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“SUCH THEN IS THE CONSTITUTION WHICH I CALL GOOD
AND RIGHT, AND SUCH IS THE GOOD MAN.”

PLATO

**THE
RIGHTS AND DUTIES
OF A CITIZEN**

**BY
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M.A.**

TENTH EDITION, REVISED

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PREFACE TO THE TENTH EDITION

SINCE the first edition of this book was issued, nearly thirty years ago, very great changes have passed over Great Britain and the British Empire. The South African War, and the late Great War, domestic changes, a new departure with regard to Ireland, an increased sense of the unity of the Empire, and new hopes of a World Union through the League of Nations, have made the last thirty years more momentous than any previous era in our history. The possible exceptions are the sixty years from 1528 to 1588, and the forty-eight years from 1640 to 1688. But the continuity of our life and institutions has been preserved. Among all changes we have kept that political stability, the fruit of centuries of self-government, which nations do not always appreciate till they have lost it.

H. E. MALDEN

December, 1922

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THE RIGHTS AND DUTIES OF A CITIZEN

CHAPTER I

THE NATION AND OUR DUTIES TO IT

WE are by birth heirs of the English Constitution. Though we be born north of the Tweed, or among the Welsh mountains, this is the name to the honours and responsibilities of which we have succeeded. For the name English cannot properly be confined to one tribe among the many who have peopled these islands, but is the name of all who have succeeded to a share in the English Constitution and to the heritage of the world-wide British Empire, which Scots, Irish, Welsh, Northumbrians, East Anglians, Cornishmen, and Kentishmen have helped to build up and defend. We talk of the English Constitution because, though Scotland had a Constitution of its own, this Constitution was partly founded upon that of England, and was finally merged in that of England. The English way of government was the one which finally prevailed in Great Britain and Ireland. We talk of the British Empire because English, Scots, and Irish have made that by their common efforts, and none could have made it alone. The Union Jack is the flag of Great Britain, and it is made up of three flags combined. The red cross on the white ground is for England, the white cross with the arms placed diagonally on a blue ground for Scotland, and the red cross with the arms placed diagonally on a white ground for Ireland. Where this flag flies—in India, in America, in Africa, in Australia, over the isles of the sea, or over the solitary ship in the northern icefields, or on the rolling waves of the southern ocean—there is the home of Englishmen, and there the duties of Englishmen must be done. Under that flag there is no

slavery; no man can be arbitrarily put to death or deprived of liberty: Where it flies, it is a mark or symbol of the rule of law, order, and liberty, and of the presence of Christian civilization. Another flag flies also over the home of the King of Great Britain and Ireland—the Royal Standard—which, with its three lions for England, the single red lion for Scotland, and the harp for Ireland, tells the same story as the Union Jack of Union in the British Isles. These parts of the British Isles may, of course, manage their own local affairs in their own way, but the people in them all are equally called by birth to uphold the empire which their fathers have all helped to build. They are equally bound to preserve the constitution of the heart of that great empire, the constitution of these little islands, which by its order and its freedom has made that empire both a possibility and a blessing to the world. We must be proud of our birth.

Of course Frenchmen, Germans, Italians, and many other people have done great things, produced great men and great ideas, and have done some things better than we shall ever do them. But we belong to a race which, with many and grievous failings and great mistakes, has nevertheless succeeded in producing and continuing the best example of combined liberty and order in its government which the world has ever seen, and which, again in spite of many shortcomings, has been foremost in spreading these principles of government throughout the world. All the countries of Europe,¹ and all the countries of America, and Japan, are constitutionally governed. That is, the people at large have more or less voice in the government, and there are fixed and settled laws and rules, partly or entirely decided upon by the people, in agreement with which the government must be carried on. Now, the Constitutions of most of these States, except Switzerland, are more or less closely copied from the Constitution of England. Only in England and Scotland, and in the small country of Switzerland, have there been Constitutional Governments carried on, from age to age continuously, for many hundred years. Even in Switzerland there was a break in the history of the Constitution when the French conquered the country. Our Parliament has been fitly called the Mother of Parliaments. When

¹ Russia and Turkey, once partially European, are scarcely European now.

the great country of the United States separated from us a hundred and fifty years ago, her wise statesmen did not attempt to found a completely new kind of Constitution ; but being Englishmen, brought up under English laws, they did their best to adapt the English Constitution and laws to the changed conditions in which they found themselves. So now their Republican Constitution, which has had great effects in shaping other Constitutions in America, preserves some features of our old Constitution which we have modified here since the time of separation.

We have therefore something to be proud of. We have a right by birth to a share in working that Constitution which has been the pattern to the civilized world. It is not perfect ; no human arrangements are ; but it is good, and it is our duty to keep it good, and to make it better. So we should be proud of our birthright.

Being proud of our country and of our Constitution does not mean sitting down to admire it, nor shouting out praises of it, nor marching in procession to its honour and glory and our own. It means work.

Good laws and a good government, a great trade and a great empire, cannot go on of themselves. Everybody ought to work at them, and everybody must work at them if they are to be kept up to their best standard of excellence.

A responsibility lies upon us to defend and make better that which we have received from our fathers. How often does a young man or woman going out into the world think of the old folks at home. How much good work is done, and how much evil is avoided, under the influence of the thought of the good name father always bore, a name which his son or daughter will never bring to shame if they can help it. As Englishmen, we have that good name to keep in honour, that glorious record of the past, of which we know something, and of which we can never learn too much, to hand on unsullied to our children. Some people do not like the idea of responsibilities ; they like to imagine that no one depends upon them, and that they are not to be held accountable if they choose to be idle and careless, and to just scrape along through life doing no actual mischief to their neighbours. It is a poor and selfish view of life, and it is a view founded upon a mistake. Responsibilities which come to us by birth and by the force of circumstances cannot

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be avoided by saying that we do not want them. If we choose to go without nourishing food our bodies will suffer ; if we choose to walk about with our eyes shut we shall fall over something. So if we neglect the nourishment of the mental and moral faculties which we have they will decay and we shall become worse men ; if we shut our eyes to duties which lie in our path we shall find in them an occasion of falling. If the majority of Englishmen were to refuse to do their duty, to neglect the means by which their country has been made great and free in the past, to choose to become lazy, extravagant, tyrannical, careless of the rights of their neighbours, careless of the common interest, then the government of England would become corrupt and weak, the empire would be lost, trade would disappear, and those who might be past feeling shame and disgrace would be found out by what they must feel, universal distress beyond the experience of any bad times that any of us have known. Great empires, the Roman Empire, for instance, have lost their liberty, and finally been destroyed, after terrible physical sufferings among their people, chiefly because the majority of their citizens lost the habit of trying to do their duty.

Great nations are like a human body. They are not machines put together by some clever man. Artificial states there have been, like the great Napoleon's empire, which depended for their existence upon one able man ; but such states, like machines, get out of order, and fail to work when the able man is not there to turn on and regulate the steam. Without him they either stop or blow up. A great self-governing nation is an organism, that is a natural body which has grown into its present state, and is always growing or decaying ; or rather, like our natural bodies, always growing and decaying, renewing and changing its parts. Each part is alive, and each part depends upon the others. All have not the same functions, but all are equally necessary for the good health of the whole, and the whole must be kept in activity to retain good health. Doctors tell us that by persistent disuse of any one of our functions we may lose the power of ever using it. The fish in the lake underground, in the Mammoth Cave of Kentucky, have lost their eyes from always living in the dark. So men who disregard justice and honesty and the responsibilities of power may lose all sense of justice, and of honesty, and of duty. It

is needless to say that the state is doomed to ruin, and deserves ruin, in which such men are too numerous. Upon every one of us, men or women, boys or girls, in however small a degree, depends some of the responsibility for the welfare of England, of the British Empire, and of the world.

CHAPTER II

THE GROWTH OF THE CONSTITUTION

THE Constitution of the United Kingdom has grown into its present condition. This Constitutional Government is vested in the Crown in Parliament. Parliament is supposed to represent the three Estates of the Realm, that is the Estate Spiritual, or Clergy ; the Lords Temporal, or Lay Lords ; and the Commons. The Spirituality, as it was called, is now only represented by the Bishops in Parliament. The Crown is not an Estate of the Realm. The name Commons has nothing to do with the word in its modern sense of *common* or *inferior*. It meant originally the *Communitas*, which is the Latin word for the Corporate Body of the whole people. Not the people taken one by one, but the people organized into self-governing bodies, the popular governments of towns and counties. These, through their representatives, made up the Parliament.

