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TOPICS OF THE WEEK.

WE are not inclined to view with disapproval Lord Ronaldshay's appearance in the Bengal Council to explain the action he proposes to take on the Council's vote on the provision for reserved services. It was certainly not in the nature of a rebuke or protest; on the contrary, that he was ready to reason with the Council and justify resort to the exceptional power of restoration granted to him under the constitution in cases of irreconcilable differences, is commendable as quite in keeping with the spirit of reforms. On the particular matters in issue between the executive and the legislature, we do not feel competent to speak. But we may permit ourselves to express our view of the general constitutional question which Lord Ronaldshay has raised. He claimed that Parliament had not intended to restrict the use of the Governor's restoration power only in exceptional circumstances, but that it was a normal power to be used in normal circumstances. On the other hand, he maintained, Parliament had not intended that the legislative council should exercise its power of voting reduction of the supplies to the reserved half of Government "as part of the regular practice of the Council," but had obviously intended that this power should be exercised only "in extreme cases." On both these points we join issue.

To take the last point first, Parliament undoubtedly did intend that the Council should possess and exercise just the same power in respect of the supplies of both the reserved and transferred services. Their vote would not have the same effect; while in one case it would be decisive, in the other it would not be so. But that makes no difference to the power which the legislature enjoys. So far

as the Council's duties are concerned, it is not called upon to make any discrimination between the reserved and transferred services; it has the unquestioned right of voting reductions in one part of the budget as in the other; nor could it have been intended that the manner of exercising the right should differ. If it is meant that the legislature should exercise its power with moderation and restraint, we shall cordially agree. This advice holds good in the case of the transferred budget, and is perhaps applicable in a larger measure to the reserved budget; but as to the power of the Council there is no doubt.

* * *

ON the first point, Lord Ronaldshay has quoted the authority of the Joint Select Committee's Report. This we do not dispute. In law the Governor has unquestionably the right to use the restoration power, but he has got to use it with a full realisation of the consequences a frequent use of the power will lead to. These consequences Lord Ronaldshay has himself set out at length. We will only add that resort to this power may have to be justified to the Sessional Committee of Parliament. If these considerations are borne in mind, the power may well be described as exceptional. It is not only the popular representatives who advance this contention; but on this point there is general agreement between the official and the non official view. Sir William Vincent who, it will be granted, is not biased overmuch in favour of the privileges of the people, said in the Legislative Assembly the other day, in refutation of the too restricted view of the popular rights conferred by the reforms:

The safeguards, the so-called reservations, are of such a character that it would be impossible—indeed *wrong*—to use them *save in the gravest emergency*, and practically, whether it is right or wrong, the legislature, both in the Government of India and in the provinces, will exercise the greatest amount of control over the executive.

No words could be stronger than those used by the Government of India's Home Member: "save in the gravest emergency."

* * *

THE necessary corollary of the transfer of several departments in the provincial Governments to popular control is that official members of the legislative council should, in order to bring home their responsibility to the people's representatives, abstain from voting on any matters bearing on these subjects. It will be remembered that the authors of the Joint Report favoured the establishment of a convention to this effect; and yet a resolution seek

ing to establish such a convention in Bengal was only recently opposed by the Government of that province. This action on their part need hardly cause any surprise, for they have consistently opposed the building up of such a practice. Even though Lord Chelmsford was a signatory to the Joint Report, he allowed his Government subsequently to whittle down the original proposal under the guise of allowing official members freedom of speech and vote, "except in so far as the Government in exercise of the responsibility which it feels towards a particular question before the council thinks it necessary to give them instructions." The Joint Committee, however, considerably improved the position by allowing official members other than ministers and executive councillors complete freedom to speak and vote as they please. Whether in actual practice they will avail themselves of this concession and vote according to the dictates of their conscience or whether they will still act as the official *bloc* as in the old councils remains to be seen. Whatever that be, it is clear that a wholesome convention like the one referred to above needs to be built up in India.

THE C. P. Government have appointed a committee to enquire into the circumstances of the recent firing at Nagpur. This is to be welcomed, in view of the disposition in some quarters to question the veracity of the facts. The Committee consists of three members, two of whom are officials and only one an independent non-official. If we leave out of account the president, who is a high judicial Indian officer and who may be trusted to hold the scales even, the official and non-official elements may be said to be equally represented on it. The restriction is imposed that none but members can put any questions to a witness. But it is laid down that if anybody wishes to ask any questions he may suggest them to the president. Any non-officials, who may wish to do so, can appear before the Committee to give evidence, while the Government is going to arrange for the production of any Government servant as witness before the Committee. What is even more important is that the Committee is given full access to Government records relating to the occurrence. We hope that those who are disposed to challenge the accuracy of the Government *communiqués* on the subject will not fail to lead evidence before the Committee with a view to help in the just apportionment of blame.

THE Criminal Law Amendment Bill which the Bishop of London introduced into the House of Lords on March 9 is of a "much less far-reaching nature" than the one introduced by him last year and the one which was recommended by the Joint Select Committee. Most of the contentious clauses, *e. g.* those relating to the communication of venereal disease, the compulsory detention of young girls in homes, have been excised, and those which have been retained are also given a restricted scope. It is therefore likely that the Bill will be passed into

law as an agreed measure this session. The first clause provides that it should be no defence to a charge of indecent assault on a child or young person, under the age of sixteen, to prove that he or she consented to the act of indecency. And clause 2 raises the age limit under which carnal knowledge is an offence from sixteen to seventeen years, which is accompanied by the proposal to abolish the proviso under which it is a defence that the person charged can prove that he had reasonable cause to believe that the girl was over that age.

THE right Rev. Prelate had originally proposed to raise the age of consent from sixteen to eighteen, but now seventeen is proposed as a compromise, because "seventeen, with a clean cut, and with 'reasonable cause to believe' taken out, is a tremendous advance." The deletion of this proviso is very important. As Viscount Cave said, it is necessary to give

"full protection to a girl of sixteen and a half, because that is the age where she is probably in more peril than at any other time of her life. . . . So long as it is open to a person charged to get off by simply proving the state of his own mind, I do not think you will get anything like protection to those whom we all desire to protect. I think that one who corrupts a young girl under this age, or indeed any young girl, ought to do so at his peril."

The House was informed that the Home Secretary would not object to the proposed raising of the age to seventeen, and indeed, as the Bishop of London said, "this proposal is not in advance of public opinion in other parts of the world. If you turn to other parts of the world you will find that in New South Wales, Queensland, South Australia and Tasmania, the age is seventeen, and in nineteen of the states United States of the America it is eighteen."

