of the man who, probably of all men in the country at the time, has the most thorough knowledge of it. There would be a strong probability, too, that that man, who would certainly be a man of administrative talent and of great experience, would be the choice of the Electoral College.

This supreme council in the State must content itself with making general rules and laws, and must then hold the Chief Executive "responsible" for results.

But it has been here argued that no man, under this or any system of government, should hold "irresponsible" power—power which cannot be taken from him. Here we have thus far a system by which all men in the Government service, up to a certain point, are made "responsible." The lowest man in the executive departments is responsible to his immediate superior, and this superior is responsible to the man above him; and so it is till we reach the head of the department. The head of the department, again, is responsible to the Chief Executive, and the Chief Executive is responsible to the Legislature. But, then, to whom is the Legislature responsible? Who can remove the members of this supreme council if *they* fail to do *their* work well? They are to purify the executive administration and the judiciary. Who shall purify the purifiers?

They must purify themselves. We must use there precisely the same protection we have had ever before. As has been said, one corrupt man, or a few corrupt men, can

do very little harm. They would soon be found out, and their power for evil would soon be gone. We assume that some of these men may be dishonest; we assume, too, that most of them will be honest. New men will be always coming in, old ones will be always going out. This supreme assembly will be like the sea; it will be kept pure by the streams of fresh life which will always be flowing into it, and by its own never-ceasing motion under the sunlight of public opinion.

A body of men, chosen as these men would be, holding by no term system, on a tenure which will be somewhat permanent, would have every possible advantage for giving us the best work.

In the first place, the men in the Legislature would soon find their own level—would be rated at their own true value, for doing good work in that assembly, and not for carrying elections. Then at last we should have it possible that the regular principles of natural selection should operate and have their legitimate effect in the selection of our legislators. The strong men would rise to the top. Men who were only clever talkers would soon wear out the patience of an assembly which met to do its own work quickly and well. Men who came to such an assembly, too, without any fitness for doing its work, would be treated with quiet contempt and neglect; they would find the air uncongenial, and would leave it; they would give way to other men. This having permanence in the membership of our Legislature, as well as for other branches of the Government, would operate gradually to give us there the services of the men who were best fitted for that special work; men would have time to find their true places. That is now an impossible thing.

Then, too, an assembly thus constituted would have the

time and experience needed to find new ways of doing new work, of dealing with new problems. New machinery for doing this work of a great people would come naturally into existence—would grow. The work of this assembly would gradually drift into committee work—the only kind of work which can be well done—except in the case of new and very important questions. Everything done by the committees would be, of course, subject to the confirmation and approval of the full body. As has been said, with a permanent executive service, nearly all measures of administrative reform would be suggested by the specialists—the men in the executive service. And these measures, when they came before the Legislature, would be referred to committees who would be in the main permanent, and would be made up of men who would give their study and thought to matters in their special line of duty.

Then, too, the new blood which came into this assembly would come steadily and unceasingly, not like a biennial avalanche. Our legislation, our government work of all kinds, would have stability; we should have a government policy. Men could have some sense of security as to the course of affairs. A measure passed at one session of Congress would probably not be repealed at the next, nor until time had shown it to be unwise.

But the great gain of all would be this, that measures of government policy could then be fairly considered before they were taken, and fairly tried after they were taken. As matters now are, that is impossible. No measure is considered on its merits; every measure is made a "party measure." We must have no "party measures." All measures should be measures of the people. It is our right to have, from every single man in our legislative

service, his best judgment on every single measure which comes before him for his action. On no measure has he the right to consider for an instant what the interests of his party call for, or to know that there is such a thing as party in existence. But, as matters now are, even after a measure is once passed, we still have "party" interfering at every turn with its having a fair trial. The party which opposed the measure before its adoption does everything in its power to hinder the successful working of the measure after its adoption. When a measure is once passed, the interest of the people demands that *all men* should *co-operate* in putting this measure to a fair trial. Until that is done, no man can tell, certainly, whether it is good or bad. That is what we wish to find out. If, on trial, the measure is found to give good results, we wish to keep it, without regard to party. If it gives bad results, we wish to undo or change it, without regard to party. .

As has been already said, what we need in our government service is not strife, but harmony—efficient work. More than in any other place, we need that harmony in our Legislature.

We can never have it, there or anywhere else in the Government, until we destroy party. Until that is done, we can have no such thing as government, nothing but repeated political earthquakes, fostered by men who have not, indeed, bad intentions; but who are driven by the overpowering influences of their surroundings to fight over elections, and to use the forms of free government to perpetuate a most oppressive tyranny.

But some men, even if the arguments here made should command in some degree their assent, would yet have a lingering fear that this proposed change of tenure *as to the Legislature* would have some evil features, or evil results.

They would fear that the abolition of the term system, even if it might be wise as to executive officials, would be unwise or dangerous for the Legislature. My purpose is to meet all objections to what is here proposed, as fairly and fully as I am able. These objections to the abolition of the term system with our legislators would be, so far as I can anticipate them, these—

1. The tenure of the members, as here proposed, would be substantially a tenure for life.

2. These members, thus holding for life in a permanent assembly, would get out of sympathy with the thoughts and wishes of the people.

3. There would be danger of corrupt combination among the members of a permanent body such as would be then established.

4. The people would lose their control over their legislators.

5. This would not be a “representative government.”

I can think of no objection that would not be, in effect, a mere modification of one of these. Some of them have been already considered; but they will be again noticed.

(1.) Let us take the first one—that we should have substantially a life tenure for our legislators.

That is undoubtedly true. We should have substantially a life tenure; but it would not necessarily be a long term.

Remove party influences, and the men who would be sent to our Legislature would be, in the large number of instances, men of somewhat advanced years, men who had already made a reputation in some walk of life. I have made a rough calculation of the terms of actual service of the judges of the United States Supreme Court, the Massachusetts Supreme Court, and the New York Supreme Court (taking the New York judges down to the year 1846,

when the term of years was introduced). The average period that these computations have given is a term of about twelve years. And this computation, though not made with nice accuracy, cannot be much in error. There is every reason to think that that would be about the average length of the term of service of legislators, if they should hold office during good behavior. Sometimes the term of service would be longer, sometimes shorter. Now no one seems to have the least fear of giving our judges a term of fourteen years. In Pennsylvania some judges have a term of twenty-one years. And where is the difference? As far as concerns the mere *length* of the term of service, no point can be made against the tenure during good behavior.

(2.) Take the next point—that there would be danger that the members thus holding for life in a permanent assembly would get out of sympathy with the thoughts and wishes of the people.

This is a fear which comes in the main from the idea that government is a moral agency, instead of a machinery for collecting revenue and doing work. But let it be fairly met.

In the first place, once in twelve years we should have substantially the entire membership changed. This of itself would seem to be a sufficient safeguard against any danger of this kind.

