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NEW EDITION.

A MANUAL
OF
POLITICAL QUESTIONS
OF THE DAY:

AND THE ARGUMENTS ON EITHER SIDE.

With an Introduction.

BY

SYDNEY BUXTON, M.P.,

AUTHOR OF "FINANCES AND POLITICS," "HANDBOOK TO POLITICAL
QUESTIONS," ETC.; EDITOR OF "IMPERIAL PARLIAMENT SERIES."

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PREFACE TO FOURTH EDITION

THE former editions of this little book, as well as those of the parent "Handbook," have been so well received, that the author feels justified in offering to the public a new and enlarged edition.

The sections omitted from the previous editions are those on *London Municipal Reform*, *Local Self-Government*, *Local Taxation*, and *Tenant Right*, as being no longer required; while those on *Leasehold Enfranchisement*, *the Gottenburg System*, *Registration of Titles to Land*, and "*Distress*," have been replaced by subjects of greater or more pressing importance. All the above-named subjects will, however, be found discussed in the seventh edition of the "HANDBOOK TO POLITICAL QUESTIONS."

The new subjects included in this edition are *Free Schools*, *Shorter Parliaments*, *Compensation in the Liquor Trade*, and the question of an *Eight Hours Law*. The whole book has been carefully revised.

It was in no way the object of this book, as some seem to have supposed, to point out which arguments are weighty, which worthless, which are sound, and which rotten; nor to arrange the arguments in the order of their

importance. Its existence will, I hope, have been justified, if it has been of any practical use to the public ; and if, by showing how much sound argument can usually be urged on the "other side of the question," it has, in any degree, inculcated toleration.

S. B.

February, 1891.

INTRODUCTION.

We are in this country fortunate enough to possess a system of party government, which, while it divides the political life of Great Britain into two or more parties, and gives rise to angry argument and heated discussion, does not degenerate into animosity. There is, consequently, nothing to prevent men of opposite modes of thought from remaining on amicable and intimate terms, or from discussing temperately the questions on which they differ.

The reasons for the general absence of personal animosity between the rival political parties are not far to seek. In the first place, there is no diversity of opinion on the general question of the form of government best adapted for the country; and, though the various Estates of the Realm, which together make up the body politic, may struggle for power and influence, and from time to time may vary in constitution, it is taken for granted that a Sovereign who reigns but does not govern, is for us the best Head of the State. The country is, consequently, saved from any agitation and intrigue, having for its object a change of Dynasty, or the institution of a Republic; and there is no Pretender caballing against the occupant of the throne. The Sovereign, and the supporters of the existing form of government, need not, therefore, be constantly engaged in attempting to crush or paralyse the Opposition, in order to preserve their own power, or office; to save themselves from exile, imprisonment, perhaps even death. The Opposition, on their part, are not tempted to engage in secret plotting, to which they would be certain to descend if the despairing conviction were forced upon them that their only hope of participating in the government of the country was by a complete upheaval and reversal of the existing state of things.

Then, again, there is no hopelessness in English politics. Though, from time to time, one of the two great parties in

the State has been forced to linger for many a weary year in the cold shade of opposition, while the other has been enjoying the sweets of office and the fruits of victory, a turn of Fortune's wheel has always come, sooner or later; the minority has converted itself into a majority, ousted the Government, and taken its seat on the Treasury bench. The party in opposition has the ever-present consciousness that within three or four, or at most six years, it will of necessity have an opportunity of appealing to the intellect, to the interests, or to the passions of the nation. The sanguine expectation of future success which animates politicians, whilst it keeps alive a knowledge of, and an interest in politics, and prevents the defeated party from descending to violence and intrigue, has also, in Parliament and out, a powerful moderating influence on the Opposition; inasmuch as they are aware that at any moment they may be called upon to undertake the responsibilities and the cares of office.

Thus party contest, while occasionally effervescing and bubbling over unpleasantly, is honest, sober, and sedate at bottom, and mostly kept within reasonable bounds.

On the other hand, the historic past of the two great Parties, the genuine divergence of opinion and principle, the real interest which is taken in matters of policy and politics, are sufficient to keep alive the rivalry between them in its best and most ennobling form, and to prevent it from degenerating into a mere conflict between the "ins" and the "outs." Other countries—more especially, perhaps, some of our own colonies—point the moral for us, that where no traditional or fundamental difference of opinion or principle exists, party politics cannot flourish in a satisfactory form, but reduce themselves to the low level of personal strife, desire for place, the pitting of class against class—ignoble aims and sordid aspirations.

England is not likely to fall on such evil days. Even when the momentous question which now dominates English politics has been laid to rest, there will yet remain, awaiting solution, many great questions of national importance, involving principles and details on which the two parties conscientiously differ. Moreover, we may well believe that, with an Empire such as ours, when the questions of the immediate present, and those looming large in the

distance, have been settled, others of equal moment will come to the fore.

Party government, as it exists amongst us, possesses this further incidental advantage, that each side is interested in the orderliness and intelligence of the other, whilst the country itself is almost as vitally concerned in the conduct of the Opposition as in that of the Government.

The stronger and more capable the Opposition—with due regard to the existence of a proper working majority on the Ministerial side—the better, more thorough, and lasting will be the work and legislation of the Government. A weak, lazy, or stupid Opposition cannot exercise half the influence for good, either within or without the House, that will be exercised by one vigilant and strong. A Government which has to bear the brunt of intelligent, searching, and able criticism, will have a great additional inducement to propose well-thought-out plans, high-principled schemes, and measures which will commend themselves to the nation as well as to the Ministerialists.

Moreover, a well commanded, well drilled, and united Opposition will be less of a hindrance to the proper legislation of the Government, than one which is broken up into factions, has little respect for itself, and less regard for the dignity of the House. An Opposition such as this not only unreasonably delays the business of the nation, but brings discredit on itself and on the House of Commons.

In order to obtain an intelligent Opposition as well as a strong Government, the electors must be able to discriminate between the different parties, and to weigh the merits of different candidates. They must examine for themselves, as best they can, each political question as it arises, so that—though they may not perhaps be able to make a very profound study of the situation—they may look at it from an intelligent and common-sense point of view, and cast their votes on the side which seems to them to be most in the right, and which, for the time being, appears to be most likely to promote the welfare of the country.

It cannot be to the interest of either party to veil the truth from the elector, or to keep him in darkness and ignorance. On the one hand, the Liberals may, and doubtless do, imagine that it is to their special interest that light should be shed, intelligence awakened, ignorance dispelled,

and knowledge increased. They believe, or ought to believe, so firmly in the truth and vitality of their principles, as to be convinced that, the more these are studied and understood, the wider and more lasting will be their influence. Indeed, if they do not hold this faith, they are either hypocrites, false to their political creed, or meaningless repeaters of parrot cries.

But, on the other hand, the Conservatives must have the same implicit belief in the truth, justice, and eternity of the principles which they profess; and if they are convinced of the righteousness of their cause, they must rejoice to see just intelligence awakened and increased. They also must feel that the more capable a man is of thinking and understanding, the more will the doctrines in which they believe be acceptable and accepted by him.

If, then, it be allowed by the advocates of both parties—as it surely must be—that increased knowledge is an advantage; and if they hold—as they surely must—that the arguments advanced by their own side outweigh those which can be urged by the other, neither can shrink from the test of having these arguments placed fairly side by side, for both must be convinced that the mind of the intelligent and unprejudiced inquirer will incline towards their own creed.

Unfortunately—though the fact may not be without compensatory advantages—men are far too apt to make up their minds that they are in the right in thinking this or that, simply and solely because somebody else thinks it, or has thought it. Such men, no doubt, are not troubled with many qualms of conscience, but wrap themselves up in the impenetrable cloak of unthinking deference to authority of opinion, and, whilst professing to be open to conviction, stubbornly refuse to see that there can possibly be more than one side to a question.

Those, however, who take the trouble to examine both sides carefully, will be ready to admit the force of opposing arguments; and, when they have weighed them well, and after anxious doubt and laborious thought have made up their minds, they will feel that, with themselves at least, the stronger arguments have prevailed, and that their convictions are founded on truth and justice.

In no case can a man of intelligence allow himself to

remain for ever doubting and hesitating ; right or wrong, he finds he must range himself on one side or the other ; and the step once taken, his opinions naturally become stronger and stronger, he becomes more and more convinced that his party is in the right. It is well that this should be so, for without an instinctive inclination to believe in the truth of one's opinions, the mind would be enveloped in a mist of doubt, party government would be impossible, and politics would remain a chaos without form and void. "Very few," as Hartley Coleridge said, "can comprehend the whole truth ; and it much concerns the general interest that every portion of that truth should have interested and passionate advocates."

There exists, however, a class of men—a very large class—who knowing nothing and caring less about politics, are politically everything by turns and nothing long, and who unfortunately make up in many constituencies the margin of voters who turn the scale of the election. These are the men whose wavering conviction opposing candidates must make it their business to arrest, by plying them with every argument that can fairly be urged, with the hope that one at least may strike home.

The spread of education, of newspapers and literature, the increased means of communication and locomotion, are gradually decreasing the numbers of this neutral host, and no efforts should be spared on our part in enticing as many as we can of the soldiers composing this body to come over to us, and in ourselves enlisting recruits who would otherwise join its ranks. This army consists of men of all conditions in life, men of all degrees of knowledge, intelligence, and capacity ; a large part of it is distinctly mercenary. The more it can be reduced in numbers the less will be experienced the tremendous reverses of electoral fortune which have been seen of late years—reverses which have been caused chiefly by a sudden whim, pique, fear, or hope, seizing this usually impassive body of men, and causing them to desert the side which they formerly supported, and to support the side which they formerly opposed.

The sin which most besets party politics consists in this, that prejudice and passion too frequently warp the feeling and conduct of politicians.

the further purchase of land by the rich, and the increase in the size of estates.

13.—That legislation cannot do everything, and may not be successful in this instance, but it can assist to form, to clarify, to carry out public opinion. The voluntary system has failed; it is time to see whether State interference would not attain the desired ends.

14.—That the proposal is undoubtedly a socialistic one. But Socialism is already incorporated in our laws, and there are precedents in the Poor Laws, Municipal Administration, Education Laws, Sanitary Laws, Artisans' and Labourers' Dwellings Laws, and more especially in the Irish Labourers' Dwellings Act;* while compulsory powers of purchase are already possessed by railways, School Boards, etc., for the public benefit.

15.—(a) That it is no new thing to give considerable discretionary powers to representative Local Authorities, and the tendency of the times is still further to enlarge their powers.

(b) That there would be no compulsion on the Local Authority to exercise their compulsory powers; thus, unless the majority of the local community so desired, nothing would be done; while, in every case, great caution would be exercised in the purchase of land and the provision of allotments; and public opinion would always prevent excess in supply, or any unfair treatment of a particular landlord.

16.—(a) That there would be no fear of immovably fixing a particular labourer to a particular spot; the tenant-right would always be saleable, and the holder would thus always be able to remove from one place to another without loss.

(b) That the Local Authority would not provide allotments and cottages for all; thus there would never be any excess of labourers attracted by this means to any particular locality.

17.—(a) That the labourers and artisans would be glad and willing to rent cottages and allotments at a fair rent,

* This Act, passed in 1882, with the amending Acts of 1883 and 1885, practically gives to Boards of Guardians in Ireland, under the authority of the Local Government Board, nearly all the powers in the matter of purchase of land, erection of cottages, and letting of allotments, which are now demanded for England and Scotland; loans for the purpose being made to the Boards of Guardians by the Treasury on very easy terms. The Boards are enabled not only to purchase land, to build cottages, and to attach to each half an acre of land, but can attach such plots to any existing cottages.

In order to convince themselves that they are in the right, men are often led to speak ill of opponents in their public capacity, in a way which they would never think of doing, or dare to do, in the private relations of life. It is foolishness itself to impute to the other side motives which one must know would never actuate them as individuals; and while arrogating to one's own party all virtue, infallibility, and prophetic foresight, to ascribe to one's opponents political vice, stupid fallibility, and insane shortsightedness.

The difference between the principles held by Liberals and those held by Conservatives is not, except under the influence of excitement, asserted by either side to be the difference between right and wrong. It is frankly acknowledged to be but a conflicting idea, or a dissimilar point of view; a belief on the one side in the beneficial results of action, on the other a dread of the evil results of great changes—the whole tempered by the personal equation of the observer, the constitutional difference of feeling and thought. The principles advanced by the two parties cannot be reconciled, and may differ almost fundamentally, but they are after all founded on the same basis of supposed right, and the conception and realisation of them is but a matter of degree. Every Englishman, whether he be Whig or Tory, Unionist or Home Ruler, Conservative, Liberal, or Radical, is actuated more or less by the same motives; though the conduct of one man may be governed by feelings and passions which another does not hold and cannot understand.

Even where it is evident that a man is personally interested in opposing a reform, we ought, before levelling insinuations against his good faith, to look around, and to see whether those who are supporting the measure are wholly free from personal bias, and are not themselves actuated by sinister interests of their own.

Toleration, indeed, in its largest sense, ought always to actuate public leaders as well as the rank and file, in word, action, and legislation. And the more it is recognised that on the merits of every question a great deal can be honestly urged from the opposite point of view, and that in many cases both opposer and supporter have right on their side, the more widely, one may hope, will political forbearance and consideration prevail.

But, though toleration should always be practised, and mutual recrimination, misrepresentation and abuse, always avoided, we ought at the same time never to forget that there are cases in which, as Burke once said, "Temper is the state of mind suited to the occasion." Wrong is wrong, and right is right. There are evils that may not be patiently endured; and, in spite of all we nowadays hear of the heat to which political passion has risen, I am myself inclined to believe that we have among us too much of that lukewarm indifferentism which believes that there is nothing new, and nothing true, and that nothing matters very much.

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MANUAL OF POLITICAL QUESTIONS.

HOME RULE.

It is proposed to create an Irish Parliament to sit in Dublin, which should have power to legislate on, and to regulate Irish Home affairs, leaving "Imperial" questions to be dealt with by the Imperial Parliament sitting at Westminster. The Irish Executive to be responsible to the Irish Parliament alone.

This proposal is upheld on the grounds :—

1.—That it is desirable to institute some middle course between separation on the one hand and over-centralisation on the other.

2.—(a) That each country is best able to manage her own domestic concerns ; each has the right, and should have the liberty to do so. To force a detested system of government on an unwilling people is contrary to the principle of constitutional freedom.

(b) That it is undesirable for one country virtually to control the domestic affairs of another.

(c) And this is more especially undesirable when the two countries differ radically in sentiment, character, and religion.

3.—That the control of the domestic affairs of one country by another tends to emasculate its strength and stunt its growth ; while liberty and self-government foster intelligence, knowledge, and sobriety of mind.

4.—That the Union has brought neither loyalty, peace,

nor strength. The attempt on the part of England to govern Ireland according to English ideas has been a disastrous failure; and this in spite of the fact that some of our best men have applied themselves to the task:

5.—(a) That, though the Act of Union, fraudulently obtained, united the Legislatures, the nations were thereby divided. After eighty-five years of a "united Parliament" the integrity of the Empire is little more than a name.

(b) That the Union, as now established, is merely a "Paper Union," and has been only maintained by means of Coercion Acts repeatedly passed by Parliament against the will of the Irish people; and without coercion such a Union cannot hereafter be maintained.

6.—That the present state of affairs constitutes a grave military danger. Even when England is at peace, a large force is needed to keep Ireland in order, and England's danger would be Ireland's opportunity. In time of war, Ireland might welcome a descent of the enemy on her coasts, and allow herself to be made a base for offensive operations.

7.—(a) That the present state of things constitutes a grave political danger. Under existing circumstances the presence of the Irish "Nationalist" members exercises a very baneful influence on the efficiency, repute, and popularity of the House of Commons.

(b) That the Nationalist members are elected, not to assist, but to hinder legislation; not to administer, but to prevent administration. And they have largely succeeded in paralysing legislation, and in reducing the party system to an unworkable absurdity.

(c) That "Ireland stops the way." Until Ireland has a Parliament of her own, the Imperial Parliament will never be master of itself. If England insists upon governing Ireland, Ireland will at least prevent England from governing herself.

8.—That the present state of things, by leading to continued agitation, drives away capital, and distracts and impoverishes Ireland; while thousands of Irishmen are in consequence annually driven from home, to carry abroad with them hatred and disaffection to England.

9.—(a) That, the "Union" having thus proved to be a failure, the Irish people are entitled to demand the restitution of their Parliament.

(b) That, after all, precedent is more on the side of the ancient Irish Parliament than on that of the modern "Union."

(c) That the old Irish Parliament, though returned by a corrupt and limited electorate, did a vast amount of useful work; and a successor, constructed on better lines and sounder principles, would be eminently efficient.

10.—(a) That in the past—for centuries past—England did vast and irreparable injury to Ireland: first, by wholesale confiscation, plantation of the English, transplantation of the Irish; then by fiscal legislation directed against her trade and commerce, and by penal legislation directed against religious liberty and equality; and, finally, by depriving her, through "means the most base and shameless,"* of her legislative independence. For all this England owes reparation.

(b) That England was right first to attempt by the removal of material grievances—Land Laws, Church, Education, &c.—to win over the Irish people to English rule; but these reforms have totally failed in their object.

11.—(a) That the fact that the "Irish Question" is further from settlement now than it was before "remedial legislation" was begun, shows that we have not yet gone to the root of the matter. In fact, by the removal of other material grievances, the field for Home Rule agitation has been left clear.

(b) That, doubtless, the agitation for Home Rule is partly sentimental; but, after all, the world is largely governed by sentiment.

12.—(a) That the Irish people have never ceased to protest against the legislative Union; and at no previous period has the feeling in Ireland been so unanimously adverse to the present system of English rule, and in favour of Irish legislative independence.

(b) That this is conclusively proved by the result of the general elections of 1885 and 1886. In 1885, the Irish people had, for the first time, an opportunity of constitutionally expressing their opinions; and by an overwhelming majority—eighty-five members to eighteen—they declared in

* Sir T. Erskine May, *Constitutional History*, iii. 332.

favour of Home Rule ;* a verdict repeated and emphasised in 1886.

(c) That there never was in Parliament an Irish party so united, and so little open to corrupt or party influences.

(d) That the position of affairs has thus materially altered of late ; and it is impossible any longer to shut our eyes to the fact that we are face to face with a national feeling constitutionally expressed.

(e) That it is the duty of Parliament carefully to consider a question thus powerfully and constitutionally raised, and, if possible, to comply with the demands of such a large portion of the citizens of the United Kingdom.

13.—That it is a mockery to have greatly extended the franchise in Ireland, and then to pay no regard to the voice of the people constitutionally expressed.

14.—(a) That the Irish people have a passionate aspiration for self-government ; and until this be conceded, they will never be content nor loyal to the Crown.

(b) That the existence of such a wide-spread feeling of nationality leads the Irish to regard English domination as "Foreign" rule ; and to consider it in the light of a tyranny and a burden.

15.—That constitutional government—*i.e.*, the government of a country in harmony with the feelings, the wants, and the wishes of the people—does not exist in Ireland.

16.—(a) That the presumption that "we can legislate better for the Irish than they can for themselves," is, as Fox said, "a principle founded on the most arrogant despotism and tyranny."

(b) That Great Britain, in her Irish legislation, has persistently ignored the fact of the existence of those differences of race, religion, habits, character, and sentiment which exist between Irishmen and Englishmen.

(c) That, by our Irish legislation—which, when conciliatory, has been given grudgingly, has usually been accompanied by coercion, and has not been by any means in accord with Irish opinion ; and, which, when coercive, has been absolutely antagonistic to Irish feeling—we have fomented the feeling of antagonism between the two nations.

(d) That, similarly, by our mode of centralised government

* In 1885 the Nationalists contested 89 seats in Ireland and won 85. They now (1890) still number 85.

for Ireland, by consistently disregarding the voice of the Irish representatives, by our administration of the law, by "Castle Rule," by the refusal of municipal privileges and power, and (until recently) of an equal Parliamentary franchise, we have accentuated the feeling that the government of Ireland is English and not Irish.

(e) That, more especially in the House of Lords, all Irish legislation is thrown out or grievously mutilated.

17.—(a) That under the existing system of government, every Irishman who has the confidence of the Irish people is practically excluded from the smallest share in the administration of Ireland.*

(b) That in Parliament itself, those who are least consulted in Irish legislation are the representatives of the Irish people.

18.—(a) That, in order to obtain willing obedience to the laws, they must be not only good laws, but laws made by the people themselves, and in conformity with their feelings and sentiment.

(b) That the Irish detest our laws, not because they are bad laws, nor because they are made by England, but because they are not made by Ireland.

(c) That, in consequence of the "foreign garb" in which the laws appear, and the idea that they are mostly dictated by an unpopular class or faction in Ireland, the Irish people as a whole have, to a large extent, refused to obey them, and have preferred to bow to the behests of popular leaders or secret societies, and to obey their mandates.

19.—(d) That the English Government, being responsible for law and order, have been obliged to enact constant strict coercive criminal legislation, with suspension of constitutional freedom, and of liberty of person, speech, and press—legislation which, though nominally directed against criminals, is really, under the peculiar condition of things existing in Ireland, directed against the people in general and their political leaders in particular.†

* "An Irishman at this moment cannot move a step, he cannot lift a finger, in any parochial, municipal, or educational work, without being confronted with, interfered with, controlled by, an English official, appointed by a foreign Government, and without a shade or shadow of representative authority."—*Mr. Chamberlain at Holloway, June, 1885.*

† Such laws as the curfew law, the Arms Act, the power of search, the levy of a special police rate in a district in which a crime has been committed,

(b) That this has been more peculiarly the case of late. The latest coercion Act, that of 1887, was especially directed to the suppression of the National League—*i.e.*, the suppression of an association representative of, and supported by, the bulk of the Irish people at home and abroad.

(c) That most of those who have suffered under coercion Acts have been, not ordinary criminals, but “political offenders”; men of otherwise blameless character, but whom the Government of the day, responsible for the peace of Ireland, has found it necessary to prosecute and imprison; with the sole result of making them more dangerously popular, and more bitterly hostile.*

(d) That, thus, the enactment of criminal legislation is attributed by the Irish people, not to a just desire on the part of the English Government to maintain social order, but to a desire to repress the expression of legitimate demands. The difficulty of governing Ireland arises, not from the existence of crime, but from the existence of a national feeling opposed to England.

(e) That political and ordinary crime are thus confounded. The whole law is discredited, and the “village ruffian” finds his opportunity in the unhealthy state of society, with the result that the law has diminished in efficiency as it has increased in stringency.

20.—That, even if, for the moment, the Government are successful in maintaining the apparent supremacy of the law, it is, at the best, simply success in driving discontent and disloyalty beneath the surface, with the result of encouraging the formation of dangerous secret societies.

21.—(a) That such a state of things is most injurious to the character of the ruler, as well as of the ruled; and to it is largely due the “moral laxity” of the Irish people, so far as this exists.

the power of dispensing with juries—to quote from a few of the recent Coercion Acts—are clearly weapons directed, not against individual offenders, but against the bulk of the people. Innocent and guilty alike suffer, and bitterness against the law is produced. Between the date of the Union, 1800, and 1888, there has scarcely been a year free from exceptional criminal legislation.

* Of the sitting Nationalist members, over one-third have been either prosecuted or imprisoned, many more than once. Such men, too, as the late Daniel O’Connell, John Martin, John Mitchell, A. M. Sullivan, and hundreds of others of the same calibre and character, suffered under different coercive laws.

(*b*) That a continuation of the system which has worked so disastrously can only lead to further deterioration of character on both sides.

22.—(*a*) That, in order to carry out these coercive laws, England has to keep a large military garrison in Ireland, and, at a cost of a million and a half a year, to maintain there some 13,000 constabulary, armed, not as in England, merely with a truncheon, but with rifle, bayonet, and revolver.

(*b*)—That thus the majesty of the law is represented to the ordinary Irishman by an English force, to which he gives unwilling obedience.

23.—(*a*) That, though a policy of “twenty years of resolute government” might succeed temporarily in keeping the Irish quiet, it is undesirable, inasmuch as it would give no scope to improvement in the Irish character, but rather the reverse; while it is practically unattainable, inasmuch as an adverse vote on some other question, or a general election, might bring it suddenly to an end.

(*b*) That a policy of Home Rule alone gives any prospect of finality.

24.—(*a*) That the primary purpose of government is the maintenance of social order. Social order can only be maintained by force or by contentment.

(*b*) That the policy of coercion has been worse than a failure. It moves in a vicious circle. Coercion leads to the necessity of further coercion. That which should be exceptional becomes habitual. Force has been conclusively shown to be not only no remedy, but positively an aggravation of the disease.

(*c*) That the grant of complete self-government to Ireland in Irish matters is the only possible alternative to a policy of coercion.

25.—That the grant of Home Rule involves no concession to crime, violence, or threats; it is an attempt to extinguish unlawful agitation by concession to a just demand.

26.—(*a*) That the concession of Home Rule will necessarily be attended with some risks. But it is a cardinal principle of the Liberal creed that liberty, self-government, and responsibility are eminently educating, elevating, and sobering.

(*b*) That by going to the root of the grievances of which the Irish complain; by giving them what they do want,

instead of forcing on them what they do not want; by allowing them to have a government responsible to, and representing the Irish people; by stripping the law of its foreign garb and by giving it a domestic character; by treating them with confidence instead of with irritating suspicion and ill-concealed dislike: their disloyalty will be disarmed, discontent will be appeased, real social order will be attained, and good and harmonious relations will be established between Great Britain and Ireland.

(c) That already the change from a policy of despair to a policy of hope, and the expressed sympathy of a large portion of the English people, have had their effect in calming agitation, and in promoting good-will between the two peoples.

27.—That the Irish people have always been singularly free from ordinary crime; and that, when they are themselves responsible for the peace and order of the country, they will be very strict in the enforcement of the law, and social order will be at once evolved.

28.—(a) That until the experiment has been tried, it is absurd to say that the Irish people are incapable of self-government. The centralised system of English rule has so far made any experiment of the kind impossible.

(b) That if the system of centralised government has sapped the self-reliance and independence of the Irish people, no time should be lost in altering the system, before further harm be done.

(c) That Ireland has produced many of our greatest statesmen, soldiers, and administrators.

29.—That an Irish parliament sitting in Dublin would naturally be better informed as to the wants and wishes of the Irish people than is the Imperial Parliament sitting at Westminster.

30.—(a) That it will be very much to the interest of the Irish themselves, who have clamoured for Home Rule, to prove, by making their parliament a success, that they had good reason for their demand.

(b) That, as the constituencies would be interested in good legislation and administration, they would elect men of legislative and administrative capacity.

(c) That the responsibilities of office, and the necessity of initiating and carrying through legislation, the existence of

a vigilant and active opposition, would have a moderating and sobering effect on the Irish representatives themselves.

31.—(a) That by associating in public workmen of different classes and religions, existing class and religious hatreds and jealousies would be diminished.

(b) That the existing antagonism, and proportionate numbers, of the minority and majority, as now represented in the House of Commons, is certain not to continue in the Irish House. It is the demand for Home Rule, and that alone, which now unites different classes and interests—farmers, labourers, shopkeepers, &c.—in one common bond. This conceded, the existing majority would lose its cohesion, and would fall naturally into groups and sections, with different interests and different desires; and no one section would be strong enough—even if it so wished—to oppress the others.

32.—(a) That the different sects in Ireland if left to themselves would be perfectly willing and able to live together on terms of amity.* At present there is a temptation to quarrel; for the English Government, and not they, are responsible for public order.

(b) That, moreover, the position of the “loyal” minority is one of offensive privileged superiority. Remove the cause, and the antagonism between them and the majority disappears.

(c) That where the Catholics are in a majority, they have shown themselves in local matters tolerant and generous to the Protestant minority.

(d) That, in the past, since 1798, the leader of the Irish party, for the time being, with the exception of O’Connell has been a Protestant; a proof that religious animosity and intolerance is not a dominant factor in the Irish question.

(e) That the whole tendency of the time in Ireland, as elsewhere, is against sectarian intolerance or persecution.

33.—That while more than half the population of Ulster is Protestant, more than half of its members are “Nationalists,” showing that a considerable proportion, even of Ulster Protestants, support Home Rule. Thus Ulster is not in antagonism to the rest of Ireland.

34.—(a) That though the desire for Home Rule is

* The population of Ireland amounts to nearly 5,000,000, of which some 3,800,000 are Catholics.

independent of the land question, this latter is, and will continue to be, used as a powerful lever for Home Rule. It is therefore at present to the interest of the Irish leaders to render the question insoluble; and, so long as the political question bars the way, the economic question cannot be settled. Remove the cause of agitation, and the land question would be settled by an Irish Parliament, representative of the different classes, on a basis just to all.

(*b*) That at present the Irish leaders have power without responsibility; give them responsibility as well, and they will find that the land question must be settled, and settled on a just basis.

35.—That the prejudices of the minority ought not to outweigh the legitimate wishes of the majority.

36.—That, the Crown retaining the right of veto, England would be in a position to prevent the enactment of unjust laws.

37.—(*a*) That Home Rule, by making Ireland more contented and prosperous, capital would again flow into the country, would diminish absenteeism and its attendant evils; and would discourage emigration.

(*b*) (By some.) That even if the Irish Parliament imposed Protection, it would only be to re-establish those industries which England, by her selfish Protectionist policy, had formerly destroyed, and which, nowadays, without some help from the State, cannot be revived.

38.—(*a*) That the transaction of Irish business at Dublin instead of at Westminster would immensely expedite and cheapen such business.

(*b*) While it would, at the same time, relieve the Imperial Parliament, now overburdened with work.

39.—(*a*) That experience elsewhere shows that the concession of legislative self-government is the best cure for disloyalty and discontent.

(*b*) That fifty years ago Canada, as a Crown colony, was eminently disloyal; she is now, as a self-governing colony, eminently loyal and content. The prophecies freely made of the evils which would spring from the concession to her of Home Rule have been signally falsified.

(*c*) That the concession of self-government to our other Colonies has been followed by most satisfactory results.

(*d*) That, in the case of Sweden and Norway, of Austria

and Hungary, of the Southern States of America after the war, loyalty and content followed the grant of self-government.

40.—(By some.) That Home Rule would be a great step towards "Imperial Federation"—the knitting together of all parts of the Empire by means of an Imperial Parliament—the best, perhaps the only, hope in the future of keeping this great Empire together.

41.—(a) That it is an essential condition of the problem of Home Rule that the proposal should be acceptable to, and accepted by, the Irish people.

(b) That an opportunity has lately arisen of settling the Irish Question on terms satisfactory to both nations, which it would be wrong and foolish to neglect.

42.—(a) That the rejection of a policy of conciliation and a further resort to coercion, would be playing into the hands of the most extreme, violent and dangerous men—men who live by agitation, and batten on the hostility of Ireland to England. Constitutional action would have been proved to be useless, and resort to violence would be apparently the only resource.

(b) That we have now to reckon, not only with the four millions of disaffected Irish in Ireland, but with double that number of Irish sympathisers who live in America and the Colonies, and who, in the event of renewed hostility between England and Ireland, would prove a formidable force antagonistic to England.

43.—(a) That while it is essential, it is also quite possible, in conceding Home Rule, to guarantee the maintenance of the integrity of the Empire and the supremacy of the Crown. Full legislative freedom to an Irish Parliament in Irish matters can be combined with full and complete Imperial control.

(b) That as the limits and extent of the powers of the Irish Parliament would be strictly defined, there would be no danger of their being overstepped; and there need be no collision with the Imperial Parliament.

(c) That the integrity of the Empire was not affected by the existence of the old Irish Parliament, though that possessed powers much greater than those it is now proposed to concede.

44.—(a) That the fear of losing their constitution would,

even if no other reason existed, cause the Irish people loyally to observe its conditions.

(b) That, by going to the root of the evil, separation would be made not more, but less, likely; for the Union would become a reality, and not a sham; and the Irish people would be more prosperous and more content.

(c) That the pecuniary,* personal, and political interests of Ireland are so much bound up with those of England, that, if self-government were granted, all interests would be opposed to a separatist agitation.

(d) That even if the concession of Home Rule did not entirely extinguish all fanatics, rebels, and agitators, it would win over to the side of England vast numbers who are now opposed to English rule. With their support, Great Britain, herself united on the question, would be in a much stronger position to resist a separatist agitation than she is at present.