WHATEVER Mr. Gandhi's intention may be, a distinct tendency is observable in Nationalist quarters to regard the All-India Congress Committee's resolutions as practically suspending the non-co-operation movement. Indeed, the strongest argument urged by Mr. A. Rangaswami Aiyengar against the adoption of Mr. Gandhi's proposal to eject all but the actual practitioners of non-co-operation from the Congress executive bodies was just this, that since the work that lies in front of the Congress workers now is entirely unconnected with any of the recognised items of non-co-operation, but consists mainly in home-spinning and so forth, no objection can in reason be taken to the presence of the principle-*minus*-practice non-co-operationists on Swaraj Sabhas. Anyway, the Nationalists who, even when the straightest ideas of a non-co-operator's duty held the sway, paid little homage to the new creed in their personal conduct, are not likely, in these days of latitudinarianism, to keep the flag flying, except perhaps in speech. The effect of the All-India Congress Committee's resolutions will be, the Nationalists expect, that the movement of non-co-operation as originally designed will be indefinitely sidetracked, if not completely put out of the way.

IF the movement, as to be conducted hereafter, is not even remotely connected with non-co-operation, one may ask, why was the country made to go through all the stress and strife of the last six months-unnecessarily? If we are to devote the energies of the remaining months of the year to spinning, and to spinning alone, where was the need of insisting upon the boycott of councils, the closing down of schools, the renunciation of legal practice, and so forth? Anyone would accept spinning as a supplementary occupation, irrespective of his politics. One may be sceptical of its possibilities and may take objection to the conditions of sweating which it will bring in, but it does not take a non-co-operator either to spin oneself or to preach spinning to others. The Viceroy may as well lead this movement of *charkas* as Mr. Gandhi. As non-co-operation is unnecessary to spinning in the future, so was it unnecessary in the past. It cannot be said that the movement could be originated only after non-co-operation had been practised for some six months in councils, schools and law-courts. Why then was non-co-operation foisted upon the country, and especially upon the Nationalists against their deepest instincts, if, after a few months, it has to give place to a movement which has as little connexion with non-co-operation as with its opposite.

To judge from Mr. Gandhi's speeches, the Congress workers are intended hereafter to work exclusively at spinning, and that is the only condition which Mr. Gandhi now lays down for the attainment of *swaraj*. Of course, different interpretations are put upon the precise significance of the resolutions passed by the All-India Congress Committee. People are loath to confess that the extensive machinery which the resolutions contemplate, a crore of men and a crore of rupees, is intended for no more inspiring object than to set a few *charkas* in motion. The *Independent* assures us that the real aim is to establish an alternative Government, with an electorate twice as large as that which the present legislatures can claim to have at their back. It is a trumpet call to the nation that the work of destruction having been completed, that of construction is now taken in hand. The central body of the Congress which is to stand on this basis is then to become the supreme governing organ of the nation. This paper, after thus explaining the deeper meaning of the resolution calling for a crore of Congress members, was in some difficulty to explain the need of a crore of rupees. The difficulty, however, is not such as will not yield to the exercise of a little imagination. This vast sum of money is no doubt required, declared this journal, for the purpose of initiating at an opportune moment an extensive campaign of non-payment of taxes. That will be the consummation of the bloodless war that was begun six months ago, but is for the present suspended. Those who cherished this hope will receive a shock of disillusionment in Mr. Gandhi's statement that the whole crore is required for the

unmilitant purpose of setting spinning wheels at work.

THOSE members of the Legislative Assembly who, influenced by the present practice in England, sought to rob the Council of State of most of its power, should give heed to the proposals for reforming the House of Lords that were put forward on March 21 in the Upper House. All are agreed that the Parliament Act must be revised. Lord Haldane, who had a hand in enacting it, said that it was an emergency measure, a short cut to enforcing the duty of constitutionality upon the Lords' House, when it overstepped the limits of the constitution. The line of reform which is likely to appeal to the best minds in England can be seen from the following observations of Lord Bryce:—

The problem was a twofold one. It was a problem of the powers that had to be given to the reconstituted House, and of the method of constituting the House. There was no use in having a Second Chamber unless they gave some substantial powers, but it should be remembered that the more powers they gave it, the more popular must be the composition of the Chamber, so as to make sure that it represented adequately what might be called the best, the deliberate popular sentiment. . . . It must not be a mere body of revision, it must have powers of initiation. The kind of Second Chamber they had in mind was one that would secure time for consideration and help to form public opinion and not resist the declared will of the people.

In the *Young Men of India* of this month is printed the notable address recently delivered by Professor Gilbert Murray on "India and the League of Nations." The eminent scholar describes in it the advantages which would accrue to India by her entry into the League. First, the representation of India on the Assembly "seems like an admission in the eyes of the world that India is a self-governing society. This is an important point; it is a rank achieved." Next, "when you had the two Indian representatives (Sir Ali Imam and the Maharaja of Nawanagar) standing up and making absolutely first-rate speeches, speeches that would rank among the high level of the speeches there delivered by the statesmen of the world, on an absolute equality with the first statesmen chosen to represent the leading nations throughout the world, an impression was made which is of enormous importance to the prestige and future position of India." Incidentally Professor Murray thus speaks of the Government of India Act:

"I think myself that under the new constitution of India with the Montagu reforms there will be an enormous increase of effective self-government. I do not want either to defend or criticise in detail those reforms, but I think that fact is quite obvious. I would venture to say one other thing on behalf of the reforms: that I am not sure that I know in history any parallel where a nation in an imperial position, being in a position of real power, has gone quite as far as that in willingly giving independent institutions and powers of self-government to any other nation that was under its empire. Whatever imperfections there may be, whatever terrible incidents, disastrous and criminal mistakes there have been in the executive of India, I think that that is a remarkable historical achievement."

THE CRISIS IN ENGLAND.

THOUGH the present industrial crisis in Great Britain seems to have come upon the nation as a thunder clap, mutterings of the coming storm could have been clearly heard for weeks past. But the gravity of the imminent danger could have been realized by few, because there is in and behind the situation a combination of forces the true significance of which is not quite obvious. It is common knowledge that the economic prosperity which was to have succeeded the signing of the treaty of peace has proved an idle dream. Not only that. There is as yet no peace in Europe or, for the matter of that, in Asia. Russia is still in the grip of the Bolsheviks and in a fighting mood, in spite of the commercial treaty recently concluded with England. Greece and Turkey are running at the throat of each other. Germany is truculent and is seething with communist trouble. Ireland is as bad as ever, and the prospect there is hardly hopeful. Trade depression has been brooding over the whole scene as a nightmare. High cost of living, unemployment, a huge load of public debt and oppressive taxation, without any near possibility of relief, are circumstances which are not calculated to make for peace of mind or smooth working of the industrial machinery. Extravagance in Government expenditure, due partly to war-time habit and partly to military complications in the Near East, had long become notorious, and something had to be done to effect retrenchment and economy. All manner of control and subsidising had been practised during the war by the State, and the working classes had got accustomed to high wages which they were naturally unwilling to see reduced. Combine all these factors, and you have a picture of social and economic life in England which has hardly any bright patches.