The Acts of Parliament are the Law of the Land, and are made by the joint action of the Crown, of the House of Lords, and of the House of Commons ; but the House of Commons is now the real power of these three. When we come to think of it we shall see that there must always be *one* supreme power if any order is to be kept at all. If two or more equal powers stand side by side, and they disagree about what has to be done, what can they do except leave things undone, or fight it out to see which is to settle the way of their doing ? At home in his own house the father of a family is master. This does not mean that he is never to listen to what his wife and children say, but it means that *his* is the final voice and authority which, after advice and consultation, decides how things are to be done. So in a state, which is a household on a large scale, there must be some final determining power. This power in England is to be found in the House of Commons, which is elected by the

nation for a limited time, and is responsible to the nation for the proper management of its affairs. If its members fail to satisfy the nation it is not necessary to punish them, but they are removed from the House at the next election. As shortly and simply as possible we must explain how this government by Crown, Lords, and Commons grew up, and how the House of Commons came to have the leading share in it.

Our early ancestors, during what used incorrectly to be called the period of the Heptarchy, were governed by many kings, who ruled over their many tribes for long before these were united in one kingdom. All primitive people are ruled by kings, under one name or another. The kings were war-chiefs, and had of course to be grown men, capable of leading the people in war. They were therefore chosen for personal fitness, but at the same time there were royal families out of which they were chosen. These families asserted their descent from the gods, and were no doubt really the descendants of former great chiefs, who after the manner of most heathen people were worshipped as gods after their deaths.

But the earliest English kings of whom we know anything were limited monarchs. They ruled by the advice of the chiefs and elders of the people, and sometimes their decisions were laid before meetings of all the people for approval, though probably the people were expected only to approve, not to disapprove. But there were ancient rights and customs, sanctified by religion, which the kings could only disregard at their peril. When Christianity was adopted there were rules of Christian morality and law also which had to be observed. Twice at least in our early history kings were set aside for misrule by the chiefs—once in Wessex, in the South of England; and once in Northumbria, in the North.

But as the kingdoms were gradually united under fewer powerful kings, when the many were reduced to seven or eight, and when these were reduced to three, and the three at last to one, the power of the kings grew. The king of a large kingdom was to most of his people an unseen power, not like the king of a county only, whom many of his people saw often. The union of the kingdoms was accomplished by great wars, especially with the Danes, who destroyed

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many smaller kingdoms, but were at last themselves conquered by the kings of Wessex, that is the South of England. These wars raised the king's importance, gave him the opportunity of rewarding personal followers by grants of conquered land, and gave him Welsh princes, and Scotch and Danish kings, as subordinate rulers, who called him their lord. There was too a remarkable succession of very able men among the West Saxon kings—Egbert, his son Ethelwulf, his son Alfred, his son Edward, his sons Athelstan and Edmund and Edred, and Edmund's son Edgar, who were worthy founders of the unity and greatness of England. They won their position by hard work and hard fighting, and by caring for the interests of their people in education, religion, and trade. Still the greatest of these kings was always surrounded by his Witan, or Council of Wise Men, the representative of the old assembly of the chiefs. The people at large still met to manage their local affairs, and of this we shall speak presently. The Witan was a sort of House of Lords, composed of warriors, bishops, and any great men, and sometimes women, whom the king chose to summon to it. Some men were so great that he could not help summoning them, the Archbishops for instance, and the great Aldermen who led the military force of the counties; but it was not an elected assembly. Election was then an unknown practice, except in some assemblies of the church, and in some small local assemblies. Probably men were not yet sufficiently civilized or educated for election on a large scale to be possible. If tried it would only have meant that the same men who sat in the Witan already would have caused themselves to be elected. We shall find in politics that it is when men are getting fit for power, when they have real knowledge and opinions about public affairs, that then they begin to exercise it. If they are given power before they are fit for it they throw it away again by submitting to some master. A so-called popular government, established among people who do not know how to govern, or who will not take the trouble to govern, always ends in a kind of Despotism by a Dictator, President, or Popular Leader; or in the government by a small knot of political adventurers, as in some South American Republics at the present day, where popular Governments have been set up among lazy, disorderly, and ill-educated people.

Yet there was a weak point in this government because of its unrepresentative character. The people who managed their own affairs in their parishes, hundreds, and counties cared about them, but knew nothing and cared little about the interests of the whole country. Also the central government had no special connexion with the local government, nor hold upon local support. The country had not really grown together, but was only held together by the personal vigour of some kings. Consequently when a weak king—Ethelred the Unready—succeeded, the country was conquered by the Danes. Subsequently this same concern for local over general affairs was the chief reason why William of Normandy was able to master the country. He never had to face a really well-concerted national and general resistance.

Do we think that these things have nothing to do with the duties of a citizen nowadays? Really they have a great deal to do with them. If in place of parishes and counties we put trades, classes, or other smaller interests, is there no fear of citizens now consulting the supposed interests of these and not of the country? Nay more, we may say that the small district which we often think of most is this island, and the big country in which its interests are really bound up is an empire which reaches round the world, which is sometimes in danger of being forgotten by people whose view of politics is bounded by the limits of the constituency in which they have a vote, or by the interests of the trade in which they are employed.

CHAPTER III

THE GROWTH OF THE CONSTITUTION

(Continued)

THE greatest effect of the Norman Conquest was that it welded the whole country together by force. The first three Norman kings, men of strong character and various abilities, were practically despotic masters. They had a great Council, composed of the great barons who held land from the king, and of the bishops who also held land from him, but they ruled according to their own will. But the Norman kings began to organize an Executive Government, that is, a system of government under ministers, who should execute the king's laws in all parts of the country, and be responsible to the king. They made no deliberate attempt to alter the local government, but sent royal officers to superintend it in the counties and hundreds. They were no doubt very tyrannical, but they bound the whole country together, and taught all that they had a common interest in a common government, if only a common interest in mitigating its oppression.

Henry II completed this work. He gave the people a more direct interest in the government by making use of bodies of men, something like jurymen, who had to make declaration on oath concerning offences done in their own neighbourhood, and concerning the amount of money due to the Crown from their neighbours. He chose anyone who was suitable to do his work—Normans, French, English, Flemings, churchmen or laymen, and all these living in England got a common interest in England, and a sort of education in a legal form of government. Consequently, when John set all laws at defiance, these men and their sons rose up against him, and, with the support of most of the people, forced upon him the Magna Charta, or Great Charter

of Liberties, by which a legal government for the land-holding classes was guaranteed by a treaty as it were between the king and the barons. Among many stipulations which are now out of date, it contained the very important conditions that no free man was to be tried or punished except by the law of the land, and that the chief payments made to the king were limited, save by the consent of the Great Council. The Great Council too was bound to be summoned thrice a year.

Something like a House of Lords, comprising the chief men in every county and the chief clergy in every diocese, was thus put upon a legal foundation. Though some of these clauses were omitted in later issues, the principle of taxation by consent of the taxpayers was recognized from A.D. 1225.

During the struggle for the Charter both king and barons had called some of the smaller landowners together for consultation. Under Henry III, when a perpetual struggle was going on to get the Charter observed, it became the regular practice to call up these *Knights of the Shire*, as they were named, to the Great Council, and the Council took the name of Parliament, or The Talking Assembly, which it has thoroughly deserved up to our own day. The Knights of the Shire were chosen in the assembly of the people in each county.

The struggle to secure good government at last resulted in civil war. De Montfort, a foreigner who had succeeded to the earldom of Leicester, and had made England his home, headed the barons against the king. When he had won the victory he caused the king to call a Parliament, to which the chief cities and towns were summoned to send representatives, A.D. 1265. In fact, in this thirteenth century, civilization was rapidly advancing, and men were able more wisely to choose representatives, and the representatives were more to be trusted to do their duty, than would have been the case earlier.