45.—(a) That Ireland could not afford to maintain herself as a separate and independent State.

(b) That her dream is to govern herself, and she would never consent to place herself under the power or protection of any other nation.

46.—That if Ireland still remained turbulent, discontented, and disloyal, Great Britain, retaining the ultimate power in her hands, could always resume her gift and return to the *status quo ante*.

47.—(By some.) That in many ways separation itself would be less of an evil to Ireland and less of a danger to England, than an indefinite prolongation of the existing state of things. Ireland is a source of weakness, and would constitute a grave danger to England in time of trouble; while the agitation and insecurity which results from the existing relations between the two countries prevents all progress or prosperity in Ireland.

48.—(a) That the concession of Home Rule, instead of lowering our prestige among foreign nations, would, by removing a great cause of weakness, strengthen our international position.

(b) That most of our Colonies heartily sympathise with the Irish aspirations.

* It is estimated that out of the thirty millions of Irish exports, thirty-nine fortieths are either consumed in England or pass through England.

49.—(a) That the grant of mere local self-government would do more harm than good. It would not meet Irish aspirations, nor make Ireland more loyal. Under existing circumstances, to give Ireland local self-government, and to give her nothing more, would in no way abate the discontent, but would merely supply further opportunities for its expression and indulgence.

(b) That under the extended powers of local government, which some propose as a substitute for Home Rule, the majority, who would still be discontented and disloyal, would (if so disposed) have very considerable powers of oppressing the minority, without let or hindrance. They would have the levying and the spending of all local taxes, they would have full control over educational matters, &c.

50.—That it is idle to hope or expect to be able to govern and legislate for Ireland exactly in every particular as for England and Scotland. The circumstances and surroundings are absolutely different. Moreover, the Irish people, if refused self-government, as they understand it, can and will force upon us the infliction of repressive legislation, and thus at once the principle of equal legislation equally applied, is vitiated.

51.—That Great Britain has always sympathised with the aspirations of other nations, or portions of nations, for liberty and free institutions; she cannot consistently refuse to listen to the appeal when it proceeds from a portion of her own dominions; to practise what she has so often preached elsewhere.

On the other hand, any scheme of Home Rule to Ireland is opposed, on the grounds:—

1.—That no one portion of a kingdom has any absolute right to self-government, without regard to the welfare and security of the rest of the community. Three millions have no right to dictate to thirty-three millions.

2.—(a) That the principle of Federation is to knit the confederated communities more closely together, whilst Home Rule is intended to relax a pre-existing bond; the one is consolidation, the other disintegration.

(b) That between countries so widely differing in sentiment,

character, and religion, as England and Ireland, federalism is impossible.

(c) That the various forms of Federalism existing in foreign countries differ radically from that proposed for Ireland, and there is no analogy between them; while most of these Federations have passed through phases of internal agitation, which, if the federated kingdoms had been in the relative positions of England and Ireland, would have ended in civil war.

3.—That though it is very desirable that a well-matured scheme of Imperial Federation should be eventually carried out, it would be fatal to remodel the constitution at the bidding of a disaffected minority.

4.—(a) That the Colonies stand in an entirely different relation to England, geographically and socially, from that of Ireland; the Home Rule they possess bears no analogy to that demanded by Ireland. Not being represented in Parliament, the Colonies must necessarily possess a large measure of self-government; while Ireland, being vitally interested in all Imperial questions, would never consent to be placed on the footing of a Crown Colony, which governs itself but which is not represented in Imperial matters.

(b) That if, at any time, separation were to follow from the concession of Home Rule to the Colonies, it would be a misfortune, but the immediate advantages in granting them self-government outweigh the possible risks; in the case of Ireland the risk is too great to be run. Geographical considerations cannot be subordinated to national sentiment.

5.—(a) That the Irish Union and the Scotch Union were wise and statesmanlike measures; inasmuch as they welded together the different parts of the now United Kingdom. Take it all round, the Irish Act of Union (as well as the Scotch) has been a success.

(b) (By some.) That the Irish Act of Union may have been fraudulently obtained and mistaken in policy; but it exists, and to weaken or to dissolve it now would be feeble and foolish.

6.—That only questions of detail can be settled by local bodies; questions of principle must be settled by the whole nation on the broadest basis.

7.—That the principle of Home Rule cannot be con-

sidered apart from its details ; and the details of the only scheme of Home Rule so far offered to the public are impracticable.

8.—That Home Rule would involve a strictly defined and written constitution for England, as well as for Ireland ; while the merit of our constitution is that it is no constitution at all, and therefore eminently elastic, strong and workable.

9.—(a) That it is impossible strictly to define the limits and powers of an Irish Parliament.

(b) That it is impossible to draw the line between local, domestic, private, and Imperial matters ; and constant disputes would arise on the subject.

10.—That any scheme of Home Rule involves either the retention at, or the exclusion from, Westminster of the Irish members ; and to either alternative there are insuperable objections.*

11.—(a) That, by the nature of things, Ireland would have to pay an annual sum to the Imperial Exchequer. The difficulties of apportioning the National Debt and of fixing the amount of the Irish Contribution would be very great. The amount that might be just one year would not be so the next ; while, in years of distress, abatement might be demanded, coupled with a refusal to pay.

(b) That, in any case, the contribution would come to be looked upon as a "tribute," and an agitation against its payment would soon arise.

12.—That demands for further privileges and powers would constantly be made by the Irish Parliament. If these were refused, the friction between the two countries would ever tend to increase, and there would be imminent danger of civil war ; while, if the demands were conceded, Ireland would gradually obtain complete independence.

13.—That among the first demands of the Irish Parliament, would be the power to create a volunteer force, and to control the militia ; demands which of necessity would be refused ; and an irritating dead-lock would ensue.

14.—(a) That the Imperial Parliament never would nor could allow either the land question, or any question affecting religious equality, to be decided in accordance with Irish ideas ; and English interference in these matters, and

* See p. 35.

the necessary exercise of the veto, would create intense bitterness against England.

(*b*) That in fact any exercise of the veto would cause irritation and a sense of injustice in Ireland; and would soon lead to demands for entire independence.

15.—That either the Imperial Parliament would overshadow the Irish Parliament, and make it of little account, or constant conflicts would arise between the two rival bodies.

16.—That the Nationalist Party has no power and no authority to accept any measure as a final settlement. It is impossible, therefore, that there could be any guarantee of finality about any Home Rule measure.

17.—That the Imperial Parliament would have no means of compelling Ireland to adhere to the terms of the federal compact, except, in the very last resort, by levying war.

18.—(*a*) That it is not possible, under any system of Home Rule, to guarantee the integrity of the Empire and the supremacy of Parliament.

(*b*) That until it can be satisfactorily shown that the concession of Home Rule would in no way menace the integrity of the Empire, the question is not one that ought to be considered.

19.—That the difficulty which has arisen with reference to the exclusion or retention of the Irish members in the Imperial Parliament, shows the impossibility of reconciling the creation of an Irish Parliament with the maintenance of the unity of the Empire and the supremacy of the Imperial Parliament.

20.—That the futility of all the so-called guarantees—provided in order to attain this object—would be proved on the first occasion of collision between Irish and English opinion.

21.—That Local liberty would diminish Imperial power, especially in the case of war.

22.—(*a*) That the existence of a powerful central body in Ireland would create a rallying-point for disaffection; and make any agitation or outbreak more formidable than at present.

(*b*) That in the event of war, a disaffected Irish Parliament would constitute a far more serious danger than could an unarmed and unorganised people.

(c) That even if, under ordinary circumstances, the English and Irish pulled together, in time of some great European excitement, England being Protestant and Ireland being Roman Catholic, their aims and desires would come into active collision.

23.—(a) That the concession of Home Rule would be a serious confession of failure, and would do much to weaken the prestige of England among other nations.

(b) That it would be felt to be the beginning of the end, the first step towards the disintegration of the Empire.

24.—That both the actual strength and the position of the Empire among nations would be greatly weakened; and her trade and her influence for good depend upon her strength and position being unimpaired.

25.—(a) That the often avowed, and real aim and object of the Nationalist Party in Ireland is Separation: Home Rule is to them only a step towards the accomplishment of that object.

(b) That, in any case, nothing short of separation will satisfy the American Irish, who are the paymasters of the movement.

(c) That the fact that Ireland is in no way more loyal, and in no way grateful for the benefits and concessions already showered upon her, shows that she is incurably antagonistic to England.

26.—That if, as is argued, Ireland is to have Home Rule because she demands Home Rule, logically separation cannot be refused if she demands separation.

27.—That as Ireland would not be strong enough to maintain herself as an independent kingdom, she would endeavour to place herself under the protection of France or the United States—and this could never be permitted, or, if permitted, would constitute a most serious menace to Great Britain.

28.—That, as a matter of fact, England could never permit separation, but the attempt to prevent it would lead to much bloodshed, and to increased enmity between the two countries.

29.—(By some.) That, in many ways, separation would be better than the indefinite and uncomfortable state of the relations which would exist between England and Ireland after the concession of Home Rule.

30.—(a) That it would be treacherous and cowardly of Great Britain to desert the minority—the Protestants—of Ireland, who have always been the loyal and industrious portion of the community, and who still desire to remain under English rule.

(b) That to constitute an Irish Parliament in Dublin, with full powers over all Irish matters, would be to hand over to the party of violence and disorder the lives, property, and religious liberty of the loyal and law-abiding minority.

(c) That an Irish Parliament would unquestionably confiscate the property of the landlords.

(d) That even if protection and compensation could be afforded to the landlords, England would be abandoning to the tender mercies of their bitterest enemies a number of loyal persons scattered over the country, who, during the last few years, have been concerned, under English orders—as judges, jurors, witnesses, or officials—in carrying out the administration of the law.

(e) That even now—even under the protection which the English Government can extend to them—the minority are persecuted by the “Nationalists.”

(f) That already—to judge from speech and newspaper—the majority are reckoning on the time when they will have the power of harrying the persons, confiscating the property, and harassing the trade of the minority.

31.—(a) That religious antagonism in Ireland is so bitter, that if Imperial control were withdrawn, strife would ensue; the Roman Catholics, being the majority, would swamp and oppress the Protestants, and religious hatred and jealousies would be intensified.

(b) That Home Rule would be Rome Rule.

32.—That, once constituted, it would be practically impossible for the Imperial Parliament to interfere with the proceedings of the Irish Parliament, however unjust they might be to the minority.

33.—(a) That Ulster would resist, and rightly resist to the death, the domination of a Dublin Parliament, and thus civil war would ensue, or we should be obliged to use force to put down that party in Ireland which alone has been loyal to this country.

(b) That, in any case, the majority of the people of Ulster

would refuse to have any part or lot in the Dublin Parliament. Their abstention would either bring matters in Ireland to a deadlock, or they (the loyalists) would have to be coerced by England into the acceptance of a constitution that they abhorred.

34.—(a) That the Irish are, and have everywhere shown themselves to be by temperament, thriftless, improvident, deceitful, and totally incapable of self-government.

(b) That where they now have power over local matters, they job, mismanage, and spend extravagantly.

(c) That their Parliament, when they had one, was a disastrous failure.

(d) That the action and language of the Irish members in the House of Commons show that Ireland is unfit for Parliamentary institutions, and that the Irish leaders are unfit to govern.

(e) That neither the Irish people nor their leaders have sufficient regard for life, order, and property to fit them for self-government—witness Fenianism, agrarian crime, refusal to pay rent, persistent acquittal of criminals, dynamite outrages, &c.

35.—That an Irish Government would entirely ignore that which is the paramount duty of every Government—the maintenance of law and order.

36.—That an Irish Parliament would weaken the self-reliance and self-help of the Irish nation by paternal and pauperising legislation.

37.—That the Irish Parliament—following the example of all young communities—would be protectionist, and differentially protectionist against England.

38.—That Home Rule would create a feeling of commercial insecurity, and thus capital would be still further repelled from Ireland.

39.—That Ireland is so much impoverished, her credit would be so bad, that she could never raise enough revenue to meet her wants; she would therefore soon become bankrupt, disorder and distress would ensue, and England would have to come to her assistance.

40.—That there would be no security that the light-houses, buoys, &c.—of vital importance to British commerce—would be kept in a state of efficiency.

41.—That instead of the legislation of an Irish Parliament

tending towards the assimilation of the laws in England and Ireland, it would tend rather towards inequality and anomaly.

42.—That though it is true that we have, in times past, oppressed and misgoverned Ireland, this is no reason for now handing her over to what would be certain misgovernment.

43.—That England long ago expiated any wrongs she may have done to Ireland; she has conferred on her exceptional benefits, and is anxious fully to remedy any real and material grievances from which Ireland can be shown to be suffering.

44.—That it would be suicidal to risk the integrity of the Empire, the strength of England, and the happiness of the people of Ireland, on the mere chance of contenting a handful of professional agitators at home and abroad.

45.—That Home Rule would lead to the bitter disappointment of sanguine expectations; the failure would be attributed to England; and, instead of contentment, there would be greater discontent, and the demand for separation would be strengthened.

46.—(a) That it is the first duty of any civilised government to enforce the law, and to maintain social order.

(b) That, in any case, before we can grant them further liberty and self-government, the Irish people must prove themselves willing to obey the laws of the country.

47.—(a) That so-called "coercion" is merely special criminal legislation, directed to the repression of exceptional crime and outrage, with which the ordinary-law has proved itself unable to cope—coercion of the moonlighter and assassin.

(b) That exceptional legislation is required in the case of Ireland to prevent the unlawful coercion of individuals and classes.

(c) That in no case is the liberty of a law-abiding citizen curtailed by coercion.

(a) That if the Irish "will abandon the habit of mutilating, murdering, robbing, and of preventing honest persons who are attached to England from earning their livelihood," there would be no need for coercion; but meanwhile coercion must be resolutely applied.

48.—That the right policy to be pursued towards the

Irish is "that Parliament should enable the Government of England to govern Ireland. Apply that recipe honestly, consistently, and resolutely, for twenty years, and at the end of that time you will find that Ireland will be fit to accept any gifts in the way of local government or repeal of coercion laws that you may wish to give her. What she wants is government—government that does not flinch, that does not vary—government that she cannot hope to beat down by agitations at Westminster—government that does not alter in its resolutions or its temperance by the party changes which take place at Westminster." *

49.—(a) That Ireland is surely, though very slowly, becoming more civilised and less criminal.

(b) That the present quiet state of Ireland is due to the firm application of coercion.

50.—That, if we have patience, and carry out a resolute policy, combining with it a plan of "equal laws, equally applied" to all parts of the United Kingdom, and the remedy of proved grievances, Irish disaffection will gradually disappear.

51.—That Scotland and Wales are contented and prosperous without Home Rule, yet they at one time were eminently disaffected.

52.—(a) That the Irish Question is economic, and not political.

(b) That if Ireland were fairly prosperous, and the discontent purely political, the remedy would be political too; but when, as is the case, the discontent is mainly due to economical causes, we cannot look with any reasonable hope to a purely political remedy.

53.—(a) That nobody wants Home Rule. The movement is not a national one, but depends for its vitality on the land question; were the land question settled, the Home Rule movement would speedily collapse.

(b) That the Irish people are coerced into supporting Home Rule by the action of agitators, whose power rests on boycotting and violence.

(c) That the desire for Home Rule is merely a sentimental grievance.

(d) That the Irish delight in political agitations, and

* Lord Salisbury, at St. James's Hall, May 17th, 1886.

manufacture grievances where none exist. Nothing will really content them.

54.—(a) That Ireland is not, and never has been, a nation.

(b) That if the question of nationality be raised at all, it cannot be denied that Ireland consists of two nations, and not one. Thus, if Home Rule be given to Ireland, Ulster, also must have a separate Parliament.

55.—That the constitution of the old Irish Protestant Parliament was so entirely different from that proposed for the Irish Parliament of to-day, that no precedent for restoration can be founded on it.

56.—That, even with Home Rule, the Imperial Parliament would not be free of the Irish element, which would have to be represented, at least in Imperial matters; that, thus, the Irish would have more than their fair share of political power, while one of the chief arguments for Home Rule—that the Imperial Parliament would be quit of the Irish members—would not be fulfilled.

57.—(a) That to yield Home Rule because of the difficulties of the present situation would be pusillanimous.

(b) That, as a matter of fact, Ireland does not “stop the way.” It has of late been conclusively proved that Parliament can legislate, though Home Rule be refused; and it is quite capable of coping with the constitutional difficulties which have in the past been thrown in the way of legislation by the Nationalist members.

58.—That the concession of Home Rule would be a capitulation to sedition, violence, and crime—cowardly in itself, and creating a disastrous precedent.

59.—That the Americans, though for Party purposes they support the demands of the Irish, themselves entered on civil war rather than permit the secession of a portion of their Empire.

60.—That the case for Home Rule is founded on “the mere unsupported assumptions of the maudlin optimism which passes for statesmanship in these days;”^{*} whereas the case against it is founded on undeniable facts, social, political, and economical.

61.—That if Home Rule be conceded in the case of Ireland, the fever of disintegration will not stop there.

^{*} Lord Salisbury at Leeds, 18th June, 1886.

Scotland and Wales will also be induced to demand Home Rule, and the bonds between the different portions of the United Kingdom will be disastrously weakened.

IRISH MEMBERS IN IMPERIAL PARLIAMENT.

It may be well to give the arguments for and against the retention of the Irish members in the Imperial Parliament, that may arise in reference to any measure of Home Rule for Ireland.

The exclusion of the Irish members from the Imperial Parliament is urged on the grounds :—

1.—That the supremacy of Parliament, and the unity of the Empire, would be fully maintained by the restrictions which could be placed on the power and discretion of the Irish Parliament.

2.—That, as the Irish contribution to the National Exchequer would probably be in the nature of a fixed sum, which could not be increased without the Irish assent; as the Irish members would be excluded with their assent and at their desire; as the arrangement with reference to the collection of Customs and Excise would be a matter of mutual convenience, and as the Irish members would be recalled when any proposal were made affecting the taxation of Ireland, the question of taxation without representation would not arise.

3.—(a) That it would not be possible—and if possible, very inexpedient—to distinguish between Imperial matters, on which the Irish members would be entitled to a voice, and local matters on which they would not. That, even if a distinction could be drawn between local and Imperial matters, the presence of the Irish members would be an element of disturbance in the constitution. The Government might be in a majority on local matters, where the Irish members could not vote, and in a minority on Imperial matters where they could vote, and *vice versa*.

(b) That if this distinction were not made, the Irish would obtain more than their fair share of representation; they would not only decide their own domestic affairs, but would practically control those of the rest of the kingdom as well.

4.—That such a position would be at once unjust, intolerable, and degrading to Great Britain.

5.—That it is possible to devise a plan whereby Ireland could maintain for her representatives a title to be heard on Imperial and reserved matters.

6.—(a) That to retain the Irish members in the House of Commons would keep up a feeling of irritation between the two countries. The temptation to the Irish to use their Imperial representation as a means of obtaining further concessions for Ireland would be extreme.

(b) That the Irish members would come to Westminster to fight out Irish, local, and personal quarrels.

(c) That thus one of the chief objects of the concession of an Irish Parliament—namely, to enable the Imperial Parliament undisturbed to apply itself to British legislation and Imperial policy, would be defeated.

7.—That their presence would necessarily involve the revision by the Imperial Parliament of all the Acts passed by the Irish Parliament, a proceeding that would inevitably lead to endless confusion and dispute.

8.—That the essential condition of the problem is that the proposal should be accepted by, and be acceptable to the Irish people: they do not wish to be represented in the Imperial Parliament.

9.—That Ireland will require the services of all her best men in her own Legislature, especially at first—to restore order, to re-establish credit, to attract capital, to develop trade and industry, to smooth over religious and educational difficulties, to settle the Land question. It is better that Ireland should “keep her cream at home, and not only the skim milk.”

10.—That questions in dispute could always be settled by reviving the latent power of summoning back the Irish members to Westminster.

On the other hand, the proposal is objected to on the grounds:—

1.—(a) That to exclude the Irish members from the Imperial Parliament would cast a doubt on its supremacy, and would impair the unity of the Empire.

(b) That their presence at Westminster is an outward and visible sign of the supremacy of the Imperial Parliament, and the reality of the Union.

2.—(a) That with the Irish members included, the veto of the Imperial Parliament would be effective; excluded, it could never be effectively enforced; or, if attempted, the action would be considered as tyrannical.

(b) That, included, subjects of dispute would be amicably decided; excluded, they would cause dangerous irritation and agitation.

3.—(a) That to call upon Ireland to contribute towards the Imperial revenue, without allowing her Parliamentary representation, would be an abrogation of the constitutional doctrine that taxation and representation should go together.

(b) That, without representation, the contribution would soon be looked upon as a “tribute,” and an agitation against its payment would arise.

(c) That exclusion complicates, while inclusion would simplify, any fiscal arrangements with reference to the levying of Customs and Excise duties, &c.

4.—(a) That exclusion, by depriving her of all concern in Imperial affairs, degrades Ireland to the position merely of a tributary Province; that, though the present Irish representatives apparently do not object to this degradation, they cannot bind the constituencies either now or in the future. Sooner or later the degradation would be felt, and resented, and the Irish, in order to remove the reproach, would clamour for separation.

(b) That we have no right to strip Ireland of her Imperial titles, and to deprive her of all share in Imperial traditions or Imperial aims. The Empire belongs to the people of Ireland as well as to ourselves.

5.—That Great Britain cannot afford, in Imperial matters, to lose the assistance and advice of such a large proportion of her citizens.

6.—(a) That there would be no real difficulty in distinguishing between, and defining local and Imperial matters; Imperial matters would, in

any case, have to be defined when the limits of the powers of the Irish Parliament were fixed.

(b) (By some.) That it would be possible to have different Sessions for Domestic and for Imperial matters, the Irish representatives attending the one and not the other.

(c) (By others.) That no attempt should be made to reserve certain questions; the Irish members, if included at all, should be on the same footing as the other members.

7.—That the duty of legislation is not a privilege but a responsibility, and there would be no unfairness to the English, Scotch, and Welsh members in increasing the duties of the Irish members.

8.—That included, the concession of Home Rule would be a step towards Imperial Federation; excluded, real Federation would be rendered impossible.

THE REFORM OF THE HOUSE OF LORDS.

It is urged that the House of Lords, on its present basis, has become a constitutional anomaly, and that it must either be swept away altogether, leaving the House of Commons to stand alone ; or that its constitution must be so radically altered that it shall become a more popular and representative body—somewhat on the lines of most “Second Chambers” abroad.

The Peers of the United Kingdom (in addition to 15 minors) number 499 ;* the elected Scotch Peers number 16, and the elected Irish Peers 28, but of these representative Peers three are Peers of the United Kingdom. The total voting strength of the House of Lords is thus 540.

The *reform* of the House of Lords is supported on the grounds :—

1.—That an institution, to be allowed to exist, must satisfy the requirements of general utility—and this condition the House of Lords does not fulfil.

2.—That the existence, as one of the estates of the realm, of an oligarchical, irresponsible, and unrepresentative body of hereditary legislators, is out of harmony with the spirit of the age. England alone among nations possesses such a legislative body.

3.—That, alone among the institutions of the country, the House of Lords has undergone neither renewal nor reform.

4.—(a) That the existence of the House of Lords is contrary to the true principles of representative government. The nation has neither voice in the selection, nor control over the proceedings of the Upper House.

* Composed as follows :—4 Princes of the Blood, 2 Archbishops, 22 Dukes, 19 Marquises, 114 Earls, 28 Viscounts, 24 Bishops, 286 Barons.

(b) That while the Lower House has been gradually placed on an increasingly democratic basis, and now rests on the votes of six million electors, the Upper House has become in no way more representative.

5.—(a) That it is an absurdity for a number of irresponsible individuals to have the power of over-riding, or thwarting, the popular will, as expressed by the House of Commons.

(b) That more especially is this the case, when the vast majority of these persons are legislators, not on account of their own merits, but merely through an accident of birth.

(c) That their ancestors were not necessarily nor usually ennobled because of any special fitness for legislative work; while, even where such fitness existed, it was not necessarily nor usually hereditary.

6.—That, under the present system, a Peer, however unfit or unwilling to serve, cannot be relieved of his legislative functions.

7.—(a) That the ordinary attendance of the Peers in the House of Lords is small and perfunctory.

(b) That the important votes of the House of Lords are not decided by the professed politicians, but by the whipping up, as occasion requires, of Peers who take no part in, care nothing, and know less about politics.

8.—(a) That the Lords are representative of but one class, the landlords, and one interest, the land; which thus obtains an undue influence in legislation.

(b) That the legislation which the Lords chiefly obstruct, is that which they imagine affects themselves, more especially as regards land; their own personal or class interests are allowed to stand in the way of national progress.

9.—(a) That decade by decade the House of Lords has in every way become less and less representative.

(b) That in former days the House of Lords was not a party assembly. It has gradually, during the last half century, and more especially of late years, been converted into a wholly Conservative party instrument.*

(c) That in consequence of the mode of election (election by simple majority) the forty-four co-optatively elected Irish

* It is estimated that out of the 500 odd Peers, only some 30 are Home Rulers.

and Scotch Peers are invariably Conservatives, though a very small proportion of the parliamentary electors in those countries are Conservative.

10.—That while the country has become increasingly Liberal, the House of Lords has become increasingly Conservative.

11.—(a) That the relative positions of the majority and minority do not change with those of the Lower House ; an anomaly which makes itself increasingly felt as successive Liberal Governments come into office.

(b) That when a Conservative Government is in office, the Upper House is useless, for it always concurs in that which is done ; when a Liberal Government is in office it is mischievous, for it always opposes everything they do.

12.—(a) That with a Liberal Ministry in office, the relative and natural positions of the Government and the Opposition are reversed in the Lords. The Leader of the Opposition is practically the Leader of the House, and the Government are always in a minority.

(b) That all Liberal legislation suffers in thoroughness from the existence of an irresponsible Upper House. Every Government measure proposed has to be drawn with a view of passing that House, amendments are introduced in the Commons with the same object, and the Bill is still further amended and emasculated in the Lords.

13.—(a) That the Lords can, and often do, over-ride the judgment of the Government, the decision of the House of Commons, and the will of the country which sustains both.

(b) That often when the Commons, after anxious thought and laborious care, have passed an important measure, the Lords throw out or mutilate the Bill, and thus render barren the Session.

(c) That powerful Governments, with the nation at their back, have to appeal to the Lords as suppliants—an undignified position, and one in which no Government should be placed.

14.—(a) That the only limit which exists to the destructive and damaging power of the Lords is the expediency of using it—their authority is tempered by necessity alone. Within the limits of supposed danger to themselves they act as they will.

(b) That more than once when the Lords have over-

stepped this limit, it has become necessary for the Ministry of the day to create, or threaten to create, a sufficient number of Peers to constitute a Government majority; thereby reducing the constitutional action of the Lords to an absurdity.

(c) But that, nowadays, in consequence of the greatly increased numbers of the Peerage, and the increasing disproportion between Liberal and Conservative Peers, it would be impossible to force through a Liberal measure by means of a creation of Peers.

15.—(a) That an unrepresentative, irresponsible, and avowedly Conservative body is thus almost omnipotent, the result being that it is continually coming into conflict with the national will; questions which the country is bent on closing are kept open, and discord and irritation are created and continued; while, when submission is at last made to public pressure, all the grace of concession has evaporated.

(b) That this body has systematically and obstinately opposed every great reform of the present century, especially in the matter of civil and religious liberty.

(c) That as the House of Lords is out of harmony with the progressive spirit of the age, even when it accepts a reform, it mars and mutilates it, and prevents it from being thorough and lasting.

(d) That more especially has this been the case with Irish legislation; much of the disquiet state of Ireland is due to the irritation caused by the persistent refusal of the Lords to pass measures of justice, and to the mutilated form in which Irish Bills are unwillingly allowed to pass.

(e) That not only do measures of importance suffer at its hands, but very many small and necessary measures are delayed, emasculated, or rejected.

(f) That thus, while its existence is defended on the ground that it educates public opinion, prevents precipitancy, modifies extremes, and perfects legislation, it really obstructs, mars, and irritates.

(g) Instead, therefore, of the House of Lords being an element of stability and permanence, it is a source of obstruction, disturbance, and irritation.

16.—That it is no real check on the House of Commons. Moreover, the Opposition in the Lower House are always

able to prevent any undue haste in accepting or passing measures. The nation is far from requiring an extraneous check on the precipitancy of the Lower House; the difficulty nowadays is to legislate at all.

17.—That the House of Lords has, of necessity, less and less work given it to do, and is becoming, therefore, of diminished practical value as a legislative body. A Liberal Government cannot, with any prospect of success, introduce its Bills into the Lords; while by the time the great measures of the Commons are sent to the Upper House, public interest in them is more or less exhausted, and there is little scope left for originality.

18.—(a) That the existence of the Upper House is becoming more and more of a paradox. It has no control over the government of the day; if it adopts a motion of non-confidence in a Liberal Government the vote is treated with silent contempt. It is obliged to accept measures of which it disapproves; while its amendments are often summarily rejected and reversed by the Commons—and each time it is thus forced to give way its influence is diminished.

(b) That every time it strongly resists a Liberal Government it loses somewhat of its power, by raising up a feeling adverse to its action and existence.

(c) That thus at one period it is treated with contempt, and at another it is assailed with menace and reproach. In either case its prestige and power suffer.

19.—That the anomalous position in which the Lords are placed is their misfortune, and not their fault; they can hardly be blamed if they act on the authority committed to them, and prefer to lose their existence as a corporate body,—and be allowed to take their part in politics in other ways—rather than consent to submit to a gradual diminution of their influence and power.

20.—That the existence of the House of Lords deprives the country of the best services of many able and useful politicians, inasmuch as their powers, energy, and ability are hampered and emasculated by being confined to the Upper House; reform or abolition would enable such men to take a more effective part in politics.

21.—(a) That the fact that a certain number of offices in the Government have to be allotted to Peers, occasionally

necessitates an inferior man being preferred, because he is a Peer, to some commoner of greater ability.

(b) That the Peers in charge of Government offices are not as accessible to public interrogation, or so amenable to popular opinion, as they would be if they were in the Commons.

22.—That the hereditary principle, as applied in the case of the Crown, is totally different from that applied in the case of the House of Lords. The Crown has no legislative or executive responsibility, and has not, for a hundred and eighty years, exercised its power of veto.

23.—That the pressure on the Prime Minister to create Peers, and the number of admissions to the Peerage, is ever increasing, and is gradually swelling the House of Lords to unmanageable proportions.

24.—That the House of Lords, if reformed, would contain admirable materials for a Second Chamber, and might easily be made a powerful and popular authority.

25.—That the increased respect and efficiency that would accrue to the Upper House from its re-formation on some representative system, would not detract from the power of the House of Commons.

26.—That if the position of the House of Lords is so anomalous that it will not stand remodelling, the sooner it is altogether swept away the better.

27.—(By some.) That by limiting the number of legislative Peers, by selection and election from amongst their body, by the creation of Life Peers, and by a limitation on the right of veto, much might be done to render the Upper House more representative, and an efficient and necessary estate of the Realm.

28.—That the position of the Scotch Peers at least requires alteration. A certain number of them are elected by the whole body of Scotch Peers, from among themselves, to sit in the House of Lords; but, as there is a Conservative majority, none except Conservatives are ever chosen. A Scotch Liberal Lord has therefore no prospect of being elected a representative Peer, and as he is ineligible for the House of Commons, he is ostracised from politics.*

* An Irish Peer, if not elected as a representative Peer, is eligible for the House of Commons.

On the other hand, any radical alteration in the existing constitution of the House of Lords is opposed on the grounds:—

1.—That a constitutional institution which has grown up with the nation's growth, and which is founded on tradition and descent, should not be pulled down unless it can be shown that great advantage would follow its destruction.

2.—(a) That though the existence and constitution of the House of Lords cannot be defended on theoretical and logical grounds, it has held its ground for centuries, and played a great part in history; while its continued existence is of great practical advantage to the State. The Constitution works very well as it stands.

(b) That the Constitution of the House of Lords is not by any means perfect or ideal, but the country desires a Second Chamber, and the existing Chamber is better than would be one artificially constructed.

3.—(a) That it is a great advantage to the country that the aristocracy should be drawn into taking an active part in politics.