The problem of railwaymen's and miners' wages has been under discussion in England for weeks past. The evils of industrial depression were being intensified by the high cost of production which was caused by high wages. Increased wages could be maintained only by mulcting the tax-payer and penalising the consumer. Reduction of expenditure and relief of the tax-payer could be effected only by taking off control from industries and prices. Mr. Lloyd George's Government, therefore, decided to decontrol coal and to leave the wages of miners to adjust themselves to the new situation. The miners were not prepared for this policy of Government. First of all, they regarded this as a breach of faith on the part of Government who were not expected to take off control till August next. But more than this, they see in the attitude of Government a blow aimed at organized labour in the interest of capital. The position, therefore, is this. The State is determined not to help in maintaining wages at a high level at the cost of the ordinary consumer and the tax-payer as also of industry and trade. Coal-miners will not, on the other hand, allow, with impunity, their wages to be tampered

with. In no case are they willing to go back to the pre-war rates of wages or permit them to be reduced if they can help it. The memories of the last year's big strike and of the Sankey report have not yet faded from the public mind, and labour is not going to give up the vantage-ground it has won. The Government, on the other hand, wants to resist the intolerable pretensions of one class of the community, seeking to dominate the nation with organized force.

Whatever the immediate cause or phase of the struggle may be, the trouble has really gone deeper into the British body politic. It will indeed be an unwarranted exaggeration to say that British labour has been infected with Bolshevism or communism. But there can be no doubt that Socialism of an extreme type has been steadily filtering into the mass of the working population of England, and radical changes in the industrial organization are being demanded. The nationalization of mines is now an important plank in the programme of labour, and the distrust and hatred of the capitalist and the employer have been glaringly in evidence. Leaders of labour who would counsel patience and sobriety are finding it more and more difficult to get a hearing. The weapon of 'direct action' has come into greater favour, and the Triple Alliance of miners, railwaymen and transport workers has become a formidable and a dangerous organization. The real issue, therefore, now is not merely about an increase or decrease of wages. But it is practically a trial of strength between organized labour and the Government representing the community. It is in this spirit that Mr. Lloyd George's Government has taken up the challenge hurled into its face by organized labour. The situation is indeed most critical and has been described as "practically civil war." The mines are being left to destruction and the nation is confronted with a calamity of unparalleled magnitude. We are fighting, the Premier has said, "for the life of the community, and shall use every resource which the community has at its disposal." The attitude of labour was well brought out by Mr. Thomas when he said: "The wages offered to the miners justified them in saying that they preferred to starve to death than to be worked to death."

It is extremely difficult to pass judgment upon the situation from this distance. But it appears to us that the deplorable conflict has been precipitated by a lack of patience on either side. 'Now or never,' seems to be the spirit in which the two parties have plunged into the deadly fray. True it is that England cannot stand a large subsidy to be enjoyed by one industry at the risk of the ruin of the whole nation. It is equally true that labour cannot face the black prospect of starving wages with equanimity. But Government could certainly have stayed its hand and allowed time for discussion and negotiation. Labour too has acted in allowing mines to be flooded with a callousness which is bound to cause a revulsion of feeling in the public mind even against the just claims of the working

portance, compared with the personality of the teacher. The teacher's point of view, even if scrupulously kept in the background, after all is a fact; it is always there, however invisible and imponderable, and none more aware of it than the children whom he teaches. In fact, the less he talks about it, the less he preaches about his convictions and the more he lives according to them—the greater the, perhaps quite unconscious, impression he is bound to make on the plastic minds of his pupils. Take the teaching of, say, Biology, which may either result merely in stimulating curiosity, or else may evoke and foster a reverent spirit of wonder; or take the story, well-known in Madras where it happened, of a would-be atheistic student whose one great stumbling block was that his beloved professor after all did believe in God!

Again, if Christianity is true, Truth is one; hence Truth, and therefore in the end Christianity too, must be served by teaching anything that is true, be it the facts of the multiplication table or the law of gravitation. Clearly, if God is a God of Truth, His Kingdom must be advanced wherever ignorance is being dispelled, and the best remedy against the dangers of half-knowledge is more knowledge. If all truth forms a coherent whole, the ideal logician ought to be able to reconstruct the whole body of truth even out of ever so small a fragment of truth—just as palæontologists are reputed to be able to reconstruct an antediluvian monster out of a single bone. In a sense, therefore, all imparting of true knowledge must be Christian instruction; and therefore should offer a congenial field of labour to those who have dedicated their lives to Educational Mission work.

India deprived of all Mission Schools.—For all that, it must be conceded that this line is not the one exclusively taken. There are Missionary educationalists who advocate the substitution of a policy for running definite Church Hostels in the place of one for continuing indefinite Church Schools. They maintain that the primary function of Mission work is to be pioneer work, to show the way which the State is to tread afterwards. Thus education once was not merely the domain, but the monopoly, of Christian Missions: and the result of the stimulus thus imparted can be seen nowadays when public conscience begins to demand from the State as a common right what private effort had hitherto offered as a privilege. Similarly with the Medical Service, which it is more and more now recognized to be the duty of the State to supply, although the provision of lady doctors is still left mainly in the hands of Medical Zenana Missions generally—simply because the State is sadly lagging behind. Similarly with Leper Asylums and Homes for the Blind and all the other splendid philanthropies for which Christian charity has blazed the trail: is it not time that private effort, having done its work of initiating, be directed to fresh pioneer work, leaving the old to be taken up by the State and to be made available for all at the expense of all?

What if such counsels should prevail; if the

introduction of the Conscience Clause should cause a general searching of hearts in Missionary circles and should result in the wholesale closing down of the many splendid schools and colleges hitherto maintained in India as a definitely Christian piece of work? Is it wise to risk what would be a real calamity for India with its teeming millions of illiterates?

With the history of educational missions in other lands before one, it is hard to believe that such risk is a real one; that men and women who have given their best years, if not their life, to India will callously stand by and submit to such a policy which would undo all their own life's work and that of their predecessors. But here again, one must remember that if the Conscience Clause is a matter of principle, one cannot weigh any merely opportunist probability of such a contingency; one cannot consider the mere expediency of provoking it. If the principle of the Clause is right, surely all of us who contend for Righteousness and Truth must also contend for its introduction, whatever its immediate effects may be; if wrong, it must be resisted, not on questions of expediency, but of principle.