But these men who would go to our national Legislature would not necessarily cease to be human beings. They would still live with other men. They would still have all their old interests. Is there any man in the community whose ideas do not change and grow? Can such a thing be? Can any man live from one day to another, read new books, see new men, learn from the press what is be-

ing done and said throughout the world, and himself, alone of all men, stand still? If that can happen, we are surely coming upon an age of miracles. Can these men be dead statues, when all the rest of the world is living and moving? Can they think in an utterly different way from that in which other men think, in which they have themselves thought all their lives—or, rather, will they at once stop thinking?

Suppose, on the other hand, that these men who would be chosen by the voice of their fellow-men to care for the fortunes of the State, for the reason that they had proved themselves to be men of power—suppose it should happen that these men should lead the thought of the nation, instead of being an age behind it. And which is the more likely supposition of the two? These men, who would make laws and administration the one study of their lives, would be the teachers and not the pupils of the people. And when the people once learned that to be the fact (as they soon would do if it were the fact), then what our legislators did and said would command with the people the same confidence and respect that other men command in their professions. But, as things now are, most of us know as much as our legislators.

(3.) Next, what would be the real danger of corrupt combination?

Remove party influence, and the men who would be chosen to our national Legislature would, above all, be men who had, all their lives, proved themselves to be honest. As Mr. Lincoln put it in a sentence before quoted: "All that I am in the world, the Presidency and all else, I owe to that opinion of me which the people express when they call me 'Honest old Abe.'" If we send to our Legislature men who have been all their lives honest—

if we put them in high public place, with the eyes of all the world on them, where from honest action they have everything to gain, and from dishonest action they have everything to lose, will such men suddenly throw aside all their old habits of thought and action, and try to betray and enslave the people with whom they have always lived, and with whom they have still to live all the rest of their lives? That is an imagination simply monstrous. Such a thing cannot be. We have never known anything like that.

No doubt it might happen that, even with party combinations destroyed, we should at times get bad men in high place. But unless there were many of them, no great harm could come of it. That is the very reason why we give the supreme power to a body of many men, and not to any one man. In a legislative body of an ordinarily large number of members, one member alone can do little or nothing in the furtherance of a corrupt purpose. He must have many associates. One man, then, has nothing to gain by being corrupt, unless he can influence many other men to be corrupt with him. And how much danger would there be of that?

But when the point is urged that under a tenure during good behavior there would be danger of corrupt combination, the argument is, by implication, that the term system gives us purity. But so far from the term system giving us purity, it has given us nothing but corruption, whenever and wherever it has been tried—in the Legislature, on the bench, and in the executive department. More than that, having the term system in the Legislature and executive alone, where the real power in any government is, and must be, has done much to corrupt the other departments of the service. And it is only the tenure during good behavior that has been the protection of those other depart-

ments. The term system has given us corruption, because it has made officials dependent on party men. The tenure during good behavior, wherever it has been tried, has given us purity, because it has made officials independent of all men. So they must be, if we wish to protect them from the powerful influences to which they may at any time be exposed.

But this fear of corrupt combination among the members of a legislature throws entirely out of consideration the immense strength of public opinion. Can we not begin to weigh this one all-controlling power at its true value? It is what has brought every true reform in our whole history. There is no absolute monarch among civilized nations who does not fear it. Can it be that these public officials of a free people, chosen from the people, by the people themselves, will be the only men in the world who will pay no heed to it?

But consider the position of affairs now. We do have, as things now are, the most powerful combination ever seen, of *all* our officials, under the party system; and taking that system at its worst, we have been able to endure it, and the liberties of the people (as the term is commonly used) have been tolerably secure. With party destroyed, where can there be any real danger from combinations in the Legislature alone?

(4.) We come, then, to the objection that the people would, under this tenure for during good behavior, lose the control of their legislators.

This point in a measure implies that the people, under the term system, keep that control. But we know, as a matter of fact, that they do not. The actual result of the term system has been to take all control from the people and give it to the party organizations.

But under the system here proposed the people would retain every real control over their legislators that they now have, and would free these legislators from the tyranny of party under which they now labor. The only direct machinery we now have for punishing a corrupt legislator is the power of removal which rests with the Legislature itself. That we should still keep. And there would be no such powerful influences to hinder its use, on fitting occasions, as the influences of party now are. But, as has been argued, so far as concerns mere honesty of action, the only real protection we ever can have is in the character of the men we put in public place. What we wish to secure is, in the main, the choosing our best men to our Legislature; and if we do that, we can trust them to be honest after we choose them.

(5.) But it may be said, this would not be "representative government." This would be setting up an independent power in the State, a new will—not the will of the people, but a will over and above the will of the people.

What do we mean by "representative government?" and in what correct sense can any real government be "representative?" Throwing names and words aside, what kind of "representative" government, in the nature of things, can any people possibly have?

Some men have an idea that our legislators are to "represent" the wishes and opinions of what they term the "people," on every question that comes up for action. But what is the "people?" Where are we to find the record of its wishes or its opinions? There can, in the nature of things, be only the wishes and opinions of the individual men who make up the people. And when men say that legislators are to follow the wishes and opinions of the "people," they mean, at most, the wishes and opin-

ions of a majority of these individual men. But if legislators are to follow the wishes of a majority of the people, is it to be a majority of the whole people, or is each legislator to follow the wishes of a majority of his own constituents? Putting it either way, how is a legislator to get at those wishes? Is he, when measures come up for action, to send to his constituents, or to some imaginary collection of men, for a letter of instructions?

Anything in the most remote degree like that is simply impossible.

But do we wish that? Suppose we send to the Legislature men much wiser than ourselves, for the very reason that we know them to be wiser than ourselves—do we not wish those men to use their wisdom, and act on the best judgment which that wisdom can compass? Put *that question* to a vote, if everything in the world is to be decided by a majority vote, and there is no doubt how the majority will be. Rich and poor—men whom we call educated and whom we call ignorant—will agree there.

Do we really wish that our legislators should give us only such legislation as we ourselves think best? Do men wish their shoemaker to make such shoes as they themselves would make, or their lawyer to try their causes as they themselves would try them, or their physician to give them such drugs as they themselves may fancy? What we wish from our public servants is, not such work as we should ourselves do, or as we may think the best, but better work than we know anything about. On any proper theory of government we select our very best men, to use their own brains, and not ours, in our service. We choose them, or should choose them, because they will be leagnes in advance of anything we dream of.

Our legislators are not to “represent” our wishes and

ideas. They are to represent us. They are to *act*, for us, but on their own best judgment. They are to act, not on the wish of any one man or body of men, nor for the interest of any one man or body of men, but for the highest interests of the whole people.

They are, for us, to supervise and control all our public work. They are, for us, to decide what that work shall be, and how it shall be done. This they are to do for us, because, in the nature of things, we cannot do it for ourselves. And in that sense only are they to “represent” us.

And in this sense only is “representative government” a possible thing—that the people are themselves to choose their servants, instead of having men usurp or inherit power.

And therein consists free government.

CHAPTER XI.

A TRUE REPUBLIC.

LET us now see what are the conclusions to which we have been led.

The chief points which have been here maintained are these—

1. Public officers must have only one kind of work.

There must be no confusion of legislation and executive administration.