(b) That the English nobility have hitherto deserved and retained their hold over the respect, confidence, and affection of the people; and—to the advantage of equality—are a less distinct class than the aristocracy of any other nation.

4.—(a) That as its ranks are being continually recruited from the People, the Upper House becomes ever more and more truly representative; it represents education, intelligence, leisure, wealth, and influence.

(b) That a very considerable number of the Peers have had a legislative training as members of the Lower House.*

(c) That, moreover, a considerable number, in addition, have held administrative, judicial, or other high offices, and bring to the House the experience they have thus acquired.

5.—That the argument urged for reforming the House of Lords,—that it has not always gone so far or so quickly as the Commons,—is reason rather for desiring to leave it alone.

6.—(a) That by preventing, modifying, or delaying the hasty, impulsive, ill-digested, or unjust measures adopted by the Commons, it puts a proper and constitutional check on

* In 1886 (after the general election of that year), no less than 182 of the sitting Peers had, at some time or other, sat in the House of Commons.

precipitancy and Radicalism, allows time for popular opinion to mature itself, and thus prevents the Government from acting on first impulses, or under the influence of sudden popular passion or excitement, or in obedience to a chance majority.

(*b*) That this legislative precipitancy will tend to occur more often under the new Democracy ; while the last check on hasty legislation has disappeared with the reform of the procedure of the Lower House.

7.—That more especially is the House of Lords an effectual barrier against demagogic rule, or the “one man power.”

8.—That when it has delayed legislation, it has always had the sympathy of a large proportion of the House of Commons and of the Country.

9.—(*a*) That though perhaps the House of Commons may not very often be over-hasty or rash in legislation, its moderation is greatly due to the latent knowledge that the House of Lords will have a voice in the matter, and that its opinions must be consulted. Remove this check, and legislation would immediately become more impulsive and precipitate.

(*b*) That the result of this influence has been, that while in certain cases legislation may have been somewhat delayed, when a Bill is ultimately passed, it has been so well considered, and is of such a satisfactory nature, that reactionary legislation is never necessary—and thus progress, though slow, is sure.

(*c*) That in ordinary legislation the Upper House smoothes down the rough legislative excrescences of the Lower.

10.—(*a*) That having no fear of constituencies before their minds, the Peers are independent, and speak boldly their own minds.

(*b*) That their debates on great occasions surpass in interest and intellect those of the House of Commons.

11.—That if the House of Lords were destroyed, the machinery of the “caucus” would be used to prevent the House of Commons from exercising its functions with discrimination and freedom.

12.—That even if it were true, that the legislation which the Lords chiefly prevent or amend is that which mostly affects themselves, they must be acknowledged to be intimate with the subject ; while those who press forward such

legislation have, as a rule, "sinister interests" of their own.

13.—(a) That when popular feeling has been definitely expressed, the House of Lords, if at variance with the national will, gracefully subordinates its own opinions, and gives way.

(b) That within the last fifty years especially, the Lords have assented to a vast number of most useful reforms.

14.—(a) That though, theoretically, the power of the Lords is unlimited, practically it is kept within very reasonable and moderate bounds.

(b) That, if necessary, the Government can over-ride the majority of the Lords by the creation of fresh Peers, by Royal warrant, or by tacking a clause on to the "Appropriation Bill," which the Lords must pass, or reject, in its entirety.

15.—That it is easy to talk loosely of the Reform of the House of Lords, but, practically, unless the Upper House will reform itself, this cannot be accomplished without a dangerous revolution.

16.—(a) That if the constitution of the House of Lords were once touched, its end would soon follow. It survives chiefly through the existence of a feeling of veneration and sentiment; this feeling once disturbed, the anomalies of its existence would become apparent, and it would be doomed.

(b) That no more creation of life Peers or a simple change in the hereditary system, would be effective in strengthening the Upper House.

17.—(a) That some Second Chamber is essential to the Progress, Prosperity, and Peace of the Nation, and as a check on the People.

(b) That no brand-new Second Chamber could ever take the place now occupied by the House of Lords. It would not command the respect of the country or of the House of Commons.

(c) That it would either be powerless and therefore useless, or powerful and therefore mischievous.

(d) That the House of Lords once pulled down could never be replaced in any permanent, useful, or satisfactory form.

18.—(By some.) That having obtained one Chamber absolutely representative of the people at large, it would be

illogical to endeavour to set up another which cannot be equally representative.

19.—(a) That the ultimate extinction of the House of Lords is certain. It is better, therefore, to leave it gradually to die a natural death, than to hasten its end at the risk of conflict and agitation.

(b) That year by year it is becoming weaker, and more impotent to do harm ; while an unsuccessful crusade against it might revive and invigorate its vitality.

20.—That if it were reformed, it would become stronger, and constitute a formidable rival to the House of Commons.

21.—That every Second Chamber, however constituted, is always Conservative.

22.—(a) That if the House of Lords were abolished, the House of Commons would be swamped with Peers—the fact of a man being a Peer having great influence in many constituencies—and would become more aristocratic and conservative, to the hindrance of progress and reform.

(b) That consequently an agitation would spring up for the creation of a Second Chamber, in order to rid the House of Commons of its Peers.

23.—That if the hereditary principle were abolished in the case of the House of Lords, that principle would be in jeopardy as applied in the case of the Crown.

SHORTER PARLIAMENTS.

It is proposed to repeal the Septennial Act and to shorten the legal duration of Parliament. Different terms of years are advocated, five, four, and three—the most popular being perhaps the four years' term.

The existing Septennial Act was passed in 1716, shortly after the accession of George I., superseding the Triennial Act of 1694, which had itself followed on the Revolution of 1688. During the period of the Triennial Act the average duration of the Parliaments (exclusive of the dissolution on the demise of the Crown in 1702, when the Parliament had been in existence for six months only) was two years and five months.

The average duration of the Parliaments between 1796 and the Reformed Parliament of 1833 was three and a half years; one Parliament alone (that of the first of George IV.) exceeding six years. From the first Reformed Parliament of 1833 until 1868, there were nine Parliaments, the average duration of which was three years and nine months; two of these Parliaments existed just six years. Since the Reformed Parliament of 1868 until that dissolved in 1886, there have been four Parliaments averaging four years and five months: the longest term was that of the Parliament elected in 1874, namely six years and two months.

The present Parliament was elected in July, 1886, and can legally sit until July, 1893.

Shorter Parliaments are advocated on the grounds:—

- 1.—That there exists no constitutional means whereby the nation can express its opinion except at a General Election.

2.—(a) That under the Septennial Act, the nation is obliged to commit absolutely into the hands of Parliament for a lengthened term enormous powers, that may be used for weal or woe without opportunity of check or change.

(b) That "Parliament," in this connection, means, at the best, a majority only, perhaps but a very small majority, of the House of Commons for the time being.

3.—That the Parliamentary majority, elected to carry out a particular course of policy, may inaugurate a new policy, may break its election pledges, betray its trust, and forfeit the confidence of the country. Yet it cannot be called to account, and may continue to defy for a lengthened period the evident feeling of the country.*

4.—That public opinion may distinctly change on a particular question; or a hasty and ill-considered verdict on a side issue may have decided the majority; yet, for seven years, the verdict given at the General Election may remain irrevocable.

5.—That it is right that such enormous powers should regularly and at short intervals revert to the people, so that they may have more frequent opportunities of endorsing or reconsidering their choice of rulers, and the policy to be pursued.

6.—That power requires constantly to be checked; uncontrolled power in the hands of the unscrupulous will quickly lead to encroachments upon the liberties of the people.

7.—(a) That in these days of quickened communications and increased education, greater knowledge of, and interest in, politics, opinions are formed and change more rapidly than of old, and a length of years formerly not excessive for a Parliament is now far too long.

(b) That the condition of the country and the mind of the people goes on changing, and that Parliament, remaining unchanged, gradually ceases to reflect the opinion of the constituent bodies.

8.—(a) That in the expiring years of a "long" Parliament questions of moment are decided, which had not even been mooted at the General Election, and thus momentous

* For instance (it is argued) that the Ministry of 1874, elected in quiet times as a protest against the over-activity of its predecessor, developed into a "Jingo" Government.

decisions are taken, or new and grave responsibilities are incurred by Parliament, not only without consultation with the nation, but even, it may be, entirely contrary to their wishes.

(*b*) That before fresh legislation is undertaken, a new expenditure incurred, or a novel step in Foreign or Colonial policy taken, the nation ought to have an opportunity of passing its final and conclusive judgment upon these questions.

9.—(*a*) That so long as the franchise was restricted, when elections were costly and corrupt, when the representation was practically confined to the wealthy classes, the question of the frequency of elections was of secondary importance.

(*b*) That, indeed, in days when the poll extended over days or weeks, with open corruption and unchecked bribery, elections were a positive evil. But successive Reform Bills have purified elections, limited them to one day, and placed the franchise in the hands of the nation at large.

10.—That every year, under the extended franchise in force, a large number of new voters come on the register; and they ought to have an early opportunity of expressing their views.

11.—(*a*) That a representative system in which the elected are not frequently submitting themselves, their acts, and their views to the elector, loses much of its representative character.

(*b*) That in these democratic days it is essential that representatives should be in near touch with their constituents; and more frequent elections would greatly tend towards this consummation.

12.—That more frequent elections would create a greater general interest in politics; and bring home to the minds of the people the fact that they are a self-governing community, responsible for the action of their rulers.

13.—(*a*) That the necessity of more frequently submitting their action to the judgment of the country would, by making them more careful in regard to their measures and policy, have a wholesome effect on the Government of the day.

(*b*) That the knowledge that they would have an early opportunity of appealing to the country against the Govern-

ment, would increase the vigilance of the Opposition ; and, at the same time, the possibility of a speedy accession to power would quicken their sense of responsibility.

14.—(a) That the House generally would have a better appreciation of the value of time, and business would be more efficiently conducted.

(b) That more especially would this be the case, inasmuch as the real and recently expressed will of the nation would be known in reference to the principal questions to be discussed and decided.

(c) That it is only in the early days of a Parliament, with the impetus of the General Election, that great reforms are carried through.

15.—(By some.) That we should thereby obtain something of an equivalent to the system of the "Referendum" that prevails with much advantage in Switzerland.

16.—(a) That more frequent elections would tend to the greater stability of successive Governments, and therefore to greater continuity of policy both at home and abroad.

(b) That during the prolonged life of a Parliament, the Government lose touch of the nation, fall into decrepitude, while by their action or inaction they offend divers individuals and interests. These causes of offence would be lessened if elections were more frequent.

(c) That an earlier appeal for a renewal of power would be much more likely to result in the endorsement of their policy and in the attainment of a fresh lease of power.

(d) That, thus, while a strong and popular Government would be periodically reinvigorated by a new mandate, a weak and unpopular Government would the sooner disappear.

17.—That the fact that a General Election so often goes against the Government shows that more frequent opportunities ought to be given of learning the popular will.

18.—That shorter Parliaments would tend to greater continuity of policy in Foreign Affairs. A gradual change of policy could not be so easily effected in the shorter period. The influence of the British Government abroad would be more potent when it was known that the country was at their back. During the latter years of a prolonged Parliament, the power of the Government of the day to negotiate with foreign nations is largely curtailed in consequence of

the uncertainty as to whether their policy will be endorsed at the next General Election.

19.—That it is better that the country should know in advance approximately when an election will take place.

20.—(a) That shorter Parliaments, and the more frequent necessity imposed on members of meeting their constituents and justifying their existence as representatives, would quicken their sense of responsibility.

(b) That the sense of responsibility in members is greater towards the end than at the beginning of a Parliament. The shorter the life of a Parliament the more likely is the member to appreciate his responsibilities.

(c) That a member who has decided not to stand again, is likely, during the last year or two of a prolonged Parliament, to become lax in his attendance and interest.

21.—(a) That real independence and strength of character would not suffer from more frequent communion between the member and his constituents.

(b) That the member would acquire a greater knowledge of political questions and a greater insight into the real views of the nation.

(c) That "political honesty" can hardly consist in a member acting contrary to the wishes of his constituents over a period long or short.

22.—That while it is possible that some of those who now enter Parliament would no longer be inclined to stand, their places would be taken by men who would be more interested in politics and be more serious in attempting to remedy abuses.

23.—That shorter Parliaments and more frequent elections would tend to less extensive sweeping alterations in the *personnel* of the House—"short reckonings make long friends"—and thus each new Parliament would contain a larger proportion of experienced men than is the case at present.

24.—That Parliamentary animosities would be less acute if the Opposition knew that the period of a fresh appeal to the country could not be very remote.

25.—(a) That if elections were more frequent, the tendency would be towards reduced expenditure. The candidate would be less inclined to a large outlay, public

opinion would favour reduction, and a further legal limitation of expenditure would take place.

(*b*) By some.) That as Parliaments (with a four years' term) would tend, on the average, though with greater regularity, to extend over as long a period as now, the average cost to the candidate would be no greater than at present.

26.—(By some.) That the adoption of shorter Parliaments would render irresistible the demand for the payment of members, and for the transfer of the official expenses of elections to the rates or taxes.*

27.—(*a*) That, nowadays, with the duration of the poll confined to twelve hours, with expenses limited by law, and with the ballot, elections are conducted in a quiet and orderly way, and a General Election causes but little disturbance to trade.

(*b*) That there would be fewer contested elections, constituencies that had lately unmistakably expressed their preference would not be again fought.

(*c*) (By some.) That if General Elections were more frequent the inclination would be to hold them on one day—resulting in far less excitement, turmoil, or interruption to business.

28.—(*a*) That for a period of twenty-two years a Triennial Act was in force and worked satisfactorily.

(*b*) That the Triennial Act was replaced by a Septennial Act chiefly in order to meet a great national emergency, and to secure the Protestant Succession to the Throne.

(*c*) That as a political makeshift, its adoption may have been justifiable, but there is now no dynastic or constitutional reason for its continuance.

29.—That in 1867 the Septennial Act was itself in a degree extended by the abrogation of the provision formerly existing that on the demise of the Crown a dissolution must take place.†

30.—(*a*) That the tendency is towards a longer average life of Parliament.

* For the discussion of these two questions see *Handbook to Political Questions*, 7th edition, pp. 149 and 122 respectively.

† For instance, on the death of George III. Parliament was *ipso facto* dissolved, though it had been in existence but eighteen months; on the death of George IV. three years and eight months, on that of William IV. two years and five months only.

(*b*) That the natural inclination of a Government, and of the majority for the time being, is to cling to power, and not to take the risk of a dissolution any earlier than they are compelled to do.

31.—That there would be no real infringement of the prerogative of the Crown; for it is long since the Crown dissolved Parliament of its own initiative.

32.—That it would weaken the threat of dissolution by means of which the Government of the day is sometimes enabled to force measures upon its unwilling supporters.

33.—That in no other country has the Lower House of Representatives so long a lease of power as in England.*

34.—That the term of election in the case of Municipal, School Board, and other local elections is for the most part for three years only.

On the other hand, it is contended:—

1.—(*a*) That the “Septennial Act” is septennial only in name; the full legal limit is never reached, hardly ever approached, and the country has a full opportunity at short intervals of recording its verdict.

(*b*) That if the legal period of the life of Parliament were shortened, the maximum period would tend to become a minimum, and, on the whole, the country would have fewer, and not more frequent opportunities of expressing its opinion.

2.—That Parliament ought, if the country be in a normal state, to be dissolved at the least a good year before the legal limit, lest it should legally lapse at a moment when an election might be inconvenient or injurious to the country. If the terms were shortened, the Government would be tempted always to go to the extreme legal limit.

3.—(*a*) That Parliament, elected on a purely democratic basis, does nowadays faithfully represent the opinion of the country for the time being.

(*b*) That the numerous by-elections that take place tend, by the opportunity they afford of testing public

* France, Italy, and Spain, and some of the Colonies, five years; Portugal, Belgium, Holland, four years; Germany, Denmark, Sweden, Switzerland, and some of the Colonies, three years; United States, two years.

opinion, and of introducing new blood into the House, to keep Parliament ever in touch with the country.

(c) That members are far more and increasingly in touch with their constituents, and aware of their feelings and desires.

4.—(a) That, nowadays, it is absurd to assert that any Party or persons could or would use their powers to the curtailment of the liberties of the people.

(b) That as a Government depends for its continued existence on the good will of the nation, it will always endeavour to propitiate, and not to run counter to its desires.

5.—(a) That, as a matter of fact, neither Prime Minister, Ministry, nor Parliamentary majority can defy the will of the nation, and pass measures or carry out a policy directly contrary to the general feeling of the country. The strongest Governments are forced to yield to the pressure of public opinion.

(b) That, short of a General Election, the electors have, through by-elections, newspapers and speeches both inside and outside the House, ample and perpetual opportunity of forcibly expressing their views.

6.—(a) That shorter Parliaments, by involving more frequent appeals to the country, would impair the independence of the Ministry.

(b) That it would tend to the production of measures designed with a view to their immediate effect on the public mind, rather than for the solid advantage of the country.

(c) That the Government would be tempted to deal with those subjects that were for the moment popular, rather than with those of the greatest permanent advantage.

7.—That with shorter Parliaments, the majority would be elected with a "mandate" on some particular question of the moment; and thus legislation would be more likely to be hasty and emotional.

8.—(a) That the extension of the franchise has tended to political capriciousness on the part of the electors, the decision of one election being often reversed at the next. Political instability and constant change of Government are serious evils, which would be accentuated if elections were more frequent.

(b) That the check of the Septennial Act on the capriciousness of the electorate is advantageous to the country.

9.—(By some.) That the longer period of the existence of Parliament makes it more possible for the Government of the day to resist some "great delusion" that may temporarily prevail in the country.

10.—(a) That at present there is far too little continuity in the foreign policy of the country; more frequent elections, implying more frequent changes of Government, would make it still more haphazard.

(b) That, even now, the Government of the day is much hampered in its relations with Foreign Governments by reason of the possibility of a reversal of policy consequent on its defeat at the next General Election. Increase this possibility, and embarrassment would amount to paralysis.

11.—(By some.) That the less the foreign policy of the country is subject to the revision of popular sentiment the better. It cannot properly be controlled by the electorate, for they cannot possess either the general knowledge requisite, or the particular (and perhaps secret) information necessary to the subject; and their decision is too often influenced by impulse or clamour.

12.—(a) That shorter Parliaments, entailing the more frequent submission of a member to a fresh election, would greatly weaken his independence and impair his political honesty.

(b) That the position of the member would be lowered from that of a representative to that of a delegate. He would lose all his individual freedom of thought and action, and be forced to support or oppose measures at the dictation of his constituents.

13.—That, nowadays, with a very extended franchise, great publicity, and universal political activity, the sense of responsibility of the member and his personal contact with his constituents, extends over the whole of his Parliamentary life, and is not simply quickened by the prospect of a dissolution.

14.—That constant elections would tend to throw political power more and more into the hands of caucuses and wire-pullers, making the members mere machines, and tending to the manufacture of public opinion.

15.—(a) That each newly elected House of Commons necessarily takes time to acquire experience before it can settle down satisfactorily to the conduct of the business of the nation.

(b) That constant elections would involve constant changes in the *personnel* of the House, bringing in at short intervals a large number of inexperienced men, strangers to each other, and new to the work required of them.

16.—(a) (By some.) That the result would be to throw administrative power more and more into the hands of permanent officials, whose irresponsible influence is already too great.

(b) That the risks of personal Government from "long" Parliaments are far less serious than the risks of bureaucratic Government from "short" Parliaments.

17.—(a) That the additional expense, risk of loss of seat, worry and trouble involved in more frequent elections would deter many good men from becoming candidates.

(b) That the best class of candidates would resent the loss of independence involved, and would be loth to stand.

(c) That the duties of a member would necessarily become more multifarious and more irksome, both in the House and in the constituency; and men, whose tastes or whose business prevent them from devoting their whole time to politics, would be deterred from standing.

(d) That the constituencies would be greatly restricted in their choice of candidates; and the standard of the House would be sensibly lowered.

18.—(a) That the great additional expense involved in more frequent elections would certainly lead to the transference of the official expenses of elections from the shoulders of the candidate to the rates or taxes, and this would be a mistake.*

(b) That it would also render irresistible the demand for the payment of members—a system which would involve many serious evils.†

19.—(a) That every General Election involves a very considerable disturbance to the trade of the country.

(b) That political animosity and party heat engendered

* For the discussion of the question of the "Returning Officers' Expenses," see *Handbook to Political Questions*, 7th edition, p. 122.

† See *Handbook to Political Questions*, 7th edition, p. 149.

by General Elections would be greater if they were more frequent.

(c) That with more frequent elections party passion would never have time to cool down, and the country would be kept in a state of perpetual turmoil in continuous preparation for the next election.

20.—(By some.) That, even now, with the Parliamentary, Municipal, School Board, and other Elections, there is little enough peace from electioneering turmoil.

21.—That too frequent Parliamentary Elections would greatly diminish the general interest taken in them, and this would be a serious evil.

22.—That the shortening of the life of a Parliament would greatly diminish the force of the threat of dissolution now often used with salutary effect by the Government of the day.

23.—That the prerogative of the Sovereign in the matter of dissolution would be infringed by being greatly curtailed.

24.—That the Septennial Act has worked very well for the last 174 years, and it is unstatesmanlike and dangerous to make a grave constitutional change without adequate cause.

25.—That the supporters of shorter Parliaments are not yet agreed among themselves on the best term of years to advocate. To every term proposed grave objection can be taken.

26.—That the proposal is only a grievance of the "outs," and would be immediately dropped if they became the "ins."

CHURCH AND STATE.

THE fundamental doctrines of the Church of England—which is Protestant Episcopal—were agreed upon in Convocation in 1562, and revised and finally settled in 1571 in the form of the Thirty-Nine Articles. The Queen is the supreme head of the Church, and possesses the right of nominating to the vacant archbishoprics and bishoprics.

There is no official record of the numbers of the members of the Church of England, or of the other religious bodies. Since 1831 no official returns of the revenues and properties of the Church of England have been issued, and it is therefore impossible to supply any authoritative statement, or even estimate, of the extent and value of the Church property.

The Church Inquiry Commission, appointed in 1831 to inquire into the revenues and patronage of the Established Church in England and Wales, gave the number of incumbents as 10,718, of curates 5,230, total, say, 16,000; the number of glebe houses at 7,675, and benefices without glebe houses 2,878, total benefices, 10,553.

The total net incomes of Bishops and Archbishops	at	£160,300
„ „ Cathedral establishments	„	157,500
„ „ Beneficed clergy, and curates		3,480,000

showing a total revenue of, say £3,800,000.

The most carefully prepared statistical estimate of the existing revenues and property of the Church of England is that of Mr. Fred. Martin in his "Property and Revenues of the English Church Establishment." *

The number of the clergy in 1875, according to an elaborate report compiled by Canon Ashwell from the "Clergy List," and other sources, and laid before a Select Committee of the House of Commons, was as follows:—

* Edition 1878.

Church Dignitaries	172	
Incumbents holding benefices	13,300	
Curates	5,765	
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Clergy in churches, &c.	19,237
Ordained Schoolmasters and Teachers	709	
Chaplains, inspectors, &c.	465	
Fellows of Universities, Missionaries, &c.	434	
"Unattached Clergy"	3,983	
<hr/>		
		5,501
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Total	24,738	

The revenues of the beneficed Clergy, as given in the "Clergy List" for 1880, are as follows:—

	Number.	Total revenue. £	Average revenue. £
Benefices under £50	167	5,747	34
" from 50 to £100	854	71,205	83
" " 100 to 200	3,034	450,991	148
" " 200 to 500	7,289	2,298,598	315
" " 500 to 1,000	1,913	1,238,766	647
" of 1,000 and upwards	268	329,824	1,230
" not valued	334	114,194	—
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Totals ..	13,525	£4,395,251	£325*

The ecclesiastical census of 1851 gives the latest official information respecting the number of religious edifices belonging to the Church of England as follows:—

	Number.
Churches existing at census of 1801	9,667
" built between 1801 and 1811	55
" " " 1811 and 1821	97
" " " 1821 and 1831	276
" " " 1831 and 1841	667
" " " 1841 and 1851	4,197
" " at dates not mentioned	2,118

The number existing now is estimated at about 16,000.† Various statutes have from time to time been promulgated with the view of assisting the erection or repair of churches from the public funds. In 1679 a rate was ordered to be levied to rebuild the churches of the City of London destroyed during the fire of 1666. Three years later it was

* *Financial Reform Almanac*, 1881; Analysis of "Clergy List", p. 69.

† Martin, *Church Revenues, &c.*, ed. 1878, p. 98.

followed by an Act imposing a tax on coals for the re-building of St. Paul's Cathedral and fifty other churches. Other Acts, with like intent, were passed during the reigns of James II., William III., Anne, and George I.; and in 1818 an Act was passed "to raise the sum of one million sterling for building and promoting the building of additional churches in populous parishes." The census report of 1851 gave the following as the proportionate grants from public funds and private benefaction during the period from 1801 to 1851:—

Period	Grants from Public Funds.	Private Benefaction.	Total.
	£	£	£
1801-1831 ...	1,152,000	1,848,000	3,000,000
" 1831-1851 ...	511,400	5,575,600	6,087,000
Total ...	£1,663,400	£7,423,600	£9,087,000

The Church Building Commission, established by the statute of 1818, during the 38 years of its existence ending 1856, aided in the completion of 615 churches, with sittings for 600,000 people. This Commission was in 1856 merged into the Ecclesiastical Commission, and from 1818 to 1879 the power entrusted to these bodies of forming new benefices and districts was exercised to the extent of constituting 2,963 new districts. During the seventeen years, 1856 to 1874, the amount of benefactions offered by private individuals to the Commissioners, for the benefit of the church, amounted to £5,000,000.

In 1876 an official return was issued of churches built or restored since the year 1840, at a cost exceeding £500. The return (which was very imperfect) showed that, during these thirty-five years, 1,727 churches had been built, and 7,144 restored, at a cost of £25,500,000, or about £700,000 a year; and this sum was derived from voluntary offerings.

Mr. Martin estimates the number of glebe houses at 10,000, and their annual value at about a million sterling. The number of benefices producing tithes (inclusive of lay impropriations) also at 10,000, with a total tithe of £4,500,000 a year.* The titheable land is about two-thirds of the whole. At the end of 1866—according to a Parliamentary return—the total rent charge awarded in

* *Ib.*, pp. 107-108.

commutation of tithes amounted to £4,050,000. The levying and assignment of tithes has given rise to a vast amount of legislation, dating back as far as the ninth century.

The revenues which the church derives from pew rents, offertories, and gifts cannot be estimated; they are of course purely voluntary offerings. It is estimated by the editor of the "Official Year Book" of the Church of England, that between 1860 and 1884 the voluntary contributions for sectarian purposes of members of the Church (including elementary education £21,360,000 and foreign missions £10,100,000) amounted to £81,573,000.

The summary of Church Property given by Mr. Martin is as follows, in round numbers:—

Landed Property (from the "New Domesday Book") :—

Of Archbishops and Bishops	30,200 acres
„ Deans and Chapters	65,900 „
„ Ecclesiastical Commissioners	149,900 „
Under-valuation, omission of Metropolis, etc.		250,000 „

say 500,000 acres.

Revenues :—

Annual income of 2 archbishops and 28 bishops	£ 163,300
„ „ 27 chapters of deans and canons	123,200
„ incomes of parochial clergy ministering in 16,000 Churches or Chapels, chiefly derived from tithes		4,277,000
		<u>4,563,500</u>
Annual value of 33 episcopal palaces	13,200
„ „ deaneries, etc.	56,800
„ „ glebe houses and of parochial clergy	750,000
		<u>£5,383,500</u>

This total is exclusive of extra-cathedral revenues, of disbursements of Queen Anne's Bounty, of surplus income of Ecclesiastical Commissioners, estimated together at about £750,000. The total annual revenue may therefore be estimated at about £6,000,000, and the capital value at not less than £100,000,000.*

* *Idem*, pp. 133—136. On the same basis Mr. Arthur Arnold, in his *Business of Disestablishment* (1878), elaborately estimates the total revenues of the Church (irrespective of voluntary contributions) at £6,500,000 a year, and the capitalised value at £158,500,000.

There exists no basis of any kind on which to define, to distinguish between, or to estimate, the "old" and the "new" endowments of the Church.

It may be of interest to recapitulate the principal features of the Disestablishment and Disendowment of the Irish Church, so far as these would be likely to affect action in the case of the Church of England.

The Irish Church Act of 1869 provided that (1) the Church of Ireland should cease to be established by law; (2) That no appointment to any preferment should in future be made by the Crown or the Ecclesiastical Corporation; (3) That every Ecclesiastical Corporation should be dissolved, and that the Bishops should no longer have the right of sitting in the House of Lords; (4) That the jurisdiction of the Ecclesiastical Courts should cease; (5) That the Church should be permitted to hold Synods and Conventions for framing regulations for the general management and government of the Church. But no alterations thus made in the ritual of the Church were to be binding on the existing incumbents.

A Commission was appointed, with full powers to carry out the Act, and in them was vested, (1) all the property of the Ecclesiastical Commissioners of Ireland, (2) all the property, real and personal, of the Church, subject to the life interest of the present holders; (3) The net incomes of the existing holders was to be ascertained, and to be annually paid to them so long as they performed their duties. (4) The net income of each curate was to be paid him; or the life interest, subject to the consent of the incumbent, could be commuted and paid to him in a lump sum at the ordinary rate of life annuities. (5) The net income of each schoolmaster, clerk, sexton, &c., was to be ascertained, paid him, or commuted. (6) Tithe rent-charges could be commuted, on easy terms, at $22\frac{1}{2}$ years' purchase; (7) The land vested in the Commissioners could be sold, and the existing tenants were to be offered the refusal of purchase on easy terms. (8) Any person feeling aggrieved by the action of the Commissioners could refer the question to arbitration.

A representative "Church Body" was incorporated by

Law, and the Commissioners were empowered to deal directly with this Body, and to commute through them the annuities and life interests in ecclesiastical property created by the Act; the Church Body being bound to undertake the payment of the full annuity, so long as the annuitant required such payment to be made, though they could make any private arrangements they liked with him. Where three-fourths of the whole number of annuitants in a Diocese agreed to commute, the Commissioners were to pay to the Church Body a bonus of 12 per cent. on, and in addition to, the commutation money. The commutation moneys to be calculated at the rate of $3\frac{1}{2}$ per cent.

As an equivalent for the private endowments of the Church, the Church Body received £500,000. All the plate, furniture, &c., belonging to any church or chapel, was left for the life enjoyment of existing incumbents, but was vested in the Church Body. All trusts for the poor were also vested in this Body, and were to continue unaffected.

As regard the ecclesiastical buildings :—

(1) All old churches in the nature of national monuments were to be maintained by the Commissioners. (2) Churches in actual use, and required for religious purposes, were, together with the schoolhouse and burial ground, to be vested in the Church Body. (3) Any church erected since 1800 at the expense of a private person, if not taken over by the Church Body, and if applied for by the donor or his representative, was to be vested in him. (4) All other churches were to be disposed of by the Commissioners as they thought best. (5) Any burial ground, not vested in the Church Body, was to be vested in the Poor Law Guardians, and be kept in repair by them. (6) Any ecclesiastical residence and with garden "curtilage" could be purchased by the Church Body at ten years' purchase; in addition, they could buy, at a price to be settled by arbitration, an additional 30 acres.

The capital sum, representing the commutation of annuities, paid over to the Church Body, amounted to £7,560,000, the number of annuitants being 2,060; the annuities, for which the Church Body thus made itself responsible, amounted to £591,000; the number of years' purchase averaged 12·8; the age of annuitants averaged 56.

The annuities for which the Church Body were liable thus amounted to an equivalent of eight per cent. on the capital received. The Church Body were enabled to invest the money at four per cent., and the laity, responding to their call, subscribed the remaining four per cent., required in order that, while the annuities should be paid, the capital should be kept intact.

Subsequently, when it appeared that many of the clergy were superfluous, the Church Body further commuted directly with these persons, but on terms less favourable than that of the general commutation. Thus, by 1877, the number of annuitants was reduced to 1052, and the composition balance acquired by the Church amounted to £1,300,000.

DISESTABLISHMENT.*

The proposal to sever all connection between Church and State, both in Scotland, Wales, and England, is upheld on the grounds :—

1.—That the objects of the State and of the Church do not run on parallel lines. The law regards certain actions as crimes, and forbids them for the sake of the Community; Religion regards them as sins, and forbids them for the sake of the Individual himself.