When Edward I became king he continued and extended the system of representation. He was busy in law-making, and in reforming the administration of justice, and to gain information he resorted to the plan of consulting the representatives of various classes—lawyers, merchants, knights of the shire, citizens, and burgesses. To be consulted upon matters of government is the next thing to having influence

over the decision of questions, and again we shall see that this influence came naturally when these classes had useful advice to give. They were fit for some self-government, and so they got it, and kept it. Moreover, Edward was engaged in wars and wanted money. We must talk presently about taxes, but we will say here that the kings then had certain regular dues from the landholders who held land under them; certain fixed dues from the counties, and the power of raising additional sums in war time, by the consent of the Great Council, or by agreement with different classes and places. Edward assembled representatives of all classes and places together to give him money. So the Parliament was finally constituted in A.D. 1295, composed of the great landholders under the crown, both lay and ecclesiastic, the knights of the shires (two from each), four citizens of London, and two citizens or burgesses from the other chief cities and boroughs. The members were elected by the popular assembly, sometimes larger sometimes smaller, which formed the popular governing body of each place. The central Parliament was therefore a collection of the representatives of the local government. Men would be trained first in their smaller local affairs before being consulted by the king on national affairs. We may observe too that these men were called together because they had one real element of power. They were rich, they had prospered in business, and therefore could support the Government. They were not given power because of any theory, but because they proved themselves practically useful. They had constitutional power because they were worthy of it.

For long after Edward I the kings were engaged in wars, for their rights nominally in France and Scotland.

But these wars cost money, which could only be voted by Parliament. The greater ecclesiastics, holding land of the king, sat and voted money with the barons; the knights of the shires sat and voted money with the representatives of the towns, though not always to the same amount. The payments of this lower house, the House of Commons, were more important, and consequently the House itself became more important. It was still only consulted in the making of laws, but its consent was more and more necessary, and it claimed the right of punishing the king's ministers for bad government. At last, in 1399, the Two Houses deposed

the king, Richard II, and recognized the claim of Henry IV to reign instead.

They, in effect, made him a parliamentary sovereign, with a title depending upon the consent of Parliament, and bound to rule according to its wishes. Under his dynasty they obtained therefore the undoubted right of making the laws, the king of course concurring in them.

Now, however, we come to a temporary decadence of Parliament. The long wars with France and other causes had lowered the standard of morality. Men were more selfish, irreligious, and disorderly than they had been. Especially the great men who sat in Parliament. Parliament became a less respectable and trustworthy body. Its meeting was sometimes the signal for disorder. Once it became necessary to forbid men to bring armed followers to the place of meeting, and consequently, though they laid aside their swords, they brought trains of servants armed with sticks and with their long sleeves full of stones. Naturally respect for Parliament decreased, and the power of Parliament with it. The Civil Wars of the Roses ensued, and Parliamentary Government became a name for a form of disorder.

After these wars the English monarchy, under the Yorkist and Tudor sovereigns, became something like a despotism again, ruling with the aid of a small council of trustworthy and experienced advisers and ministers. The lower and middle classes were glad to have it so, while national independence was defended, domestic order preserved, and trade allowed to prosper. Practical English people preferred the ends of good government, order, and security to a more popularly-sounding form which had ceased to secure those ends.

Here again there is matter for reflection. A modern House of Commons is not likely to behave as badly as the Lancastrian Parliaments did, nor like the Scotch Parliament of 1520, which ended in a pitched battle in the streets of Edinburgh; but it may, by failing to do business and by disorder, forfeit respect and power, which latter will fall into the hands of ministers more really depending upon political associations in the country than upon Parliament. The control of a popular leader domineering over the House of Commons, and supported by political associations, and by popular meetings convened by these associations, may be

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preferred by some as a more popular form of government ; but it is not the Parliamentary government under which England has grown free, prosperous, and powerful. It is doubtful if it is really a more popular form of government, for the members of political clubs are not freely elected to govern the country, but to a great extent appoint themselves and each other, yet through their organization can practically override the opinions of the unorganized mass of electors, and can put their views and candidates forward as if they were those spontaneously preferred by all. The real strength of Parliamentary government lies in the opportunities it gives of discussion and mutual influence among members who feel that they are responsible to the whole country, not to any political association. The same thing holds good of smaller elected bodies. Their real influence lies in the hands of their members. If they do their work well and fairly they will have power ; if they lose their self-respect, and are violent and foolish, no number of laws written on paper saying that they are to be powerful will really keep them powerful when they have ceased to be respected.

CHAPTER IV

THE GROWTH OF THE CONSTITUTION

(Continued)

THE Tudor sovereigns were engaged in facing great questions, in religion and foreign politics especially, the details of which belong to English history, and found it advisable to assemble Parliament again more frequently, both for advice and money. The growth of other strong monarchies in Europe, and the interference of England under Cardinal Wolsey, in Henry VIII's reign in foreign affairs, led to a constant demand for money, which could only be raised in sufficient quantities through Parliament. The Tudor sovereigns, however masterful and despotic they might be in domestic affairs, preferred to work their will through Parliament. Henry VIII, by suppressing the Abbeys, whose mitred Abbots had sat in the House of Lords, and by becoming master of the Church, so that he could more completely control the Bishops, made the lay lords more numerous and important than the ecclesiastical lords in Parliament. The lay lords were many of them newly-created peers, enriched by the king, and depending upon him, and the Tudor sovereigns deliberately created rotten boroughs to send nominees of their own to the House of Commons. These rotten boroughs were then a source of strength to the Crown; subsequently they became a source of strength to the landed aristocracy. They are now abolished; but if they existed they would probably be a source of strength to some political association or other. Interests which are really strong have always used the forms of the Constitution to increase their power. But under the Tudors Parliament could not be continually consulted without recovering a sense of its own importance. The people who sat in Parliament were also improving again. Good education was making rapid strides among them. The merchants and landed gentry

were becoming richer ; they and the lawyers were studying questions of law and politics, and growing again to have valuable opinions of their own. At the same time sovereigns like the masterful, clear-sighted, and, in spite of his character, popular Henry VIII, and the sagacious Elizabeth, were succeeded by the learned pedant James I, who was a very poor man of business, and by Charles I, who was a careful man of business, but a very unwise man, with no capacity for leading a nation. Consequently when these kings mis-managed public affairs, their Parliaments, composed now of much better quality than formerly, wanted to mend matters, and to do this they claimed the old rights and powers which had belonged to Parliament in past times. These they obtained fully by 1641, because they deserved to have them, and could use them with effect. But religious and personal quarrels intervened, and civil war again broke out. Two-thirds of the House of Commons and one-third of the House of Lords was arrayed against the king with one-third of the Commons and two-thirds of the Lords.

Never were the consequences of a resort to violence more full of warning. Many men on both sides had begun the war with the best intentions. After fearful suffering, not only was the king beheaded, but the laws were trodden down, the Parliament was turned out of doors, and the liberties of Englishmen lay at the feet of a victorious soldier. It was better luck than we deserved that that soldier was so moderate and wise a ruler as Cromwell. When he died men were tired of military rule or anarchy, and king and Parliament were restored together in A.D. 1660.

It is possible that a resort to force may sometimes be necessary in the affairs of a nation ; but it is as well to remember that a resort to force means giving the upper hand to force, to material strength, and not to argument, law, or justice. Consequently no resort to force or revolution, as it is usually called, has ever ended according to the wishes and hopes of the most moderate, wise, and just people who took part in it at first. In nine cases out of ten, whether nominally successful or repressed, it has resulted in the predominance of military power.

In England we escaped this in 1660 by the unanimity with which the nation returned to the old form of government, with the rights of Parliament established as they had been before the civil war broke out.

Henceforth Parliament had to be considered. Charles II and James II tried to cheat it, to bribe it, to get round it in one way or another, but they could not go on long without it. Those of us who go to church may observe that in the Litany, drawn up in English under Henry VIII, there is no petition for Parliament, nor is there in the morning and evening prayers as altered under Elizabeth. But a prayer for the High Court of Parliament is used there, added in 1662. It is a mark of the importance which it had gained by that time.

Under Charles II Parliament continually controlled the royal policy, and called to account and punished royal ministers whose proceedings it disliked.