2. Each officer must be held “responsible”—for doing well the work of his own office.

No man, then, must hold office, for life, or for any term of years or days, but only for so long as he does well the work of his office.

3. Each executive officer must be made responsible to his immediate superior in office.

Every head of an executive office or department must, then, have the power of appointing and removing all his subordinates in that office or department.

4. There must be one Chief Executive at the head of the executive administration, who must be held responsible for all that executive administration.

5. That chief executive must be responsible directly to the supreme assembly.

6. That chief executive must be chosen by the votes of the whole people through the machinery of an Electoral College.

7. There must be some one power in the State which is supreme over all citizens and officers.

8. This supreme power must be an assembly, of a reasonable number of men, chosen by the people.

9. This assembly shall have the power—

a. To make all necessary laws.

b. To raise and disburse the people's revenues.

c. To create and abolish all offices (except that of Chief Executive) and regulate their duties.

d. To remove all officers.

e. To appoint no officers.

10. Aside from this framework of executive officers, and from this supervising council, is the judiciary—the body of men who dispense justice.

As they have to pass on the acts of both executive officers and of this supervising body, let them, too, be elected by the people.

Let them, too, be removable by the Legislature, as there is no permanent body of men with whom that power of removal can be so well left. That is substantially as it is now arranged.

This is the statement of all the positions, which it has been attempted to establish in this argument by an examination of the results of actual experiments in government mechanics.

Let us, then, compare our system of government as it would be, when modified as is here proposed, with the present English system of government, and see what points the two would have in common, and what would be the points of difference.

The points the two systems would have in common are—

1. The omnipotence of the Legislative Assembly.

2. The power in the Legislative Assembly to summarily remove the executive.

The points of difference are—

1. We should have one man as Chief Executive instead of a committee.

2. This Chief Executive would be responsible, instead of his servants.

3. The Chief Executive would be chosen by the people, instead of depending on the contingencies of party manœuvres in the Legislative Assembly.

4. The power of removal would be restricted by the two-thirds vote required.

5. Executive officers would be chosen for fitness for executive work, and not for party considerations.

6. Executive officers would depend for their tenure of office on doing well their executive work, instead of on the contingencies of party in the Legislature.

7. The Legislative Assembly having nothing to do with appointments, the inducements to intrigue for office would be, as far as may be, removed, and the time and labor of its members would be given to their proper work, the supervision and control of all government affairs.

It will be seen at once that the points the two systems would have in common are the ones which have been very generally conceded to be the wise points in the English Constitution.

The points of difference are the points wherein the English executive administration is, as has been argued, essentially faulty.

Let us see, then, what changes in our present national system of government will be made, if we adopt all these proposed modifications.

The changes would be few and simple.

1. We abolish the term system. We should have no man holding his office for a day longer than he does his work well.

2. We give to Congress—

a. All the legislative power.

b. None of the appointing power.

c. The removing power, by a two-thirds vote, for any cause in their discretion.

3. We give to the Chief Executive and his heads of departments—

a. None of the legislative power.

b. Full appointing and removing power as to executive officers.

4. We have the Electoral College meet in one place, and make it the judge of the qualifications and elections of its own members, as the Houses of Congress now are.

5. In case of a vacancy in the office of President from any cause, we have the senior head of department act as President until a successor is chosen.

That is the enumeration of all the changes. And in what do they consist? In only two points.

1. They give unity and simplicity to our present system.

2. They provide the means for enforcing the responsibility of public officials where now none exists.

As to the first point.

The Legislature is to have nothing to do with the appointment of officials or with the details of administration. That is to be left to the men in the executive administration, the only ones who can have any knowledge of what is to be done. The Legislature will only supervise and control.

The executive is to have nothing to do with legislation.

Every official will have work of one kind.

As to the second point.

Under the system proposed, there will be a means provided for enforcing the responsibility of our public servants.

The old maxim—what is every one's business is no one's business—furnishes the key to our difficulty. Under our present system, or lack of system, we depend on "the people," as we say, to enforce the responsibility of officers. The result is that no one enforces that responsibility. We say, we will *all* make it our business to follow carefully what each one of our public servants does. We cannot do that. Each one of us is occupied with his own private affairs. We cannot be always watching our public servants or hearing complaints against them. What we must do, then, is to so arrange our service as to have it permanent, and have some one man over each one servant, whose especial duty it shall be to enforce the responsibility of that servant. Whenever one of these servants does a wrong act there will always be some person in the community whom that wrong act will hurt. We can depend on that man to complain, and set in motion the machinery to punish that wrong, if we only furnish the machinery, and make it simple, speedy, and vigorous. The man, then, who is hurt must not be compelled to make a general lamentation to "the people," and ask them to remember this wrong act until the end of two years or four years, and then put the officer out of his office. There must be some one man, the superior in office of the official who has done the wrong, to whom he can go then, to whom he can make his complaint then, and from whom he can get his redress then. Appealing to the people does no good. To hear these complaints, the people would have to organize themselves in one grand court, with one unending sitting, with millions of ears and brains. Imagine it!

It may be said that, under the present system, the President and the heads of departments have the power and the duty of enforcing this responsibility of subordinates. They have, indeed, the duty, but we destroy their power. How can a President enforce responsibility, when he must have the consent of some large body of men to a removal or an appointment? If he should attempt to discipline a subordinate, the subordinate knows there is another power, a body of men, among whom he can intrigue, and through whom he can possibly conquer his superior. And how can any officer enforce responsibility who has only a short time within which to inform himself as to the affairs of this great service, and who is driven to combine with the very subordinates whom he should discipline, in order to carry these continual elections?

It is an impossible thing. There can be no enforcing of responsibility under any such arrangement as that.

Under the modifications that I propose, however, the plan, and the whole of the plan, is this:

Every official has work of only one kind. For that work of one kind he will be held "responsible" to one man, who is, in his turn, responsible for enforcing this responsibility to the one man above him. And when we reach the head, he, and he alone, is responsible for all the men under him to the one supreme body. And every one of these officers is to stay in the service, and rise in the service, so long as he does his work well.

Thereby we make it certain, as far as any system can make it certain, that each one of these officers will make the work of his office the one profession of his life, that he will learn his work, and do it, as men do in private affairs; whereas now we make it certain that our public servants will neither know their work nor do it. We

make it impossible for them to learn it; we make it certain that they will do something else. At the end of a time when an officer might possibly, if we allowed him to do so, learn something of the duties of his office, we remove him, and put a new man in his place who is as devoid of knowledge as the one removed was in the beginning. Is it strange that our public service is inefficient? Why should we not have the laws of human nature working with us, to secure good government, instead of having them all working against us, to secure anarchy? Why should we not have our public servants working together in harmony to serve our interests, instead of prolonging strife to serve the interests of their party?

One point further.

If this system is sound and wise for the national Government, it is sound and wise for State governments, for our county and city and town governments. They are all alike—machineries for doing work.

And it is this immense election machinery which we must destroy. And we must destroy it everywhere.

An attempt has been made during the progress of this argument to anticipate and fairly meet the objections which may be made to the plan here proposed. But there may be some points which still need to be examined, and as far as I can anticipate them, they will now be considered.