2.—That as all men are not religious, while all are equally desirous to be protected by the State, it should not mix up its Civil with its Religious functions, but should be purely secular.

3.—(a) That the National Church was in former times founded on the idea that all citizens were of the same creed; she thus expressed a national faith, and aimed at national unity of belief, and uniformity of worship. Such aims are no longer attainable; and "establishment" now merely means the exclusive alliance of the State with one religious denomination amongst many, together with a State assertion that that particular form of religion is the only true one.

(b) That when the king was supreme governor over both Church and State, their connection was a natural

* The arguments for and against Disendowment must be taken along with those for and against Disestablishment.

consequence. But now, that the Sovereign is no longer ruler by Divine Right, and Parliament is omnipotent, the connection has become an anomaly ; it is an attempt "to work the Tudor supremacy through manhood suffrage."

(c) That so long as the Church is connected with the State, the higher ecclesiastical rulers must be appointed on the advice of the Prime Minister, who is not necessarily a member of the Church of England, is possibly not even a Christian ; while many "livings" will remain in the gift of the Crown, of the Lord Chancellor, or of the Chancellor of the Duchy.

4.—(a) That the connection of Church and State causes, not the spiritualisation of the State, but simply the secularisation of the Church ; where political and ecclesiastical powers are exercised by the same hands, the former are sure to prevail over the latter.

(b) That an Established Church is a Church in fetters. The law is not only the last, but the first resort in all ecclesiastical differences—to the great spiritual disadvantage of the Church.

(c) That as long as the Church is bound up with the State it must be controlled in every particular by the State, *i.e.*, by Parliament ; and Parliament, being increasingly composed of members of divers sects and creeds, many of them hostile to the Establishment, or even to religion, is a body eminently unfit to govern the Church, or to legislate on religious questions.

(d) That being thus tied and bound in every way, a State religion tends to become colourless, stereotyped, and antiquated ; it loses its touch with and hold over the people, and no longer attracts to its service able and broad-minded men.

(e) That, consequently, on the one hand, apathy, and on the other, narrow-mindedness and sacerdotalism, are rapidly increasing in the Church ; while, if she were Disestablished, and free to manage her own affairs, her doctrine would be placed on a broader and freer basis.

5.—That it is contrary to religion that the secular power should have any voice at all in religious matters ; the Church ought in no way to be placed under the control of the State. It is thereby as likely to be fostering error as to be upholding the true form of religion.

6.—(a) That the Church will either hold her own, and no harm will be done ; or else the State is artificially supporting a religious system which could not otherwise exist, because out of harmony with the wants and spirit of the age.

(b) That if the Church is unable to hold her own without State support, it proves that she is rotten to the core—and if rotten she ought to be swept away.

7.—(a) That religious equality does not mean equality of sects, but equal treatment of all sects by the State.

(b) That while the State should be tolerant of all religious sects, it ought not to choose out for support any special Denomination. In so doing, the State outstrips its true field of work, and trespasses on freedom of religious thought, and on the principle of religious equality, if not directly, at all events indirectly. For State recognition of a special Church by taking her under protection, by ensuring her the possession of vast property, by placing her ministers in a position of superiority,* places those who do not belong to her communion, or who desire to leave her fold, in a position of exceptional pecuniary and social disadvantage.

(c) That this direct and indirect pressure to remain in, or to join the State Church, is an injustice to other Churches ; and all State institutions should be founded on the principle of impartial justice.

8.—(a) That Religion itself is injured by its association with injustice.

(b) That the State recognition of one Denomination injures those whom it favours, and depresses and angers those whom it wrongs—whereby religious strife is perpetuated.

(c) That a State-privileged Church divides instead of uniting the Community.

(d) That if dissenters were relieved from an irritating injustice, and Churchmen deprived of a position of superiority,

* For instance, the Bishops sit in the House of Lords, "the Church dignitaries and the Clergy exercise authority vested in them by the State. They alone can conduct religious services of a national character, and can occupy the pulpits of cathedrals and other national ecclesiastical edifices. They are the chairmen of parish vestries, trustees of parochial charities, and custodians of the ancient parochial burial places. They hold the greater part of the chaplaincies, the masterships of public schools, and school inspectorships, and largely control the educational machinery of the country."—*Disestablishment* (Imperial Parliament Series), by Henry Richard and Carvell Williams, p. 73.

religious differences would lose much of their sting, social exclusiveness would be diminished, and the artificial barriers which now keep good men apart would be broken down.

9.—That under the present system the Church is in a state of anarchy; none govern, and none obey; rules and regulations cannot be enforced.

10.—(a) That, under the present system, presentations to Church livings are bought and sold, quite irrespective of the fitness of the clergyman or the wishes of the congregation.

(b) That the presentation to livings is in very many cases in the hands of unfit patrons.

11.—(a) That the congregation have no power of choice in their minister, nor control over those who appoint him; once appointed, unless he commit an illegal action, neither they, nor the bishops, have power to free themselves from him, however objectionable he may be to them either in doctrine or habit.

(b) That thus, in many parishes, there are incumbents utterly unfitted for their duties, either through physical incapacity, or because of want of sympathy with their parishioners—to the great detriment of the Church and of religion.

12.—That there is no hope of remedying this state of things by internal reform, because Churchmen will not accept, and non-Churchmen are not concerned to press for, Church Reform.

13.—That the Church, as a State Church, has failed to do the good which from her position, privileges, and wealth, she ought to have done.

14.—That, at present, the Church is not a real Church of the people—it is not founded on popular sympathy and esteem.

15.—(a) That while there is great force in the “priest in the parish” argument, as affecting the country districts,* the clergy, as a matter of fact, have on the whole neglected the agricultural labourer and the poorer classes, have taken but little interest in their temporal welfare or social improvement, and have purposely kept them in a state of political ignorance and darkness.

(b) That the so-called “civilising agency” does not

* See No. 5, against Disestablishment.

civilise, as witness the ignorance, the apathy, and social stagnation of very many country districts.

16.—(a) That instead of taking up a catholic position, and welcoming help in spiritual improvement, the spiritual influence and energy of these clergy is chiefly directed against Dissent.

(b) That they have, as a rule, used the charities and funds placed at their disposal as “fettors to bind in slavery and serfdom the poor mendicants to whom they administer the charities”; while these are too often so administered as to have a most demoralising effect.

17.—That where the clergy have been benevolent and civilising, their influence for good has arisen from their being good men, and ministers of religion, not from their being State servants. The good results that have ensued have come about, not in consequence of the connection between Church and State, but in spite of its narrowing and numbing influence.

18.—That the opinion of those chiefly affected is clear from the fact that most of the new agricultural voters (enfranchised in 1885) are in favour of Disestablishment. They are now for the first time in a position to make their opinion felt, and it is clearly very adverse to that State Church which is supposed to exist for their special benefit.

19.—That no real fear need be entertained that the poor would be neglected by the Church if it became a voluntary Church. The existing voluntary bodies certainly do not neglect the very poor; and many of them (especially in Wales) are composed almost exclusively of the working classes.

20.—(a) That “Establishment” and “Church” are not synonymous terms. Disestablishment would not affect (except to increase) the power of the Church to do good: it would affect only her legal and political position.

(b) That the real sources of the power of the Church of England lie in her doctrines, her modes of worship, her organisation, her self-sacrificing ministry, her zealous and generous laity, not in the fact of the Headship of the Crown, the Bishops in the House of Lords, the legal privileges of the Clergy, Acts of Parliament, &c.

(c) That Disestablishment would not destroy the machinery of the Church; and it is a gross libel on the Church, and on

the religious feeling in England, to assert that the Church, if disestablished, would abandon its work. If the country continues religious, Disestablishment will not tend to make her irreligious.

21.—(a) That there is much more vitality in a religion voluntarily supported, than in one largely endowed.

(b) That the frequent abridgments of the prerogatives of the Establishment which have taken place of late years have been contemporaneous with an increase in her spiritual strength and voluntary support.

22.—(a) That if the Church were liberated from the shackles now laid upon her by the State, she would be freer to do good, would be able to organise and consolidate her forces, and to distribute them more according to the needs of the people. At present she too often squanders her strength in places where it is out of all proportion to local requirements, or even does more harm than good, and this simply because of the existence of a "living."

(b) That under a voluntary system, if a clergyman did not work, neither would he be paid: at present much money, which should be devoted to religious purposes, is absorbed by *fainéants*, or worse.

23.—(a) That the withdrawal of State recognition from the Church, by placing her on a more even footing with her competitors, would increase friendly rivalry and competition, would tend to make each and all bestir themselves; and religious life would be quickened and extended. The less the State does, the more will voluntary effort accomplish: ease weakens, hardship strengthens religious zeal.

(b) That there would be less religious persecution and more hearty co-operation between the different sects.

(c) That the members of the Church, who now have comparatively few calls upon them, emulating the action of the dissenters, would be induced to subscribe liberally to her funds.

(d) That thus, instead of the neglect of the poor anticipated by some, there would be active competition to enlist their sympathies, and not, as now, an assumption that they belonged to the State Church.

24.—That the fear some express lest the sacred buildings should be put to unseemly uses, is simply preposterous. The natural religious and reverential feeling of Englishmen

is totally opposed to any such desecration ; and, as it would rest with Parliament to determine the ultimate disposal of these buildings, Parliament may be trusted to act in accordance with public feeling. Moreover, the churches would, as a rule, still remain the property of the Church of England.

25.—That in a Disestablished Voluntary Church the laity would obtain the influence and the voice in Church matters to which they are entitled, and of which they are at present deprived.

26.—(a) That the governing Church Body of the Disestablished Church, constituted as it would be with a majority of its members laymen, would fully represent the views of the laity ; and, while keeping the clergy in check, would be able to initiate reforms where thought expedient, both in doctrine, discipline, and administration. At present, even though laity and clergy agree, the Church herself is utterly impotent to effect much-needed internal reforms. Substantial reforms, even in minute particulars, still less in great matters, cannot be adopted without the cumbrous machinery of an Act of Parliament ; the result being that they are left undone.

(b) That such a Church Body, composed as it would be of able, zealous, and educated Churchmen possessing administrative ability, wealth, and influence, would be a body eminently suited to manage Church affairs.

(c) That the form of worship would be made more elastic, and the ritual would be better adapted to the times.

(d) That promotion would be more according to merit. Patrons would disappear, and congregations would seek out efficient men ; while the Central Body would be in a position to compare the merits of individual clergy.

27.—That the disestablishment and disendowment of the Irish Church has proved in every way a satisfactory precedent.

28.—That the non-existence of an established church in America and the Colonies has been attended by many advantages.

29.—(By some.) That, at present, instead of the Church being a bulwark against Papal aggression, she has become a nursery for Roman Catholicism.

30.—That the question of the Protestant succession is in these days a matter of small moment.

31.—(a) That the Established Church (more especially with regard to Scotland and Wales) is the Church of a minority, and the numbers of her flock are diminishing.*

(b) That unless an Established Church is the Church of a majority—of an overwhelming majority—her existence cannot be justified.

32.—(a) That the influence of the Church of England, as an Establishment, has always been in opposition to the fuller and freer development of national life.

(b) That the State-paid clergy form a compact and powerful force always opposed to progress.

33.—That it would be a great relief to the overworked Parliament to be entirely free from all ecclesiastical questions.

34.—That if the reform is to come, it is better to prevent excitement and bitterness on the subject by calm anticipatory legislation.

The connection between Church and State is upheld on the grounds :—

1.—(a) That the State, as a State, while practising absolute toleration, must be religious, and must therefore profess and uphold some religious faith.

(b) That to break the connection between Church and State would be to discourage religion, and to encourage atheism.

2.—(a) (By some.) That each man is bound to yield up his mind to the teaching of the Church, and has no right to choose out another faith for himself; or, at any rate, has no claim to have his dissent recognised by the State, which,

* This is denied, at least as regards England. There are, however, no official figures on which can be founded any calculation of the relative numbers of the Church and of Dissent. "The Public Worship Census" report of 1851 (the last taken) can hardly be relied upon as sufficient evidence, and is now entirely out of date. It showed, however, that while in 1801 the provision of sittings in places of worship in England and Wales was

Church of England	4,069,281
Other places of worship	963,169
	<u>5,032,450</u>

In 1851 the relative numbers were—

Church of England	5,317,915
Other places of worship	4,894,648

The latter with a population of 18,000,000. 10,212,563

being in union with the Church, professes her faith and none other.

(*b*) (By others.) That though the State may tolerate, it must in no way recognise dissent from the Established Church.

3.—That it is better that religious worship should be regulated by the law, than that it should be left altogether to individual clergy.

4.—That as an Established Church is a vital part of our institutions, and bestows great blessings on the whole people, the advantages of its existence more than counterweigh the consequent disadvantages of religious inequality.

5.—(*a*) That so long as there is an Established Church, every individual in the kingdom, whether he belong to any denomination or no, who may be suffering from spiritual distress, has an official spiritual counsellor to whom he has a right to apply; and a church accessible to him for all purposes of worship.

(*b*) That not only in religious matters, but in everyday life, the existence of a State-paid clergyman to whom every parishioner can apply is an enormous advantage, especially to the poorer classes; and a guarantee of social progress.

(*c*) That the poor gain greatly from the parochial system; under it the clergyman is the dispenser of the gifts and philanthropy of the rich for the benefit of the poor.

6.—That the vast majority of the people are directly or indirectly attached by some tie to the Church. The tie being less binding than would be the case in a voluntary association, many persons, to their spiritual advantage, can belong to the Church so long as it is in connection with the State, but not otherwise.

7.—That under a purely voluntary system the clergy would be only really accessible to the members, or possible members, of their flocks; their public functions would disappear.

8.—(*a*) And, that, as the different churches would be sustained by voluntary subscriptions, the clergy would have to bid for the support of those with means. This "begging system" would degrade the character of the clergy; and their time and attention being thus largely absorbed, the poor, the indifferent, those who cannot or will not contribute,

those, in short, who are especially in need of spiritual aid or reasonable advice, would be perforce neglected.

(b) That a clergyman would have to devote himself to the preaching of popular sermons, and would perforce neglect his functions as a minister and servant of the poor.

9.—That under every voluntary system the clergy tend to become more and more mere servants of their congregations, and much freedom of thought, liberty, liberty of ideas, and elevation of mind, are thus suppressed and lost. Union with the State is the only way of securing real freedom of jurisdiction to the Church as a whole, and of preventing intolerance and narrow-mindedness.

10.—(a) (By some.) That the Church would be impoverished, and only able to offer small stipends, and would therefore attract a lower and less educated class of men to her ministry, and religion would grievously suffer in consequence.

(b) And that she would, through lack of means, be obliged to a considerable extent to contract her operations, both religious and educational, with the same disastrous results.

(c) That in many parishes the clergyman is the sole centre of civilising influence; disestablishment, by contracting the operations of the Church, and by attracting a less educated class of men, would injuriously diminish this invaluable influence.

11.—(a) (On the other hand, many are possessed with the idea) That the disestablished Church Body being left, as it would be, with large and uncontrolled powers, and having at its disposal a very considerable capital,* would inevitably tend to become an exclusively, or predominantly, clerical body; the control of the State over the clergy can alone uphold the interests and influence of the laity.

(b) That those who differed from the dictum of the Church Body would be driven out of the fold, and the Church would split up into innumerable fragments; intolerance and strife would be increased and perpetuated.

(c) That the connection of Church and State is the

* Mr. Gladstone (May 16, 1873) made a computation that, if the disendowment of the Church of England were carried out with the same liberality as that of the Irish Church, she would be left with a capital of £90,000,000

best guarantee that the religion of the country will be kept broad and comprehensive ; while it secures a certain amount of liberty and freedom from ecclesiastical tyranny and dogmatism.

12.—(By some.) That the existence of such a wealthy, powerful, and independent body as the Church would become if disestablished, might be dangerous to the Commonwealth itself.

13.—That if the Church obtained perfect independence of action, her conflict with Dissent would be sharpened and embittered.

14.—That as all religious disabilities are now removed ; and as everyone is free to remain in the Church, or free to leave, and as her ordinances are not forced on any person, the presence of an Established Church in no way affects the question of religious liberty or equality. The supposed hardship is, therefore, no more than a sentimental grievance.

15.—That the grievances of the Dissenters are at the best merely sentimental ; and any sectarian grievances which still remain, can be better remedied by Reform than by Disestablishment.

16.—That admitted scandals or anomalies, or anomalies in Church doctrine, discipline, or administration, can be remedied, and are more likely to be remedied, if the Church retains her connection with the State.

17.—(a) That the Church of England, established or disestablished, will always be superior to other sects by reason of the culture of her clergy, and the better social position of her members.

(b) That, disestablished, the clergy of the Church would tend to become still more of a caste than they are at present ; " social exclusiveness " would not be diminished.

18.—That the Church may, in the past, have been apathetic, but her members are now active, devoted, zealous, and liberal.

19.—That with the question of Disestablishment is necessarily connected the question of Disendowment ; and the difficulties attending the possession of the Church buildings, the commutation of endowments, &c., are insuperable.

20.—(a) (By some.) That it is intended by the

Liberationists to drive all the clergy out of their parsonages, and to put the sacred buildings to unseemly uses.

(*b*) That those who clamour for Disestablishment are simply actuated by a desire to rob the Church of her possessions.

21.—(*a*) That the position of the Church of Ireland—a very small Protestant minority and an enormous Catholic majority—was in no way analagous to that of the Church in England; its disestablishment forms therefore no precedent.

(*b*) That the Church of England is the Church of the majority.

22.—(*a*) (The argument which is urged against every reform is also used in this case) That other institutions are threatened and weakened if one is pulled down.

(*b*) That Disestablishment would dangerously touch even the tenure of the throne; the Establishment and the Monarchy are necessarily linked, while Voluntaryism is Republican and Democratic.

23.—(By some.) That if the Church of England is weakened at all the Roman Catholic Church will gradually become the most powerful denomination, and will obtain supreme sway in religious matters; while the Protestant succession, being necessarily abrogated, the State might also fall under that sway.

24.—Many, without defending the principle of an Established Church, refrain from seeking to sunder the Church from the State, on the ground that the constitution is full of anomalies, and that institutions that have grown with the nation's growth ought not to be torn down simply for the sake of theoretical perfection.

25.—And others, while equally denying the principle of the union of Church and State, are in favour of retaining the existing state of things on the ground that any attempt to sever the connection would cause endless confusion, strife, and heart-burnings, especially in the matter of disendowment. It is better to leave bad alone than run the risk of making it worse.

[There is a large class who—not wishing for Disestablishment if the Church can be reformed, or will reform herself—desire to see her remodelled on a more popular basis, that she may be made wide enough to include all English

Christians ; holding the principle that the Established Church was made for the people, and not the people for the Established Church.*

On the other hand it is contended that, though undoubtedly, and with advantage, the foundations of the Church might be broadened, mere reform would never enable her to comprehend within one fold the different religious sects.]

DISENDOWMENT.†

Together with Disestablishment is raised the question of Disendowment : namely, to what extent the Church, if disestablished, should be allowed to retain her present possessions ; or how far they ought to be appropriated by the State and applied to other purposes.

Those in favour of a certain measure of Disendowment uphold their proposals on the grounds :—

1.—That the Church being a State Church, all her possessions are national property ; and that, strictly speaking, the State would be justified in appropriating the whole, subject to existing life interests.

2.—(a) That most of the Churches, and all the Cathedrals and Abbeys, are distinctly national property.

(b) That the present Church has no prescriptive right to her old endowments. They belonged to the Roman Catholics, and were appropriated by the State ; if therefore they belong of right to any Church, it is to the Roman Catholic Church.

(c) That the Church has equally no private right to her more modern endowments, which were presented to her—as the Protestant Church—when she included all or most Protestants. These endowments were intended for the use of the nation and not for that of a particular denomination ; they belong therefore to the nation.

(d) That tithes, which constitute the chief support of the

* See "*Church Reform*" (Imperial Parliament Series), by Albert Grey, Canon Fremantle, and Geo. Harwood, Revs. S. Barnett, C. W. Stubbs, G. L. Reaney, and L. Davies.

† See also the arguments for and against Disestablishment.

Church, were in no way voluntary offerings, but were imposed by the State for the support of a National Church; and should therefore revert to the State in case of disestablishment.

(c) That, moreover, the poor are legally entitled to share in the tithes.

3.—(a) That the endowments of the Church represent to a large extent merely the appropriation of public property to certain ecclesiastical purposes.

(b) That the proof that the endowments of the Church are national property is shown from the fact that no part of them can be appropriated or applied to any fresh purpose except by Act of Parliament. The recipients of the annual revenues are, moreover, simply public functionaries; their number, the mode of their appointment, the creed they shall hold, the services they still conduct, the allocation of their incomes, are determined by the State.

4.—(a) That the property of the Church of England is in the nature of a public trust; the State is, therefore, justified in treating it as national property, and in applying it to national purposes.

(b) That the property of the dissenting bodies is held under private trusts, and the State (except in so far as the ordinary law is concerned) has scarcely any voice in, or control over, their disposal.

5.—That the action of the Ecclesiastical Commissioners (created by Parliament) in throwing much ecclesiastical property into a common fund, has entirely subverted the theory that Church property is simply the property of the several local Churches, &c.

6.—That the action of Parliament in regard to the endowments of the Church of Ireland, and the application of the Surplus Fund to secular purposes, is a precedent which proves that the State may, and can with advantage, apply Church endowments to such purposes as it thinks fit.

7.—That the endowments given to the Established Church—either by public or private liberality—should not be applied for the benefit of one religious body within the nation only, but should be applied for the benefit of the whole community.

8.—(a) That modern voluntarism has made the Church far less dependent than formerly on her ancient

endowments, while Disestablishment would tend to economise her resources.

(*b*) That the congregations of the Church constitute the richest part of the nation ; yet they are now scarcely called upon for her support. If the Church were left to take care of herself, they would—as the Dissenters in their own case do—gladly contribute to maintain or extend her present scale of operations.

9.—(*a*) That the question of the future of the Churches and Cathedrals is only a detail, and should not stand in the way of the acceptance of the principle of Disendowment. Details can always be settled on a just basis afterwards ; while, in the case of the Irish Church, similar difficulties were successfully surmounted.

(*b*) That there would be no devastation of the Churches, nor hardship to individual incumbents. Disendowment would be only gradual ; all life interests would be scrupulously respected, and the Church would be allowed to retain her recent endowments.

[It is generally allowed that the Church, if disestablished, must be dealt with generously in the matter of her endowments ; and that she (or the individuals interested) can fairly claim to receive a certain number of years' purchase of her revenues, the State appropriating only the balance. It is usually contended, however, that the terms given in the case of the Irish Church were too liberal * ; and that the greatest care must be taken to prevent abuse of the powers of "commuting, compounding, and cutting."]

On the other hand, it is contended that if disestablished, the Church must be allowed to retain all her present possessions, without deduction, on the grounds :—

1.—That the State is bound to secure all property to its owners ; and the emoluments of the Established Church are strictly and legally her own property.

2.—(*a*) That all endowments have been given to the Church as such—while most have been given to her as a Protestant Church—and are therefore her absolute property, and to dispossess her would be robbery and sacrilege.

(*b*) That practically, with the exception of some trifling

* See page 63.

sums, none of the endowments of the Church have come from the State; the Church costs nothing to the nation as such.

3.—That if the Church of England be disendowed, there must be concurrent disendowment of all other religious sects: they all hold their property on the same tenure.

4.—That whatever may be the advantages of Disestablishment, it cannot be right to divert any of the funds now applied to religious purposes to other uses.

5.—That enormous difficulties—especially in connection with the sacred buildings—would arise in endeavouring to carry out any scheme of partial Disendowment.

SCOTCH DISESTABLISHMENT.

In addition to the arguments already mentioned, most of which apply equally to the question of the English, Scotch, and Welsh churches, it is contended by those in favour of the Disestablishment of the Scotch Church:—

1.—(a) That the vast majority of church-going Scotchmen are not members of the Established Church.*

(b) That, in many parishes, the congregation attending the Established Church is grotesquely small.

2.—That the Established Church is simply one section of the Presbyterian Church of Scotland; and her recognition by the State is the chief bar to the reunion of the several branches of that Church—a reunion which would result in great economy of power and resources.†

3.—That, more especially in Scotland, this sectional Church has possession of national funds which were never intended to be used in providing religious ministrations for one portion of the people only.

* It was estimated in 1872 that, in Scotland, out of a population of 3,400,000, only 1,063,000 were members of the Established Church. On the other hand, it is asserted that the Church, since the disruption of 1843, has added and endowed 340 Parish Churches (usually with manses), at a cost of £2,200,000, and that it has shown greater vitality, and increased in numbers and influence in a greater degree than the other Churches.

† On the other hand, it is denied that any scheme of Disestablishment would lead to reunion.

4.—That the Church of Scotland was established for the purpose of looking after the poor and promoting education, as well as for religious purposes; and she has now been relieved from the two first duties.

5.—That the Scotch Established Church is constituted on an entirely different basis to the English Church—being “spiritually and ecclesiastically autonomic.” That, therefore, disestablishment in Scotland could be accomplished without difficulty, and would not affect the question of disestablishment in England.

6.—That Scotland is ripe for, and desirous of, disestablishment.

WELSH DISESTABLISHMENT.

As regards Wales, it is also contended :—

1.—That in Wales the Church of England is an alien Church, a “Church of Conquest,” which has never taken root, nor succeeded in winning the love and loyalty of the people.

2.—That it has failed to fulfil its professed object as a means of promoting the religious interests of the Welsh people.

3.—(a) That it ministers only to a small minority of the population, and a Church is not a National Church unless it contains within its fold the bulk of the people of the country within which it is established.*

(b) That even if in England the Established Church can claim to be called a National Church, it has no claim to be so designated in Wales; dissent, if local in England, is national in Wales.

4.—(a) That not only do the Dissenters vastly outnumber the members of the Established Church, but the growth of Dissent has been most strongly marked.

(b) That, while Dissent has made enormous headway,

* In 1676 the population of Wales was 402,250, of whom 391,350 were Church of England, and 11,000 belonged to other Churches. In 1851 it appeared that for a population of a little over 1,000,000, the Church of England had accommodation for 260,000 persons, and other Churches for 600,000 persons. It was estimated in 1881, that out of a population of 1,574,000, about 300,000 belonged to the Church of England and about 1,000,000 were Nonconformists.

and has been the chief means of fostering and extending religion and education in Wales, the Established Church has carried out its duties in a perfunctory and slovenly manner, and has been a hindrance, rather than a help, to the evangelisation of the Principality.

5.—That the Church of England in Wales is a proselytising Church, and thus greatly tends to embitter religious feeling.

6.—That in Wales the Episcopalian minority comprises the richer classes, the Nonconformist majority the poorer classes. The Church, which alone receives public aid, is the Church of the rich, not of the poor.

7.—That whatever might be the case in England, the Church in Wales could be uprooted without any wrench to the moral or spiritual life of the people.

8.—(a) That the people of Wales differ from the people of England in thoughts, habits, manners, and language, and can claim to be treated separately and distinctly.

(b) That as separate legislation has been instituted for Wales on educational and temperance questions, there is precedent for dealing separately also with the religious question.

On the other hand, it is contended :—

1.—That between the Church of England and the Church of Wales there is complete ecclesiastical, constitutional, and historical identity.

2.—That the Church in Wales is an integral part of the Church of England, the one cannot be disestablished without the other. The question of disestablishment cannot be limited to the Principality ; it must be settled as a whole, not as a part.

3.—That whatever may have been the faults or misdeeds of the Established Church in Wales in the past, of late years it has made vast progress, and is rapidly overtaking Dissent, and will, before long, even if it is not as yet, be the Church of the majority.

4.—That while the Church is waxing, Nonconformity is waning. The Church is solvent, Dissent is bankrupt. The Churches are filling, the Chapels are emptying.

5.—That in Wales, as in England, the Established Church is the Church of the very poor.

FREE SCHOOLS.

It is proposed that all elementary education should be gratuitous.

This proposal has, until lately, usually been intended to apply to School Board schools alone, the deficiency of income to be supplied from the rates.

As thus proposed, it was supported by the arguments given below, as well as on the grounds :—

1.—(By some.) That it would lead to the destruction of the Voluntary system, and to the universal extension of Board schools, which are more efficient and less sectarian; while, as they alone are subject to representative control, they are the only form of elementary school which ought to receive public money.

2.—(By others.) That the abolition of fees in the Board schools would attract to them the poorest class of children, and that the better-to-do would consequently patronise the Voluntary schools; thus the latter would be in a better position than before, and tend to become “higher grade” schools.

In addition to the arguments given below, the proposal was opposed, more especially, on the grounds :—

1.—(a) That the abolition of the fee in the Board schools would, of necessity, involve the same in the Voluntary schools. These latter, being largely dependent on the income derived from the fee, would mostly be ruined and disappear. Thus, the nation would lose the advantage of the educational competition that now exists between the Board and the Voluntary systems; and would be deprived of the services of the very numerous body of Voluntary school managers who now devote so much zealous care to education.

(b) That, as the religious teaching given in the Board

schools is necessarily meagre, religion would grievously suffer, and all education would become secularised.

2.—That, thus, abolition of the fee would not benefit, but would greatly injure education.

3.—(a) That the disappearance of the Voluntary system would necessitate the vast extension of Board schools, at great cost to the State and to the ratepayers.*

(b) That as the increased cost to the ratepayers would be very great, a demand would arise for a more rudimentary or less efficient system of national education.

4.—That England could not afford, either from the moral point of view, or materially in regard to her position among nations, to relax her system of public education.

It is now proposed, however, that while the fee should be gradually abolished in all Public Elementary Schools, a compensatory Grant should be made to all schools in England and Wales, Board and Voluntary alike. By some it is urged that in the case of the Voluntary schools this fuller grant must be coupled with some increase of local public control; by others, that no change in the present position of the Voluntary system should follow the abolition of the fee.

The fees in the Scotch elementary schools were, in 1889 and 1890, abolished as regards the compulsory standards.

The school fees now proposed to be abolished amount to about two millions a year.† And it is generally agreed that the funds to supply their place should be provided from the general taxation of the country and not from the rates.

This proposal is supported on the grounds:—

* The Voluntary schools in England and Wales, in 1889, provided places for 3,780,000 children, and the Board schools for 1,869,000. The subscriptions towards the Voluntary schools in England and Wales amounted to £750,000, and the fees received amounted to £1,280,000.

The additional burden that would be cast on the rates and taxes by the universal substitution of Board for Voluntary schools (if the latter were closed and not transferred) has been variously estimated. By Mr. Chamberlain it is now put at five millions annually, together with an initial outlay on buildings of not less than thirty-five millions sterling.—*Speech at Birmingham, May 25th, 1888.*

† Namely (in England and Wales) Voluntary schools, £1,260,000; Board schools, £650,000—total £1,910,000.

1.—(a) That ignorance being a national danger, and education a national benefit, the State, in the interest of the whole community, is fully justified in insisting that every parent shall send his child to school; but it is not justified in forcing him to pay for that which it compels him to take.*

2.—(a) That gratuitous education is the logical corollary to compulsory education; it is an anomaly to compel a child to enter a school, and then to throw the obstacle of the fee in the way of his observing the law.

(b) That the system creates an offence—punishable by fine and imprisonment—in regard to an obligation which ought never to exist. The law prosecutes the parent for being penniless, not for refusing to send his child to school. Thus education is made unpopular, and the law is brought into disrepute.

3.—(a) That the attendance at school would be greatly improved, and the necessity of compulsion would be reduced to a minimum, by the abolition of the fee; experience proves that the fee is in many ways a most serious obstacle to regular and punctual attendance, and, therefore, to education.

(b) That those parents who are already the least favourable to education, are just those on whom the fee is the severest burden; and it thus constitutes an additional incentive to them to keep their children from school.

4.—That irregularity, however produced, tends not only to the loss of education, truancy and worse on the part of the child itself; but adds greatly to the strain of the teachers, and disorganises the working of the school.

5.—That in these days of severe international competition, every obstacle in the way of a complete and thorough system of national education should be removed; and the fee constitutes such an obstacle.

6.—(a) That the parent who values education would not appreciate it the less, while the parent who is indifferent to education would like it the more, if he were not called upon to pay towards its cost, especially as, whether they pay or not, their children receive the same education.