The government of James II becoming unpopular, chiefly on account of his religious policy, William of Orange was invited over with an army. Fortunately James ran away; his army was not required to fight, and a change of government was managed without a civil war. In Scotland, where there was some fighting, this revolution left some bad results, in spite of its generally beneficial character. In Ireland, where there was a violent civil war, it left as many bad results as good. We again see that good political results are seldom attained by violence.

In England the Bill of Rights, passed 1689, put the Parliament in a position of greater power. Its old rights and privileges of free debate were confirmed, all power of suspending and practically altering the law without the consent of Parliament was taken away from the Crown, and above all by this Act, and by the Act of Settlement, 1701, the succession to the Crown was fixed, but made conditional upon observing certain rules laid down by Parliament. The Parliament, and not the Crown, was made the chief power in the State. For Parliament henceforward met every year of necessity, to vote money for the public service which it appropriated to certain fixed purposes, and to pass a bill to be in force a year only, to maintain the discipline of the standing army, which our increased concern in foreign affairs obliged us to keep up. Yet the ministers of the Crown were not yet exclusively chosen from the party which had the majority in the House of Commons and indeed it was proposed to forbid them, in the Act of Settlement, to sit in the House of Commons at all. In the reign of Queen Anne, a worthy woman of small

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capacity, the influence of her ministers, who sat in the two Houses, increased. George I could not speak English, and therefore gave up the practice of presiding in the Councils of his ministers, who became more and more responsible to the two Houses, in whose hands the real force of government therefore lay.

CHAPTER V

THE ERA OF PARLIAMENTARY REFORM

FOR a long time after the Revolution of 1688 it was a common assumption with most political writers that the British Constitution was nearly perfect. This was probably because few other States had any Constitution at all. As a fact the British Constitution was constructed so as to exclude large classes from political influence, and was open to some serious objections, notably on the ground of the influence of corruption and self-seeking upon the Government.

During the next century the House of Commons became less thoroughly representative of the nation. New towns were beginning to grow in importance, but did not return members, and old places which did return members decayed, and their members were really returned by the landowner of the neighbourhood. The Scotch members, who were added to the House of Commons by the union with Scotland, 1707, were all returned by very small constituencies indeed. Public life was also very corrupt, and there was much direct buying of votes and seats. The House of Commons, which voted the money for the public service, decided the direction of legislation; but some members of the House of Lords practically commanded so many seats in the House of Commons that their influence was very great. England was in fact under an aristocratic government, composed of large landowners and some commercial men of position.

This had some good effects though many drawbacks. It contributed to the stability of government, and to the continuity of policy, when violent popular changes might have overthrown not only the ministry but the dynasty, and the whole settlement made by the Revolution of 1688. Sir Robert Walpole, as Prime Minister under George II, carried out a wise policy of peace and financial reform, which would prob-

ably have been put an end to by really popular votes, if such could have been given, long before it was reversed. Popular opinion outside the House of Commons helped to overthrow him at last, and landed the country in great difficulties in consequence. For popular opinion has power even if it is not directly represented. William Pitt, the great Commoner, deliberately appealed to popular opinion outside the circles influenced by the House of Lords and the rich Commoners. Strong popular opinions, wise or foolish, are sure to influence the Government of a country, even if that Government directly represents only a limited number of people; for, after all, men are *men*, and those who live in the same country, with the same society about them, and the same history behind them, are likely in the long run to agree in more points than those upon which they disagree, and are all subject to the influence of a really widely-spread popular opinion.

George III tried successfully for a time to raise the influence of the Crown, and his minister, William Pitt the younger, won over the constituencies to support himself and the king. The accident that George III went out of his mind, and that his son the Prince Regent, afterwards George IV, was of so disreputable a character as to command no respect, raised the influence of the minister, with the country behind him, and lessened that of the Crown. But the general reason for the long-continued power of an unrepresentative Parliament, in the eighteenth and nineteenth centuries, was the old and universal reason, that with all their faults they deserved success. The country prospered on the whole. A succession of wars, costly indeed, but not yet felt to be too costly, gave us the superiority at sea over France and Spain, gave us the supreme share in the world's commerce, ousted the French from North America and from India, and finally carried us successfully through the tremendous life and death struggle with Napoleon, in which we appeared not only as the defenders of our own commercial supremacy, but as the champions of Europe against a military despotism. The one conspicuous failure, the loss of the American colonies, told against the influence of the king, who had been specially interested in that war. The labouring classes were well off during most of the eighteenth century. Wages were pretty good, and food was fairly cheap. The great troubles of the poor did not begin till the latter part of the century.

The final struggle however with revolutionary France and Napoleon made a great difference. We should have been quite ruined by being beaten ; we were nearly ruined though we won.

The country was left in great distress. The condition of the poor, of the farmers, of our manufacturing interests and commerce, all engaged the attention of Government, but it was evident were not understood, and were not permanently benefited by the efforts to relieve them. The ruling class were making a failure of ruling. Moreover, a new class had risen in importance. Great manufacturing towns had come into existence ; a very numerous, rich, well-educated middle class of trading people had been created. Not only the workpeople, but the shopkeepers and the rich manufacturers themselves, and the increasing professional men, doctors, lawyers, literary men, were very insufficiently represented in Parliament. Parliament as it existed showed itself incapable of coping with the difficulties of the country, and consequently it was reformed by the great Reform Bill of 1832. The franchise was lowered, and seats were taken away from decayed places and given to populous towns and to counties. The new ruling class did their duty pretty well. The Whig Ministry after 1832 and the Conservative Government of Sir Robert Peel carried many very useful measures, and immensely increased the general confidence of all people in the capacity and good intentions of the Government. The House of Commons was now freed from the direct influence of the House of Lords in the election of its members, and was the envy and model of all foreign constitutionally-governed States.

But the call for further reform in it continued. The impulse of reform in legislation set on foot in 1832 began to slacken. England was probably never better governed than it was under Sir Robert Peel, but for twenty years after the fall of Sir Robert Peel, in 1846, neither the foreign nor domestic administration of affairs was very able. The middle class, who had a preponderating voice in elections, were not very keenly alive to their responsibilities, and in some of the smaller boroughs corruption certainly existed. The very rapid strides of education ; the circulation of newspapers, which became so much greater after the repeal of the paper duty in 1861 ; the increase of railways, which

enabled members of the House of Commons constantly to meet their constituents and other inhabitants of the places which they represented in public meetings, or to make speeches in other parts of the country, while not relaxing their attendance at Westminster, led to a general interest in politics. A real knowledge of public affairs was spread abroad which called for the giving of votes to those whose grandfathers could not have used votes with intelligence, or with safety to others or to themselves. So the Reform Bills of 1867 and 1884-5 extended the franchise to all men of any education and ability who cared to get it, and again redistributed seats, so as to give all parts of the country a fairly equal share in returning members.¹

And here we may pause for a moment to speak of the right of voting. It is not a natural right, it is a feature of a highly artificial system of government, conferred by the consent of others. Every man may be said to have a natural right to have his own way, and manage his own affairs. But in a civilized country every man's affairs are also the affairs of some one else. So they must manage them by agreement. A man has a natural right to say "I want to do so and so myself." But Tom and Harry have no natural right to vote that Dick shall do so and so. They have naturally only the right of the stronger, which is not right at all, but force. But as using this would obviously end in confusion and loss all round, devices like voting and returning representatives to act for us, and taking the voice of the majority, have been gradually evolved by the agreement of wise men.

Into this circle of wise men the whole people, practically, of this country have won their way. If we have followed this description of how they have won it we shall see that it is because they have become worthy of winning it. It is our duty to continue to prove ourselves worthy, and to make ourselves more worthy, for there is no finality about it. We have always something to learn. And we always are acting for others as well as for ourselves. If every grown man and woman in this country—paupers, tramps, drunkards, lunatics—had votes, and all agreed together, yet we should still be ruling for others besides ourselves. Not only for

¹ The Representation of the People Act of 1918 is the last stage, so far, in electoral reform, giving votes to women, a concession really obtained by the services of women in the war.

people all over the world, whom our action must influence, but for the most important part of our own population, the children who in thirty years will have superseded us, and who must be immensely helped or hampered by the arrangements which we hand down to them. One chief duty of a citizen is to study history. It will show him what a very small space one generation occupies in a continuous story, but how very much each generation is influenced by what it has received from the past, and how much therefore it will influence what is to come in the future. Looking at the way in which attention to duty has had its reward, and at the vast improvement in the general condition of mankind, which has already taken place slowly, history should make us hopeful, but patient, and very careful of our responsibilities. History tells us of no change for the better unaccompanied by suffering or by some, at least temporary, drawbacks; and it tells us of no permanent good ever done without thought, and in a hurry. Short cuts to the Promised Land have always landed pilgrims in the Slough of Despond.