It will seem to some men that the plan here proposed involves a great change in our government machinery. So it does. But we need a great change. We must have one of some kind. The only question is what the change shall be.

It may be said that this plan would be wholly an experiment. So it would be. So was the Constitution itself only an experiment. So is every single new statute.

Keeping the Constitution as it now is, is nothing but an experiment—a new one—for we shall continue it under new conditions. And the question is, whether we will continue an experiment which we know has failed, or will try a new experiment which we think may succeed.

But, above all things, some will fear that the system here proposed would create an “aristocracy,” something at war with the spirit of republican institutions, and therefore dangerous. And this word “aristocracy” will have, to some men, a portentous sound.

Guizot says* the word “aristocracy” means “a government where the sovereign power is centred in a particular class of citizens, who are invested with that power as an *inheritance*, by *right only of their birth*, in a manner more or less exclusive, sometimes almost entirely exclusive.”

It is not intended to depend on this mere definition, or on any mere matter of words and terms, to meet the point now under consideration. But, as it seems to me, the distinction made in the extract just given goes to the root of the matter. It is the hereditary element, that makes the only danger in any “aristocracy.” If we have in the State a body of men, who have from their birth been brought up in the idea, not that they are public servants who owe a duty to the people, but that power over the lives and fortunes of other men is theirs of right, inherited by them with their lands, to be used for their own ends and purposes, there is, no doubt, always danger, from such men, of tyranny and corruption. But take an assembly of men who have, for their honorable lives, been chosen by the people from their own number to be the people’s ser-

* “Origines du Gouvernement Représentatif,” vol. i. p. 101.

vants—with such an assembly of such men, we have never seen the slightest tendency toward anything of the kind.

We should have a chief magistrate, chosen by the people. We should have, over and above him, a supreme assembly, chosen by the people. New men would be continually coming into this assembly. Once in twelve years it would be substantially a new body. This supreme assembly controls the revenues. No scheme of usurpation or wrong could succeed without its aid and assent. And if five hundred men, chosen as these men would be, can be induced to corruptly aid any scheme of usurpation, then we must use the remedies against usurpation that are always left outside of the law.

But that means, it may be said, revolution. So it does. Revolution is the only remedy, under any government, against usurpation on the part of the rulers of the State. But at this day, in a free country, revolution accomplishes its end before it has an existence. The fear of it is all the protection needed. Revolution always has been the voice of the people, of public opinion. Before the age of printing, steam, and the telegraph, armed insurrection was the only way the people could make its voice heard. It has now other methods, less costly and more powerful. Revolution by force of arms may still be the remedy used by ignorant and oppressed peoples. But it is a remedy that belongs to the age when a people has not yet gained freedom and knowledge.

Popular assemblies have often been conquered, with the people, by usurpers. They have at times, in the heat of revolution, committed great excesses. They have not, as far as I am aware, ever lent themselves knowingly to any scheme for destroying the people's liberties.

If ever there could have been danger of corrupt com-

bination on the part of a legislative body of reasonable numbers, it was after the Restoration in the reign of Charles II. The reaction from the doctrines of the Revolution had brought in a spirit of most unreasoning and subservient loyalty to the King. Corruption had no bounds; and the House of Commons was not an assembly chosen by the whole people, but its members were members of the landed aristocracy, who had no sympathy with anything like popular government. Yet in this Parliament, the longer it existed, the more determined was the opposition to royal usurpation. Mr. Hallam has a most significant passage on this point, which is worthy of the most careful consideration. He says:*

“Long sessions, and a long continuance of the same Parliament, have an inevitable tendency to generate a systematic opposition to the measures of the Crown, which it requires all vigilance and management to hinder from becoming too powerful. The sense of personal importance, the desire of occupation in business (a very characteristic propensity of the English gentry), the various inducements of private passion and interest, bring forward so many active spirits, that it was, even in that age, as reasonable to expect that the ocean should always be tranquil, as that a House of Commons should continue long to do the King’s bidding with any kind of unanimity or submission. Nothing can more demonstrate the *incompatibility* of the Tory system, which would place the virtual and effective, as well as nominal, administration of the executive government in the sole hands of the Crown, *with the existence of a representative assembly*, than the history of this long Parliament of Charles II. None has ever been elected in circumstances so favorable for the Crown; none ever brought with it such high notions of prerogative; yet in this assembly a party soon grew up and gained strength in every successive year, which the King could neither direct nor subdue. The methods of bribery to which the court largely had recourse, though they certainly diverted some of the measures and destroyed the char-

* Hallam’s “Const. Hist.” vol. ii. p. 355.

acter of this opposition, proved in the end like those dangerous medicines which palliate the instant symptoms of a disease that they aggravate. The leaders of this Parliament were, in general, very corrupt men; but they knew better than to quit the power which made them worth purchase. Thus the House of Commons matured and extended those rights of inquiring into and controlling the management of public officers, which had caused so much dispute in former times; and, as the exercise of these functions became more habitual, and passed, with little or no open resistance, from the Crown, the people learned to reckon them unquestionable or even fundamental, and were prepared for that more perfect settlement of the Constitution on a more republican basis, which took place after the revolution."

And in a note to this same passage is given the following:

"Aubrey relates a saying of Hamilton, just before the Restoration, which shows his sagacity: 'Well, the King will come in. Let him come in, and call a parliament of the greatest cavaliers in England, so they be men of estate, and *let them sit but seven years, and they will all turn Commonwealth's men.*'"

An English king, with a parliament made up of men whose thoughts and training were all in favor of kingly power, and against what we call popular government, was unable to crush free government. That was two hundred years ago, in royal England. To-day, in republican America, we can safely assume that a President of the United States will never be able to induce the representatives of the people to betray their trusts for the purpose of aiding plaus of usurpation. That these men would set up a monarchy, or a hereditary aristocracy, is not to be believed. England and every other nation in Europe began with a monarchy, and they are all working toward republicanism. Are we alone to reverse the order of nature? And what has made in Europe the revolution from mon-

archy to republicanism? Nothing but the advancing growth of public opinion. And is public opinion to be powerless with us alone? Jefferson said,* "The spirit of our people * * * that would oblige even a despot to govern us republicanly."

We may assume, then, that our legislators and other officials would never combine to set up a king or any one-man power. Their own interests would prevent that. Royalty has always had to conquer its power, and will not at this late day get it by popular election.

But it may be said that even if there be no great danger that the legislators should give hereditary power or excessive power to a President, or to any one man, they might attempt to commit legislative usurpation, to make a tyranny by the Legislature itself.

But what could they do?

Has combination for the purposes of usurpation ever been possible among more than two or three men? And would not combination of any two or three men, for any purpose of this kind, be certain to bring revolution in Congress as well as out of it? Undoubtedly, against the dangers of possible combination and usurpation it is wise to have the supreme power, the control of the purse, rest in the hands of an assembly of reasonable numbers. But so long as the control of the purse is in the hands of a legislature, combination for usurpation by any set of men out of the Legislature is impossible. And so long as the Legislature has as many as three hundred members, combination for usurpation by any set of men within the Legislature is impossible.