(b) That the parents of those children who are educated

* For instance, in the case of vaccination, registration of births, etc., which are compulsory, no fee is charged.

gratuitously at endowed schools and elsewhere, certainly do not value the education the less on that account.

(c) That if education were free, all would desire to claim their share of the advantage.

(d) That the free Parks, Museums, Picture Galleries, Libraries, &c., are fully appreciated by the working classes, and tend to elevate, not to humiliate, those who use them.

7.—That if the fee were abolished, compulsion would be less unpopular; and—to the advantage of education—public opinion would sanction greater stringency in, and better enforcement of, the law.

8.—That the cost of collection bears an undue proportion to the receipts. The money received from the fees does not compensate for the worry, expense, and loss of time to teachers, visitors, School Boards, parents, and magistrates, involved in obtaining them. The levy of a fee is the worst possible way of raising a public revenue.

9.—That thus, while the fees are but sums taken from one pocket and put into another, and do not affect the nation as a whole, the loss of education resulting from their imposition is a national calamity. The system is uneconomical, injurious to the parent, and prejudicial to education.

10.—That the question is not whether education should be entirely free or wholly paid for, but whether it should be wholly or partially gratuitous.

11.—(a) That as the principle is admitted, that the State should pay for a very large portion of the cost of elementary education, and in some cases for the whole cost, the abolition of the fee would be but a small step further; and there would be nothing pauperising in the State bearing this additional expense.

(b) That this small fraction of the expense cannot really constitute the Rubicon, on one side of which is proper contribution by the parent and on the other Socialism.

(c) That there is no similarity between a gift from one individual to another, and assistance on the part of the State to fulfil an obligation imposed by the State.

12.—That it is absurd to say that we have hit upon the exact fraction of direct contribution by which the independence of the parent is in no way undermined, and the abolition of which would bring to ruin all parental

self-respect, control, and responsibility. In countries where schools are free, the parents are not less independent.

13.—(a) That it is not a question between the general payment of fees on the one hand, and the universal freedom from school pence on the other; but between free schools and a system under which some parents pay fees and some do not.

(b) That any system of fees involves likewise a system of remission of fee in cases of poverty. Such a system is necessarily pauperising; and the dignity and independence of the parents, as a whole, are more likely to be lowered by the frequent necessity of application for remission on the part of many of them, than by a general State system of free schools, in which there would be no distinction of person or property.

14.—(a) That the system of remission of fees leads to much difficulty in working, and to much deception on the part of those relieved; while it accentuates the line between poverty and possession.

(b) That it abounds in anomalies, and is pregnant with injustice and demoralisation. It is impossible really to discriminate between those who can and those who cannot pay the fee. Many honest and hard-working but poverty-stricken parents are either deterred from applying for remission, by scruples which have no weight with their less reputable neighbours; or are humiliated by being compelled to beg for remission, and irritated by the inquisitorial examination into their private affairs which is a necessity of the system.

(c) That the individual application for remission—on account of temporary failure of work, illness, accident, etc.—either to School Boards or to Boards of Guardians, is calculated to pauperise great numbers of persons who have hitherto been able to keep clear of any form of charitable or poor law relief.

15.—(a) That there is no question of the parents escaping all share of the cost of education. As members of the community they contribute their share by life-long payment of rates and taxes. As individuals they suffer considerable loss in respect of their children's earnings, from the obligation they are under of keeping them at school until a late age. It is unfair to demand a further sacrifice on their part.

(*b*) That, under the system of fees, the expense, instead of being spread over all his life, falls upon the parent just at the moment when he is least able to defray it ; it is a tax which increases proportionately with his liabilities and outgoings ; and which, in very many cases, is a grievous and intolerable burden.

16.—(*a*) That the fees vary arbitrarily in different schools at the whim of the managers, while the education given is the same ; parents are compelled by the State to pay differing prices for the same article.

(*b*) That it is to the pecuniary benefit of the voluntary school to obtain the highest possible fee from the parent.

(*c*) That a varying fee is sometimes used for the purpose of excluding some special child, thought to be undesirable, or for the purpose of forcing parents to cause their children to leave school at the earliest possible age.

17.—(*a*) That the adoption of free schools would in no way increase the cost of education, but by economy in administration would diminish expense ; it would only change the incidence, especially the first incidence, of the cost, and place it on a fairer basis.

18.—(*a*) (By some.) That the richer classes would be called upon to pay a larger share of the cost of national education.

(*b*) (By others.) That there would be no special class benefit in the matter. The poorer classes would derive no gain which would not be shared by the whole nation.

19.—That those who send their children to secondary schools enjoy the benefit of innumerable endowments—some filched from the poor—whereby the cost of education is lightened ; while the elementary schools are without such aids.

20.—(*a*) That education being of national concern, and for the national good, there is nothing illogical and unfair in expecting the unmarried or childless to contribute to the cost.

(*b*) That every parent is at liberty to avail himself of the elementary schools ; if he chooses to send his child elsewhere, he must pay additionally for the luxury.

21.—That education being, nowadays, essential for advancement in life, any difficulty or disparity in the way of obtaining it tends to accentuate existing inequalities.

22.—(a) That the present system of remission, and of varying fee, tends to class distinctions and to individual degradation.

(b) That to institute a few free schools only, would tend still further to accentuate class distinctions and individual degradation: the system, if adopted, should be adopted universally.

23.—(By some.) That the adoption of the principle of gratuitous education in elementary schools, would gradually lead to the adoption of a national system of universal free education (as in America).

24.—That, as elementary education alone is compulsory, the State can provide this free of cost without being logically obliged gratuitously to provide higher education also.

25.—(a) That food and clothing being indispensable necessities of existence (and the latter essential to public morality), it is rightly considered a crime for the parent to neglect to provide either the one or the other. Education is not, however, an absolute necessity, and, while the State may fairly compel the parent to provide the former at his own expense, it cannot fairly compel him to provide the latter.

(b) That while the parent will naturally provide the former, experience has shown that, in the case of the working classes at least, he cannot be expected or trusted to provide the latter.

(c) That no compulsion is required to force a child to eat or to keep warm; while direct or indirect compulsion is usually required to induce it to learn.

(d) That, practically, the distinction between State obligation in the matter of education and in that of food and clothing already exists. Two-thirds to three-quarters of the whole cost of education is already provided, but no portion of that of the food or clothing.

26.—That the poorer schools would be those which would chiefly benefit from the change of the fee into an attendance grant.

27.—(a) That free schools have been successfully adopted in America, France, and elsewhere.

(b) That the position of education in America—the schools throughout being free, and open to all, and compulsion not being enforced—is so entirely different to that

prevailing in England that any comparison of attendance, etc., is worthless.

28.—That the abolition of the fee in the elementary schools of Scotland, forms an unanswerable precedent for the extension of the boon to England.

29.—(By some.) That, by making the Voluntary schools still more largely dependent on public money, it would tend to their ultimate control, by representative managers, during the hours of secular instruction.

On the other hand it is contended that some fee should be universally charged, on the grounds :—

1.—(a) That it is the duty and the privilege of the parent to provide for the education of his children. The parent, having taken on himself the responsibility of introducing the child into the world, is bound to provide for him.

(b) That, while in the case of the working classes it has been found necessary, for the sake of the community, that the State should bear a portion of the cost, this weakening of parental responsibility is regrettable, and should not be further extended.

2.—(a) That the self-esteem and self-reliance of the parent, and his parental responsibilities, would be fatally weakened, if he were entirely relieved of the cost of his children's education.

(b) That thus the fabric of family life, which is built up on the foundation of responsibility and sacrifice, would be injuriously undermined.

(c) That the moral control of the parent over his child would be weakened.

(d) That it would lead to a general pauperisation of the working classes.

3.—That there is no real injustice in forcing a man to contribute to the cost of that which greatly benefits himself and his family.

4.—That the term "free schools" is a misnomer; the cost of the schools would remain the same, the incidence of the cost alone would be changed, and changed unjustly.

5.—That the majority of the parents can perfectly well afford to pay the fee; its abolition would be to make a present of a large sum of money to them, and unfairly to place the whole burden of the cost of elementary education

on the shoulders of those who are deriving only an indirect benefit from it.

6.—(a) That it would be unfair that those who provide for the cost of the education of their own children, and already pay too large a share of the cost of elementary education, should be called upon to bear the whole cost of the education of the children of the working classes.

(b) That it would be especially unfair on the unmarried and childless.

7.—(a) That it is the class just above the working class on whom the cost of living and of education falls heaviest, and it would be grossly unfair to tax them still more highly in order to provide gratuitous education for the lower classes.

(b) That the middle and upper classes benefit but to a small extent from endowments, while the elementary school is now practically endowed almost to the full extent of the cost of education.

8.—(a) That the amount the parent pays in fees bears a very small proportion to the whole cost, and certainly no more than the fair share.

(b) That those to whom the fee is a burden are chiefly the unthrifty and the drunkard; and to them free schools would only mean greater waste or more beer.

(c) That remission of fee is freely given to all those who cannot pay; while those who can afford to pay should not be relieved of their obligations.

9.—That abolition would be a mere wasteful sacrifice of revenue, just in its incidence, and easily raised.

10.—(a) That the fees are, on the whole, very fairly proportioned to the means of the parent; while the system of reduction and remission obviates any real hardship.

(b) That the schools in which the fees are highest are often the most popular.

11.—That the system of remission, on the whole, works well. That even if it tends to pauperise a few of the applicants for remission, this is a lesser evil than the wholesale pauperisation implied in universal free schools.

12.—(a) That the working classes, as a whole, have gained and not lost by the reduction of child-labour following on compulsory attendance at school. Work, which formerly was done by children, is now done by young persons or adults at higher wages.

(*b*) That the fee is taken into account in wages; its abolition would, therefore, be of only momentary pecuniary advantage to the poor.

13.—(*a*) That that which is compulsory is not necessarily gratuitous. The State forces parents to provide their children with food and clothing, insists on sanitary dwellings and a pure water supply, etc. etc.—and all this without providing in any way for the cost.

(*b*) That if education were provided free of all cost by the State, logically the State would also have to supply free clothing, free food, etc. The obligation on the individual would be fatally undermined, and a vast step towards Socialism would be taken.

14.—(*a*) That the payment of a fee tends to regularity of attendance. Parents and children would cease to value education if they were not called upon to pay anything towards its cost.

(*b*) That the fact of having paid the weekly fee in advance induces the parent to insist on the regular attendance of his child.

(*c*) That the fee is the least obstacle in the way of attendance. Lack of clothes and boots, illness, truancy, home requirements, indifference or neglect, are the real causes of irregularity.

(*d*) That, on the whole, the parents prefer to pay the fee.

15.—That the fact of having to produce the fee week by week induces to hard work, thrift, and sobriety.

16.—That the increase of taxation which would be rendered necessary by the abolition of the fee, and the fact that the parents were paying nothing towards the cost, would lead to a demand for a diminution in the expenditure on education. Free education would mean starved education.

17.—(By some.) That it would lead to an increased demand that the endowments of the Church should be partially applied to meet the cost of education.

18.—(*a*) That great difficulty would arise in assessing the grant given as an equivalent for the fee; and in dealing equitably between the richer and the poorer schools—one class of schools would of necessity gain, at the expense of the other.

(*b*) That, in all probability, the schools which would chiefly lose would be those where the fee was a high one,

that is, the best and most efficient ; and thus education would suffer.

19.—(a) That if the primary schools were to be freed, the State would gradually find itself obliged to provide free education for all classes ; thus doubling or trebling the cost of education to the community as a whole.

(b) That to free the primary schools alone would be a degradation to those frequenting them ; they would thus be branded as belonging to the lowest social stratum, and as the recipients of "charity."

20.—That the attendance at the free schools in America is worse than that in England.

21.—That a system of Free Schools would inevitably tend towards the extinction of the Voluntary system ; and that this is the object its advocates have really at heart.

(b) (By others.) That the commutation of the variable and uncertain fee into a fixed grant would give renewed vitality and fresh vantage-ground to the sectarian system, and would thereby retard the complete assertion of religious liberty and equality.

22.—(a) (By some.) That it would reopen the whole question of the control that the State may and should demand as an equivalent for its pecuniary aid.

(b) That the grant of further public money to the Voluntary schools in lieu of the fee, by throwing almost the whole cost on the public funds, would lead to an irresistible demand that the control of the schools should, during the hours of secular instruction, be placed in the hands of representative managers—to the complete destruction of all that the voluntaryists hold dear.

[The assertion of one side, that the children whose fees are at present remitted, improve in regularity of attendance, and that of the other, that they do not attend so well, are not placed among the arguments. In either case, the question is entirely beside the mark, seeing that the conditions under which the fee disappears are abnormal and artificial. These "free" children are, as a rule, of the worst and most irregular class ; while, on the other hand, the remission of fee is usually made contingent on regular attendance.]

LAND LAWS.

FROM the "New Domesday Book," published in 1874, it appears that (including duplicate entries, which are very numerous, holders of glebe, charities, and corporations) there are in the United Kingdom 301,000 holders of land of above one acre to a population of about 33,000,000. The number of holders of ten acres and upwards amounted to 180,000.* The total acreage of the United Kingdom amounted to 77,800,000 acres, of which about 30,000,000 are waste and mountain pasture, and 40,000,000 under crops, pasturage, or covered with woods and forests. Of the total acreage, 955 persons own together nearly 30,000,000 acres. In the next rank of landowners about 4,000 persons average 5,000 acres each; 10,000 persons own between 500 and 2,000 acres; 50,000 persons own between 50 and 500 acres, and about 130,000 own between one acre and 50 acres.†

The land is very differently distributed in England and Wales, Scotland and Ireland. In the former about 4,500 persons own half the soil, in Scotland but 70 persons own half the land, and in Ireland the half is owned by 744 persons.‡

The greater part of the land in the United Kingdom is cultivated by tenant farmers. They number 560,000 in Great Britain, and about 500,000 in Ireland, in all 1,060,000. Excluding mountains, waste, and water, the cultivated land is held by them at an average of 56 acres in England, and 26 in Ireland. Seventy per cent. of the tenant farmers occupy farms under 50 acres (chiefly in Ireland); 12 per

* Mr. Shaw-Lefevre ("Freedom of Land") estimates that, after due deductions are made for duplicates, holders of glebes, corporations, and charities, and owners merely of houses as distinguished from owners of land, the landowners number only 200,000 in all, of whom about 166,000 are in England, 21,000 in Ireland, and 8,000 in Scotland.

† Lefevre, "Freedom of Land," p. 11.

‡ Kaye, "Free Trade in Land," p. 17.

cent. occupy farms of between 50 and 100 acres; 18 per cent. of more than 100 acres; 5,000 occupy farms of between 500 and 1,000 acres, and 600 occupy farms exceeding 1,000 acres.

The extent of land under various crops in 1887 was—wheat 2,387,000 acres, barley 2,255,000, oats 4,418,000, other green crops (including potatoes) 5,390,000, other crops 695,000, grass under rotation 6,000,000, permanent pasture 25,700,000, and woods, plantations, 2,500,000. The value of home crops and animal produce, compared to foreign imports of food, was in 1883 as follows:—

	Home Growth.	Foreign, 1882
Value of corn and vegetable produce ...	£105,750,000	£69,748,000
Value of animal produce	135,000,000	68,645,000
Total	£240,750,000	£138,393,000

The number of agricultural labourers and shepherds in England and Wales amounts to about 800,000.

LAW OF INTESTACY.

By the Law of Intestacy, or Primogeniture, all the real property (that is, the landed property) of the deceased who has neglected to make a will, goes to his heir-at-law, while all his personal property (that is, property other than land) is divided equally among his children (after making due provision for the widow), or failing these, among the nearest of kin.

The abolition of this law, and the assimilation of real to personal property in case of intestacy, is advocated on the grounds:—

1.—That now-a-days real and personal property are practically similar things under different names, and are equally secure; and as there is now no need for a “head of the family,” the distinction drawn between them is merely a relic of feudalism, and out of keeping with the ideas of the age.

2.—(a) That the custom of primogeniture revolts the sense of equity, and ought not to receive any countenance from the law.

(b) And further, that the law should never be allowed to favour the one, as against the many.

3.—That it is the duty of a man to make a will ; which, if he neglects, the State should step in and administer his property with justice and equality to those of equal kindred, and should not punish the younger children for the neglect of the parent.

4.—That however convenient this custom or law may have been, or may still be, with regard to rich landowners or ancient families, it works mischievously and unfairly in the case of small holders of land, and in cases where the whole property of the deceased consisted of land.

5.—That though the law does not often come into force (since most men with anything to leave make wills), yet it sanctions the principle, and has led to the custom, of an unequal division of property, and tends to the formation of "eldest sons," and towards "entail"—and these are evils.

6.—That the abolition of the law would cause no revolution, but only affect a personal change of feeling opposed to entail and primogeniture, and in favour of the subdivision of property among the children.

7.—That the repeal of the law would therefore tend to break up the land ; that the more the land is broken up into small estates or plots, the better for the body politic, the present accumulation of land in a few hands constituting a grave political danger.

8.—That this law helps to maintain the aristocratic system of society in England ; and that to abolish it would be a democratic step.

Alterations in the law are opposed upon the grounds :—

1.—That social and material inequality has its advantages.

2.—That our social system has been built up on the principle of primogeniture, and would be greatly shaken by any attempt to discredit or alter it.

3.—That the whole question is a very unimportant one ; the vast majority of landowners leave wills, and he who does not desire his eldest son to inherit all his real property, has but to make a will.

4.—(a) That the bent which the law gives towards the formation of "eldest sons" and to "entail" is advantageous to the country.

(b) That the law ought to follow the prevailing custom, and it is the prevailing custom with landowners to leave their land to the eldest son.

5.—That any law which has a tendency to prevent the subdivision of land has advantages, and should be retained.

6.—(a) That the law helps to maintain the aristocratic system of society in England; to abolish it would be a democratic step.

(b) That it would tend towards the abolition of entail.

7.—That though it may occasionally lead to hardship, it propagates none of the evils of entail, for the heir succeeding under this law is absolute owner of the land and may sell it, or it can be seized for his debts.

8.—That if, in case of intestacy, the land had to be divided or sold, ill-feeling would often be engendered, and delay and loss would be occasioned.

9.—(a) That real and personal property are altogether dissimilar; the latter can, without any difficulty, be divided into portions, while the former cannot be distributed without considerable inconvenience; there is therefore no anomaly in dealing with them in a different spirit.

(b) That a personal estate, though distributed, can be re-accumulated; whereas a real estate, once broken up and divided, cannot be resumed under the same conditions as before.

(c) That personal does not appeal to the sentiments in the same way as real property; and, while the co-heirs would naturally object to the whole of the former being left to one person, they would usually be in favour of the non-division of the real estate; yet, if the law were changed, they could not prevent subdivision.

ENTAIL.

By the laws which, until 1882, regulated Entails,* a landowner could so tie up his land by settlement that (if a sale were expressly negatived, and in any case without the consent of the trustees and others interested) it could not be sold, or

* Strictly speaking, there are no "Laws of Entail" in the very early or feudal sense of the word, *i.e.*, perpetual descent of land in one family. The descent of land is regulated by a custom, prevalent among land-owning families, and favoured by the law, and sufficiently universal to produce in practice results almost equivalent to those which would be produced by entail properly so called.

seized, or lessened in size, for a period comprising the lifetime of any number of persons actually in existence, and until the yet unborn child of one of these attained the age of twenty-one. None of the persons on whom the land was entailed, with the exception of the last, could sell the land or mortgage it beyond his life without the consent of all the other persons interested in the entail.

These restrictions have now been considerably relaxed by Lord Cairns' Settled Land Act of 1882, mentioned below; it did not, however, affect the other laws of entail, which prevent the tenant-in-tail (the last named in the settlement), even on attaining the age of twenty-one, from breaking the settlement without the consent of the "protector of the settlement" (*i.e.*, usually the existing tenant-for-life); and which provide that each of those on whom the land is entailed must carry out all the regulations and bear all the charges imposed on the estate by the will.

"The Settled Land Act" of 1882; referred to above, provides that:—A tenant-for-life may (1) sell, exchange, or partition some or all of his settled land; or (2) may lease it, with or without reservations, for a term of years; for building purposes, granting a ninety-nine years' lease; for mining a sixty years' lease; and for any other purpose a twenty-one years' lease; while, with the consent of the Court, and subject to certain conditions, longer leases, even in perpetuity, can be granted. The capital money received from the sale, exchange, etc., is to be paid over to the Court or to the trustees, and by them applied, according to the direction of the tenant-for-life—(1) To investment in Government securities, or other securities allowed under the settlement; (2) To the redemption of incumbrances on the land; (3) To payment for improvements under the direction of the trustees; "improvements" including such works as drainage of all sorts, fencing, reclamation, road-making, and the building of cottages* and farm-houses, etc., the making of railways or tramways—practically to any "permanent" improvement; the improvements, when made, have, however, to be maintained or insured by the tenant-for-life; (4) To the purchase in England of freehold or

* Under the Housing of the Working Classes Act, 1885, land may be leased or sold for the purpose of erecting dwellings for the working classes at a less price than the market value.

leasehold property (if sixty years unexpired). All such investments to devolve in the same way as the land would have done if left untouched.

If money is required from "enfranchisement," or for "equality of exchange or partition," it can be raised on mortgage of the settled land. Personal chattels devolving with land can be dealt with in the same way. The mansion or park cannot, however, be sold, except with the full consent of the trustees or by order of the Court; the "Court" being the High Court of Chancery.

As regards Scotland, the "Entail Amendment Act (Scotland)," of 1882, has practically abolished any legal support of "entails" and has changed the tendency of the law, so as to discourage the tying-up of land. This Act enables an owner of entailed land, if he desires to sell, to force the next heir to give consent to the disentailing of the property; the Court of Session fixes the amount of compensation to be paid out of the proceeds of the sale, to the "heir," for loss of entail; and after this sum has been paid, the owner is at liberty to dispose as he pleases of the balance. In England, as already mentioned, the proceeds of the sale must be re-invested in a specified way.

The abolition of the "Law of Entail"—or, more strictly speaking, of the power of settlement—is proposed on the grounds:—

1.—(a) That the law is the main prop of the aristocratic system of society which prevails in England; and that its abolition would be a democratic step.

(b) That its abolition would broaden the foundations on which law and order rest, by leading to the possession by a larger number of persons of a real stake in the country; that its abolition would therefore have a Conservative tendency.

2.—(a) That the law artificially fosters one class; and the protection of any class by the State from the consequences of its own folly or ill-luck, is unfair to the community, unsound in principle, and mischievous in practice.

(b) And that this artificial protection of the aristocracy really injures those whom it was meant to cherish, for by securing profligates from the natural consequences of their misconduct, it fosters profligacy, and damages both the character and the fortunes of the aristocracy.

3.—That if the ruined part of the aristocracy were allowed to perish off the land, and their places were taken by new men, it would lead to a greater mingling of the higher and middle classes—to the good of both and of the nation.

4.—That the law maintains in influential positions men unworthy to be in those positions.

5.—That the law lessens due parental control by making the eldest son independent of his father; that it leads to disputes between father and son; while it induces careless landowners to be more careless than they otherwise would be about the education of their children.

6.—That it causes the ruin of many eldest sons by allowing them to live in indolence; and by securing to them their succession, tempts them to anticipate and squander their fortune; while it causes penury to many younger sons, by depriving them of any share in their father's property.

7.—(a) That the accumulation of land in a few hands is a grave political danger; while it leads to the evils of absenteeism.

(b) That in consequence of the existence of entail, though the wealth of the country is increasing, land is passing into fewer hands. The land laws generally, and entail particularly, have tended to the creation of large estates, and have caused the absorption of the small freeholds.

(c) That whereas land ought to be greatly broken up, the law tends to keep it in a few hands; for it prevents estates being sold which would otherwise naturally, or in consequence of insolvency, come into the market, and thus artificially raises the price of land; renders necessary long and costly deeds and wills; and by thus throwing difficulty and expense in the way of ascertaining the state of the title, adds greatly to the cost of the purchase of land, more especially in the case of small plots.

(d) That the abolition of entail would tend to the sale of portions of an estate to provide jointures and provisions for the younger children, instead of these being charged on the estate.

8.—That the law offends against the canon of "free trade in land," viz., that neither should artificial restrictions on the sale of land and the breaking up of large estates be retained, nor should there be artificial fostering of small estates.

9.—(a) That the law causes the soil to be far worse dealt with than it would be if it were all in the hands of absolute owners; for it tends to enlarge instead of to diminish estates; for it deprives the landowner of any but a life interest in his estate, and thus greatly diminishes his care for the land; it deprives him of the means of improving the estate, inasmuch as he receives only the income, and may not sell part to improve the rest (at all events, without very great trouble), and may not raise money on mortgage, except for his own life, or for a limited number of years; in most cases he has to save what he can for the younger children, instead of investing his surplus in improving the land, while he is obliged to charge the land with annuities and jointures; and the restrictions and covenants inserted in the settlement often prevent him from agreeing to the best terms for himself and the tenant, thereby retarding the progress of agricultural improvements.

(b) That entailed land cannot be said to be really *owned* by anyone, but is a joint ownership of several persons; the interests of the different co-partners being, moreover, often antagonistic.

(c) That if it be true—which is denied—that rents are, as a rule, lower on entailed than on unentailed properties, it is a proof that the land has been less judiciously farmed or improved.

10.—(a) That strict settlements, by suggesting re-settlement, tend to perpetual entail.

(b) That if entail and settlement were abolished, the feeling in favour of “tying up” land would gradually tend to disappear.

11.—That the abolition of the law would not specifically injure any single individual; while it would benefit the general community.

12.—(a) That under the Act of 1882 the inducements to sale are not sufficient, seeing that the tenant-for-life has no real control over the proceeds.

(b) That where, as in the case of Scotland, he has an interest in the proceeds of the sale, much land has been brought into the market.*

13.—That England alone retains these laws; all other

* Land to the value of some £10,000,000 has been already disentailed under this Act.

civilised countries have greatly modified or entirely abolished them.

14.—(By some.) That all power of settlement, of any sort, in land, should be abolished; and, to this extent, there should be less liberty of dealing with real than with personal property; on the ground that, while it is more injurious to land that the owner for the time being should not have absolute power over it, personal property (for instance, consols) is in no way deteriorated by being tied up.

[Some consider that the advantages to be derived from the abolition of entail and settlements are problematical, but are in favour of sweeping away any class privileges or restrictions which can be shown to exist.]

See also the section on *INTESTACY*.

On the other hand, the "Law of Entail" is upheld on the grounds:—

1.—That there is something sacred about the ownership of land which must not be interfered with.

2.—(a) That it is of great importance to the country to preserve the ancient aristocracy intact; an ancient aristocracy exercises a good influence on the character of a nation, and should, therefore, be indirectly protected by law.

(b) That the abolition of entail, by causing the monetary ruin of many peers, would necessitate alterations in the constitution of the House of Lords, and the disadvantages and dangers of such a step would outweigh any advantages to be derived from the abolition of entail.

(c) That any tampering with the present system of society, as founded on the aristocratic and feudal principles, would be little less than a revolution.

3.—That the land is better cultivated in large masses than if broken up among many small owners.

4.—(a) That the abolition of entail would tend to the purchase of estates by commercial men, and men with no knowledge or appreciation of the responsibilities and duties of property.

(b) That estates are better cared for and improved under the existing law than would be the case if it were abolished, for landowners cannot now mortgage heavily or squander their capital as if it were income; while, except in an

infinitely small number of cases, the interests of the tenant-for-life and his successor are the same as those of the public.

(c) That tenants-for-life and trustees do now possess very considerable powers of dealing with the land.

(d) That the abolition of entail would cause the destruction of many noble parks and mansions, the existence of which adds to the pleasure and refinement of all classes.

5.—That the abolition of entail would only accelerate the accumulation of land in a few hands, for its action chiefly helps to preserve the smaller properties; the tendency of the land market being towards a diminution in the number of separate estates.

6.—That the heir may fitly claim the aid of the law in guarding him from the destruction of the property he ought to inherit. He may fairly ask that his predecessor should be only allowed to ruin himself, but not to ruin his successor as well.

7.—(a) That the younger sons partake in the benefit which this system confers on their (the aristocratic) class, and share the lustre of the family position; while their best energies are called forth by the necessity of carving out their own fortunes; and it is such men who have given us India, and colonised the world.

(b) That at the same time the responsibilities cast upon the eldest son call out his best energies; while in most cases he has been properly educated for the duties of his position.

8.—That land is no more unequally divided than other descriptions of property; the unequal distribution is the result of wealth, not of the land laws.

9.—(a) That personal property can be entailed (by placing it in trust, etc.), and the abolition of the power of settlement would be placing real at a disadvantage as compared to personal property.

(b) That the abolition of the law of settlement would be equivalent to placing restrictions on freedom of settlement.

(c) That such restrictions would render land a less eligible investment than at present; and the objects aimed at would thus be defeated.

(d) That, if entail were abolished, the power to grant annuities and charges on estates to the widows and younger

children would be greatly curtailed, and the security for payment would be diminished.

10.—That those who desired to tie up their land would easily find means to evade the law.

11.—(By some.) That rents are often lower, and that the tenure is more secure, on entailed than on unentailed estates.

See also the section on **INTESTACY**.

ALLOTMENTS EXTENSION.*

CONSIDERABLE powers have of late years been given to Municipalities, and to Rural Sanitary Authorities,† to erect houses and to purchase plots to be let to the working classes. It is proposed still further to extend the functions and powers of the Local Authorities—the Municipal Corporation in towns, the representative County Councils in the country—so that, if they wish, they shall be enabled to acquire land compulsorily at a “fair price”‡ for public purposes, in order that they may re-let it in the form of cottages and allotments for labourers, and of small holdings for the working classes in the towns. The tenant to have security of tenure, so long as the rent is duly paid, and the other conditions of tenancy fulfilled.

This proposal is supported on the grounds :—

1.—That it is of the utmost social, economical, and political importance, to give an interest in the land to a larger number of persons.

2.—(a) That, at present, in consequence of the monopoly which exists in land, the labourer and the artisan are entirely divorced from the soil, which their labour makes valuable or productive. The labourer has no chance of obtaining with his cottage a reasonable allotment, at a fair rent, and with security of tenure; the artisan, similarly, has no opportunity of renting a small holding.

(b) That whilst formerly the labourer used to possess rights of grazing on the roadsides, commons, etc., this land has now for the most part been enclosed.

* This section is left as it stood in former editions, though in 1887, and again in 1890, Acts were passed “to facilitate the provision of allotments for the labouring classes.” It is alleged, however, that these Acts are so hedged about with restrictions, and give such opportunities for delay, as to make them almost useless for purposes of practical working.

† Most of these powers were extended to the Rural Sanitary Authority by the “Housing of the Working Classes Act” of 1885.

‡ A “fair price” was defined by Mr. Chamberlain, at Hull, August 6th, 1885, to be “the fair market value, the value which the willing purchaser would pay to the willing seller, without any addition for compulsory sale.”

3.—That, consequently, the lot in life of the ordinary labourer or artisan is “landless, joyless, restless, hopeless;” a source of evil to himself, and a danger to the community at large.

4.—(a) That while the general wealth of the country has vastly increased, the condition of the working classes has not improved in proportion to the general average; and the nation cannot rest content with the enormous disparity which exists in wealth, health, and happiness.

(b) That the best way of improving the condition of the working classes, is to give them a direct interest in the soil, to make them less dependent, to enable them to possess a home, and an interest to which they can turn their superfluous energies—something which will induce to thrift and saving, and prevent waste and drunkenness. This can alone be done by giving them a direct and secure interest in the fruits of their labour.

(c) That it is of little use to increase wages, or to lessen the hours of labour, so long as the working man has no fair opportunity of improving his surroundings; unless a man can alter his surroundings, his surroundings will mould his character.

(d) That the possession of an allotment would not interfere with the daily duties of the labourer to his employer; while, by improving his condition, he would become a more efficient worker.

(e) That, thus, the working classes would be more hopeful, healthy, prosperous, and content, and the wealthier classes would be more secure against pestilence and revolution.

5.—That the present system has resulted in an enormous diminution in the number of labourers, with the result that the land is not properly cultivated.* By planting the labourer on the land, and by giving him an interest in it, he would be induced to remain in the country instead of, as now, migrating into the towns, a migration which results in his own great physical and mental deterioration, which lowers the wages of the townsmen, and which leads to the many grave social evils arising from overcrowding.