CHAPTER VI

THE CONSTITUTION AND THE HOUSE OF COMMONS

THE Government of England then has thus come to be conducted by Parliament, or in correct constitutional language, by the "Crown in Parliament." The Crown in Parliament can do everything which is not a naturally impossible thing to be done. It cannot make two and two come to five, it cannot make the idle and vicious prosperous and happy, but theoretically an Act of Parliament can take away anybody's life or property; it can even abolish Parliament itself, or any part of Parliament. There is no written Constitution of England which cannot be changed by an ordinary Act of Parliament. Many countries, the United States and Belgium for instance, have fundamental laws which cannot be altered by the ordinary means. These fundamental laws had to be established because the Constitutions of these countries came into existence at one moment, without a force of immemorial tradition and practice existing to keep them steady-going and prudent. Our whole Government depends upon votes in Parliament, and really upon votes in the House of Commons, so that it is doubly necessary with us that this House should be carefully chosen and checked by devices which enable it to think twice about what it is doing. We will try and see what this most elaborate and most powerful form of government really is and does. The voice of the people at large speaks through Parliament. Really popular government is best secured in this way, for the people at large cannot debate, in an assembly of even a thousand people discussion would be impossible, much more among many thousands. Orderly popular government, prepared to act on reason and not on impulse, must speak through a limited number of representatives.

The members of the House of Commons are elected to represent, that is, to speak for and to act for the various

towns, parts of towns, and county districts of England and Scotland. When Parliament has been dissolved, or when a chance vacancy occurs in any one of these constituencies, one, two, or more men offer themselves as candidates for the *seat*, as it is called. If only one candidate offers himself, he is duly nominated by some of the electors, and no other appearing to dispute the seat with him, he is declared to be elected. But more generally two candidates offer themselves, and then, both being nominated, a day is fixed for the polling, which is to decide between them. But before being nominated every candidate is obliged to put down a sum of money to cover the necessary expenses of the election. This is done to prevent foolish people who merely want to advertise themselves from coming forward as candidates. It can never hinder any man from becoming a candidate who has any chance of being elected. If he has not the money himself, a man who is really acceptable to a large number of the electors can always have the money found for him. When the day of polling comes polling-stations are erected in different parts of the district, and all electors whose names are entered in a register are given numbers, which are written against their names on the register. By this means their names are readily found on a copy of the register in each polling-place, and when it is found that they are duly registered electors they are given a stamped ballot paper with the names of the candidates upon it, arranged in alphabetical order, and they put a cross **X** against the name of the candidate whom they prefer. Then, having put this mark on the paper, in a compartment so built that no one can see them do it, they hand the paper, folded, to the person in charge of the polling-place, show the stamp on the back, and then the voter puts it, still folded, into a box. At the end of the day the papers are counted, and the man who has most marks against his name is declared to be elected.

This is a specimen of a voting paper. The voter on this

CODLIN, B.	
SHORT, M.	X

paper has voted for Mr. Short, the other candidate for whom he has not voted being Mr. Codlin. If any mark besides the **X** is put upon the paper, or if two crosses **X X** are put upon the paper, the vote does not count at all. No one can tell how you vote, unless you choose to tell them. But if an election is disputed, two judges, trying an election, can make an order for ballot papers to be looked at by themselves, or the House of Commons can give such an order. The ballot papers are torn out of a book, with counterfoils like a cheque book. There is a number on the paper and on the counterfoil, and every voter has also a number on the register, and this number is put on the counterfoil too. But after the ballot papers have been checked by the counterfoils, the latter are sealed up and sent to London, never to be opened except on an order by two judges, or by the House of Commons as above, and at the end of twelve months they are destroyed. They are kept for a time in case the judges should wish to compare them with the ballot papers in the case of a disputed election. This secret voting is called voting by ballot, and is resorted to in order to prevent bribery and intimidation. It is no use paying a man for his vote when you cannot tell after all how he gives it, and it is no use threatening him with bad consequences if he votes in a certain way, if you cannot find out whether he has done so or not. There is a great deal to be said for a man having what is called the courage of his opinions, and voting openly for the man whom he prefers in the face of all the world; but since the ballot is the law we must keep it in spirit as well as in the letter. It is against the spirit of the law to ask a man how he has voted. We should never do it. If he is a weak man, if he is afraid that his fellow-workmen, or his employer, or the man to whom he owes money perhaps, will disapprove of his vote, he is tempted to tell a lie. It is better not to ask a man beforehand how he is going to vote; it sometimes amounts to a kind of pressure upon him to vote in a certain way. If the law could prevent what is called canvassing, we should have more independent voting, and people who really neither knew nor cared about the matter would often not vote at all. But it is impossible probably to prevent canvassing, and the law should never try and do even good things when it is certain that it will fail to do them. Such action only brings the law into contempt. But if a man thinks that he

knows more about politics, or about the candidates, than his neighbours, there is no harm in his trying to instruct his neighbours beforehand. Giving a vote is a very solemn responsibility. There is no assembly on earth which has such power for good or for evil as the English House of Commons, and every vote has some influence on the composition of this assembly. Therefore it is a great pity that men should always blindly vote for the candidate who wears the colours of some particular party, because, as they say, they have always voted blue, or green, or red, or whatever the colour may be. Voters should try and understand something about the merits of the great questions on which candidates will be called upon to decide if they get into Parliament. If they know nothing about these questions, they had better not vote at all. They should, however, also consider the personal character of the candidates who appear before them. If every constituency returned the man who was really best known and most highly respected for his personal character in that constituency, it would not in the least matter by what party name the men so elected were called; a Parliament made up of such men would be a thoroughly good Parliament. Voters may also think of the knowledge and experience in politics of the men who stand for Parliament. Governing a great nation is not an easy task; it is the greatest business in the world. Some young men, who have been educated among politicians, are better trained in the work than some older men who have passed the better part of their lives in getting money in business, and who have not had practical acquaintance with any sort of government of mankind. William Pitt the younger, brought up under the eye of his father the great Commoner, was Chancellor of the Exchequer at twenty-three and Prime Minister at twenty-five, and a very good one too, but his is quite an exceptional case. However good a politician a man may be when he goes into Parliament, practical acquaintance with the real work of Parliament, and contact continually with the greatest men in Parliament, will make him a better politician after he has sat in the House than he was before, unless, of course, he be either very stupid or very extravagant, careless and dishonest in character. A well-tried member is therefore often a safer choice than a new man; but, again, a well-tried member may have been well tried, and found wanting in judg-

ment. It is a betraying of your trust to vote for such a man for old acquaintance, or for the sake of what he was ten years ago. For the vote is a trust bestowed upon every man by agreement with his fellows, as we pointed out above, a trust held for others, for our countrymen, for our children, for India, for many races across the sea, for mankind, who have produced no nobler fabric of government than the English Constitution. If this fails to secure law, order, prosperity, liberty, and power, an irreparable injury is inflicted on some of the noblest political ideals of the whole human race. Never therefore should we treat politics as a game, or as a means of satisfying personal likes and dislikes. To be a worthy citizen of this country is a most serious task, far more important than getting money for ourselves. Indeed, if a candidate offers us some great boon for ourselves, we should be very careful how we vote for him, and consider very deeply whether we are not being swayed by a hope of personal advantage to support a man who is not likely to do the best for the whole country. If therefore we are qualified, and any man of twenty-one who really works, and is not a rolling-stone, can become a voter, we should see that our names are put upon the register. But it is the business of the registration officers to have this done. Then we should do our best to qualify ourselves for a great task, for the privilege of working in a great cause in which we have such fellow-workers as Simon de Montfort, Edward I, Sir Thomas More, Pym, Hampden, the two Pitts, Sir Robert Peel, John Bright, omitting living names. We are not called upon to do as they did, but if anyone is to do work like theirs, it can only be by the honest co-operation of such as we are.