By way of recapitulation let me then say that as a man I can but recognize the common-sense, the natural right, the equity of a Conscience Clause; as a man I therefore welcome its introduction as a piece of common justice. It is as a Christian that I go further; that I would plead for it, because I take my stand on what Dr. Fraser so well calls, "the winsomeness of Christ;" it is as a Christian that I would beg all my fellow-Christians to realize that if Christ's call is meant for all, it is yet not meant to be made cheap; and that, first and last, the privilege of Christianity is for the receptive heart, and for it alone.

H. C. E. ZACHARIAS.

TRADE UNION LEGISLATION.—II. OBJECTIONS ANSWERED.

CRITICISM is mainly concentrated on section 4 of the Trade Disputes Act, which puts trade unions "in the position of being peculiarly privileged corporations, allowed to commit wrongful actions in the prosecution of a trade dispute without thereby becoming liable for damages." The privileged position which these organisations occupy in law is, however, justified by their peculiar character. The Act of 1871 which legalised trade unions recognised that they were not corporate bodies and could not be made liable to actions for their so-called corporate acts. In this connexion I would remind the reader of the extract which was quoted in the last article from the Minority Report of the Labour Commission of 1867, which led to that enactment. The Commission recommended that no law was required enabling trade unions to sue and be sued. "The objects at which they aim, the rights which they

* "The Making of Modern England," by Gilbert Slater.

claim and the liabilities which they incur are for the most part, it seems to us (the Report said), such that courts of law should neither enforce, nor modify, nor annul. They should rest entirely on consent." The Home Secretary emphasised these restrictions both on the powers and the liabilities of trade unions in moving the Bill, as I have already shown. For thirty years trade unions enjoyed this immunity without question. Even if in theory an action could be brought against them, it had to be brought against every individual member and the interest of each man in the union funds had to be specified, which it was impossible to do. But an amendment made in 1883 in the law of judicature enabled trade unions to be sued in representative action and their funds made liable for any damages in which they might be cast. In other words, trade unions, though not incorporated in law, and not endowed with the privileges of incorporation, could be saddled with liabilities attaching to corporate organisations. In the Taff Vale case the House of Lords decided that the fact of registration made a trade union suable in respect of wrongful conduct in the name of the organisation which was placed on the register and held its funds answerable for damages.

PARTIAL IMMUNITY.

Now, the injustice involved in this judgment is patent. Trade unions are bodies of an exceedingly loose organisation. Their ramifications are manifold, they employ a large number of officials whose authority is often difficult to define. These officials are mostly volunteer workers who give their spare hours to the work of the unions, and the unions have no effective control over them. To hold the funds of a union, representing the hard-earned savings of the working classes and contributed largely for the purpose of making provision against misfortune, liable to meet claims for the wrongful conduct of some officials or agents connected with some one of the numerous branches is grossly unjust. And it became the duty of Parliament to remove the considerable practical injustice caused by applying to trade unions the law of agency which is totally inapplicable to organisations of this kind. By this legal doctrine agency is implied from conduct and is not attributable to any express authorisation. The Government at first proposed to protect trade unions from a too rigorous administration of this doctrine by relieving them from any responsibility for any action which was not expressly authorised by their governing body. Since our object is to devise a suitable remedy, and not merely to examine the provisions of the Trade Disputes Act, it would be useful to set out the original proposals of the Government in full, which I do below in the words of the Advocate-General, Sir John Walton:—

We propose so to define the law of agency in its application to these unions that no act can be made the foundation of a claim for redress from union funds unless it is perfectly clear that that act was authorised by the governing body of the union. That is the first step we propose to take. We propose that the union shall appoint an executive committee, which shall have the right of conducting all operations which may bring them into colli-

sion either with their employers or with the outside public; and we propose to provide that the unions shall not be bound, and their property shall not be bound, by an act unless it be the act of the executive itself—which, I take it, would mean the act of that body by resolution formally passed—or unless it be the act of some person whom they have authorised to bind them by the conduct which is impugned. That is not enough, because it may be said that the principal is liable for the acts of an agent, and that the agent is acting within the sphere of his authority, even although he may violate his instructions. We do not propose that that principle of law should apply to these cases. In the second place we propose to provide that the executive, in appointing an agent, may prescribe the acts which that agent is not permitted to do, may indicate exactly what is the sphere and scope of his duties and may restrict him to that sphere in such a way that if the conduct impugned is a violation of those instructions, then the union shall not be bound by it. There is still a third consideration. You may have a self-constituted agent who takes some action on behalf of and in the interests of the union; he may say he has the authority of the union; it may be that neither of the safeguards I have indicated would apply. We have, therefore, put a provision in the Bill that if the executive, when knowledge of that conduct is brought to them, repudiate the act and indicate their disapproval of it, they shall not be bound by it. You thus have a code of safety. First, the constitution of the committee which shall conduct these operations, and by whom alone the acts may be committed for which the union is responsible. In the second place, they have the power of limiting the authority of the agents whom they may appoint, and in the third place they have the right of repudiation in regard to acts of which they disapprove. I think that this is wise, and constitutes a pretty effective defence of these unions against attack. As I have said, these provisions involve some alteration of the general law. There is the rule by which the principal is made liable for acts which involve the violation of the instructions given to his agent, provided those acts are done on his behalf and in his interests. It is difficult perhaps, to say conclusively what is the true foundation of that doctrine. The best reason I can give is that, inasmuch as profit often attends acts not in themselves authorised, and which involve a violation of instructions, a correlative liability should attach to them. That law is certainly a part of the law of the land; yet in our view it is a principle which ought not to apply in relation to trade unions.

The Advocate-General also quoted a precedent—the 1903 Act of New South Wales. The relevant provision in this enactment runs as follows:—

No trade union or industrial union or association of employers shall be liable to any suit or action, nor shall the funds of such union or association be in any way chargeable in respect of any act or word, done, spoken, or written, during or in connection with an industrial dispute by any agent, if it be proved that such agent acted:—(1) contrary to instructions *bona fide* given by or (2) without the knowledge of the governing body of such union or association, and that the union or association has *bona fide* and by all reasonable means repudiated the acts or words complained of at the earliest opportunity and with reasonable publicity.