6.—That, thus, the general community (and especially the farmer) would benefit, both from the increased production

* It is estimated that the labouring population of the country districts has diminished to the extent of 800,000 persons during the last fifteen years.

which would ensue, and from the improved physique and morale of the people. The welfare of the people as a whole, not merely wealth in the aggregate, should be the aim and would be the result.

7.—(a) That the community at large has a perfect right—to paying fair compensation—to resume, for its own benefit, the land which originally belonged to it.

(b) That the landowners hold their land on the implied condition that it is to be used so as to produce the greatest advantage to the whole community, and if they will not, or cannot, carry out their duty voluntarily, they must be forced to do it, or have it done for them. In the matter of cottages and allotments, they have neglected their duty. Few landowners have a sufficient number of cottages on their estates, hardly any have given allotments.

(c) That, in the matter of land especially, the State has allowed, and has in fact encouraged, the interests of the few to stand in the way of, and to override, those of the many.

8.—That the compulsory clauses would rarely have to be enforced, for the fear of them would cause landowners to do their duty to the soil, and to the working classes.

9.—That there would be no confiscation or robbery, as a fair price, to be settled by arbitration in case of dispute, would be given for any land resumed by the community.

10.—That experience shows that without the possession of compulsory powers of purchasing at a "fair price," the Local Authority would be absolutely unable to acquire land, except at an exorbitant or prohibitive price.

11.—That the scheme would be no real infringement of the laws of political economy. Political economy assumes equality in its dealings; at present, land being a monopoly, there is no equality between the two parties.

12.—(a) That the land system has been an artificial one. The State, by encouraging Entails, Primogeniture, non-division on Intestacy, etc., has done much to foster land monopoly, and to divorce the labourer from the soil. Merely to repeal these Land Laws would not undo the mischief which has been done.

(b) (By some.) That merely to cheapen and simplify the transference of land, would but tend to keep it in the hands of the same class of persons, and would probably result in

the further increase of good in the town and the decrease in the size of estates.

13.—That the Government should not even attempt to do more than be successful in their assistance, and if their efforts be equal to capacity, it may not be their province. The voluntary system has failed, it is true; it has witnessed some improvements which are above the common state.

14.—That the progress of improvement is a successive one. The Government is already successful in four laws, and there are prospects in the Poor Law Amendment, Education, Factory, and Licensing Laws, and more especially in the Irish Landlord and Tenant Act,* which commissioners possess in abundance and already possessed by Ireland, Scotland, and other parts of the United Kingdom.

15.—That it is not now time to give comprehensive encouragement to the improvement of the land, and that the progress of the times is still further to regulate their progress.

16.—That there would be no commission for the Local Authority to exercise their commissary powers: there would be the necessity of the local authority so assisted, and that would be done: while in every case local authority would be exercised in the furtherance of good, and the extension of education and public education would advance the progress of society, or any other improvement in a particular instance.

17.—That there would be no part in improvement, and a particular improvement in a particular town, and that the progress would always be regulated, and the progress would thus always be made in various forms, and in various instances.

18.—That the Local Authority would not exercise commissary powers for all: there would be no progress in improvement, and that the progress of any particular locality.

19.—That the Government should not attempt to do more than be successful in their assistance, and if their efforts be equal to capacity, it may not be their province.

* This Act passed in 1870, with the accompanying Acts of 1871 and 1872, generally gives to landlords of land in Ireland, under the authority of the Local Government Board, nearly all the powers in the matter of improvement in that country of which they are entitled to exercise, which are now exercised by the Government and Parliament, and are the powers which have been the subject of complaint by the tenants for many years. The Government are entitled to do so in various ways, in various instances, and in various parts of the country, and in various ways, and in various instances, and in various parts of the country.

with security of tenure. The habit and taste, however, for ownership having been lost by long disuse, it will only be re-acquired by degrees.

(*b*) That the offers made to them now, and refused (from whence some argue that they do not want allotments), are often not genuine; no real security of tenure is offered, and, as a rule, enormous rents are demanded; while they are made in order to stave off legislation, for electioneering purposes, or from desire of profit. Until the experiment has been more fairly tried, it cannot be said to have failed.

(*c*) That where the system of allotments has been genuinely carried out by some enterprising landlords, it has proved eminently successful.

18.—(*a*) That, the land being acquired at a fair price, and let on reasonable terms, the cost would be no burden to the rates. That even at present, where land is thus let to the labourer or artisan, he is able to make it pay—small holdings will answer where large ones fail—though his rent is high and the security of tenure small.

(*b*) That the addition of an allotment will enable him to pay for a better cottage, and to attain to a mode of living and diet now unknown to him.

(*c*) That even if, in bad times, the rents were not fully paid, the general benefit to the community resulting from the improved condition of the working classes would outweigh the loss to the rates.

19.—(*a*) That it would be the first great step towards the creation of a class of peasant proprietors, which constitutes the backbone of every country where it exists. The holders of allotments would be enabled, and have an incentive, to save money.

(*b*) That though the peasant proprietors abroad live hard and frugal lives, it is from preference and not from necessity.

On the other hand it is contended:—

1.—That the Local Authorities already possess ample powers of supplying any legitimate and genuine demand for cottages and gardens.

2.—(*a*) That while the State has a perfect right, for public purposes, and for the general good, to acquire land compulsorily—so long as it pays the full value—this power should

be exercised only with great caution, and certainly should not be exercised for the sake merely of a few individuals.

(*b*) That those who would benefit from the proposal would be merely those few who were fortunate enough to obtain dwellings and allotments, which they would obtain at the expense of the landowner and of the general community.

3.—(*a*) That the general community would not benefit, but would be injured by the scheme. Public confidence in the "rights of property" would be seriously shaken, and thus, instead of increasing, it would tend to diminish wealth, by weakening the incentives to accumulation, and the means of profitable employment of capital. The first to suffer from this state of things would be the classes whom it is proposed to benefit, for they depend on employment.

(*b*) That the landowners would suffer much from the confiscation of property which would take place. The "fair price" which would be given by the arbitrators would never equal the real value which the landowner could obtain by holding on to his land, or by taking advantage of a favourable moment. The price given would not cover the loss which would ensue from the deterioration in value of the whole estate, caused by the arbitrary seizure of certain portions of it—perhaps the most valuable portions—for the erection of cottages or the formation of allotments.

4.—(*a*) That it is for the benefit of the nation, as well as of the individual, that "freedom of contract," "rights of property," the principles of political economy, the law of supply and demand, should be fully respected; the scheme would run counter to them all.

(*b*) That by creating a feeling of insecurity in the possession of land, it would diminish the desire of possession, while it would take from the farmer the confidence he now feels in investing his capital and labour in the cultivation of the soil.

5.—(*a*) That no legislation can possibly prevent the enormous inequalities of wealth which will always exist in the world; vexatious legislation can easily diminish, without in any way diffusing, the total wealth of the community.

(*b*) That a certain amount of labour would be irrevocably fixed on the soil, in a particular place, irrespective of varying

needs and fluctuating local demands, and the labourer himself would be hindered from freely migrating to wherever he could best obtain work and wages.

6.—(a) That experience has shown that labourers and artisans do not want, and cannot afford, to rent allotments or good dwellings. Such experiments as have been made in that direction have mostly failed.

(b) That where the farmer, who has capital and intelligence, fails, the working man certainly would not succeed in earning enough to pay a fair rent for, and to keep up, a cottage and allotment; at present, as a rule, the rent of the cottage is nominal; to make them a pecuniary success the rents would have to be raised to a point prohibitive to the ordinary labourer.

(c) That land cannot be profitably bought to be let in cottages and allotments; and more especially would this be the case where the purchaser was an uneconomical and routine-ridden public body. A labourer, if he undertook to pay the rent which must be demanded in order to save a loss, would soon fall into arrears; there would be nothing to prevent his exhausting the holding, and there would be great difficulty in forcing payment of the rent, or in evicting him if in arrears; thus the cost of the scheme to the rates would be very considerable, and a few would be subsidised at the expense of the many.

7.—(a) That it would constitute an interference with the labour market, and affect the rate of wages. Wages would not rise, while the labourer would be called upon to pay an increased rent for his cottage, his low rent being at present "considered" in his wages.

(b) That the farmers, and other employers, would not be able to afford to pay as high wages as before to those who would now be giving much of their time and energy to their own land.

8.—(a) That, on the whole, the landowners have dealt very well with the labourers.

(b) That the lot of the labourer was never better than it is now.

9.—That public expectations would be raised which could not be fulfilled; and there would be much disappointment and irritation.

10.—That the diminution of population in the agricultural

districts is due, not to the action of the land laws, but to the introduction of machinery, to the extension of pasturage, and to the disastrous depression in agriculture.

11.—(a) That, on the part of the Local Authority, there would be great temptation to jobbery and political corruption, both in the purchase of land, etc., and in the selection of tenants.

(b) That it would place enormous power in the hands of the Local Authority to injure or annoy any particular landlord, against whom there might be a personal or public prejudice; while this power would be also wielded for purposes other than the legitimate one of acquiring necessary land.

12.—(a) That the Local Authority would have to erect cottages as well as let allotments, and thus would become itself a landlord; and a corporate body is always, and is bound to be, much stricter in its dealings with its tenant than the ordinary landlord.

(b) That it would have very great difficulty in deciding between the respective demands of rival claimants to cottages and allotments.

13.—That, with security of tenure and fair rents, gradually the right of free sale of the tenant's interest would spring up, and the Local Authority would soon lose all control over the disposal of the allotments.

14.—That if men are to be set up in one form of business by the State, at the expense of the community, the demand will be raised to extend this privilege to others.

15.—(a) That experimental legislation, such as this, would probably do more harm than good.

(b) That the interference of the State would discourage voluntary effort, and thus, in the end, less and not more would be accomplished in the desired direction.

16. (The "laissez-faire" argument.)—That, at present, there is altogether too much legislation and demand for legislation. Things are better done by voluntary means and voluntary agencies, by bringing public opinion to bear, than by hasty legislation.

INTOXICATING LIQUOR LAWS.

SINCE 1552, when the first Licensing Act was passed, a vast amount of legislation has from time to time been promulgated, dealing with the different questions connected with the sale of intoxicating liquors. The aim of this legislation has usually been to restrict and safeguard the trade by checking and regulating its dealings, with a view to diminish drunkenness, and to preserve public order and morality; on the principle that the State may interfere with a trade in order to keep people out of harm's way, even though that trade does not itself trespass on any individual rights.

As long ago as 1871, Mr. Bruce (Lord Aberdare) introduced a comprehensive measure of reform, which was intended:—To repeal in whole, or in part, forty or fifty Acts of Parliament relating to liquor traffic; to abolish the right of appeal from the decision of the local licensing justices; to enforce greater care in the issue of new licences; to provide that all new licences should be advertised, and submitted to a vote of the ratepayers, a majority of three-fifths to possess the power of vetoing or reducing, but not of increasing, the number proposed; while at the same time it was to be the duty of the licensing justices to prevent the number of public-houses falling below a certain proportion to the population; to cause fresh licences to be disposed of by tender; to determine all existing licences after ten years, when they would come under the regulations applied to new certificates; to diminish the hours of opening; and to increase the severity of punishment for adulteration. This Bill was withdrawn, but was followed, in 1872, by an Act, the main provisions of which, as passed, were:—To improve, by strengthening, the licensing boards, without departing widely from the existing system; to increase and consolidate the police regulations with reference to convictions for illegal acts, and the forfeiture of licences; and to curtail the hours of opening.

In 1874, Mr. (now Lord) Cross introduced the latest

Licensing Act, which modified the Act of 1872 by:—Fixing by statute the hours of opening and closing, instead of leaving them to the discretion of the magistrates; by extending for half an hour the authorised hours of opening in some towns; by slight alterations in the police regulations, and the law of adulteration; and by curtailment of the power of search.

The public revenue derived from the liquor trade amounts to about thirty millions annually; and it is estimated that the annual expenditure on Intoxicating Liquors amounts to some £120,000,000.

The existing forms of licence in England granted by the Excise are:—

1. Wholesale, to sell beer, wines, and spirits. 2. Retail, which include:—

(1) The licences to sell any description of intoxicating liquor, wholesale and retail, for consumption “on” or “off” the premises. (2) Beer-house licences, to sell for consumption “off” the premises. (3) Ditto, for sale “on” the premises. (4) Wine licences to shop-keepers, for consumption “off,” and to refreshment-house keepers for consumption “on” the premises. (5) Spirit and liqueurs retail licences, for those who have taken out a wholesale licence. (6) Ditto, retail beer licences. (7) Licences to dealers in table-beer.

“On” licences are granted, in counties, by the local magistrates in Brewsters’ Sessions, their decision to be confirmed by the County Licensing Committee, chosen annually at Quarter Sessions. In boroughs, by the Borough Licensing Committees, to be confirmed by the whole body of magistrates. Confirmation is not required in the case of “off” licences.

Licences for consumption “on” the premises may be refused by the magistrates at their discretion, without assigning any reason. “Off” licences can only be refused on the ground—that the applicant has failed to produce satisfactory evidence of good character; that the house is a disorderly one; that the applicant has, by his misconduct, forfeited a licence; or that the applicant or the premises are not legally qualified.

In the Metropolis, the week-day hours of closing are

from 12.30 to 5 A.M. In towns and populous places, from 11 P.M. to 6 A.M.; and in rural districts, from 10 P.M. to 6 A.M.

LOCAL OPTION.

The term "Local Option" is now usually defined to mean that the licensing powers should be taken out of the hands of the Justices, and placed in the hands of Corporations in boroughs, and of the County Councils in counties, as directly representative of the inhabitants of the district.

The principle of this proposal was contained in the Local Government Bill of 1888, but the compensation provisions were so strongly opposed, that the licensing clauses of the Bill were withdrawn.*

The principle of Local Option is upheld on the grounds:—†

1.—That the present licensing system is open to objection, both in its construction and in its working.

2.—(a) That it gives to partial and non-representative persons belonging to one class only, powers which ought to belong to the general community, seeing that all suffer or benefit from their exercise.

(b) That the existing licensing body, not being amenable to public opinion, is greatly influenced by pressure from the publican interest; the magistrates have issued far too many licences, and have not exercised with sufficient stringency the power of cancelling licences for misconduct.

3.—That, even if it be granted that the licensing powers have not been abused, it is not right that such enormous power, affecting so nearly the well-being of the people, should, in these democratic days, be in the hands of a non-representative body.

* The abstract resolution affirming the principle of Local Option was carried in the House of Commons in 1880 by 229 votes to 203; again in 1881; and again in 1883 by 264 to 177. The resolution ran as follows— "That this House is of opinion that a legal power of restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested and affected, namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of Local Option."

† See also sections on *The Permissive Bill and Compensation*.

4.—(a) That the people themselves, in this, as in other things, best understand their own wants and wishes.

(b) That as the question of the liquor trade is of vital importance to the inhabitants of each locality, they ought to have full control over the issue and renewal of licences, so that these may be regulated according to their wants, sentiments, and desires.

5.—(a) That, more especially in the case of a trade so pernicious as the liquor trade, they ought, through their representative local authority, to have full power of protecting themselves if they so desire.

(b) That the liquor traffic legally exists for the sake of the people, it ought therefore to be under their full control.

6.—That there are at present far too many licensed houses in existence, and public opinion, if allowed expression, would be in favour of their reduction.

7.—That each representative Local Authority has already large powers of dealing with matters affecting local interests, and there would be nothing novel or dangerous in conceding to them the further power of licensing.

8.—That the principle of consulting local opinion in the matter of licensing is already conceded, from the fact that the publican, before applying for a licence, has to give public notice in the locality.

9.—That, in many parts of England, individual land-owners have exercised their authority, derived from the ownership of the soil, to limit the number, or altogether to prohibit, public-houses on the estate. That which an individual can do for the satisfaction of his own wish, should be in the power of each locality to carry out for the benefit of the general community.

10.—That this popular control should be exercised by the ordinary representative Local Authority—the Town Council in boroughs, the County Council in counties—and not by a special body elected *ad hoc*.

(b) That the question of licensing would be thus more moderately, judicially, and sensibly considered, the election would be more orderly and less bitter, than if directed to one special object only.

(c) That this progress would be steadily made, and there would be no fear of a great reaction in public opinion.

11.—That the question of compensation is one for future

discussion, and does not affect the principle of the justice and expediency of local control over the liquor traffic.

On the other hand, the principle of Local Option is opposed on the grounds :—*

1.—(a) That, on the whole, the existing system works well ; the licensing laws have been admirably administered by able and impartial tribunals, sufficiently subject to popular opinion and to popular criticism.

2.—That to hand over these powers to a Local Authority, would lead to the arbitrary extinction of very many public-houses, to the vexation of the legitimate consumer, and to the infringement of public liberty.

3.—(a) That to hand the licensing powers over to popularly elected bodies, would be to import into the municipal elections a most undesirable element of contention.

(b) That the elections, instead of turning on the merits or demerits of the different candidates in regard to their administrative capabilities, would turn entirely on the liquor question.

4.—(a) That the transference of the licensing powers to the Local Authority would give them an interest in a trade which is injurious and demoralising.

(b) That, if compensation had to be given on extinction of licence, or if extra local taxation of the trade were allowed, it would be to the interest of the Local Authority to allow the drink trade to continue undiminished.

5.—That the question of compensation is vital, and, until this is settled on a just basis, it would be grossly unfair to hand over the liquor interest to the uncontrolled authority of the ratepayers.

THE PERMISSIVE BILL.†

Many persons consider that the principle of Local Option does not go far enough in the direction of popular control and veto of the liquor traffic, and would desire to

* See also the arguments against *The Permissive Bill*, and the section on *Compensation*.

† In 1879 the Permissive Bill was withdrawn in favour of "Local Option." As, however, the Permissive Bill expressed, and probably still

give the ratepayers the power, by a direct vote, of prohibiting altogether the sale of any intoxicating liquor in their district.

The vote of the majority (two-thirds was the number proposed in the Bill), whether it sanctioned or prohibited the sale of intoxicating liquors in the district, would be binding for a definite number of years (three years is the term proposed); at the end of that time the policy adopted would, by another vote, be either reversed or confirmed for a further period.

The principle of the "Permissive Prohibitory Liquor Bill" is upheld on the grounds:—*

1.—(a) That "whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented,"† the prohibition of its sale would be an unmixed good to the pockets, bodies, and souls of the people.

(b) That ninety per cent. of all crimes are the result of drink. It is intoxication that fills our gaols and our work-houses, and brings misery, destitution, and crime into thousands of homes.

2.—That as the common sale does unmixed harm, no consideration of public revenue, nor regard for vested interests, can justly be urged in opposition to its suppression.

3.—That the public income would not suffer from the extinction of the liquor trade; the people, relieved from its thralldom, and from the waste and loss which it caused, would be better able to contribute to the revenue.

4.—(a) That it is impossible satisfactorily to regulate the

expresses, the desires of the extreme Temperance Party, it seems best, in discussing this phase of the liquor question, to state the arguments which were advanced for and against that Bill. For this see also *Local Option*, by W. S. Caine, M.P., Wm. Hoyle, and Rev. Dawson Burns (Imperial Parliament Series).

* See also the section on *Local Option and Compensation*.

† Preamble to Permissive Prohibitory Liquor Bill.

sale of alcoholic beverages ; and, unless extinguished, its evils will continue unabated. State interference (though it may have slightly improved public order) has so far been powerless to diminish intemperance.

(*b*) That every fresh attempt on the part of the State to regulate the trade, gives it legal protection and sanction ; raises up further vested interests ; and depraves the popular standard of morals.

5.—(*a*) That this is one of the points on which the relation of the State to its people should be that of a father to his children, not merely guarding their rights, but also keeping temptation out of their way.

(*b*) That the State should have a sense of moral right, altogether apart from the duty of guarding its subjects from being wronged : it is therefore neither right nor politic of the State to give legal protection and sanction to a demoralising trade.

6.—That the drunkard himself will welcome, and may fairly claim, aid in his efforts to avoid temptation.

7.—(*a*) That suppression is quite compatible with legitimate free trade and rational freedom.

(*b*) That in the case of a harmful trade like that of intoxicating liquors, the wishes of the many should be allowed to outweigh those of the few.

8.—(*a*) That as drinking and drunkenness greatly injure the inhabitants of a district (in rates as well as otherwise), it is right and expedient to permit them to interfere for their own protection, by conferring upon the ratepayers of cities, boroughs, parishes, and townships the power to prohibit the common sale of intoxicating liquors.

(*b*) That at present they have no voice or influence in the licensing decisions ; the whole power belongs to non-representative persons, and the liquor traffic is forced upon a district against their will.

9.—(*a*) That direct popular veto will alone be of value. Simply to confer on the ratepayers the right of voting in the election of a body which, among manifold duties, would possess that of controlling the liquor trade, would be either useless or pernicious. Either the liquor question would be sacrificed to other local interests ; or, as is more probable, these other local interests would be sacrificed to the liquor question. Men would be elected on to the local

body entirely on account of their opinions on the liquor question, and with no regard to their administrative ability.

(b) That the representative bodies, especially in counties, control extensive areas, often including many distinct localities; unless each district possessed the power of popular veto, the liquor trade would, in many cases, still be forced on unwilling populations. It is imperative that each separate district, however small, should be able to enforce its wishes in this important manner, and should be defended against the arbitrary domination of even representative licensing bodies.

(c) That though the people themselves could administer the licensing laws only through their representatives, they could express a distinct opinion on the question of "licence" or "no licence."

10.—That the principle of a plébiscite—a direct expression of local opinion on a particular point—is already admitted in the case of free libraries, &c. The special vote would be no reflection on the representative body.

11.—That licences being granted for the public good, and not for that of the holder, and annually expiring, the public have a perfect right to dispense altogether with the licences, without any payment for compensation.

12.—(a) That in the United States, and in most of our Colonies, the power of prohibition is practically in the hands of the ratepayers.

(b) That in other countries—notably in the State of Maine, U.S.A.—the absolute prohibition of the sale or possession of intoxicating liquors has worked beneficially.

(c) That where total prohibition has been tried on certain estates in England, it has been followed by eminently satisfactory results.

The principle of the Permissive Bill is opposed on the grounds :—*

* The arguments urged against the principle of the Permissive Bill emanate, on the one hand, from those who object altogether to the idea that the ratepayers should have a controlling voice in the question of licensing, and, on the other, from those who favour the principle of Local Option, as already defined. It is not easy to classify separately these arguments; some, indeed, are used by both classes of opponents; but the reader will easily appreciate for himself the quarter from whence any particular argument has come. See also the sections on *Local Option* and *Compensation*.

1.—(a) That it is in no case the province of the State to withhold men from follies, but only to guard their rights and protect their persons. That as long as the State takes care to punish A, if by his excesses he injures B, it is doing its full duty, and should leave A alone to ruin himself if he chooses.

(b) That the State would not be merely omitting to guard, but would be itself trespassing on the legitimate freedom of the people, in taking a harmless indulgence from Z because A finds it hurtful.

2.—(a) That it would be neither just nor expedient that the purchase, and moderate use, of liquor by the majority should be prevented, because there are some who abuse it to their own hurt, or to that of others.

(b) That the adoption of the Bill would be a gross infringement of the liberty of all for the sake of a few; "it is better for the people to be free than sober."

3.—(a) That it saps the force and self-reliance of the people for their rulers to do for them that which, by rights, they ought to do for themselves.

(b) That such attempts of the State to outstep its true field of work always miss their mark, and do unlooked-for mischief.

(c) That though liberty which leads to abuse may fairly be restrained, the abrogation of all liberty in the matter of drink would be followed by a sweeping reaction—and more harm would in the end be done.

4.—(a) That as the Bill would prohibit the sale only, and not the manufacture, importation, or possession of intoxicating liquors, it is unsound in principle, and likely to prove mischievous or inoperative in practice. It is not consistent for the State to prohibit the sale of an article, while it does not prohibit its manufacture, importation, or possession; either the article is so dangerous to the people that all dealings in it should be prohibited, or it is not sufficiently dangerous for the sale to be forbidden.

(b) That the Bill, while professing only to be directed against the sale of liquor, would indirectly affect the use of all alcoholic beverages, and so would affect the manufacture, importation, and possession of them; and the Legislature, while avowedly injuring one trade only, would injuriously affect others also.

5.—(a) That it would be illogical for the State to allow a trade to be tolerated in one district and to be prohibited in another ; the trade is equally harmful or harmless in both. If it be pernicious, the State should prohibit it altogether ; prohibition or toleration should not be left to the chance vote of the ratepayers.

(b) That there is no medium possible under the Bill, it would be either prohibition or excess.

6.—That it would be an improper delegation of the functions of Parliament to give to local bodies the absolute power of toleration or prohibition in this matter.

7.—That if the principle is conceded, that the ratepayers in a given district have the right to forbid a trade or calling of which they disapprove (though the trade may be perfectly lawful elsewhere), logically they could claim a right to forbid unpopular places of religious or political resort to be opened —and this could never be conceded. If liberty is sacrificed in the matter of alcohol, it will eventually be sacrificed in more important matters, to the detriment of civil and religious liberty.

8.—That the districts in which restrictions are most needed, would be those least likely to adopt them.

9.—(a) That where one district in which the sale of alcoholic drink had been prohibited, adjoined another where the sale was tolerated, the Act would prove inoperative ; there would be no difficulty in obtaining liquor.

(b) That where such escape from the letter of the Act was difficult or impossible, prohibition would lead to the illicit and secret sale and consumption of liquor ; abroad, where prohibition has been attempted, the prohibitive laws are largely evaded.

(c) That clubs would take the place of public-houses, and clubs are much more difficult to deal with or supervise.

10.—(a) That if the principle of local option be adopted, the inhabitants will, through their representative body, possess as full and complete a control of the liquor trade as they can fairly desire.

(b) That it will always be in the power of the temperance party to convert the electors of the existing representative body to the belief that the trade should be suppressed.

11.—(a) That under the system of a plébiscite *ad hoc*, the popular will would only be able to act by a mass vote : a

system entirely subversive of, and contrary to, the principles of representative Government on which the Constitution is based, under which the electors choose out certain trusted persons to look after and protect their interests.

(*b*) That to give this especial power to a specially elected body would be still further to increase the number of the local bodies—already too much subdivided.

12.—That ceaseless agitation and strife would result from the (absolutely indispensable) provision that the adoption of the law should be periodically subject to revision by the votes of the ratepayers.

13.—(*a*) That the institution of a plebiscite would necessarily combine together, in resistance to prohibition, the moderate drinkers and the drunkards, to the moral deterioration of the former.

(*b*) That instead of gradual improvement and diminution of licences, there would be violent fluctuations; a great reaction of public opinion against the temperance cause would take place because of the intemperateness of its advocates.

(*c*) That there would be too much or too little action taken. If the majority voted negatively, nothing in the way of restriction of licences would take place. If the majority voted affirmatively, all the public-houses would be closed.

14.—(*a*) That it would be absolute ruination to the trade to be subject to a hasty or passionate vote of the ratepayers.

(*b*) That, tenure being less secure, and liable to constant fluctuations, through a change in public opinion, the trade would be unsettled, and would be given a more speculative character, and thus respectable men would be deterred from entering the trade.

15.—(*a*) That all vested interests which have been allowed to grow up in a trade must be protected, and if injured by the action of the State, must receive proper compensation.

(*b*) And that the amount of capital which has been embarked in the liquor trade is so enormous, that it would be imprudent and impracticable for the State to reimburse it.

16.—That after public-houses had been suppressed, and compensation paid, a change in the wishes of the ratepayers might re-open fresh houses, and raise up fresh vested interests, again to be compensated if suppressed.

17.—That drunkenness is gradually confining itself to the lowest classes, and will ultimately almost completely disappear; there is therefore no need for drastic measures, from which unforeseen evils may arise; it is best to leave the reform to be brought about by public opinion.

18.—That the restrictions proposed would be especially unfair on the working man, inasmuch as the public-house is his only place of social resort; while he is unable, like the wealthier classes, to lay in any store of intoxicating liquor.

19.—That neither the State nor the taxpayer could afford to lose the revenue at present derived from the liquor trade.

“COMPENSATION.”

If the principle of Local Option or Local Veto be conceded, the further question arises whether the publican is entitled to claim Compensation from the representative Local Authority, in case the renewal of his licence is refused, not for any misconduct on his part, but from the desire to reduce the number of public-houses.

It is alleged that, under these circumstances, the publican would be legally entitled to compensation ; and that, before he control of the trade is handed over to the Local Authority, arrangements must be made whereby the amount of compensation to be paid in each individual case shall be left to be decided by agreement between the parties, or, in case of dispute, by some Tribunal other than the Local Authority interested.*

Those who take this view argue :—

1.—(a) That the licence, though nominally only issued for one year, practically, by long prescription, attaches to the house, and is granted to the individual during good behaviour.

(b) That its continuance year after year encourages the legitimate expectation that it will be renewed, unless its suppression be bought up.

2.—(a) That, even if there be no actual legal estate, the publican has invested his capital, and ordered his whole life, on the strength of a licence in a lawful business, a trade which is under legislative supervision,† and therefore sanction.

* Under the Local Taxation Bill of 1890 it was proposed to devote £440,000 a year, part proceeds of an increased duty on spirits and beer, to the purchase of licences. This sum was to be handed over to the County and Borough Councils, and they were to apply the money in buying up public-houses by agreement with the owners. The Bill was withdrawn.

† Not only is there police and excise supervision, but the Justices can insist on certain structural alterations in the building before granting a licence.

(*b*) That, apart from the bricks and mortar, the whole value of the business depends on the licence, which gives to the trade its marketable value, clearly proving that, in public opinion, the licensed victualler has a right to expect the renewal of his licence.

(*c*) That no vested interest would be created that does not already exist.

3.—That if a trade is permitted and regulated by law, that trade has a right to be defended by law.

4.—That, in estimating for the Death Duty the estate of any person interested in the retail sale of intoxicating liquors, the value of the interest is assessed on the assumption that the licence will continue to be renewed: a proof that a legally recognised vested interest does exist.*

5.—That the publican has, therefore, a vested interest in his licence; which cannot be arbitrarily cancelled without the payment of adequate compensation—to do so would be sheer robbery.

6.—(*a*) That, at the worst, there is a very real and equitable claim to compensation; and no question for compensation can be justly left to depend on the chance majority of a particular district at a particular time, or on the popularity or unpopularity of a particular man. Injustice would certainly be done, while the insecurity caused to the trade would be ruinous.

(*b*) That if the question of compensation were left in the hands of the Local Authority, the elections to that Body would turn chiefly on that question: and would give rise to continual local agitation and excitement.

7.—That where vested interests have been allowed to grow up, Parliament,—witness the freeing of the slaves, the abolition of army purchase, the former an immoral, the latter an illegal traffic,—has always fairly and liberally compensated those interests when, for the general benefit, it has expropriated them.

8.—That it is only authorising Local Authorities to do, in the interests of temperance, what they have always been in the habit of doing when property, on which a public-house may be situated, is acquired for public improvements.

9.—That it is nothing to the point that there are many and various interests in the licence. The different interests

* See Parliamentary Paper 176 of 1890.

cannot be in justice distinguished. If compensation is just in itself, it matters not into whose pockets the money may eventually go.

10.—(a) That the estimates given of the probable cost of compensation are absurd. None expect, and few desire, the total extinction of the trade; the extreme temperance party is in a small minority almost everywhere, and would never be able to persuade the majority to such a tyrannical Act. Only a small proportion of the public-houses would be closed; and the total amount of money required for compensation would not be great.

(b) That as no future vested interests can arise, compensation cannot be claimed except on the extinction of existing interests.

11.—(By some.) That it would be possible, by a moderate increase of taxation on the remaining publicans, to create a fund whereby, without any burden on the rates, proper compensation could be provided from the trade itself, for those publicans whose houses were suppressed.

12.—(a) That limitation of hours, and Sunday closing, when enforced, are applied to the whole trade; the proposal now made would apply to certain individual traders only.

(b) That, moreover, compensation ought to have been given where the trade has been restricted; an injustice then does not justify a greater injustice now.

13.—That the inequality of treatment would be outrageously unjust. Certain individual traders would be deprived of their livelihood, while, at the same time, their rivals who remained would greatly benefit from their disappearance.