Let us not, however, be afraid of a mere word. There

* Jefferson's "Writings," vol. vii. p. 11.

undoubtedly would be an "aristocracy," in the true meaning of the word—a "government by the best men," an aristocracy in which birth without worth would give no title, which would be open to the son of the poor man and the rich man alike, to any man who proved himself honest and able, and to no one else. Such an aristocracy would be filled with men like Washington, Webster, Hamilton—with men who themselves did the great deeds, not with feeble descendants of great men. And if the poorest man in America could command the services of the ablest and most honest men in the country, to do for him his government work, if, too, he had himself the possibility open to him of the highest career in the State for which he should show himself fit, what more could he or would he ask? And would he be frightened from having this condition of things by the word "aristocracy," or by any other word or set of words. From an "aristocracy" of that kind we should have little to fear. It is the one thing of all things needed in this country, and in every free country, to preserve free government.

One further point is made very clear by all past experience. When judges in England were corrupt, it was the men who were already rich and powerful who could buy decrees. In this country, when legislators have been corrupt, it has been always the great railroad corporations, the large moneyed interests, the men who were already rich and powerful, who could buy statutes. Such members of Congress as were corrupt gave their fine words to the poor, and sold their votes to the rich. So it was, too, with corrupt judges in our courts. The only protection that the poor and the weak can ever have against the rich and powerful, lies, above all things, in having all public officials—judges, legislators, and executive— independent, therefore

honest and fearless. Could a rich man or a powerful man obtain favor, or anything more than justice, from Marshall, or Kent, or Story? And as our judiciary once was, so every branch of our Government should be, pure. And so it can be. Did the benches of our courts fifty years ago hold all the honest men in the world? But we know that our judges then were honest.

All governments, which deserve the name, have certain features in common, and certain main points of difference.

They all have, under some name or form—

1. Judicial officers—for administering justice.
2. Executive officers—for doing government work.
3. A supreme authority—one man, or one body of men—which controls and regulates all officials and their duties.

We do not, indeed, in all governments, find every official confined to one class of duties, as he should be, if the work is to be well done. But we find, in all governments, these different kinds of work.

The differences between different forms of government, in the main, concern one point—the point whether power in the State shall be,

1. Property, held by individuals, descending with their other property to their children; or,
2. A trust, reposed by the people in their fittest men.

The idea that power in the State is property is at the bottom of the hereditary system. That system does not rest on a sound idea, and whenever any people has real life and strength, it will sooner or later destroy the system of inherited power.

If, then, we hold that power in the State is a trust to be reposed by the people in its fittest men, we must make our system such as to secure in the public service, as was stated in the outset,

1. The best men.
2. Their best work.

And we must secure the true substance, not the false form of good government. If men try to persuade us to give our public servants power only for two or four years, on the fear that otherwise we shall lose our control over those servants, we must carefully examine whether by that system of terms for years we shall not really lose all control over our servants, and be setting over ourselves and our servants a new tyrant, stronger than any hereditary tyrant ever was.

We have been trying to do more than lies in our power. We, the people, if we assume or pretend to make our own laws, or to make for ourselves the selection of every one of our public servants, undertake a task beyond our strength. We are then driven to elections for one, two, and four years. We make it certain that there will grow up a body of professional traders in elections, and that these traders will, through their greater skill, gained by constant practice, take this matter of the choice of our public servants from us. We must be content to do less with our own hands. We must, as we do in our private affairs, use the hands and brains of other men, who can do our work for us better than we can do it ourselves. We must choose one man to manage all this vast government work for us. We must trust him, as we trust other men, as other men trust us. We must give him the power to choose his subordinates to do that work, because we know he can make that choice better than we can. We will hold *him* "responsible" for the work of all those subordinates. Even that mere holding him to that responsibility we cannot ourselves do. We must have that done for us, by a body of men who can meet, deliberate, give careful

thought to our affairs, and have thorough knowledge of them. These men we will ourselves choose from ourselves. They shall be our wisest men, who have lived among us all their lives—who have always been faithful wherever they have been tried—whom we know to be men of honor, who will not betray us. There are such men—thousands of them. Those men we know we can trust, and we will trust them. We will get them in our service, and keep them there. We will give them the power that we cannot use ourselves, for we know it will with them be in wiser hands than our own. We will learn the measure of our own strength. We will not try to make our own shoes, or our own laws. We will have both made for us, by the best men we can find for either service.

Then we shall have a Government, of the people—for the people—by its wisest men. That will be a TRUE REPUBLIC.

CHAPTER XII.

CONCLUSION.

THE great mistake made by our ancestors, if any was made, was in supposing that the men in our government service could not be trusted. They thought that, to secure liberty, it was necessary that no one man or body of men should have, either full power over one thing, or any power for a long time. For that reason they gave the executive a voice in legislation, and they gave one branch of the Legislature a voice in appointments of executive officers. For that reason they made both executive and legislative officers hold only for short terms of years.

We have tried very thoroughly this plan of tying the hands of our public servants. It does not answer our needs. If we expect good work from our public officials, we must trust them with power—the power to do bad work as well as good. If our servants wish to be corrupt, they will devise ways of corruption, no matter how we limit their powers. The restrictions of Constitutions and statutes have never been enough to keep men honest.

What we must depend on for securing good and honest work is, in the main, the character of the men we place in public office. We must also have, as to every official, the power of removal, vested in the hands of some one man or body of men, where we think it will be most wisely used. But that is not our chief dependence. The power of removal must exist. But we do not count on its being often used.

In all our private affairs we trust men. Every day and every hour we put in the hands of other men our lives and fortunes. We know we can do so safely. We can, too, trust our public servants, if we only let our best men serve us. No doubt we cannot trust our public affairs in the hands of men who are selected by the chance of birth, but we can trust men who are chosen for their honest lives.

In order to get those best men in our service, all we need is to have things free. We must throw off the chains. The best men must be free, to enter the people's service. The people must be free, to take those men into their service. Those men must be free, after they are in the service, to give the people their best work. We must have no fetters, of party, or hereditary power.

This is no visionary Utopian scheme. The aim is simply to have our government affairs managed as well as are our private affairs. Why should they not be? It is not proposed to try any new experiments. There is nothing new here. Everything has been proved, by the experience of the Anglo-Saxon race.

And if these modifications proposed are wise, it is a perfectly possible thing to have them made. The work of changing this Constitution would be a mere trifle compared with the work of making it. We forget how hard a task it was to form this Government. All the prejudices, of all classes of men, in all the colonies, were in the beginning opposed to the adoption of the Constitution. Madison wrote to Washington, on the 3d February, 1788:*

“New York, February 3d, 1788.