The following are the qualifications for giving a vote at present :—

Men must be twenty-one years of age, and have resided in the constituency for six months, or in any contiguous constituency or county ; or have occupied land or premises for the qualifying six months of the value of £10 a year.

Women must be thirty years of age, and be qualified as local electors by the occupation of land or premises worth £5 a year, or a dwelling-house, or be the wife of a man so

The qualifying periods at present are for six months ending

December 15 for getting upon the spring register, or for six months ending June 15 for getting upon the autumn register. Graduates, men and women, are entitled to vote for universities at twenty-one and thirty respectively.

But if the responsibility of the voter is so great, by how much greater is the responsibility of the member elected? Many men try to get into the House for unworthy ends. It is so very respectable to be able to write M.P. after your name, the House is the pleasantest club in London, it opens the door to so much society, it may open the door to advancement in business, it gets a man's name into the papers. It would seem that there are some men who would rather have their names in the paper as being hanged than not have them in at all. The members whom it is our hard work and privilege to discover and vote for must not be such as these. The member who goes into the House for the highest motives enters deliberately upon the hardest work a man can do. To sit for hours day after day, night after night, month after month, in the House, to really attend to what goes on, to work in the numerous committees, whose wearisome proceedings never get fully reported in the papers, really to try and master the various questions which arise, this is work for a man, and a strong man in body and mind. Members of Parliament are now paid for their work. This is a new thing (since 1911). It seems likely to increase the number of candidates standing for seats. One reason for making this State payment is that some members were already paid by political associations, and it is better that they should be paid by the State than by avowedly partly organizations. But the £400 a year, which Parliament voted to its own members without consulting the country which provides it, is not what many of the members are worth in the open market of business and professional life. Some could make very much more, a few not so much. America and Australia and France show us how the evil of inferior men, making a trade of politics as paid members, lowers the whole political tone. The English Parliament may misbehave itself at times, but it has long ceased to be corrupt. The holders of certain offices under the Crown, bankrupts, felons, and lunatics, cannot sit in the House. The acceptance of most paid offices under the Crown forces a member to vacate his seat, but he can be re-elected. A member can only resign his seat by accept-

ing some disqualifying office, usually the Stewardship of the Chiltern Hundreds, a nominal office preserved for that purpose.

Parliament does not sit all the year round, though it sits longer than formerly. It is important that members should have time to attend to their own and to local business, for so only can they really keep in sympathy and in touch with the actual life of the country. It is enough, and indispensable, that the paid ministers should be incessantly occupied in public business, and it is probably good for them to be out of office sometimes.

However, members of Parliament must consider their own responsibilities and duties. We will briefly consider what goes on there.

At one end of the House sits the Speaker, who is elected by the House at the beginning of every Parliament to act as chairman and to keep order, and to represent the House as a body outside its own precincts. On his right hand sit the Cabinet Ministers and those who usually act with them, and on his left those who usually act against them. The two sides are usually called the Government and the Opposition. It may seem very absurd that half the leading men in the country should be always trying to prevent the other half from doing what they think best, but in practice it generally works well. The alternative to two regular parties in opposition to each other is a collection of groups or factions. Where these exist parliamentary management, or the balancing of group against group by offering them concessions to win their votes, becomes a sort of trade, and results in the lowering of the standard of political honesty, and generally in rapid changes of successive weak governments, as in France. Often both sides of the House really agree upon the principle of measures, but this practice of a regular opposition ensures a complete criticism of everything which is brought forward, and few important laws are carried without being improved in detail by criticisms coming from the Opposition side. When a law is proposed it is presented as a Bill, printed that all may be able to read it. It is read a first time, sometimes without discussion. Then it comes on for second reading, and its principles are debated, and if there is a division of opinion the House divides. Those who approve of the Bill go out at one door, those who disapprove at another. Each are counted, and the majority of votes decides whether the

Bill is to go on or not. If the second reading is carried the House then goes into Committee on the Bill. Its details are debated clause by clause, and amendments proposed, which are either inserted or rejected. It is very important that a Bill should be subjected to this searching criticism. For if it is drawn up in obscure or doubtful language the Judges, who have to administer the law, may find out that it really says something which it was not meant to say, but they have to decide by what it does say. They are not Judges of the intentions of the House of Commons, but of the laws. What the Judges declare to be the law is the law, till it is altered again by Parliament. So Parliament has to be quite sure what it means, and that it says what it means. Well, after a Bill has gone through Committee it is reported to the House as amended, and comes on for third reading, and if extensive alterations have been made it is often again debated, and another division taken upon it. Then it goes to the House of Lords, and goes through the same process there. If alterations are made it has to come back again to the House of Commons for the alterations to be considered, and then goes up to the House of Lords again, till it has finally passed both Houses. A Bill may originate in the House of Lords and come down to the Commons, in which case the same process goes on, but reversed in order. Only Bills which contain votes of money, plans for raising taxes and expenditure of money, must originate in the House of Commons and cannot be altered in the House of Lords.

After a Bill has passed both Houses it goes before the Crown, and receives the Royal assent as a matter of course. As the Crown only acts through the Ministers, and as the Ministers are those who command a majority in the House of Commons, or very rarely those who are allowed for a little while to govern by a majority which does not intend always to support them, it is obvious that the consent of the Crown is only formal. If the Ministers objected to a Bill they would stop it earlier, or resign if they could not stop it.

The Bill so passed is law. It can only be altered by another law, passing in the same way, to repeal or amend it.

The law in England therefore is something which we all, through our representatives, have agreed to make or not to alter. It is therefore to be obeyed, unless we wish to repudiate all idea of constitutional government. Of course while men

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have bad passions some will break the law, but it is the duty of good citizens to respect it even in small particulars, and even when they disapprove of it personally. To do otherwise is to be a traitor and a rebel on a small scale, not only against the Crown, but against the Parliament and the country. Some men may honestly persuade themselves that their higher duty to God or to mankind may justify them in breaking the law, but all men are sometimes mistaken about these difficult questions of divided allegiance ; even the very young, the very unlearned, and the very few are sometimes wrong, and the conscientious law-breaker in England is apt not only to be wrong, but to be ridiculous as well.

CHAPTER VII

THE HOUSE OF LORDS

AFTER the House of Commons in power, though before it in age, comes the House of Lords. It is called the Upper House, the House of Commons the Lower. The House of Lords is composed of peers who have been created by the Crown for services in politics, the army, navy, law, business, science, and literature. Also the eldest sons and further eldest descendants of those thus created, who succeeded to the title and to a seat on their fathers' deaths. The eldest son of a peer during his father's life, and the younger son of a peer always, is a Commoner, unless specially created a peer as any Commoner can be. Certain Scotch and Irish peers also sit, elected by other Scotch and Irish peers. Some few great lawyers sit as law lords, for life only, leaving no title to their descendants, and the Judges may be called upon to consult with the House of Lords, but not to vote in it. For this reason they cannot sit in the House of Commons. Two Archbishops and twenty-four Bishops of the Church of England also sit. A Church of England clergyman, we may remember, cannot sit in the House of Commons. The titles borne by members of the House of Lords are Duke, Marquis, Earl, Viscount or Baron, in order of precedence. But a Duke has no more power or right in the House than a Baron has. Knights, called Sir John So-and-so, or Sir Thomas So-and-so, do not sit in the House of Lords, neither do Baronets, who may be described as Knights whose eldest sons succeed to their title. The eldest son of a peer may be called Lord So-and-so, and the younger sons of dukes and marquises are Lord Charles or Lord William So-and-so, but they are not any of them peers, and do not sit in the House. An Irish peer not elected to the House of Lords may be elected to the House of Commons for an English or

Scotch constituency. The House of Lords is presided over by the Lord Chancellor, the head of the English law, but he has not exactly the functions of the Speaker in the House of Commons, he takes part in debate, which the Speaker does not. The business of the House is otherwise conducted in much the same way as that of the House of Commons. The Lords are the elder brother of the parliamentary family, tracing a direct descent from the ancient Witan and Council, but the elder brother has given up his birthright to the younger, the House of Commons.