14.—(a) That the necessity of paying compensation would be a valuable check on the indiscriminate or arbitrary closing of public-houses by the Local Authority.

(b) That a gradual, rather than a sudden reduction of licences, would in the end best benefit the temperance cause, as being less likely to cause a reaction in public opinion.

15.—That unless the principle of equitable compensation be granted, the number of public-houses will never be diminished. The public mind would revolt from bringing beggary and ruin on innocent persons; and the Licensing Authority would decline to extinguish licences. Compensation is in the interests of temperance.

On the other hand, it is argued :—

1.—(a) That the publican's licence is expressly limited to one year, and has to be annually renewed ; the publican thus possesses no vested interest in his licence beyond that period. To admit any legal claim to compensation would be to convert a one year's lease into a freehold, a speculative and artificial value into a State endowment ; would be to give a vested interest in that which had already expired.

(b) That though spoken of as a "renewal of licence," there is really no such thing in law ; the licence annually expires, and a new one is issued. The continuance of the licence is specifically not guaranteed by statute, and the strict limitation of the term clearly proves that the State has always reserved to itself the right of withdrawing the permission to sell.

2.—(a) That the legal liberty to sell intoxicating drink is not a right common to all citizens, but a privilege confined to a few.

(b) That the privilege is not a property. It is granted, not for the private benefit of the individual, but in the public interest ; and is specifically subject to annual revision in the interests of the community.

3.—That the manifold legislation of the past in regard to the liquor trade has been rendered necessary by its dangerous nature. To say that these limiting statutes legalise the trade, is to misconceive the manifest object and intention of the law, which has been to prevent abuse and to limit the sale.

4.—(a) That the value imparted to a public-house by the licence, over and above its value as so much building and so much accommodation, is purely fictitious, and arises from the monopoly derived from the limitation of licences.* This monopoly, and therefore the fictitious value, could be destroyed, without any claim for compensation arising, by an unlimited issue of licences ; similarly, compensation cannot be claimed on a further limitation of licences.

(b) That monopolies bar all claim to compensation, since, by the advantage they give to the monopolist, they already confer that which is equivalent to compensation. To

* A typical case was quoted by Mr. Gladstone (Rochdale, May 27th, 1888), in which a public-house which cost, to build, but £2,030, on obtaining its licence, sold for £16,000.

demand anything further is to demand that the trader shall have all the profits and take none of the risks of a monopoly. It is nothing to the point that an individual may have given an extravagant price for the speculative chance of a continuation of the licence.

(c) That such pecuniary benefit as is derived from the monopoly which the limitation of licences causes, properly belongs to the public, and not to the trade.

5.—That the publican has invested his money with his eyes open, on the strength of a licence the renewal of which he knew might at any time be refused.

6.—That, over and over again, Parliament has reduced the hours of opening, and in Scotland, Ireland, and Wales, has totally closed public-houses on one day out of the seven; and this without giving a penny of compensation for the serious loss occasioned to the trade. Limitation can be logically carried up to total prohibition.

7.—That the Court of Queen's Bench has decided that the Licensing Authority has absolute discretion in regard both to the granting of a new, and to the renewal of an old licence, without assigning any reason, and without being liable to pay compensation.*

8.—That to admit that the publican has a vested interest in his licence, would be at once to add largely to the value of all public-houses; would be to endow and renew a decaying trade, and to place it in a financial position that it never occupied before.

9.—(a) That where licences were cancelled, they would be cancelled on the ground that their existence had become injurious to the best interests of the community; and, if compensation be due, it must be rather to the public which has suffered, than to the publican who has inflicted the wrong.

(b) That it would be grossly unfair to the taxpayer and to the ratepayer, who have suffered pecuniarily from the existence of the liquor trade, that they should pay compensation to traders who have benefited so much at their expense.

10.—(a) That it would be a farce to grant popular control over the liquor trade, and then to fetter its exercise by insisting at the same time on the legal right of the trade to extravagant compensation.

* Case *Sharp v. Wakefield*, Court of Queen's Bench, April 30th, 1888.

(b) That the local representative body should certainly not be placed in a worse pecuniary position, or have less absolute power in the matter of the refusal of licences, than the present non-representative licensing authority.

11.—(a) That one principal object in handing over the administration of the liquor trade to popular control, is to reduce the number of public-houses. But, if the principle of a vested interest be admitted, no district will be able to afford materially to reduce the liquor traffic in its midst.*

(b) That, indeed, local control with compulsory compensation would be really less effective in the matter of reduction of licences than is the present system. The principle of compensation would be a fatal check to the promotion of temperance.

12.—(a) That no additional taxation of the remaining publicans could possibly provide the amount of compensation required; the rates would have to bear the charge.

(b) That, in any case, the application of this proposed special taxation to the purposes of compensation would close to the ratepayers a legitimate field of taxation and revenue.

13.—That the withdrawal of a licence would add materially to the value of those outstanding, and would increase the amount of compensation that would have to be paid for future withdrawals. The Local Body would run up the value of public-houses against itself.

14.—That the public-houses that the Local Authority would primarily desire to extinguish, would be those which were the greatest nuisance to the neighbourhood—just those cases in which the principle of compensation was the most questionable.

15.—That, in the majority of cases, the publican is a mere caretaker or salaried servant, and the compensation paid would go, not to him, but to the rich brewers and distillers.

16.—(By some.) That the liquor trade is so injurious to the community that no possible claim to compensation can be justly advanced.

17.—(a) That the twenty millions paid on the emancipation of the slaves was not given by way of compensation,

* In England and Wales there are between 60,000 and 70,000 public-houses; and it is estimated that the total value of these public-houses amounts to from £200,000,000 to £250,000,000: an estimate stated, however, by the licensed victuallers to be "exaggerated beyond all possibility."

but was a compassionate loan (afterwards turned into a free gift) in relief of the planters.

(*b*) That, moreover, the right of the planter in his slaves was permanent, and did not annually expire.

(*c*) That in regard to army purchase, the right purchased (even if of illegal growth) was the right to pay and pension covering a considerable number of years. Moreover, the compensation was given for money already paid away by the officers, and not for a fictitious value created by competition.

18.—That, doubtless, the respectable publican has an equitable claim to compensation, but he has nothing more. If the question were left fully in the hands of the Local Authority, it would deal fairly and equitably with the question of compensation, and decide each case on its merits. Public opinion would never sanction the injustice of depriving certain publicans of their licences without any compensation, while leaving to others the enjoyment of an improved business.

19.—That no sudden or widespread closing of public-houses would take place. The publicans would have time to adapt themselves to altered circumstances ; and, as it is certain that no additional licences would be granted, their trade would be improved.

[Many persons favour the adoption of a middle course whereby a short time limit would be given ; during which the licence would be held renewable subject to "good conduct." After the expiration of the fixed period no claim for compensation would be admitted.]

SUNDAY CLOSING.*

It is proposed to close all public-houses on Sunday in England at the option of the Local Authority.† The law in England limits their opening to certain specified hours,‡ while in Scotland, Ireland, and Wales it closes them altogether on Sundays.

The proposal is upheld on the grounds :—

1.—(a) That there is much more drinking, with all its attendant evils, on Sunday than on any other day ; and with the added result, that men often cannot or will not work on the Monday.

(b) That the bulk of the wages are paid on Saturday, and practically the only shop open the next day is the public-house ; thus a great and special temptation is placed in the way of the working classes.

(c) That the working classes are entitled to demand that this special temptation shall be removed.

2.—That it is inconsistent and unjust that while innocent trades are prohibited on Sunday, this most pernicious trade is allowed to be carried on.

3.—That as the State interferes with and limits the hours of Sunday opening, it might with perfect consistency altogether prohibit opening on Sundays.

4.—(a) That those employed in the sale of drink are entitled to be relieved from Sunday labour, the rather that they work a larger number of hours during the week than the law permits in the case of many other trades.

(b) That the publicans themselves would welcome a Compulsory Closing Act ; without it, competition compels them to keep open.

* Cf. section on *Local Option*.

† This proposal was contained in the original Local Government Bill of 1888, but the clause was withdrawn, along with the other licensing clauses.

‡ In the Metropolis the hours of opening are fixed from 1 o'clock to 3 and from 6 o'clock to 11 p.m. Elsewhere they are from 12.30 to 2.30 and from 6 to 10 p.m.

5.—That there is no analogy between clubs and public-houses; the latter are distinctly places of drinking resort, which the former are not; nor are clubs more frequented on Sunday than on any other day.

6.—That the question of Sunday closing is particularly a matter in which the locality should have a voice through its duly elected representatives; and Local Option would prevent any hardship being done to any particular locality.

7.—That the Sunday Closing Acts in Scotland, Wales, and Ireland* have worked well, and have greatly diminished drunkenness on that day.

8.—(By the extreme temperance body.) That the closing on Sunday would not only be a good thing in itself, but would also tend towards further limitations of sale.

On the other hand, Sunday closing is opposed on the grounds:—

1.—That the hours of opening on Sunday have already been greatly curtailed; and to close the public-houses altogether would be a gross infringement of the liberty of the subject.

2.—That experience shows that total closing leads to illicit sale and surreptitious consumption of liquor—a process that cannot fail to lower the morality of the population.

3.—That it would lead to increased purchases of liquor on the Saturday for consumption at home on the Sunday; and to excessive drinking on the Monday.

4.—(a) That while the closing of public-houses on Sunday would cause no inconvenience to the richer classes, who have their clubs and their cellars, it would be a great hardship on the working classes to deprive them of their only place of resort and refreshment.

(b) That to carry out the proposal would create an embittered and indignant feeling among a large majority of the public, whose habits and requirements would be materially interfered with.

(c) That it would be class legislation of an objectionable character.

* See Report of Select Committee on the Irish Sunday Closing Act, 1888. The Irish Sunday Closing Act was passed in 1878, and applies to the whole of Ireland, with the exception of five large towns.

5.—That entirely to close the public-houses would cause extreme inconvenience to travellers.

6.—That to close the public-houses one day in seven would involve a very serious loss to the publican ; and could not justly be permitted without proper compensation.

7.—That we already have too much paternal legislation.

8.—That the proposal is an embodiment of teetotal tyranny and Sabbatarian severity, and should therefore be rather resisted than conceded.

9.—That as the Scotch and Irish chiefly drink whiskey, which can be kept without deterioration, they do not suffer much inconvenience by Sunday closing ; while in England, where beer is much drunk, a store cannot be laid in without the fear of its spoiling.

10.—(By some.) That Sunday closing in Scotland and Wales, and especially in Ireland, has failed in its object ; has not diminished drunkenness ; has injuriously affected the temperance movement, and has done more harm than good.

AN EIGHT HOURS LAW.

It is proposed that Parliament should enact an Eight Hours Law, under which the normal legal period during which one man might employ another man, in industries where workers labour together or under like conditions, should be limited to eight hours a day or forty-eight hours a week; "overtime" to be allowed only under special conditions.* It is generally understood that the Act should be governed by the principle of "Trade Option," and should not apply except to those industries in which the overwhelming majority of the workers desired its application. The Act would apply to manual work only, *i.e.*, to factories, mines,† bench and workshop, railways, etc.

An Eight Hours Law is supported on the grounds :—

1.—(a) That morally, physically, and intellectually, the present long hours of labour are injurious. They allow no leisure for the duties or pleasures of fatherhood and citizenship; no opportunity for rational recreation, for education, for self-improvement. They tend to crush out all individuality, and to degrade human beings into mere machines.

2.—(a) That eight hours' continuous hard work is enough for any man. That especially is this the case when the worker has no personal interest in the results of his labour.

(b) That the processes under which work, especially factory work, is now carried on, with its minute sub-division of labour, monotonous and uninteresting but yet requiring perpetual attention, with its incessant noise and unhealthy atmospheric conditions, involve an ever-increasing strain on the nervous system.

3.—(a) That the health of the nation is being sapped by overwork. That, consequently, not only is the physique and

* See Nos. 21 and 22 in favour of Eight Hours Law.

† For discussion of Miners' "Eight Hours Bill" see p. 162.

health of the present generation being undermined ; but the seeds of weakness and debility are being sown for the future. Yet the very existence of the nation depends on the moral and physical soundness of its working classes.

4.—(By some.) That no industry can, in the true sense of the word, be “profitable” which is carried on under conditions such as to brutalise and debilitate those engaged in it.

5.—(a) That there is a growing desire on the part of the working classes, not only to participate more fairly in the wealth produced by their labour, but that, together with greater means of enjoyment, they should have greater leisure to enjoy.

(b) That the long hours could, with advantage to everybody concerned and with injury to none, be greatly curtailed.

6.—(a) That practically no one denies that overwork exists and that it ought to be minimised. Yet, without compulsory legislation, it is hopeless to expect that substantially shorter hours of labour will ever be introduced into the great majority of our national industries.

(b) That legislation constitutes the best, speediest, least costly, and most practicable way of attaining the end in view.

7.—(a) That unrestricted liberty of working causes excessive hours and starvation wages.

(b) That the object in view is, on the one hand, to prevent an employer from overworking his men, and, on the other, to prevent a worker from selling his labour in such a way as to compel his fellows to overwork themselves. The individual employer will not be prevented from giving employment for as many hours in the day as he likes, nor the worker from working as long as he chooses, provided that the mode in which the labour is bought or sold does not necessitate unreasonable hours of work for others.

(c) That the only way in which an individual, either employer or worker, can secure a sufficient and satisfactory guarantee that his competitors will follow the same course as himself in regard to the hours of labour, is through legislation applied equally to them as to himself.

(d) That the legal endorsement of the will of the majority of the masters or of the men in a particular trade, is the

only way of protecting them from having practically to submit to the will of the minority in the matter of the hours of labour.

8.—(a) That, at present, a few employers anxious to maintain long hours, a few workmen willing to overwork, render nugatory all the efforts of the others—of humane employers or intelligent workmen—to curtail the hours of labour. The many should be allowed to coerce the few to the advantage of all, instead of, as at present, the few being allowed to coerce the many to the disadvantage of all.

(b) That such a law would be equal and impartial.

9.—(a) That "freedom of contract" between capital and labour does not really exist. The individual working man, is, for the most part, not in a position to protect himself, or to negotiate on anything like equal terms with his employer; and has practically no freedom in regard to his hours of labour.

(b) That "independence" can hardly be said to exist; and there is little scope for the development of "self-reliance," in the case of a man who is forced to work twelve, fourteen, or even sixteen hours a day.

10.—(a) That the best mode by which "independence" and "self-reliance" can be developed among working men, is by the formation of Trades Unions; and the essence of a successful Trades Union is that each worker, for the common advantage and for the sake of collective freedom, must sink his own "independence" and his individual freedom of action.

(b) That legislative interference has certainly not undermined the independence or self-reliance of the workers in the industries where it has been applied. The workers in these trades—cotton trade, mines, etc.—are probably the most independent of any in the kingdom.*

11.—(a) That the old "laissez-faire" argument in regard to labour has long since been exploded.

(b) That modern statesmanship has long since realised that "unfettered individual competition is not a principle to which the regulation of industry may be safely entrusted."

12.—(a) That human labour cannot be regarded simply as a marketable commodity. It affects interests greater

* See also No. 58½(c).

than mere pecuniary gains, and must be dealt with on grounds higher than those of commerce and economics.

(b) That it is quite consistent to support the removal of all restrictions on trade, and, at the same time, to advocate restrictions on labour. The one is traffic in merchandise, with freedom of contract; in the other, no freedom of contract exists, and the traffic is in "souls of men."

13.—(a) That it is the business of the State to interfere in the affairs of its citizens when such interference can be shown to be for the general advantage of the community.

(b) That where an evil is admitted, it is for Parliament, as representing the nation, to find a remedy. Not to attempt a remedy is to abdicate its functions.

(c) That Parliament represents the collective wisdom and experience of the nation, and is competent to deal with all questions affecting the condition of the people.

14.—(a) That no real distinction, moral, physical, or economic, can be drawn between interference with the hours of labour of adult males and interference with those of women.

(b) That, as a matter of fact, the adult male, if married and a father, is as a rule less independent in his negotiations with an employer than is the "young person" whose protection the law already recognises as a necessity. The latter can far more easily than the former transfer his labour to other districts or to other occupations.

15.—That, as a matter of fact, Parliament has already interfered, both directly and indirectly, to protect grown-up men in matters in which they are unable to protect themselves.

16.—(a) That the employment of adult labour is already practically limited by law to six days out of the seven.

(b) That every economic argument used against legislative interference with the hours of labour, is equally valid against the prohibition of Sunday labour—yet everyone admits the benefit of this prohibition, and no one proposes its repeal.

(c) That if the prohibition of Sunday labour were optional and not compulsory, work, under stress of competition, would gradually become universal on Sunday.

17.—That the Bank Holiday Act, by appointing certain

special days in the year to be "kept as close holidays in all Banks," interferes directly with adult male labour.

18.—(a) That, whatever may have been the original intention of the Factory Acts, the limitation of the hours of labour in factories and workshops brought about by them, limits the labour of the men, equally with that of the women and young persons employed in those industries.

(b) That adult male labour is directly and specifically regulated, controlled, and protected by the Factory Acts, Mines Regulation Acts, Merchant Shipping Acts, Employers' Liability Acts, Artisans' Dwellings Acts, Building Acts, Acts affecting particular trades carried on in shops, etc. etc.*

(c) That the Truck Acts, and the Act for the Prevention of Payment of Wages in Public-houses, constitute direct legislative interference with the conditions of adult male labour.

(a) That the Artisans' Dwellings Acts empower the Local Authority to build and let lodgings to artisans. There is no difference in principle between providing the working man with lodgings at a rent fixed by a Public Authority, and State regulation of the hours of labour.

(e) That "a costermonger may not wallop his donkey, or a knife-grinder harness his dog; or a publican sell a glass of ale, or a milkman sell a pint of milk, or an apothecary sell opium, or a cyclist ride without a lamp, or a 'lion comique' sing a broad song, or a 'lionne comique' wear a short dress or dance a particular jig, without finding the law at hand, the policeman alert, and the magistrate inexorable."

19.—(a) That, thus, there already exists a comprehensive code of regulations affecting certain branches of labour, introduced for the general advantage of the community, which have proved eminently beneficial, and the repeal of which none are found to advocate.

(b) That the proposal made is simply to extend the already existing principle of State interference with the conditions of labour. Labour, in the matter of hours, requires further protection on the grounds of health and of the well-being of the community.

* While these sheets are passing through the press, the House of Commons (February 3rd, 1891) have accepted, without a division, the appointment of a Committee under the following terms, viz. :—"That a Select Committee be appointed to inquire whether, and, if so, in what way, the hours worked by Railway Servants should be restricted by legislation."

20.—That the difficulties in the way of a further extension of the Factory and other Acts, so as to deal directly with the hours of adult male labour, are very much exaggerated. These Acts, minute and complicated as they are, deal successfully and without friction with hundreds of divers trades and interests.* It would be less difficult to extend them than it was originally to apply them.

21.—(a) That the object in view is to obtain the legal recognition of the principle that eight hours a day (or forty-eight hours a week) of hard manual labour is, in the view of the community at large, the maximum consistent with a healthy, profitable, and civilised life.

(b) That it is not proposed to restrict the hours of labour merely in order to do good to the individual workman against *his* will; but mainly in order to prevent his zeal or his need from causing injury to his fellow-workers, by compelling them to work the same long hours as himself, against *their* will.

22.—(a) That no one of repute seriously proposes to enforce at one sweep a rigid Eight Hours Law, with entire prohibition of any "overtime," to be applied indiscriminately to all industries alike. It is recognised that there must be much elasticity of working, and that different trades require different treatment; that in certain industries, from natural or artificial causes, there exists a greater pressure of work at one period of the year than at another; that, in others, the maximum number of hours (which might for certain workers be fixed at a higher average than eight a day) must be reckoned not by the day, but by the week, or even by the month; that provision must be made for accidents and cases of emergency. Moreover, it is generally conceded that the limitation of hours must not be applied to any particular trade or industry except at the expressed desire of those engaged in it.

(b) That in regard to the difficult question of the cessation of work at a fixed moment, and to the question of "overtime," the existing Factory Acts form a good and useful precedent. The hours during which women and young persons may work are strictly limited, but, without

* See Factory and Workshop Act, 1878, especially the Schedules. The Act is most elaborate and minute, and places most extensive powers in the hands of the Home Secretary, powers which have already been extensively used. See note to No. 22.

infringement of the principle, considerable elasticity of administration exists.*

(c) That, just as now under the Factory Acts, it would be the duty of the employer so to arrange the work as to fall within the law.

23.—That the "impossibility" argument was used against the Factory Acts and other labour-regulating Acts, as it is used against an Eight Hours law, yet they have all worked well and smoothly.

24.—(a) That the Act would, as in the case of the Factory Acts, etc., be enforced by Inspectors. The penalty (when incurred) would, as now, fall on the employer.

(b) That there would be no "class" legislation involved in thus penalising the employer. All labour legislation has been conducted on those lines, and the object of limiting hours is not to prevent a man from working as long as he chooses, but to prevent his being employed (to the detriment of his fellows) in one occupation beyond a certain number of hours a day.

25.—That a well-marked distinction can be drawn between State interference in the matter of hours, and State interference in the matter of wages. Hours can, if thought advisable, be regulated, wages cannot.

26.—That there is no practical force in the argument that to admit the right of Parliament to reduce, would also

* Under the Factory Acts (Factory and Workshop Act, 1878), "overtime" in certain trades, and under certain conditions, may be worked by women and young persons on a maximum of forty-eight days in any twelve months. The conditions are as follows: (1) Where the material, which is the subject of the manufacturing process or handicraft, is liable to be spoiled by the weather. (2) Where press of work arises at certain recurring seasons of the year. (3) Where the business is liable to sudden press of orders, arising from unforeseen events. (4) Where the factory is driven by water-power, and is liable to be stopped by floods. Again, in the case of certain perishable articles, and in the case of factories driven by water-power, and liable to be stopped by drought, as much as 96 days' overtime in a twelvemonth is allowed in the case of the former where women alone, and in the case of the latter where young persons are also employed. In the case of certain specified processes (Turkey red dyeing and open-air bleaching) employment may, for the prevention of accident or loss, continue indefinitely under exceptional circumstances. Further, in regard to certain industries (where children, young persons, or women are employed), where the process is in an incomplete state at the end of the legal period of employment, work may continue for an additional half-hour over the legal limit, "provided that such further periods, when added to the total number of hours of the period of employment, do not raise that total above the number otherwise allowed under the Act."

carry with it the right to increase the hours of manual labour; no responsible Statesman would ever venture to propose an increase of hours.

27.—(By some.) That at least the legal limitation of hours should be tried experimentally; for instance, in the case of mines and Government factories. If the system then proved to be unworkable or disadvantageous, the step could be retraced; while, if successful, the principle could be gradually applied to other trades and industries.

28.—(a) That, under existing conditions, while many men are ruining themselves mentally and bodily by overwork, many others are suffering from inability to obtain work at all.

(b) That the existence of these "unemployed" is a source of danger and detriment to the State.

(c) That the reduction of hours, and the abolition of systematic "overtime," by leading to the employment of a larger number of persons, would greatly reduce the numbers of the "unemployed," and would distribute wages more evenly.

29.—(a) That shorter hours would not necessarily or probably lead to any reduction of wages.

(b) That the rate of remuneration given for piece-work, or for work by the hour, varies with that for day-work, and would rise or fall accordingly.

(c) (By some.) That wages would not fall, but would actually rise. The cause of low wages is over-competition for employment. A reduction of hours would increase the demand for labour, and labour would be in a better position to command higher wages.

30.—(a) That shorter hours, even though not followed by any, or a proportionate reduction of wages, would not in the end affect profits.

(b) That during the last thirty or forty years the hours of labour have been shortened, while wages have largely risen, and profits have increased.

(c) That each reduction or curtailment of hours, whether brought about by Factory Acts, or by agreement in a particular industry or business, has been followed by an actual increase in the productiveness of individual workers.*

* It is asserted that an average factory hand produces far more at a lesser cost, working 56½ hours a week, than was the case when the working hours amounted to 72 a week.

(d) That long hours and low wages almost invariably go together.

(e) That experience has shown that shorter hours mean more profitable labour, and more economical working. The speed and efficiency of work diminishes as the day advances, while the great majority of accidents occur near the close of the day's work; weariness makes a man less apt and less careful.

(f) That an individual worker might, and very likely would, produce more in a single day of ten or twelve hours, than one working eight hours only; but, by the end of the year, the latter would have produced more and better work.

31.—(a) That there would be a considerable saving in the extra payments now made for "overtime"; a system of work uneconomical both to employer and employed.

(b) That, with an eight hours day, there need be but one break for meals; and each break adds to the cost of working.

(c) That where the system of "shifts" could be introduced or extended, the output would be materially increased, at a reduced proportionate cost.

32.—(a) That the adoption of shorter hours would tend still more towards the disappearance of the smaller industrial establishments, and their replacement by larger concerns. Thus the work would be carried on under more favourable physical and economic conditions.

(b) That attention would be turned towards the improvement of machinery, and production would be more rapid and less costly than before.

33.—That thus, on the whole, the amount of production would not be diminished, nor its cost increased.

34.—That, even if there were a falling off in the individual productiveness of the worker, the number of workers would be increased; thus, that the present heavy burden on the community for the support of the "unemployed" would be greatly reduced; and the new workers, being in receipt of regular wages, would become large consumers of home products.

35.—(a) That English commercial supremacy is no doubt greatly due to the adoption of the general principle of "Free Trade," and of non-interference in trade affairs on the part of the Executive. But this general principle has, time and again, to the advantage of the community, been

modified by innumerable restrictions on free contract between capital and labour.

(b) That the restrictions imposed by the Factory Acts, the Mines Acts, etc., have not injured but have improved the condition of the industries to which they have been applied.

(c) That the prophecies of the ruin that was to result from the limitation of hours in factories have all been falsified. While the condition of the workers has been greatly bettered, the commercial position has been improved, not impaired.

36.—(a) That the question of cheapness of production as affecting foreign competition is no doubt a grave one. But it is only in certain branches of our industries and trades that profits are in any way affected by foreign competition. The railways, tramways, gasworks, shops, building trades, engineering trades, etc. etc., are not dominated by it, and here at least a legislative beginning might be made.

37.—(a) That, even where the question of foreign competition does come in, its dangers are greatly exaggerated.

(b) That long hours and low wages do not give a real advantage in international competition. High wages, short hours, and the resulting improved mental and physical development, facilitate the introduction of more effective methods, and thus reduce the cost of production.

(c) That, as a matter of fact, the severest competition comes from those trades and those countries in which the hours of labour are the shortest. The nation that possesses the most energetic, intelligent, and capable workmen will win in the end.

(d) That "general low wages never caused any country to undersell its rivals, nor did general high wages ever hinder it from doing so."*

(e) That labour movements in this country are and will be ever more and more imitated abroad. Recent events have shown this to be the case, and that other nations are rapidly approaching our standard.

38.—That the question of working hours is becoming more and more an International one; and this is the best outlook for the future.

39.—(a) That the limitation of hours would lead to a

* Mill.

more uniform output year by year, and thus tend to diminish the great fluctuations in trade, those inflations and depressions that are so injurious to all classes.

(*b*) That the limitation of hours would lead to a more steady and equal production over the year, and thus tend to diminish the over-pressure at one period of the year, and the under-pressure at another.

40.—(*a*) That the abolition of systematic "overtime" would tend to make work and wages more regular and less spasmodic.

(*b*) That the existence of "overtime" is largely due to the irregularity and uncertainty of employment. With a limitation of hours, these evils would tend to diminish.

41.—That if the extra outlay on labour, due to limitation of hours, were not covered by increased production, the loss would fall on profits. In other words, there would be a somewhat fairer distribution of wealth, in itself an advantageous result.

42.—(*a*) That there is a good and sufficient margin of profit—witness the income-tax returns, the produce of the death duties, etc.—to bear any additional burden that might result from a limitation of hours.

(*b*) That the tendency is generally towards a lower rate of interest, and capital will be content in the future with lesser profits.

43.—That while a few minor industries might suffer somewhat from the enforced limitation of hours, they would soon recover: while, if they disappeared, their places would be taken by more indigenous, and consequently more robust industries.

44.—(*a*) That the manifold restrictive legislation already in existence has in no way tended to drive capital abroad; and further restrictive legislation need not cause alarm.

(*b*) That, indeed, capital is not really volatile. Capital cannot be easily withdrawn from business, nor can a trade or industry be easily transplanted. Many forms of "capital"—land, mines, railways, buildings, etc.—could not, in fact, possibly be removed from the country.

(*c*) That as legislative restrictions on hours would be introduced but gradually, and with some elasticity of working, trade would be able to adapt itself to the changed economic conditions.

45.—(a) That the chief argument of those who declare themselves in favour of shorter hours of work, but against legislative interference, is that the desired result can be, and should be, obtained by voluntary means, by arrangement and negotiation between employers and employed, and especially by means of Trades Unions.

(b) That by whatever means, voluntary or legislative, an eight hours day be obtained, the same economic results would ensue. The amount and the cost of production would be equally affected. If it is right, proper, and advantageous to secure an eight hours day by organisation, an eight hours day cannot be mischievous and disadvantageous if brought about by legislation. If it is advantageous in the one case, it is equally so in the other.

46.—(a) That it may be fully admitted that if the question of hours could be settled by voluntary agreement, legislation would be inexpedient because unnecessary. But, under existing conditions, any such voluntary arrangement, if possible in a few, is impossible in the vast majority of trades.

(b) That it is preposterous to suppose that anything approaching a universal eight hours day could ever be obtained by the action of Trades Unions. At the best, success would be within the bounds of possibility only in those particular trades which were wholly and strongly organised.

(c) That but a tithe of the workers are, as yet, members of any Trades Union. Of these Trades Unions, a very few only are strong in men or money, or powerful enough to deal effectively with the "hours" question. Others are weak and struggling, and almost helpless; while, in a vast number of trades, Unionism does not exist, and never can be effectively introduced or maintained.

(a) That the object in view is to obtain reasonable hours of labour for all. Those who work the longest, and under the worst conditions, require the first attention; yet it is just these trades in which the organisation of the workers is, as a rule, weak or non-existent, and in which it is hopeless to expect that greatly reduced hours can be obtained by voluntary means.

(e) That to leave the question of hours solely to the action of Trades Unions is, to favour the strong at the expense of the weak.

47.—(By some.) That, though it would be inexpedient to interfere by law with the hours of work in those trades where the workers are well organised, and capable of negotiation with the employers in regard to the conditions of labour, it might be expedient to interfere where the workers, working excessive hours, are practically unable to combine, and acknowledge their helplessness by appealing to Parliament.

48.—That, except in those very rare cases where the Trades Union comprises all the workers in a particular trade, a reduction of hours obtained by its means operates unequally and unjustly, takes force in certain districts, and in the case of some of the workers, but not everywhere, nor in the case of all the workers in the particular trade.

49.—(a) That the Trades Unions have failed to regulate trade matters of less difficulty than the question of hours—*i.e.*, overtime, piecework, apprenticeship, etc.

(b) That if Trades Unions were as universal and as powerful as alleged, they would surely have been left to settle by voluntary agreement the manifold other points affecting the conditions of labour on which the law has been evoked.

50.—That, even if Trades Unions could impose their own terms upon industry, it would be inexpedient, at any rate in some industries such as railways, gasworks, etc., that they should be able to do so without some limitation by law on their free action.

51.—(a) That where restrictions of hours have been obtained they have been conceded by the employers only under pressure and protest.

(b) That the only effective method by which Trades Unions can obtain or retain shorter hours, is by the threat of, and, if necessary, recourse to a strike.

(c) That industrial warfare, a strike with its retaliatory lock-out, involves wide-spread suffering, loss and demoralisation to the men, great cost to the employer, and immense injury to the trade and to the community at large. It leads to violence and intimidation, to antagonism between one section of the workers—the strikers—and another—the “blacklegs”—and to the embitterment of the future relations between capital and labour.

(d) That the public deprecate strikes, and will not tolerate the intimidation without which a strike cannot be successful;

yet, short of legislation, a strike is the only leverage by means of which shorter hours can be obtained. Action by "voluntary effort" implies the advice, "Unite and strike."