“TO GENERAL WASHINGTON:

“DEAR SIR,—Another mail has arrived from Boston without terminating the conflict between our hopes and fears. I have a letter

* “Madison's Papers,” p. 572.

from Mr. King, of the 27th, which, after dilating somewhat on the ideas in his former letters, concludes with the following paragraph: 'We have avoided every question which would have shown the division of the House. Of consequence, we are not positive of the numbers on each side. By the last calculation we made on our side, we were doubtful whether we exceeded them, or they us, in numbers. They, however, say that they have a majority of eight or twelve against us. We by no means despair.' Another letter of the same date, from another member, gives the following picture: 'Never was there an assembly in this State in possession of greater ability and information than the present Convention; yet I am in doubt whether they will approve the Constitution. There are, unhappily, three parties opposed to it—first, all men who are in favor of paper money and tender laws—these are, more or less, in every part of the State; secondly, all the late insurgents and their abettors—in the three great western counties they are very numerous; we have in the convention eighteen or twenty who were actually in Shay's army; thirdly, a great majority of the members from the province of Maine. Many of them and their constituents are only squatters on other people's land, and they are afraid of being brought to account; they also think, though erroneously, that their favorite plan of being a separate State will be defeated. Add to these the honest doubting people, and they make a powerful host. * * * With all this ability in support of the cause, I am pretty well satisfied we shall lose the question, unless we can take off some of the opposition by amendments. I do not mean such as are to be made conditions of the ratification, but recommendations only. Upon this plan I flatter myself we may possibly get a majority of twelve or fifteen, if not more.'"

All possible objections were made against it. Luther Martin wrote :*

"Let me call the attention of this House to the conduct of Virginia when our Confederation was entered into. That State then proposed and obstinately contended, contrary to the sense of and unsupported by the other States, for an inequality of suffrage founded on numbers, or some such scale, which should give her and certain other States influence in the Union over the rest. Pursuant to that

* Elliot's "Debates," vol. i. p. 346.

spirit which then characterized her, and uniform in her conduct, the very second resolve is calculated expressly for that purpose—to give her a representation proportioned to her numbers—as if the want of that was the principal defect in our original system, and this alteration the great means of remedying the evils we had experienced under our present government.

“The object of *Virginia and other large States to increase their power and influence over the others* did not escape observation.”

George Mason wrote :*

“In the House of Representatives there is not the substance, but the shadow only, of representation, which can never produce proper information in the Legislature or inspire confidence in the people. The laws will, therefore, be generally made by men little concerned in and unacquainted with their effects and consequences.

“The Senate have the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment, in conjunction with the President of the United States, although they are not the representatives of the people, or amenable to them. These, with their other great powers (viz., their powers in the appointment of ambassadors and all public officers, in making treaties, and in trying all impeachments), their influence upon and connection with the supreme executive from these causes, their duration of office, and their being a constant existing body, almost continually sitting, joined with their being one complete branch of the Legislature, will destroy any balance in the Government, and enable them to accomplish what usurpations they please upon the rights and liberties of the people.

“The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several States, thereby rendering laws as tedious, intricate, and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor. * * *

* * * The President of the United States has the unrestrained power of granting pardon for treason, which may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his

* Elliot's "Debates," vol. i. p. 494.

own guilt. By declaring all treaties supreme laws of the land, the executive and the Senate have in many cases an exclusive power of legislation, which might have been avoided by proper distinctions with respect to treaties, and requiring the assent of the House of Representatives, where it could be done with safety. * * *

“This government will commence in a moderate aristocracy; it is at present impossible to foresee whether it will, in its operation, produce a monarchy or a corrupt oppressive aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.”

Gouverneur Morris wrote to Washington:*

“With respect to this State, I am far from being decided in my opinion that they will consent. True it is that the city and its neighborhood are enthusiastic in the cause; but I dread the cold and sour temper of the back counties, and still more the wicked industry of those who have long habituated themselves to live on the public, and cannot bear the idea of being removed from the power and profit of State government, which has been, and still is, the means of supporting themselves, their families, and dependents, and (which is perhaps equally grateful) of depressing and humbling their political adversaries. What opinions prevail more southward I cannot guess. You are in a better condition than any other person to judge of a great and important part of that country.

“I have observed that your name to the new Constitution has been of infinite service. Indeed, I am convinced that, if you had not attended that convention, and the same paper had been handed out to the world, it would have met with a colder reception, with fewer and weaker advocates, and with more and more strenuous opponents. As it is, should the idea prevail that you will not accept the Presidency, it would prove fatal in many parts.”

The Constitution was finally adopted because the sober sense of the American people told them they needed a government. It will be of service to see precisely how the “people” then thought and felt. I quote the words

* Elliot's “Debates,” vol. i. p. 506.

of a plain New England farmer, in the Massachusetts Convention which met to act on the proposed Constitution :

“Mr. President, I am a plain man, and get my living by the plough. I am not used to speak in public, but I beg your leave to say a few words to my brother plough-joggers in this House. I have lived in a part of the country where I have known the worth of good government by the want of it. There was a black cloud that rose in the east last winter, and spread over the west. [Here Mr. Widgery interrupted: Mr. President, I wish to know what the gentleman means by the east.] I mean, sir, the county of Bristol; the cloud rose there, and burst upon us, and produced a dreadful effect. It brought on a state of anarchy, and that led to tyranny. I say, it brought anarchy. People that used to live peaceably, and were before good neighbors, got distracted, and took up arms against government. [Here Mr. Kingsley called to order, and asked what had the history of last winter to do with the Constitution. Several gentlemen, and among the rest the Hon. Mr. Adams, said the gentleman was in order—let him go on in his own way.] I am going, Mr. President, to show you, my brother farmers, what were the effects of anarchy, that you may see the reasons why I wish for good government. People, I say, took up arms; and then, if you went to speak to them, you had the musket of death presented to your breast. They would rob you of your property; threaten to burn your houses; oblige you to be on your guard night and day; alarms spread from town to town; families were broken up; the tender mother would cry, ‘Oh, my son is among them! What shall I do for my child?’ Some were taken captive, children taken out of their schools, and carried away. Then we should hear of an action, and the poor prisoners were set in the front, to be killed by their own friends. How dreadful, how distressing, was this! Our distress was so great that we should have been glad to snatch at anything that looked like a government. Had any person that was able to protect us come and set up his standard, we should all have flocked to it, even if it had been a monarch; and that monarch might have proved a tyrant; so that you see that anarchy leads to tyranny, and better have one tyrant than so many at once.

“Now, Mr. President, when I saw this Constitution I found that it was a cure for these disorders. It was just such a thing as we want-

ed. I got a copy of it, and read it over and over. I had been a member of the Convention to form our own State Constitution, and had learned something of the checks and balances of power, and I found them all here. I did not go to any lawyer to ask his opinion; we have no lawyer in our town, and we do well enough without. I formed my own opinion, and was pleased with this Constitution. My honorable old daddy there [pointing to Mr. Singletary] won't think that I expect to be a Congressman, and swallow up the liberties of the people. I never had any post, nor do I want one. But I don't think the worse of the Constitution because lawyers, and men of learning, and moneyed men are fond of it. I don't suspect that they want to get into Congress and abuse their power. I am not of such a jealous make. They that are honest men themselves are not apt to suspect other people. I don't know why our constituents have not a good right to be as jealous of us as we seem to be of the Congress; and I think those gentlemen, who are so very suspicious that as soon as a man gets into power he turns rogue, had better look at home.