The House of Lords has been spoken of above as sharing in the work of law-making with the House of Commons, and in theory having equal power with it, except over Money Bills, but since the passing of the Parliament Bill in 1911 the House of Lords is no longer, even in theory, of co-ordinate power with the Commons.¹ It was not before in fact equal, for apart from the great and important exception of Money Bills which the Lords could not alter, the House of Lords did not oppose the wish of the country clearly expressed through the House of Commons. If there was reason to suppose that the country had not really made up its mind on an important question, or had changed its mind, the House of Lords by rejecting a Bill gave an opportunity to the House of Commons, and to the country, of reconsidering the question. It could not be equal to the House of Commons, because its members sit of personal right, and are not elected, except the Scotch and Irish peers who are elected by other peers. It could not be equal to the House of Commons, because real power depends upon something more than written laws or guarantees, or force of precedent. The force of public opinion can speak through the House of Commons more directly, but will of necessity make itself felt also in the House of Lords.

For the House of Lords is after all composed of men accustomed to public life, and liable to be influenced by the force of real public opinion, and they always were persuaded by it or gave in to it, when it was unmistakably expressed. They recognized this inferiority of their real power, and though they amended and sometimes delayed for re-consideration Bills coming from the Lower House, never permanently refused to pass those of any importance upon which the

¹ By this Act the House of Commons can overcome the opposition of the House of Lords by passing a Bill three times.

Lower House insisted. Amending a Bill is a very different matter from rejecting it. Often the constituencies have been consulted upon the principle of a Measure, and to reject a Bill altogether which has passed the Lower House is often to reject the expressed opinion of the majority in the country. But the constituencies have seldom expressed any opinion upon the details of a Bill, and to amend details passed by the House of Commons is often to put back for re-consideration points upon which the judgment of the country is really quite uncertain.

A Second Chamber is existing in nearly all constitutionally governed countries, except Greece. A revising body is generally considered useful, with a more permanent Constitution than a House popularly elected for a short time. It is convenient to have a means by which experienced politicians can take part in public business, though their age and strength may make them unwilling to take part in the wear and tear of the House of Commons and contested elections. The Reform of the House of Lords is a political question now under consideration. A difficulty in creating an artificial Second Chamber is that if you fill it with nobodies it is despised, and if you fill it only with ex-Cabinet Ministers and famous men it is too powerful. If it is merely elected, it is likely to be an imperfect copy of the other elected Chamber. A possible solution is to make it of such peers as have served various high offices and commands, in politics, the army, the navy, the law, and the Colonies, and to reinforce them with a certain number of life-peers, appointed by the Crown, that is by the Ministry of the day, but not more than a fixed number. There would be men of eminence in science and learning, business, religion, and social activities, who may not care to undertake the work of the House of Commons, nor be rich enough to care to burden their posterity with an hereditary title, a very expensive luxury. The opinions of the Dominions, India and the Colonies might well be represented in such a House; but we do not want to make it a kind of Imperial Parliament. If an Imperial Parliament ever comes into existence it will not be the best kind of Second Chamber for revising British domestic legislation. Some peers for life exist now, the Lords of Appeal as they are called, who sit in the House of Lords when it meets as the highest Court of Appeal for judicial purposes. When it so meets it is exclu-

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sively a Law Court, attended only by legal members, and decides purely as a court of law, not as a political body. Some ignorant people think that a judgment of the House of Lords is political, but they are mistaken, misled by the name.

CHAPTER VIII

THE CROWN

NEXT in the consideration of the parts of the Parliamentary Government, but first in dignity, comes the Crown. The power of the Crown has varied greatly at various times, according to the personal character of the Sovereign and the circumstances of the time. William I and Henry VIII were, for different reasons, nearly despotic rulers, doing as they liked. Elizabeth pursued a policy of her own, and made her Ministers acquiesce in it. William III put his *veto* upon Bills which had passed both Houses. George III chose Ministers irrespective of the wishes of the House of Commons. But the Crown now acts through Ministers, and has no policy of its own. Strange as it may seem, the decrease in royal power was partly caused by the Crown becoming hereditary. Kings used to be chosen for their personal qualities, and being strong men chosen to rule, of course did rule. Neither Alfred, nor Athelstan, nor Canute, nor Harold, nor William I, nor William II, nor Henry I, nor Stephen, nor Henry II, nor John, were what we should call lawful heirs of their immediate predecessors. Yet they were all lawful kings. But when the rule was observed that a son was always to succeed his father, the son could not always have power really. His age or character sometimes forbade it, and others had to govern in his name. This rule of succession, however, was never made a law till 1701, when, by the Act of Settlement, a regular order of succession, of which the King is now the representative, was established by law on certain conditions. So long as those conditions are kept the succession cannot be changed. And it has been found a good thing to have at the head of a constitutionally-governed State a constitutional monarch ruling in accordance with the law, and succeeding according to a fixed rule, to obviate disputes and rivalry about the highest

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place in the State. That highest place is the formal origin of all the rest of the executive power in the State, and the means through which the legislative power becomes operative. All Ministers, judges, and public servants, officers in the army and navy, officials in India, and governors in the colonies, hold office under the Crown. The dissolution of one Parliament, the calling of another, the changes of Ministry, go on under the authority of the Crown. Justice is administered in the name of the Crown. Offenders are prosecuted by the Crown.

The Crown is the supreme Commander of the Army and Navy. The Crown bestows titles and decorations, and promotes to offices of public trust. The taxes are nominally paid to the Crown, but the actual personal allowance reserved for keeping up the dignity of the Crown, that is, the dignity of the nation, is small compared with the total amount raised for the public service, and less than the value of the personal estates and revenue which the Crown has from time to time surrendered for the public benefit. But the wearer of the Crown being irremovable and irresponsible before the law, though his or her responsibility is of course morally of the highest kind, cannot be allowed to exercise personal power directly in the administration of a self-governing State. Ministers are responsible for the advice which they give to the Crown, which the Crown follows.

The Crown can only act constitutionally through Ministers, and is practically obliged to rely on Ministers who have the confidence of a majority of the House of Commons. But all the same the Crown is not a mere ornamental figure-head. Ministers are of one party or another, the Crown is above parties and belongs to none. An elected President, as in France or America, is more the head of his party than the head of the State, and in consequence party successes are pushed farther and party strife is more unscrupulous, than in England, where the highest place is above the reach of party leaders. We have a moderating influence always at hand to smooth the worst difficulties of party conflict. May we make a homely illustration? We, many of us, play cricket, and we all know the game, Well, English politics without the Crown would be like cricket without the Umpire. The Umpire cannot change a single law of the game, but he can tell men when they are out, and tell the others to go in.

He can suspend the game when play is unadvisable, and can declare that it is time to begin agā'n. The orderly conduct of the game is impossible without him, and one player out of the two playing sides, elected to take his place, could never give the same satisfaction for half an hour. The Crown is the Umpire of English political life, not making the laws, but the person through whom the rules of the Constitution act. In one respect indeed the Crown has exercised great influence for the good of the country in foreign affairs. The Sovereign was one of a society, some members of which were really personal rulers of great States. In times of doubt and difficulty the Crown could hold confidential relations with these, could warn and be warned, advise and instruct, in a way which would be open to no minister, however able and trusted. It may be fifty years hence before our grandchildren know all that the Crown has done for England in that way in the late reigns. But all political communications from foreign rulers to the English Crown are laid before the Secretary of State for Foreign Affairs, and the Crown never gives formal audience to a Foreign Ambassador except in the presence of the same Secretary. But in domestic affairs the Crown can exercise influence too. The Sovereign is the highest political personage, and holds office for life. All important business must be submitted by Ministers to the Sovereign. The Sovereign has unrivalled experience in public affairs, dealing in turn with Ministers of all parties, and regarding all questions from a non-party point of view. A wearer of the Crown therefore, unless a very stupid person to begin with, must in course of time acquire very valuable experience, and can, and does, give advice to the Ministers which must be listened to, and is pretty sure to be worth regarding. The Crown is therefore a moderating influence at the head of affairs in England, tending to draw the existing Government away from party towards national considerations.