Even this proposal giving partial immunity to trade unions involves a change in the ordinary law of the land, exempting one special class from liabilities to which other classes are subject, but the very nature of the organisation of trade unions requires such special legislation in their behalf if they are at all to do the work expected of them. I may here add that even Mr. Balfour, the Leader of the Opposition, was quite agreeable to this proposal, though

classes. Unless wiser counsels prevail even at this critical eleventh hour, anything may happen in Great Britain where any amount of inflammable material exists waiting to flare up. Mr. Lloyd George is no stickler for dry principles; he has the reputation of being an opportunist. And the hope still lingers that he may contrive to save the situation by finding a way out. England is a nation of practical people who work by compromises, and it is to be hoped that in the present instance their resourcefulness will not fail them. Labour leaders also have frequently given evidence of their strong sense of responsibility for national safety and well-being, and now is the time for them to act,—and on whichever side the fault may mainly lie,—to do their utmost to save the country from falling down the precipice.

THE CONSCIENCE CLAUSE AGAIN.

IN the issue of February 10th Dr. Macnicol contributed a valuable article on the Conscience Clause, and since then, taking practically the same line, the "Educational Board of the Bombay Representative Council of Missions" have published a statement, in which they lay down the principles of Missionary Educational Work, as understood by a large number of the Missionaries and Missions working in West India." The long and varied experience represented by these latter is so undoubted that it may seem presumption to run counter to their views; still, the interests of Truth will be best served by a thorough ventilation of the whole question, and it is therefore intended in this article to present the other side of it, not merely from the non-Christian, but rather from the definitely Christian and Missionary point of view.

1. ITS COMMON SENSE.

The two documents referred to apparently agree that, whilst much should be done in practice to meet hard cases (such as "single school areas," Dr. Macnicol's "students whose consciences are offended," etc.), yet the Conscience Clause in itself, in principle and in theory, should be considered as altogether wrong. Now this surely is a little surprising. One might have expected the writers to take the line that, however much could be said in abstract for the moral justice of a Conscience Clause, its practical application was impossible: but not to agree even that the Clause itself was right and just — —!

And why is a Conscience Clause pronounced to be wrong in principle? Apparently, because it clashes with the axiom that "education must be religious, if it is to be complete." Let us thoroughly agree with this axiom; let us admit that a Conscience Clause will officially countenance an incomplete, *i. e.* non-religious, education. But surely it is not the Conscience Clause that will make such education incomplete, but the individual's refusal to imbibe the religious instruction offered—Conscience Clause or no Conscience Clause. To prove a Conscience Clause wrong, one should first have to prove that it is possible to im-

part spiritually valuable instruction, quite irrespective of the subjective attitude of mind on the part of the recipient. Surely, the whole argument hinges on that. If a certain inoculation will prevent infection with small-pox, it is expedient in the interests of the Commonwealth that such inoculation be made compulsory. The vaccine is the thing that matters; the mind of the vaccinated on the other hand is a factor which simply does not enter, as far as small-pox germs are concerned. The objective element alone needs to be considered; the subjective can be ruled out as altogether irrelevant.

Does this analogy apply to the teaching of religion? Does a Bible Class have its effect in the same manner, *i. e.* purely objectively and irrespective of the subjective mind of the taught? Can, say, religious cramming produce a moral paragon or a Christian saint? We only need ask these questions to know, that "the reply is in the negative." Christianity is based on the bed-rock fact of human free-will; it is therefore a call which people may or may not heed. The importance of Christianity makes it incumbent on all Christians to see to it that the call may be heard by all; but here their duty stops. It is for those who have heard the call to shoulder the responsibility of deciding on their own response or refusal to respond. So far from being purely objective like vaccine, that decision is purely subjective. Hence the problem of the Conscience Clause is the psychological problem of the mind of the taught. And the human mind is so constructed that one cannot receive, unless one asks; that one cannot find, unless one seeks; that one cannot enter, unless one knocks. Hence the common sense of not offering that, which is holiest to oneself, to such as one knows beforehand to lack the faculty of discerning it; hence the absurdity of pearls for pigsties.

Regarded in this way—and how else can one regard it?—the Conscience Clause, so far from seeming wrong, appears as the only common sense policy to adopt. If the unwilling horse even can only be taken to the stream, but cannot be made to drink of it, how much less can the unwilling pupil be made to swallow (and *make his own!*) ideas, against which his mind revolts? Dr. A. G. Fraser's testimony,* if

* Vide his address at the Glasgow Conference of the Christian Student Movement:

"But again the whole conception of the compulsory teaching of the faith of Jesus Christ is wrong. The Roman Church has too much sense to do it. So long as there is no feeling against it and the atmosphere is purely friendly, no harm need be done. But as soon as compulsion is necessary to secure attendance, so soon is the situation harmful. We tend to believe the religion of Christ can be taught. It cannot, it must be caught. The Christian faith is not a religion in the sense often used, not a dogma but a friendship. And because we send out few teachers to large classes, and make personal influence difficult, we put our hope in the cheaper compulsory religious instruction. Under such circumstances the teaching is apt to turn out skilled enemies of the faith taught, but not caught. The keenest anti-Christian propagandist I know in India to-day was thus taught in a missionary institution. The whole thing is against the winsomeness of Christ, and I say this, though most of my missionary life I have been ready to accept it and not seen the evil of it."

any was needed, is conclusive that practical experience but bears out such theoretical considerations and that the teaching of Christianity *contre cœur* actually results, as is only to be expected, not in discipleship, but in fierce anti-Christian fanaticism or else in complete un-Christian indifference.

Common sense surely, to put it no higher, should prompt Missionaries, not to resist, but to insist upon a Conscience Clause as at least some sort of guarantee on the part of their pupils of a mental attitude which alone makes possible the assimilation of any religious instruction given.

2. OBJECTIONS.

Influencing the Sub-Conscious.—The most serious objection that can be offered to the line taken in the argument set out above is, I think, that it lays all its emphasis on the conscious mind of man, without as much as mentioning the great mass of the un-conscious and sub-conscious, against which the conscious mind flickers, as a brilliant pin-point of light on a vast screen of inky blackness. It is—quite rightly—argued, that the teaching of valuable spiritual truths, although given at the time against the conscious will of the taught, affects all the same his subliminal consciousness, and that therefore, sooner or later, it may lead to an “uprush,” which may result in as dramatic a conversion as that whereby Saul became Paul—and many illustrations to that effect are quoted from Missionary experience in India.

One would be the last to deny the tremendous importance of the sub-conscious in the human mind: yet, how can one defend its surreptitious capture by a stratagem or by sheer force? Love and persuasion, yes; for they respect the sanctity of the human free-will: but how defend compulsion under any guise? And if any method, which is not unequivocally based on the freedom of the will, cannot be right: shall we do wrong that good may come thereout? Away with the very suggestion. Let us be faithful to our principles and practise Truth and Righteousness at all costs, leaving the outcome confidently in the hands of God.