52.—That in many industries, such as railways, tramways, waterworks, gasworks, etc., the public interest demands that there should be no need to resort to strikes.

53.—That the strike, after all, may not be successful, and all its attendant evils will have been undergone for no advantage, present or prospective.

54.—(a) That advantages won by Trades Unions, at great cost and with great difficulty even in good times, are often lost when bad times come; and the whole battle has to be fought over again.

(b) That, in either case, the struggle to fix a standard rate of hours is certain to lead to constantly recurring fights between labour and capital.

55.—That the "elasticity" of voluntary agreement is just that which it is desirable to avoid. The "modifications" would be wholly in the interest of the employer.

56.—That, if the results desired could be obtained by legislation, the gain, economically, commercially, and individually, would be great.

57.—(a) That it would be very expedient, looking to the future relations between capital and labour, if one fruitful cause of dispute could be removed.

(b) That, moreover, shorter hours, by leading to extended education and greater intelligence on the part of the workers, would be more likely to result in the settlement of future labour disputes by conciliation and arbitration.

58.—(a) That the legislative enactment of a maximum period of work would not weaken the general position or prospects of Trades Unions; but, on the contrary, would leave them free to devote their energies to the question of wages, and to the settlement of the other conditions of employment. All questions in dispute between labour and capital would not have disappeared because a maximum number of hours had been fixed by law; while Trades Unions would still be required to secure the enforcement of the laws relating to labour.

(b) That greater leisure would give greater opportunity to the workers to strengthen and perfect their organisation.

(c) That legislative interference in the conditions of

labour has in no way weakened the position of the Trades Unions in those trades to which it has been applied.*

59.—(a) That Trades Unions are, after all, only a means to an end, and even if it were true that the legislative limitation of hours would weaken their position, it would be simply because one of the chief reasons for their existence had disappeared.

(b) That, again, it must be remembered that only a very small proportion of the working population is properly organised; and, even if a few Trades Unions were weakened by legislative interference, the working classes as a whole would have gained in the matter of their hours of labour.

60.—(By some.) That it is a very suspicious circumstance that capitalists and employers, who in the past have always denounced Trades Unions as tyrannical and coercive, and have done their best to destroy them, now hold them up as the salvation of the working classes. They know well that no great reduction of the working hours can ever be obtained by means of Trades Unions alone.

61.—(a) That the proposal is no more socialistic than much of our social legislation.

(b) That "we are all socialists now."

62.—That the argument that a legislative eight hours day would soon be reduced to four, or even three, need not be considered, inasmuch as it is not proposed to abrogate, by Act of Parliament, the common sense of the nation.

63.—(a) That, in the Australian Colonies, the eight hours day prevails and is all but universal.

(b) That, though it is not statutory, it has the force of law, and works admirably, to the advantage of the whole community.

(c) That "In Australia the effect of the Eight Hour, and in the Cape the Nine Hour day, is socially conservative—that is to say, the comfort conferred by it, upon the working classes, prevents agitation for revolutionary change."†

64.—That it is not a fact that similar laws in the United States have failed. Those laws fixed a "normal" day, in the absence of agreement to the contrary, and did not,

* See also No. 10 (b).

† Dilke's "Problems of Greater Britain."

as is proposed here, fix a maximum day, any agreement to the contrary notwithstanding.

On the other hand, it is contended :—

1.—(a) That while a reduction in the hours of labour is no doubt expedient and desirable, this object can only be satisfactorily and advantageously attained by voluntary effort.

(b) That public opinion is strongly set in favour of shorter hours, and is gradually making itself felt in that direction. That the best guarantees for the improvement of the conditions of labour lie in temperance, education, co-operation, Boards of Conciliation, etc.

(c) That, as a matter of fact, the hours of labour on the average are being gradually shortened.

(d) That neither poverty nor mortality is increasing, but they are, on the contrary, diminishing in proportion to the population.

2.—(a) That it is not possible to say what should be the ultimate maximum hours of labour in any particular industry, and it is unreasonable to allege that all trades could or should be treated alike, in respect of the hours of work.

(b) (By some.) That greater leisure would only mean to many workers a greater temptation to drinking and extravagance, and be therefore more of a curse than a blessing both to the men and to their families.

3.—(a) That Parliament cannot provide a remedy for all the many ills which arise from the struggle for existence.

(b) That Parliament ought not to be called upon to interfere in matters in which the people are, or reasonably ought to be, able to protect themselves.

(c) That Parliament should not attempt to regulate the relations between employer and employed, except for the purpose of preventing fraud, preserving health, or securing safety to life and limb.

(d) That Parliament is not competent to deal with the delicate relations of labour, capital, trade, and commerce; ignorant interference is certain to work mischief.

4.—That freedom of contract, and individual liberty, should be left unfettered by law.

5.—(a) That each man has an absolute ownership in his own muscles and his own brain, which must not be infringed.

(b) That his labour is to a working man his only capital; and to interfere with his right to use this capital to the best advantage amounts to confiscation.

(c) That many workers would rather work twelve hours a day than eight; and it would be tyranny to compel them against their will to reduce their hours.

6.—That to treat grown-up men as incapable of protecting their own interests, would be an aspersion on the working classes; would disastrously weaken their self-reliance and manly independence, and would seriously re-act on the national character.

7.—That no one advocates unrestricted *laissez faire*. The question of legislative interference is one of degree, interference is justified only for the prevention of widespread misuse or mischief.

8.—That all recent legislation in regard to labour has been in the direction of extending, not of contracting, the liberty of the working classes.

9.—(a) That the Factory and similar Acts have been dictated by motives of health and humanity; not with a view to interfere with freedom of contract and individual liberty.

(b) That the Factory Acts apply directly only to women, young persons, and children—to those persons, namely, who are not in a position to protect themselves.

(c) That the Truck Act is directed against fraud, and is in no way an attempt to regulate the ordinary relations of labour and capital.

10.—That in regard to Sunday labour, trade, in developing, has adopted itself to the immemorial usage of pre-empting work on the seventh day. If Sunday labour were customary, a sudden stoppage of such work would be attended with all the evils that would follow the introduction of an universal Eight Hours Law.

11.—That, as yet, we have no authoritative definition as to what is meant by an Eight Hours Law, or how it is to be carried out. (i.) Is the limit of work to be eight hours each day, or 48 hours each week? If the latter, is the worker or the employer free to apportion the time over the week?

(ii.) Are the eight hours to constitute an absolute maximum; or is "overtime" to be allowed; and, if so, under what conditions? (iii.) Are the eight hours to include the time of actual work only, or the intervals when the men may be going to their work or "standing by"? (iv.) Are the hours necessarily to be consecutive? (v.) Are meal-times to be included? (vi.) Are "shifts" to be allowed? (vii.) What arrangements will be made, and how, for overtime in case of accidents, emergency, or exceptional pressure? (viii.) How is it going to be applied in the case of those trades in which the pressure of work is greater at some periods of the year than at others? (ix.) Is the Act to be applied to those working at home, as well as to those working in factories and workshops? (x.) Is it to apply equally to those employed in arduous, trying, and dangerous work, and to those employed in light and healthy work? (xi.) Is it to be confined to manual workers; and, if so, why are brain-workers to be excluded from the benefits of the Act?

12.—(a) That it is probable that no Eight Hours Law could be enforced in regard to any particular trade, and it is certain that it could not be universally applied.

(b) That, unless the Act were universally applied, it would be grossly inequitable.

13.—(a) That to make the Act operative at all, so many exceptions and exemptions, and so much elasticity of working would have to be introduced, that the principle would be destroyed, and the supposed advantages rendered nugatory.

(b) (By some.) That no amount of elasticity would render such an Act practicably workable in any trade.

14.—(a) That it would be absurd and unfair to attempt to apply one uniform standard of hours to different industries; or, under varying circumstances, at different places, and at different times, to the same industries.

(b) That there is no particular virtue in "eight hours"; some manual labour is light, other arduous; some occupations are healthy, others unhealthy; some labour is purely mechanical, other involves the continual application of thought and attention. An eight hours day might be too long in one industry, and far too short in another.

15.—(a) That, in one industry, a sufficient wage might be earned with the working day limited to eight hours; while, in

many others, the worker would find it impossible, under such a restriction, to earn even a bare subsistence wage.

(*b*) That the weaker and less experienced worker, who now, by working longer hours, is able to earn decent wages, would be prevented from so doing.

(*c*) That in many industries, indeed in most, there is necessarily and unavoidably much greater activity at certain periods of the year than at others. The application of a rigid eight hours day over the whole year would cripple or destroy such trades.

(*d*) That, similarly, in other industries, trade is busiest on certain days in the week or month, and a uniform eight hours day could not be applied.

(*e*) That in some industries (mines especially) it is not possible to continue output in anticipation of a demand. Thus work is often at a standstill, in consequence of a temporary or accidental falling-off in the demand. Under a legal limitation of hours, neither the employer nor the worker would be able, when the orders came, to make up the deficiency of output, and the loss of profits and wages, due to the period of enforced idleness.

(*f*) That, in the nature of things, the workers in many trades have, after reporting themselves, to go some distance to their work; while, in others, through no fault of their own or of their employer, they have constantly to "stand off" for considerable periods in the day. Not to allow them to make up the time thus lost, would involve great hardship and inequality.

(*g*) That in the case of many classes of workers—for instance, sailors, engine-drivers, etc.—an eight hours day could not possibly be applied.

16.—That it would be a gross injustice to forbid a man from doing his best to earn all he could for himself, his wife and family, because his neighbour had less energy or fewer wants.

17.—(*a*) That public opinion would never permit such an extension of the criminal law as to make it a penal offence for an adult man to work after the clock had struck a certain hour.

(*b*) That humanity would revolt from the idea of a man's being punished because he attempted to work additional hours in order to earn something extra to make up the

deficiency caused by sickness, accident, or previous slackness of work.

18.—That, even in those trades in which, under ordinary circumstances, an eight hours day might constitute a proper limit, a legal restriction would, in times of depression or in times of activity, be totally at variance with the interests both of men and masters.

19.—(a) That such an exasperating law would be constantly evaded by collusion between masters and men. It would either become a dead letter, or, in order to meet the constant efforts at evasion that would be made, have to be made ever stricter and more penal.

(b) That it would be quite impossible to prevent "overtime," at an increased rate of wages, from being worked.

(c) That the existing Factory and other similar Acts are not easily administered, yet they apply simply to female and infant labour, and to that only where congregated together and easily supervised and inspected. The difficulties of enforcing a still more stringent law, of applying it to adult male labour, and of extending it to all classes of workers would be insuperable.

20.—That in order to carry out the great extension of the Factory Acts proposed, a very heavy administrative cost would be involved to the community.

21.—(a) That to make the employer only, and not the employed, liable for a breach of the law, would be class legislation of the worst description.

(b) That the existing Factory Acts were passed for the protection of women and infants; the assumption being that the employer was the stronger party, and should therefore be made liable for any breach of law.

22.—(a) That, if Parliament once interfered with the hours of adult labour, it would be called upon to interfere with wages and prices. It could not leave a man to starve on four days in the week, while it protected him from over-exertion on the other two. It could not logically prohibit an employer from giving nine hours' employment one day, yet allow him to close his works altogether on the next.

(b) That thus, logically and inevitably, interference with the hours of work would lead to the adoption and application of the socialistic idea that the State should nationalise

the materials of production, and control the industrial and commercial interests of the country.

23.—(a) That the whole question is really a wages question. The demand for a legal eight hours day is simply at bottom a demand for further and better pay for "overtime." The working classes do not object to overtime work if they are paid extra for it.

(b) That if overtime were prohibited, the employer and employed would continue to evade the Act; if it were allowed, the State would then have to decide at what additional rate "overtime" should be paid, otherwise the proposed limitation of hours would be rendered nugatory, for men would be compelled to work additional hours at the ordinary rate of wages.

24.—(a) That any attempt radically to interfere with the relations between employer and employed, and to introduce a cast-iron limitation of hours, would be economically disastrous. It would involve a reduction in wages, a diminution in profits, an increase in the cost of production; and would constitute a serious blow to trade and commerce.

(b) That the first to suffer would be the working classes themselves. Industries would be ruined, capital would be driven away, manufacturers would transfer their business and plant abroad, while the workers would still have to remain in the country. State interference would increase the distress it was intended to relieve.

25.—That the position of England as a manufacturing nation, and her commercial supremacy, is due to the fact that Parliament has refrained from meddling with the relations of trade or commerce, and has left private enterprise unfettered.

26.—(a) That foreign competition dominates all labour questions.

(b) That England is not a self-supporting and self-supplying nation. She depends largely for her existence on her foreign and shipping trade;* and that trade depends for its existence on the cheapness and quality of production, on the enterprise of traders, and on a large available supply of capital.

(c) That a legal limitation of the hours of labour would

* Annual Foreign Trade, 1889: Exports, £315,000,000; Imports, £428,000,000; Total, £743,000,000. Number of British Ships, 17,550; Tonnage, 7,641,000.

increase the cost of production, impede the course of trade, and discourage the investment of capital at home.

27.—(a) That our traders have to meet ever-increasing foreign competition; and we cannot afford to run any risks of losing our hold over those foreign markets which we still supply with goods.

(b) That, already, British labour has to compete with foreign labour working a larger average number of hours at a lesser average wage; the inequality cannot safely be increased.

(c) That the cotton trade especially has, of late years, become subject to the severe competition of Indian operatives working enormously long hours at very low wages; further to restrict the hours in England would be disastrous to this trade.

28.—That the trade of the country is so inextricably interdependent, that it is not possible to distinguish between those industries into which an element of foreign competition enters and those entirely free from it. To apply a limitation of hours to any industry would react on all,

29.—(a) That competition, both at home and abroad, has already cut down profits on the average to the lowest possible point; there is no margin for a further reduction.

(b) That capital is very sensitive and easily driven from one industry into another, or transferred from one country to another.

(c) That, from national and patriotic motives, many capitalists and traders are content to receive a lesser interest on their money invested at home than they could obtain with equal security if it were invested abroad: a further reduction in profits would counteract this tendency and drive capital abroad.

(d) That, thus, while industries at home would be starved or ruined, competing industries abroad would be stimulated and encouraged; and English trade would be doubly affected.

(e) (By some.) That, already, large amounts of manufactured goods, which could and should be made at home, come into this country from abroad. To increase the cost of production here would give the foreigner a complete control over the home, as well as over the neutral markets.

30.—(a) That reduced hours would mean a proportional

reduction in wages. In many cases, where the reduction of hours brought about was very great—*i.e.*, from twelve or fourteen to eight—the wages earned would not be sufficient to keep body and soul together.

(*b*) That as labour is to a large extent paid, not by the week or by the day, but by the hour or under a system of piecework, a reduction of hours would, in these cases, be equivalent to a reduction of wages.

(*c*) That the abolition of "overtime," which is usually paid at a higher rate, would mean a considerable reduction in the wages of many workers, especially affecting the best and most skilled.

31.—(*a*) That, if a reduction of hours involved a proportionate reduction of wages, and the present amount of wages were merely to be spread over a larger number of persons, the workers, as a whole, would be worse off than before. There would be a larger number working at starvation wages; there would be a general lessening of the purchasing power, and of the standard of living of the working classes.

(*b*) That (this being so) the assumption on which the proposal for eight hours is founded, is that the individual wages would remain the same as before, or be but very slightly reduced, and that a larger number of persons would be employed, thus considerably increasing the total wages paid.

32.—That, if wages are not to be proportionately diminished, and if a greater number of persons are to be employed, the output must be proportionately enlarged, or else the cost of production would be largely increased.

33.—(*a*) That it is impossible that the output could be increased proportionately to the increased cost. In certain arduous, unhealthy, or trying industries, the productive power of labour is doubtless not diminished and may be even increased by the shortening of hours; but this profitable point has already, for the most part or altogether, been reached; and there is little scope for the further economical reduction of hours.

(*b*) That, if it were true that shortened hours of labour were not inconsistent with, or would even bring about increased production, such a result would speedily be attained by mutual agreement. Reduction of hours would

take place through the free play of the opposing forces of employer and employed.

(c) That many industries are of such a nature, or the sub-division of labour in them has been carried so far, that long hours of labour do not seriously affect the efficiency of the worker.

(d) That, in the past, much of the cost resulting from the gradual reduction of hours and increase of wages, has been met by improvement in machinery, better organisation, greater sub-division of labour, greater combination of capital, etc. These reforms have been carried to such perfection that there is little scope for further economy in that direction.

34.—(a) That the probabilities are that there would be an actual diminution of output. A system of shifts is only possible in a few industries; and even where possible it is not desirable, involving as it does unnatural hours of labour.

(b) That where shifts were not or could not be worked, it would seldom or ever be possible to maintain the present hours of work in a particular industry, by the employment of additional labour to complete the normal time in excess of eight hours. The hours of work would have to be reduced to eight all round, involving considerable additional expense in working.

35.—That, even if there were an increased output, profits could not be maintained. Neither at home nor abroad can the demand for goods be arbitrarily stimulated. A largely increased demand could only follow (though it would not necessarily do so) on a substantial reduction of prices; and a reduction of prices would deprive the capitalist of the profit it was necessary for him to receive on his whole output, in order to compensate him for his heavier labour bill.

36.—That thus, in every way, the cost of production would be greatly increased.

37.—That the increase in the cost of production, besides injuring the foreign trade of the country, would raise the price of all articles of consumption at home. Thus, the purchasing power of income and of wages would be reduced, consumption would be checked, and the demand for goods diminished; a lessened demand for labour would ensue, and would be followed by a fall in wages.

38.—(a) That if production were diminished, there would be fewer, not more, openings for the “unemployed.”

(b) That if production remained the same, the employment of the unemployed would imply either the division amongst them of a portion of the present wage fund, or an increase in the cost of production, consequent on an increase in the total amount of wages paid.

(c) That room for the unemployed could only be found by increasing production. An increase of production, side by side with the limitation of the hours of the individual, would involve a considerable increase in the cost of production, which would, as before, reduce the demand for goods, and seriously affect trade and commerce.

39.—That a forced limitation of hours would tend to the adoption of still more efficient labour-saving machines, and thus, in the end, less, not more, labour would be employed.

40.—That, in any case, there would be but little opening for the “unemployed.” So far as these are workers at all, they consist mostly of unskilled labourers; whereas it is in the skilled industries especially that a limitation of hours would tend to increase the demand for labour.

41.—That, with hours limited by law, it would be necessary, in time of emergency or pressure, partly to employ outsiders; these men would be unaccustomed to the work, and in many industries their sudden introduction would be both difficult and dangerous.

42.—(a) That limitation of hours, by the employment of a larger number of persons, would tend enormously to increase production in times of activity; and the dismissal of these persons in times of depression would intensify the depression and distress. Instead of trade being steadied, fluctuations would be increased.

(b) That a mere reduction of hours would not tend to regularise output; while it would constantly prevent urgent orders from being accepted or executed.

43.—That pressure of work at certain periods of the year would involve, with limited hours, the influx of additional population into certain centres at the busy times. When the slack period came, these families would have again either to migrate, or to be maintained from the rates. In either case, distress and destitution would ensue.

44.—(a) That all questions of hours should be left to be

settled by voluntary effort and private arrangement. Thus, alone, can proper elasticity of working be assured, labour obtain its proper reward, capital its fair profit, and trade continue in its natural course. Thus, alone, will the advantages arising from shortened hours be secured, and the evils arising from a cast-iron system be avoided.

(b) That there is all the difference in the world between the economic effect of a change in the relations of labour and capital brought about by voluntary agreement, and that brought about by legislation.

(c) That, in the former case, if experience showed that the action taken was injurious, the step could be easily retraced. To repeal an Act is always difficult; and while commercially necessary, it might be politically impossible.

45.—(a) That when trade is exceptionally brisk or exceptionally depressed, the hours of labour require to be modified by, and adapted to, the varying conditions of trade.

(b) That the reduction of hours obtained by the efforts of Trade Unions would not be in jeopardy at times of depression. Output is then, as a rule, restricted, not increased, and half-time, not overtime, is worked. The shorter hours would be more in jeopardy in times when trade was good and wages high; and a legal limitation of hours would prevent the working classes from reaping a rich and legitimate harvest.

46.—(a) That all impediments in the way of the combination of labour have been removed. The working classes, by means of their Trades Unions, have already done much to improve the conditions of labour. Trades Unions are rapidly increasing in numbers and in influence, and the question of a reduction of hours of labour is best left in their hands to be obtained by negotiation with the employer.

(b) That it does not follow because Trades Unions have not still further succeeded in reducing the hours of labour, that they cannot do so. The workers appreciate that, without disturbance and injury to trade, a reduction of hours can only take place gradually, and cannot with advantage proceed beyond a certain point.

47.—That the maximum tends to become a minimum, and it would be unfair to the working men—miners for instance—who had already, by their own exertions, obtained

a reduction of hours below eight, to enact an eight hours day.

48.—(a) That the danger of an universal strike is mythical. That, at the worst, an universal strike would be a lesser evil than an ubiquitous inspector.

(b) That the tendency of the time is towards a settlement of disputes between labour and capital by peaceful means rather than by industrial warfare.

49.—(a) That Trades Unions are of great advantage to the workmen and to the cause of labour generally, and anything that would tend to weaken their position, extension, and influence, would be very disadvantageous.

(b) That the passing of an Eight Hours Law, by removing one of the principal incentives to their formation and support, and by making the working classes less self-reliant, would do much to weaken the desire for, and the efficiency of Trades Unions.

(c) That where Trades Unions are strong, it has been in spite, not in consequence, of legislative interference with trade; their strength is due to increased education and intelligence, improved earnings, shorter hours, industrial freedom, and political power.

50.—(a) That to admit the right of Parliament to reduce the hours of labour would be to admit its right to increase them.

(b) (By some.) That it would establish the right of Parliament to interfere with the ordinary relations between employer and employed.

51.—That if the State interfered to curtail the hours of labour, an irresistible demand would be advanced by the employer and the capitalist for protection against his foreign rivals.

52.—(a) That the eight hours day in Australia, where alone it prevails, is founded on custom, not on law.

(b) That, even there, "overtime" to a large extent prevails.

(c) That the conditions under which an eight hours day is worked are wholly different to those existing in England. Labour is not abundant, protection for the most part prevails, trade and competition, especially foreign competition, are limited.

(d) That, even in Australia, the problem of the "un-

employed" has in no way been solved by the introduction of an eight hours day.

53.—(a) That in those continental countries where attempts have been made to limit the hours of labour, the hours allowed by law are very long;* while the Executive has the power, which is freely exercised, of allowing a prolongation even of these hours.

(b) That while laws to limit hours have been adopted in some of the States of the United States of America, they are either a dead letter, or evaded and rendered nugatory by unlimited "overtime."

54.—That the principle of an eight hours day once conceded, a demand would immediately spring up to reduce the working day by legislation to seven, six, or even a lesser number of hours.

55.—(By some.) That it is a socialistic idea, and on that ground should be resisted.

56.—That any reduction of hours of labour is at the best but a palliative. The real problem to be faced is the problem of over-population.

AN EIGHT HOURS LAW FOR MINERS.

The Eight Hours Bill for Miners† is also specifically supported on the grounds ‡ :—

1.—That miners work under exceptionally unfavourable conditions, and coal-mining forms a class of work apart by itself.

2.—(a) That eight hours of such arduous, perilous, and

* Australia, 12 hours; France, 12 hours; Switzerland, 11 hours.

† The Bill (introduced by Mr. William Abraham, and "backed" by Messrs. Pickard, Randall, Cremer, etc.) contains two operative clauses only, as follows :—

2. A person shall not, in any one day of twenty-four hours, be employed underground in any mine for a period exceeding eight hours, from the time of his leaving the surface of the ground to the time of his ascent thereto, except in case of accident.

3. Any employer, or the agent of any employer, employing or permitting to be employed any person in contravention of this enactment, shall be liable to a penalty not exceeding *forty shillings* for each offence, to be recovered in the same manner in which any penalty under the Acts relating to factories and workshops is recoverable.

‡ See, in addition, most of the arguments already given in favour of a general Eight Hours Bill, which will not be repeated.

unhealthy work as that of coal-mining underground is quite enough, if not too much, for any man.

(b) That, though in a considerable number of cases the miners work less, the bulk of them work more than eight hours a day.*

3.—That most of the arguments effective against a general Eight Hours Law, are entirely beside the mark in regard to miners; the bulk of them already work on the average but little more than eight hours a day.†

4.—That as a very large proportion of miners already work but little more than eight hours, and many of them less, a legal limitation of hours would in their case involve the minimum of disturbance.

5.—That the principle of legislative interference with the working of mines is already admitted, inasmuch as the mining industry is regulated in every detail. To extend these regulations so as to include the question of hours, would be to carry interference but one step further.

6.—That mines can with facility be inspected and supervised; regulations affecting them can therefore be easily and effectively carried out.

7.—(a) That the reduction of output (if any) would be very slight, seeing that the average hours of work are in fact already but little over eight.

(b) That there would be no difference in the effect on the public and on the price, whether an eight hours day were obtained by legislation or by the action of Trades Unions;

* An elaborate Parliamentary Return (No. 284 of 1890) gives the number of hours and days worked by all classes of workers employed in mines, stated by counties and groups of counties. The return cannot be properly analysed in a short note. Taking the number of hours worked at the face in coal-mines, it appears that the longest average number of hours per day actually worked is 8·40 in Leicestershire, and the shortest 5·66 in Durham. The average number of hours per day from bank to bank are respectively 9·58 and 7·23, and this on 4·87 days per week in the former case, and 5·46 in the latter.

An interesting return issued by the Miners' Federation (November, 1890) gives particulars of 679 collieries, with the following results, as obtained by the check-weighers and lodge secretaries:—

Colliers' hours at face	8 h. 25½ m.
Boys'	8 h. 48 m.
Labourers'	8 h. 49 m.

In addition, the average time spent in travelling underground was 39 minutes. On these figures the net average reduction in the length of the working day, if the Eight Hours Bill for Miners became law, would be 65 minutes, or 12½ per cent.

† See previous note.

yet it is almost universally admitted that an eight hours day obtained by voluntary means would be advantageous.

(c) That, carried to its logical conclusion, the diminution of output argument would justify any possible prolongation of working hours in mines.

8.—(By some.) That our supplies of coal are limited, and anything that would tend to limit output, while at the same time improving the condition of the miners, would be advantageous.

9.—That experience has already shown that coal-mining would not cease to be profitable under an eight hours day.

10.—(a) That the vast majority of miners are in favour of a legislative eight hours day.

(b) That, knowing the conditions under which it is worked, they believe that the mining industry could be everywhere practically and profitably carried on under an eight hours system.

11.—That the supposed difficulties of organising the work above ground and below ground, if a legal limitation of hours were applied to those working underground, would disappear if the law were passed. The work would be so arranged (as is already the case in many mines) that the different classes of labour could be fairly and fully employed.

12.—That practically coercion would be necessary in the case of very few of the owners; they would, for the most part, gladly fall in with the limitation, if their competitors were equally affected.

13.—That the only way, other than by Parliamentary interference, in which miners can obtain a universal eight hours day, is by a universal strike. Such a strike is already threatened, and would mean the serious dislocation of every industry and trade in the kingdom. Peaceful legislation would be more expedient and more effective than such industrial warfare.

14.—That, even during the last fifty years, the miners have been more and more protected, and their work regulated; yet they are certainly not less independent and self-reliant than any other workers; and their Trades Unions have ever increased and flourished.

15.—(a) That the legal enactment of a maximum number of hours of labour could not conceivably lead to

its adoption also as a minimum where already a lesser number of hours were worked. The tendency would, on the contrary, be still further to reduce the hours all round.

(b) That the shorter hours worked in certain mines have not prevented their successful competition with other mines. If the working day elsewhere were compulsorily limited, the reduction of hours in these mines could be carried still further.

16.—(By some.) That the peculiar position of the mining industry, and the fact that a legislative restriction of hours could be there applied with the minimum of disturbance, makes it a suitable subject for an experiment, with a view to seeing whether the principle of legislative interference with the hours of adult male labour could be safely and satisfactorily introduced.

On the other hand, it is contended* :—

1.—(a) That, already, the miners actually work on the average but little over eight hours a day ; while very many work less than eight hours.

(b) That if it be inexpedient to put in motion the vast machinery of compulsory legislation for the benefit of those working long hours, still less should it be invoked for the sake of a reduction of but a few minutes of labour a day in a particular industry.

2.—(a) That the miners have already, by voluntary effort, reduced their hours of labour almost to, in some cases below, the limit suggested ; the further reduction required would be best effected by their Trades Unions.

(b) That the Miners' Trade Unions are the most powerful in the kingdom, and if they can show that a universal reduction of hours to eight, in all mines, would benefit the workers, and not seriously injure the owners, they can obtain further reduction by the pressure of their Associations.

3.—(a) That mines vary enormously in ease of working, depth of shaft, proximity of coal to shaft, unhealthiness, danger, heat, etc., and no cast-iron rule of hours can be universally applied.

(b) That, in the individual mine, the work of some men

* See, in addition, most of the arguments already given against a general Eight Hours Bill, which will not be repeated.

is easier than that of others, while some are employed much nearer the pit-shaft than others; an Eight Hours Law reckoned from bank to bank, and applied equally to all underground work, would act most unequally and unjustly.

(c) That the deeper mines, and those more difficult and expensive to work, can only be profitably worked by the employment of the men for a longer period than in the case of mines more favourably circumstanced.

4.—(a) That the term "miners" does not cover nearly the whole of those employed. Besides the hewers, there are many other workers employed below ground, and many others above ground, whose daily task and wage is dependent on the output of the hewers. All of these would be seriously and adversely affected by any limitation of the hours of the hewers.

(b) That in consequence of the diversity and interdependence of the work, the same number of hours cannot be worked by all the different classes of labour employed in mines. A limitation of eight hours, for instance, in the case of the drawers, who work underground, would involve a lesser number of hours than eight on the part of the hewers. It would be impossible, under an Eight Hours Law, so to organise the work of the mine that each class of labour above and below ground should be fully and fairly employed.

5.—(a) That, in practice, the difficulties of introducing a system of additional shifts would be enormous. The cost, also, would be very great; more men would be required to do a given quantity of work. The system of shifts is in itself undesirable, as involving night work.

(b) That, in many places, the short hours worked by the miners are simply due to the existence of a double shift. If shifts were forbidden, or if these men were expected to work longer hours, the double shift would be abolished, and thousands of men would be thrown out of work.

6.—That, in consequence of a temporary and accidental falling-off in the demand, collieries are often for days together laid idle. The best coal cannot, without deterioration, be worked and stacked in contemplation of a demand; and, under a legal limitation of hours, neither owners nor men would be able to make up a temporary

deficiency of output or loss of wages caused by enforced idleness.

7.—That a system of piece-work generally prevails in mines; and thus, under a legal limitation of hours, the men, being forced to work a shorter time, would be able to earn less wages.

8.—That, under the Mines Regulation Acts, a miner must make his working-place safe before he leaves it, and the coal must not be so left that it impedes the air course. If this necessary work is included within the legal limit, the operation of the law will fall very unequally on different workers; if not, it would give opportunity for evasion of the law.

9.—(a) That either the miners working shorter hours would produce less coal, and so increase the cost of production; or it would be necessary to introduce a system of increased shifts, and to bring in additional workers.

(b) That, in the former case, the public would suffer by an increase in the price of coal; in the latter, the miners themselves, especially in times of depression, would suffer from the great overstocking of the labour market that would ensue.

10.—That the mine-owners, having to pay the same or larger fixed charges on a smaller output, would have their profits greatly curtailed or altogether destroyed, and many mines would be closed.

11.—(a) That the public at large, and the working classes especially, would suffer greatly from the rise that would take place in the price of coal, caused by the restriction of the output.

(b) That coal and coal-mining lie at the heart and root of our commercial and industrial supremacy; and the trade of the country would suffer severely from the general increase that would ensue in the cost of production through any restriction of output.

12.—That an eight hours maximum would tend to become an eight hours minimum; and the hours of those miners who now work less than eight hours a day would tend to increase.

13.—That very many miners are opposed to legislative interference in the matter of hours, and it would be unjust to coerce them.

14.—That the reduction of hours that has taken place in the case of miners has been due to a desire to limit output, and not from a desire to reduce the hours of work.

15.—That the principle of legislative interference with the hours of work of adult male labour once admitted in the case of miners, would be extended and applied elsewhere.

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