"We are, by this Constitution, allowed to send ten members to Congress. Have we not more than that number fit to go? I dare say if we pick out ten we shall have another ten left, and I hope ten times ten; and will not these be a check upon those that go? Will they go to Congress, and abuse their power and do mischief, when they know they must return and look the other ten in the face and be called to account for their conduct? Some gentlemen think that our liberty and property are not safe in the hands of moneyed men and men of learning. I am not of that mind.

"Brother farmers, let us suppose a case now: Suppose you had a farm of fifty acres, and your title was disputed, and there was a farm of five thousand acres joined to you that belonged to a man of learning, and his title was involved in the same difficulty, would you not be glad to have him for your friend, rather than to stand alone in the dispute? Well, the case is the same. These lawyers, these moneyed men, these men of learning, are all embarked in the same cause with us, and we must all swim or sink together; and shall we throw the Constitution overboard because it does not please us alike? Suppose two or three of you had been at the pains to break up a piece of rough land and sow it with wheat; would you let it lie waste because you could not agree what sort of a fence to make? Would it not be better to put up a fence that did not please every one's fan-

cy, rather than not fence it at all, or keep disputing about it until the wild beasts came in and devoured it? Some gentlemen say, Don't be in a hurry; take time to consider, and don't take a leap in the dark. I say, Take things in time; gather fruit when it is ripe. There is a time to sow and a time to reap. We sowed our seed when we sent men to the Federal Convention; now is the harvest, now is the time to reap the fruit of our labor; and if we won't do it now, I am afraid we never shall have another opportunity."

There are men now in the United States, very many of them, like the farmer in the Massachusetts Convention—men whom we do not call "educated," but who understand the problems of political science as well as many of those who have more to do with books. These matters here discussed are matters of importance, but they are easily within the understanding of ordinary men. Whether we will have our executive affairs managed by one man, who is held responsible for doing his work, or by a committee of party men who are held responsible for controlling votes in a legislature, is a very simple matter. Whether it is wiser to have the man who commands our armies removed at once if he fails to give us good work, or to have him keep his office for two or three years longer—any one can understand such a question as that.

If these views are sound, men will be convinced by them. If they are not sound, no one will heed them.

That is the only question we have to examine—whether these views here urged are sound. If they are, the people will put them into practice.



APPENDIX.

WHILE this book is going through the press, I find the latest evidence as to the condition of English army administration.

The following extract is from a letter printed in the *London Times* of 30th June, 1879. Apparently the writer of the letter is possessed of accurate information on the matters of which he speaks. And it is well understood that the *Times*, like other reputable journals, does not print statements of this kind without first being satisfied as to the character of the writer and the correctness of what he writes.

“THE STATE OF THE ARMY.

(From a Military Correspondent.)

“Exception may be taken to the assertion that the army is in a state of collapse, but the following facts clearly prove that the term is no exaggeration. On the 1st of this month the total number of soldiers above three months’ service in the fifty-five battalions of the Line in the United Kingdom and Ireland amounted to 21,950. The eighteen battalions of the Line which stand first on the roster for foreign service, and which would naturally form the First Army Corps in the event of war, number but 10,421 men, and of these 6082 are under two years’ service. These battalions are 2413 beneath their peace complement, one, the Ninety-fifth Foot, being 367 below its proper strength. Thus, to bring the First Army Corps up to a war footing, it would require 9579 transfers. Even the five battalions at the head of the roll for active service are 889 under their peace establishment; but to bring them to the usual war strength of 1000 bayonets, 3000 volunteers would have to be called for. The five battalions which recently em-

barked for South Africa were not selected on account of their unfitness for active service; on the contrary, they were high on the roster for foreign duty, and presumably were in a fit condition to embark; yet, owing to one cause or another, upwards of 1000 men from these five battalions were rejected on the regiments being detailed for embarkation. We may assume that the rest of the army is in a like condition. Consequently, deducting 200 men from each corps as unfit, we find that there are but 11,000 efficient soldiers of over three months' service in the infantry of the Line. It will be said that we have our Reserves, and that, according to the opinion of the Lord Chancellor, these men are permitted to volunteer. True, but the Army Reserve numbers but 16,949 men; and the Militia Reserve, the members of which are scarcely in a condition to take their place in the ranks, amount to 22,214. Deducting three per cent. for absentees, this gives us something short of 50,000 men as the total available strength of the infantry of the Line in the United Kingdom. It is not too much to say that *there is not a single battalion now at home, if we except the Twenty-eighth, which has just returned from the Straits Settlements, which is in a fit state to take the field.* Of the battalions first on the roster for foreign service, which would in any emergency naturally form the First Army Corps, and which would prior to embarkation require to be completed to a strength of 1000 non-commissioned officers and men, six do not muster 400 each. I take them as they stand on the roster—the Ninety-fifth is now 363 strong; the Seventy-fifth, 369; the Forty-ninth, 322; the Thirty-eighth, 303; and the Thirty-first, 376. Among the twenty-one battalions composing the Second Army Corps—that is, taking them on the roster for foreign service—fifteen are under 400 strong, while there are five corps—the First Battalion Ninth, the Forty-fifth, the Seventy-sixth, the Seventy-seventh, and the Eighty-seventh—which do not number 300 men. These figures represent all men over three months' service, and include many who are medically unfit or who are but partially trained, so that they would be considerably reduced before the regiments could be termed efficient. The Fifty-second Light Infantry, one of the strongest regiments in England, musters but 568 men, whereas its authorized strength is laid down at 720. If these numbers represented efficient, or men who were likely to remain with the colors, the matter would be different; but periodical calls are made on regiments for volunteers, and the best and smartest men leave in the hope of seeing some active service. Colonels and captains complain, and with some show of reason, that they cannot take any interest in their men,

when they know that in all probability they will only be associated with them for a few months. To show how injurious this system of volunteering is, and how regiments are reduced to mere skeletons, I may take the Second Battalion of the Twentieth Foot as a case in point. During the last twelve months the "Mindens" have given 253 volunteers, and have received 322 recruits. At the present moment the corps, after deducting one company under musketry instruction, and the usual officers' servants and band, can muster only sixty men for parade and guard duties. The other regiments at Devonport are equally weak. The Thirty-seventh Foot in the past year has given 270 men as volunteers, and now barely musters 100 men fit for duty. The Second Battalion Fifth Fusiliers, the first corps for foreign service, has 186 recruits in its ranks, and during the last six months has given 352 volunteers. The Sixty-ninth is in a similar condition. In point of fact, a very large proportion of regiments now at home cannot parade 300 strong.