The Duty of Evangelizing.—Another group of objections centres round the Christian obligation of making Christ's call, *i. e.* the Good News of Christianity, audible to all mankind. This it may be held implies the necessity of indiscriminate Scripture lessons in, at least all Missionary Schools. But this obligation can be hardly deemed to be a valid one, since it implies that without such compulsory teaching of Christian truths non-Christian children frequenting a Mission School cannot be said to have any opportunity of finding out what Christianity stands for—which is clearly absurd. It obviously goes without saying that no Mission School but will give every facility for such enquiries and provide in ever so many ways opportunities for eliciting them. It therefore is really not possible to plead that without a compulsory attendance at Bible Classes the existence of a Christian “Good News” cannot be brought to the notice of scholars frequenting a Mission School. But if that is so, it follows

that the duty of a Christian can be discharged, even with the Conscience Clause in full force and loyally obeyed. The real trouble is, that the duty of *evangelizing* is only too often misinterpreted as a duty of *proselytizing*; which is another story, however.

Education Stultified.—Yet another objection is to the effect, that the Conscience Clause will prevent religion from remaining an integral part of the education intended to be imparted in Mission Schools and therefore will stultify such education altogether. Waiving for the moment the question as to whether daily attendance at a short Scripture lesson is all that can be meant by a religious education: it is sufficient here to say that, as usual, the better is the greatest enemy of the good. Apart from what *would* be more desirable or more effective, one is called upon to deal with an actual fact, the fact that a number of pupils do *not* wish to receive any Christian instruction and that therefore and thereby they render themselves incapable of receiving its benefits. We therefore hold that no mere mechanical attendance of compulsory Bible Classes could advance the cause of a truly religious and Christian education.

What then? Should a Mission School wash its hands altogether of such children and refuse to give any education at all to any who refuse to accept its religious instruction? The principle of the Conscience Clause is the right of every man to his conscience. On that principle it would be equally wrong to force a Missionary to give secular instruction only, if he on his part conscientiously objected to it. One must go further and say that even so he is entitled to a State grant in respect of the secular instruction he does give to the remaining pupils. But one must hope that no Christian educator's conscience will be found so ill-informed, as to prefer a child—*ceteris paribus*—to attend a non-Christian school or no school at all, rather than attend secular instruction only in a Christian school: which is much like refusing to give to a starving child half a loaf, because forsooth one is prevented from giving it the whole loaf!

Mission Funds for Secular Instruction?—The question has been asked, what right, once the principle of the Conscience Clause was adopted, Missionary Societies would have to accept offerings from their supporters, if such funds were to be employed to enable non-Christians to be taught everything—*except* Christianity?

The answer to that is, that Missionary Societies do operate not only in India, but in other countries, and that in many of these latter the Conscience Clause has been the law of the land all along—as for instance in so close a neighbour to India, as British Malaya. And the reason why these Societies see nothing wrong in giving in such countries, if necessary, merely secular instruction, is that educationalists there have come to realize that there is an *ethos*, an atmosphere, about a Christian school which cannot but benefit the pupil spiritually, even if the actual teaching extends to non-religious subjects only. The subject, after all, is of secondary im-

he opposed the alternative proposal which was eventually adopted. He said (Aug. 3, 1906): "If all that was asked for by the unions was that their funds should not be liable unless there was moral responsibility—not technical, but real responsibility—brought home to the unions, then he would be heart and soul with them."

COMPLETE IMMUNITY.

The actual enactment of 1906, however, gave a more complete immunity and is frequently criticised, and was indeed criticised by the Advocate-General himself, as "creating a privilege for the proletariat and giving a sort of benefit of clergy to trade unions analogous to the benefit of clergy which was formerly enjoyed and which created an immunity against actions in favour of certain sections of the population." Before considering this objection in detail, I must make it plain that this section creating a privilege is applicable to the organisations of employers as well as to the organisations of labourers. The objection therefore really is, that the Act gives to trade unions and employers' associations a greater privilege than the limited liability of business corporations. "The liability is not merely limited, it is removed *in toto*. Even though a union may be responsible for acts of violence, it cannot be sued for the damage it caused. Our [American] courts hold the members of labour unions to the unlimited law of partnerships; in England they are not liable at all. The position given in England to trade unions and employers' associations violates that concept, fundamental in law, that he who is responsible for a wrong must answer therefor." Such is the criticism passed by the most sympathetic of writers* on this subject. But the extent of this objection must be clearly understood. "Exemption of trade unions and employers' associations from actions in tort does not mean that the wrongs they commit are allowed to go unpunished. The union members who are guilty of acts of violence can be held therefor, both criminally and in tort; but the members who have not been direct participants in the wrongdoing cannot be held civilly liable as principals," and trade union funds cannot be rendered answerable for damages although the wrongful act may have been committed on the express authorisation of the union. This objection must be allowed, and from the theoretical point of view it is not slight, but it largely disappears when the practical effect of such legislation is considered. In discarding their original proposal for giving a limited exemption to trade unions in favour of a more far-reaching one and making such exemption bi-lateral (*i. e.* extending it to masters as well as to men), the Government were guided by the consideration, as Mr. Asquith (then Chancellor of the Exchequer) explained, "that there was less risk of actual legislation on disputed questions going to the Courts of law, passing from one stage of appeal to another, and involving loss of temper, money, and time, by adopting the perfectly

* John R. Commons, LL. D., and John B. Andrews, Ph. D., in "Principles of Labour Legislation." (Harper's Citizen's Series.)

simple and common-sense method embodied in the alternative clause, than if they were to lay down in regard to industrial combinations a new code of the law of agency." After all it must be remembered that the Act of 1906 merely restored to the trade unions the status they enjoyed previous to the Taff Vale decision. For thirty years after the passage of the 1871 Act they were practically exempt from actions in tort, and no evil consequences had happened during the period. Whatever apprehensions may have been felt when the Trade Disputes Act was passed, no practical hardship is experienced as a result of removing trade unions from the operation of agency law. An objection is frequently urged that the Act destroys the sense of responsibility of the union officials. The answer is: "As a curb upon union violence, it is doubtless much more effective vigorously to prosecute those who commit the violence than to take away the property of entirely innocent members."

ALTERNATIVE OF INCORPORATION CONSIDERED.

The only other conceivable method of redressing the injustice involved in putting trade unions under the liabilities of incorporate bodies would be to confer upon them the privileges of incorporation as well. They must be entitled, then, to bring actions to enforce contracts between a union and each of its members. The consequences this would lead to were thus described by the Solicitor-General, Sir W. Robson (House of Commons, April 26, 1906):—

I think we may say that a trade union is entitled to make a contract with its members, that those members shall not return to work in a strike except with the consent of the majority of the union, expressed, it may be, through their legal and executive body. At present that contract, although legal, is not enforceable by law. Under Section 4 of the Trade Union Act of 1871 that contract is expressly made non-enforceable, because it was the intention of the statesmen of those days that trade unions should not be treated as incorporate bodies, and therefore they made these contracts non-enforceable. But, following out our supposition that trade unions are to be treated with absolute equality and that they are to be incorporate bodies, that contract will become enforceable in courts of law, not merely by actions for damages for its breach, but also by way of injunction in restraint of breach. A trade union would be able, would be entitled, then to go, and to go with a very good case, to the Court of Chancery and ask that injunctions should be issued against certain of its workmen who, in breach of their contract with the union, proposed to go back to work. . . . The trade unions having got these injunctions, what follows? Imagine the case of some great strike with, it may be, hundreds or thousands of workmen, under pressure of starvation, desiring to return to work. They have been forbidden by law. We hear a great deal about watching and besetting and picketing. That would become an obsolete controversy then, because the trade union would be entitled to go before the court and demand to receive the aid of the law, and there pickets would be the police and, if need be, perhaps the military.

That is not the only consequence. A striking feature of the recent decisions that have brought about this Bill is the development of the law with regard to procuring breaches of contracts. Workmen have been severely punished whenever it can be proved—I was going to say alleged—that they have procured a breach of any contract between an employer and his workmen. That is an illegal act which at once brings all combinations within the meshes

of the existing law of conspiracy. But when trade unions are incorporated and their contracts with their members are placed under the sanction of the law relating to contracts, it will, of course, be a wrongful act on the part of an employer to bring about any breach of contract between the union and its members, and the employer will be the subject of injunction if, in such a case, he tries to lure the men away from the solemn and secret contract they have made with their fellows.

It is inconceivable that the employers would acquiesce in these consequences of incorporation. Since trade unions cannot be given the privileges which properly belong to incorporated bodies, they must be relieved also from the obligations attaching to them. There is thus no escape from this position. The exemption from liability for tortious acts, however, is conferred by the Act equally upon labourers' and employers' organisations, and the real check, as Messrs. Commons and Andrews say, upon abuse of power by unions is the like power of employers.

In conclusion, I will only remark that Sir Thomas Holland was not quite fair in quoting from Lord Askwith in the Legislative Assembly. He quoted the adverse remarks, but stopped short at the point where Lord Askwith considerably qualified the meaning of the previous observations. Immediately following on this passage which Sir Thomas read to the Assembly occurs the following significant sentence which also, in fairness, he should have quoted: "My own opinion is that many of the complaints against it (the Trade Disputes Act) are not based on good grounds and that it has not been so harmful as many suppose."

A LABOUR ADVOCATE.

A LETTER FROM LONDON.

(FROM OUR OWN CORRESPONDENT.)

LONDON, MARCH 24.

MR. BONAR LAW'S RESIGNATION.

It is a trite saying that the unexpected always happens. That is why, with a long experience of the unexpected things that do happen, we should expect them. But, of course, we never do. The unexpected resignation of Mr. Bonar Law, the Prime Minister's right-hand man and alter ego, came with such a shock last Thursday evening. Save for perhaps a few hours' warning, no-one was more surprised than the Prime Minister himself. Rumour during the week had been that, irrespective of the future of the Coalition, Mr. Lloyd George and Mr. Bonar Law had come to understand each other so intimately that they had decided to cast in their lot together and form a working partnership, no matter what might befall. If this were so, then, as so often happens in real life, once more the best laid plans of mice and men have gone awry. After several years of the most arduous and strenuous labour as Deputy Prime Minister, the Leader of the House has succumbed to the tremendous strain under which he has for a long time been working and has been obliged, upon the urgent orders of his medical advisers, to retire entirely and immediately from public life. Whether the optimists are correct in their anticipation that it will be but a temporary retirement time alone will show. Meanwhile, the Premier is bereft of his most important colleague and the leader of the party that has taken charge of his politics and, as some unpleasant people suggest,

his conscience. However that may be, Mr. Bonar Law's resignation and his succession by Mr. Austen Chamberlain must have grave consequences upon the future of the Coalition and of Mr. Lloyd George's political fortunes. Undoubtedly, the General Election has been brought appreciably nearer, and some of the prophets say that the present Government cannot last another session. We shall see. Much depends upon the turn of events during the next few weeks and upon the Prime Minister's decisions regarding his own future. Will he become the leader of the Tory party? It may seem strange to think of Mr. Lloyd George, of Limehouse and anti-ducal fame, as the Tory leader. But not more strange perhaps, than the transmogrification of Disraeli or Joseph Chamberlain. And yet, as it is the expected, it may, after all, not happen. Mr. Lloyd George may choose to go into temporary retirement himself, and leave the stage clear for the smaller men to do what they can to clear up the mess. One thing is clear, I think. The Conservatives will almost certainly come into power at the next elections, whatever they may choose to call themselves. The Independent Liberals have no chance apart from a Coalition with Labour, which most of them are not unanxious to secure but for which the Labour Party does not at present seem at all anxious. The latter realises that it can only succeed in getting elected the usual type of trades union candidate, backed by union funds; but this, of course, leaves it without any outstanding personalities or men of Parliamentary experience or ability, save, perhaps one or two, and this fact alone may induce it to come to terms with the Independent Liberals. On the other hand, it is unlikely that these will be content to play second fiddle in such a coalition, as in all likelihood on numerical grounds, they may be compelled to do. As for the Coalition Liberals, no-one, least of all themselves, knows what is likely to happen to them. Some of them will probably disappear from public life, for the time being, like their Independent fellows. Some of them will probably go over to the Independent Liberal camp. If Mr. Lloyd George turns Tory, some of them will doubtless follow him. Where exactly Mr. Montagu will be I really do not know, but it would not be at all surprising if he is omitted from the next Ministry. It is unlikely in the extreme that his successor will be as friendly or as sympathetic as he, but once a tradition has been set going, it will take a lot to overturn it, and the Speaker has done a great deal, in conjunction with Mr. Montagu to put things Indian in their proper perspective in Parliament. By the way, with the retirement of the present Speaker, Mr. Whiteley is likely to succeed him, as Sir Robert Horne is likely to succeed Mr. Austen Chamberlain, who replaces Mr. Bonar Law as the Leader of the Unionist Party in the Commons and as Leader of the House, in the office of Chancellor of the Exchequer. If one were on the look-out for indications of Mr. Lloyd George's future policy, they might be deduced from his recent speeches, in which he seems to be bidding for the leadership of what he calls the Middle Party of sober, but not reactionary, citizens in opposition to the Labour Party, whom, alone, he recognises as a strong enough opponent. Meanwhile, there is bound to be a good deal of Ministerial shuffling, in the midst of which, if present signs are correct, Sir Gordon Hewart seems destined to remain Attorney-General, instead of proceeding to the Lord Chief Justiceship, as was at first thought probable, upon the retirement of your new Viceroy. Otherwise there are likely to be too few Front Bench men of ability for the heavy tasks still before the Government.