"It is not only in point of numbers that regiments are practically inefficient, but also in discipline. It is well known that non-commissioned officers are the backbone of an army; they give the tone to the rank and file, and in quarters and on service they impart steadiness to the corps. With good non-commissioned officers a colonel may take his battalion anywhere, may do anything; with bad non-commissioned officers the battalion is like machinery without steam—it has no motive power. The one great cry throughout the service is the want of non-commissioned officers. Owing to the short-service system, smart young fellows are passed rapidly through the ranks and promoted, in the hope that they will turn out well. Often, too often, they are quite untried men—men with little self-restraint, and with but a slight knowledge of the real meaning of the word discipline. Instead of bearing with the hasty recruit, and by their example teaching him true soldierly instincts, they needlessly harass the men, and petty acts of insubordination are the result. His Royal Highness the Field-Marshal Commanding-in-Chief has on more than one recent occasion alluded to the great difficulty of obtaining good non-commissioned officers, and to the pernicious effect bad men have on the discipline of a regiment. Insubordination increases, courts-martial are of common occurrence, and a general tone of unhappiness pervades a corps thus cursed. In one regiment that embarked for South Africa there were no fewer than thirty-two men in prison, in two others fifteen; another corps, now at home, which a few years ago stood almost un-

equalled for the absence of crime, has had during the last twelve months twenty-seven courts-martial, and five sergeants in a few weeks have been reduced for drunkenness on duty—in olden days an almost unheard-of offence.

“It is clear, from a perusal of these facts, that the present short-service system needs some modification; it is equally clear that there is something radically faulty in the administration of it. It is absolutely necessary that we should have a large and ever-increasing reserve, wherewith to increase our battalions in time of danger to a war footing; but it is none the less necessary that we should retain in the ranks a goodly quota of old soldiers, to give steadiness to the now largely increased proportion of young men. It is evident, too, that inducements must be held out for well-educated men of sterling character to accept and retain non-commissioned rank. Volunteering from one regiment to another should be most sparingly permitted; it is subversive of discipline, and opposed not only to the traditions of the British Army but to the dicta of all our best generals. Lord Clyde expressed himself in his usual forcible way on the subject, and a very able memorandum of his is still extant in which he unhesitatingly condemns it. When a regiment nears the top of the roster for foreign service it should be recruited to its full strength; and should it suddenly be required to embark on war service, its own reserve men should be drafted into it. By this means *esprit de corps* would be retained and regimental traditions remain unshaken. It is impossible that the men of the Ninety-first Highlanders can retain much of their old spirit when we recollect that 374 volunteers from all parts of the kingdom were poured into the corps within a day or two of its embarkation for South Africa. It is scarcely to be wondered at that complaints should reach home of the slackness of discipline of regiments or of the frequency of severe punishments. Officers cannot know their men; men can have no confidence in officers who are unknown to them. Even comradeships among each other have to be formed. Until officers, non-commissioned officers, and men form one homogeneous mass, a regiment can never be called a fighting unit.

“It is as easy to point out the failures in administering the system as it is the blots in the system itself. It appears by the Parliamentary return showing the condition of the regiments embarking for South Africa, issued last March, that in five battalions there were no less than 211 men medically unfit. It would be interesting to learn whether these were principally old soldiers or recruits. If the latter, there must be

something radically defective in our system of medical inspection and in our system of reports; if old soldiers, the question arises, Why were they not got rid of before? Then, again, *there were 623 men unexercised in musketry—that is to say, men who had never fired a ball-cartridge even at a target; and that this is no exceptional circumstance* may be judged from the fact that your correspondent with Brigadier-General Wood's column, in a recent letter, reported that a draft reached the Ninetieth Light Infantry just prior to the battle of Kambula, and that upwards of 100 men composing it were unexercised in musketry. Can we expect steadiness under fire from raw recruits like these?"

The difficulty is in the system. The War-office has no one responsible head who gives his whole time to its affairs. It is managed by a party man, who does his main work in Parliament, who has no training for his place.

What can be expected from an Administration where the Commissariat is attached to the Treasury? It was so during the Crimean War; I do not know if it is still so.

THE END.

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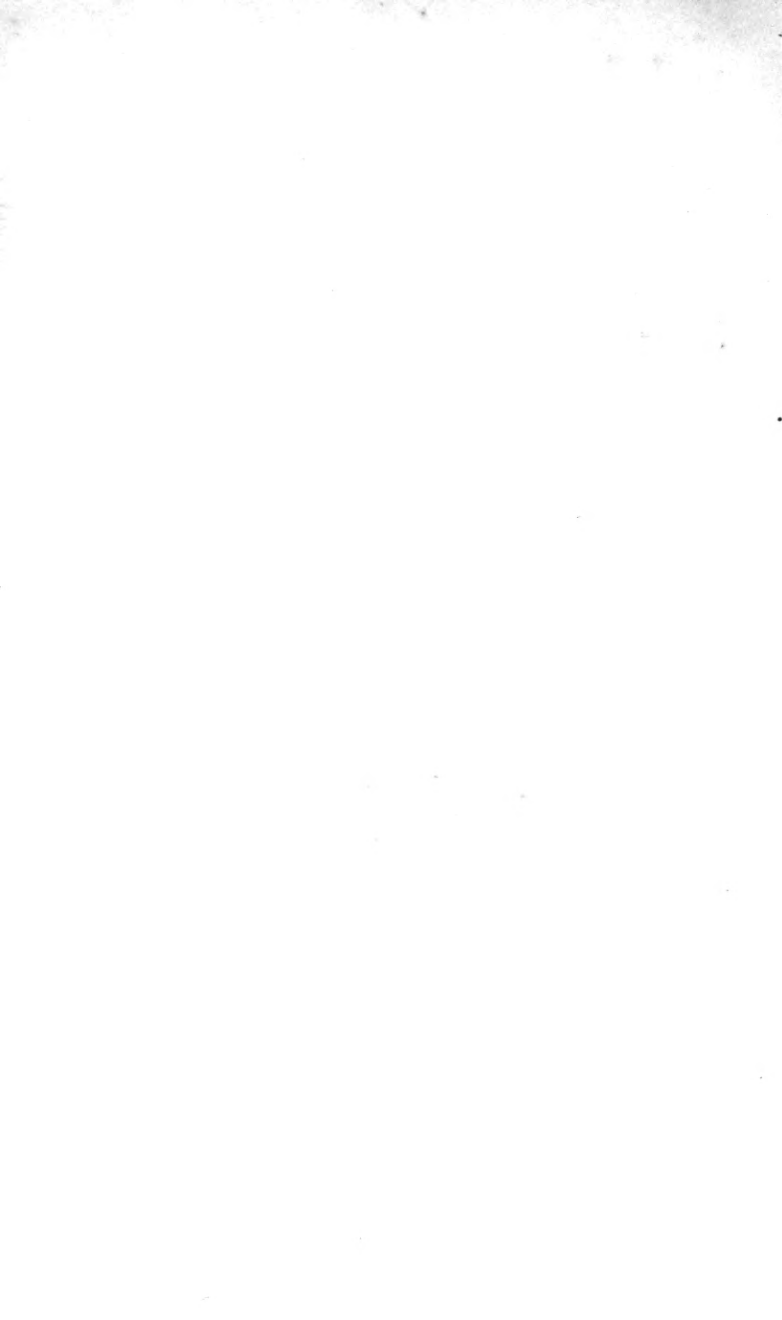
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