THE INDIAN EMERGENCY COMMITTEE.

You will not be beginning to make up your minds about Lord Reading, who is now in your midst. What crazy notion possessed the misguided fanatics, who have deserted the Indo-British Association (Limited), in favour of the Indian Emergency Committee, to hold their meeting to enlighten the City merchants on the real facts of the Indian situation, as revealed to themselves alone, on the very day of Lord Reading's departure from here, they alone can tell. We know already, from the columns of the *Morning Post* if we had not gathered it from some of the interrogators of Ministers in Parliament, the very worst that is to be known about India and all connected with the reform movement there. We did not really need to listen to Lord Ampthill, Lord Sydenham, Sir W. Joynson-Hicks and the half dozen other nobodies who are being led by the nose by Sir Michael O'Dwyer, in order to work off a private grudge against all who have closed the door of official preferment to him. They had nothing really new to tell, and even the stale old tales that they told were not very skilfully re-hashed. But the cupidity of commerce was counted upon, doubtless, to help to gulp down the awful tale of woe that these truth-distributing gentlemen had to unfold. I say, "truth-distributing," rather than "truth-seeking," for the last, if one may judge from the pleasant mannerisms of their chairman, Lord Ampthill, they are not. When the English members of the Indian Legislature cabled their united protest against the grotesque intervention of these egregious busibodies, on the ground that they were doing more harm than good, Lord Ampthill, with that engaging frankness that makes him so much liked in the House of Lords, airily cabled them in reply to mind their own business. As if, as our decent press here has reminded the promoters of the meeting, this was not exactly what the Anglo-Indian legislators were doing.

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I am asked to draw the attention of those interested to the fact that, at a meeting of shareholders of the "India" Newspaper Co., Ltd., held in London within the last few days, the voluntary winding up of the Company was unanimously agreed upon, Mr. G. P. Blizzard being appointed the Liquidator, with offices at 161, Temple Chambers, E. C. 4. It is understood that remittances received from the Indian National Congress have been sufficient to meet the obligations of the British Committee and the liabilities of the Company, and that there will be, in all probability, a substantial dividend to shareholders in the Company out of the capital invested in it. It is, therefore, desirable that shareholders or the representatives of deceased shareholders should immediately communicate their present addresses to the Liquidator. Otherwise amounts due to them will, if not claimed, eventually be forfeited to the State.

CORRESPONDENCE.

HALF-ANNA POSTAGE.

TO THE EDITOR OF THE SERVANT OF INDIA.

SIR,—Your first editorial note [in the issue of March 31] on the subject of the half anna postage is incorrect. You say that "in the taxation proposals as amended by it (i. e. the Assembly) there was no provision either for the half-anna or three quarters of an anna postage, for the latter of which, at any rate the public must remain under an obligation to the Upper House." Now the facts are these. It is true that Mr. Rangachariar's motion in favour of one anna per tola was carried; but on my requesting the House to reconsider their decision, the honourable members authorized me to speak for

them which I did before the Finance Bill left our Assembly. I then announced to the House that the Government had agreed to retain the half-anna postage for ¼ tola in accordance with my proposal and that promise was made good by the Finance Member. You will find these facts recorded in the official report of the proceedings. I do not think the public have any reason to thank the "Upper House" for any concession.—Yours, etc.

Nagpur, April 2.

H. S. GOUR.

[We are afraid the facts are not exactly as stated by the correspondent. Dr. Gour spoke in the Assembly on March 19 after the lunch hour, suggesting on behalf of his colleagues that the Government should issue a half-anna letter post-card. The Government had not then agreed, judging from the published proceedings, to retain the half-anna postage; nor did Dr. Gour "announce" it then. At the close of the debate on that day, Dr. Gour again spoke, repeating his proposal and only hoping that the Government would accede to it. The Finance Member answered, but did not give the assurance asked for. Indeed, when the proposal of a half-tola half-anna letter was revived by Mr. Khaparde in the Council of State on the 23rd, it was opposed by Mr. Hailey, and it was because this motion was thrown out that Mr. Sethna sought to have the minimum charge of a letter fixed at three quarters of an anna, and in making the motion, he said: "My appeal to them (the Government) is that if they find that the three-fourths of an anna rate brings them sufficient revenue, they will of their own accord reduce the rate to half an anna." What was the Government's reply even at this late stage? Mr. Cook said: "As regards Mr. Sethna's appeal that we should use our powers under the Post Office Act to reduce the rates, if possible, we cannot possibly give him any undertaking or promise at this stage." It was only when the Bill as amended by the Council of State was returned to the Assembly for consideration and Sir Sivaswamy Aiyer pressed for the half-anna postage that Mr. Hailey agreed to introduce it under executive order, twitting the Assembly at the same time with the desire to upset its own decision on an earlier occasion. We cannot therefore help feeling that Dr. Gour's memory somewhat deceived him when he wrote the communication.

Even if his letter represented facts correctly, still our statement would remain true that it is entirely owing to the Council of State that hereafter the charge for a letter of one tola weight will be three-quarters of an anna instead of an anna. That the half-anna postage was eventually retained was due at least as much to the pressure exerted by the Council of State as by the Legislative Assembly. Indeed, the latter body failed egregiously in dealing with the Finance Bill in its final stage, so far as the postal rates are concerned. The public was entitled to look for a more satisfactory handling of the question by the Legislative Assembly than to be thrown back on the generosity of Government. The Assembly could have passed the amendment for half-tola half-anna postage themselves; as a matter of fact, several hon. members, including Dr. Gour, resided, to use Dr. Gour's own words, this "poor man's plea." Before the Finance Bill left the Assembly, Dr. Gour said, referring to the half-anna postage: "If I understood you aright, you stated that this question could be again moved later on when the whole Bill came up for the vote of this House." As a matter of fact it remained in doubt till the end whether the question could be reopened, but one would ask what would have happened if the Council of State, also taking the same narrow view of the matter, had passed the Finance Bill in the same form in which the Assembly had sent it to them. The Assembly would then have had no chance of giving effect to their second thoughts.

On the whole, there is no getting away from the fact, which is brought home to every reader of the proceedings, that the Council of State looked after the interests of the poor in a more effective manner than the more popular body, in dealing with taxation proposals. This impression is strengthened by the contrast in which the two bodies disposed of the proposals regarding rates for registered newspapers. The Assembly agreed to a reduction of the weight allowable for a quarter of an anna and half anna; while the Council of State retained the present weights.—Ed.]

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