But the Crown is something more. England is the centre of an Empire. The Crown is the golden link that binds India and the Colonies to us. It is more than doubtful if they would submit to the supremacy of changing partisan Presidents. And the existence of the Crown in England enables us to furnish our great dependencies and self-governing Colonies with Viceroys and Governors, who give to them too the advantage of a moderating power lifted above their

contending parties. We must be loyal to the Crown, for the Crown is loyal to us, and is the personification of our Constitution and of our law. To be loyal and respectful to the Crown is with us the privilege of free men, not the homage of slaves. It is to be loyal to the law of the country, to the unity of the Empire, to the memory of our fathers and to the majesty of our native land. The late wearers of the Crown showed us how the work of a Constitutional Sovereign could be perfectly done, and how the highest social position in England can be useful for the furthering of all that is right, true, honest, and of good report.

The women and girls of England in particular must be always grateful for the example of what a true woman's influence upon the world can be. There is not one of them whose possibilities for good were not heightened by the reign of the late Queen. Family life, after all, lies at the root of all society, and no political life is sound which is not founded upon family virtues in the nation.

CHAPTER IX

THE MINISTERS

THE Crown, as we have said, acts through the Ministers. It is one of the peculiarities of the English Constitution that some of the most important features of it are not mentioned in the laws at all. The Cabinet, the Prime Minister, the Government, the Opposition, are not known to the law, but are most important parts of the working system of the Constitution all the same. At an early period the Norman kings entrusted various departments of their work to special Ministers or officers under them. In the reign of Henry III and of Edward II, the Barons, the House of Lords in fact, tried to control the appointment of these Ministers. At the end of Edward III's reign the Commons took upon themselves to accuse Ministers who had ruled badly in their several departments, and the practice was continued while Parliament was strong under the Lancastrian kings, but dropped when strong monarchs chose their own Ministers and dismissed or beheaded them at will during the Tudor reigns. Under James I and Charles I this plan of *Impeachment*, as it was called, was revived, and the Commons accused Ministers, who were tried before the House of Lords, and punished by them. Under Charles II the same practice continued, and it went on sometimes later. When the Ministers were really the servants of the Crown, and appointed or dismissed by the Crown without reference to the wishes of Parliament, this was the only way in which Parliament could keep an effective check upon their conduct. But after the Revolution of 1688, and especially in the reign of Anne, it began to be recognized that though the Ministers were called the Ministers of the Crown, yet they could not effectively exercise their powers unless they were supported by Parliament, which had acquired complete control of taxation and legislation, and had practically laid down conditions upon

which the Crown itself should be held. Some Ministers, such as Lord Somers, Harley, Earl of Oxford, and Sir Robert Walpole, have been impeached or threatened with impeachment since the Revolution. The last case was Lord Melville, at the beginning of the last century. But these impeachments were generally considered to be the result of personal malice of party opponents, and were not necessary to ensure the responsibility of the Ministers to the country. Henceforward it became really unnecessary to impeach a Minister, a hostile vote of the House of Commons was enough to drive him from office, and he was therefore obliged to please Parliament by what he did, or else retire. Pitt was able in 1783 and 1784 to hold office against the wishes of the House of Commons for a short time, only because he had correctly judged that the House did not represent the actual wishes of the country, and that the coming elections would give him a large majority.

The present practice is, when Ministers have resigned office, for the Crown to send for the leading man of the party which has a majority in the House of Commons, and ask him to form a Ministry. He is the new Prime Minister. He recommends certain men as fit persons to hold chief offices, and the Crown, acting as trustee for the interests of the nation at large, accepts their names and appoints them as a rule, though occasionally suggesting modifications, especially if from his bad or frivolous personal character a man proposed is likely to bring the Government into contempt and odium. But of course the Prime Minister is himself anxious to be assisted by men of high character and abilities. If he said that he was obliged to be supported by a certain man, and could not undertake to form a Ministry without him, the Crown would now give way to his views. Of these Ministers, some, from twelve to eighteen usually in number, form the Cabinet, or inner circle of powerful Ministers. It is the invariable custom for certain high officials to be in the Cabinet, but there is no rule about some other offices. The Postmaster-General, for instance, or the Chancellor of the Duchy of Lancaster, may be in the Cabinet in some Ministries and not in others. The whole body of Ministers, in the Cabinet or not, are called the Government. The Cabinet consult together upon laws, taxes, and measures of public policy, and are collectively responsible for what they propose.

If a Minister differs very strongly from the rest he resigns his office. In smaller matters of difference, however, he will give in to his colleagues, and is then equally responsible with them, even though he has disagreed with what they propose. All meetings of the Cabinet are secret, and it is a point of honour not to reveal differences of opinion and conflicting arguments in them, though people can often shrewdly guess at these. Not only do the Cabinet conduct the business of the country and of Parliament, but in practice now no important law can be passed unless it originates with the Cabinet. The great increase and complexity of public business now would make all business impossible unless some authoritative body were to settle to what business Parliament is really to devote itself seriously. Only a Member of Parliament, who is not in the Government, can by raising some question over and over again at last persuade the Government that it is important enough for them to undertake it. Thus, in spite of the theoretic omnipotence of the House of Commons, the House as a whole has less practical power than it had, and the Cabinet has more. Members of the House who usually support the Government are often obliged to do so, even when they disagree with it, or risk losing their seats. Members of the Cabinet sometimes judge of the importance of questions quite as much by the way in which they are received by great public meetings in the country as by the way in which Parliament looks at them ; for those public meetings are the masters of Parliament whenever an election occurs, and can change its Members.

It is the prerogative of the Crown, acting through the Ministers, to make Treaties with foreign powers, to declare war and to make peace. It is often essential to the success of negotiations that they should be carried on with more or less secrecy. Delicate proposals, and compromises upon which peace depends, cannot be always suggested in public. But the Ministry knows perfectly well that it must always be held responsible to Parliament for what it has concluded, and no war can be carried on for a day without parliamentary support. Ministers now are not likely to commit the country to measures which involve war, without being very sure that the interests of the country demand such a sacrifice, and that the country through Parliament will support them in the course which they follow.

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The Cabinet continue to hold office till the votes of Parliament convince it that it can no longer be secure of a majority by which to carry its measures. Then it may either offer its resignation to the Crown, the Crown either accepting its resignation or begging it to try again ; or it may advise the Crown to dissolve Parliament, and see whether a new one will support the Ministry or not. In the unlikely case of a Ministry clinging to office, in spite of the manifest hostility of Parliament and of the country, it would be the duty of the Crown, as supreme Umpire, to ask for their resignation, provided of course that the Crown could secure new Ministers through whom to act. But a hostile Parliament can force a Ministry to a resignation by preventing their carrying out their policy, or, as a last resource, could refuse to vote any money and leave them powerless. But the rules of the Constitution, though unwritten and of no legal force, are too well understood to allow matters to come to such a pass as that.

The Ministers while in office are responsible for carrying on the business of the country. In each department they are assisted by experienced officials, who are permanently employed, and do not change with changing governments. These permanent officials may have their private political opinions, but they are not made by political appointments, and have been originally admitted into the Civil Service, as it is called, by competitive examination, and do their best to serve the country under all governments. A great deal of the efficiency of the public service depends on these men. It is a good thing that not only the very highest places, but the lower places also, among those who have to carry out the laws should be filled by persons who are not liable to be turned out as one party or another gets the upper hand, who have the benefit of long experience of their work, and who have no temptation to put party or personal interests before the national interest in doing it. Civil servants may not sit in the House of Commons, in order that they may be the more free from party ties.

The Prime Minister, the leader of the Cabinet, is usually First Lord of the Treasury, not that he really has much to do now with the keeping or spending of Treasure. No such office¹ as Prime Minister, or Premier, exists, but in practice

¹ By an Order in Council of December, 1905, the Prime Minister was, for the first time, given an official position and precedence as such.

one man heads the Government and leads the Cabinet under this popularly-given title. His business is really to keep up a general superintendence over the whole business of the country. The Secretaries to the Treasury act as Whips, as they are called, to keep the Government party together in the House, and to communicate the intentions of the Government to them, but are of course not in the Cabinet. The Chancellor of the Exchequer has really to preside over the keeping of the public accounts, to estimate what money will be wanted for the public service every year, and to provide a scheme of taxation for getting that money. He is obliged to be in close correspondence with the leading bankers and business men of London, and as London is the centre of the money market of the world, the Chancellor of the Exchequer is perhaps the most important figure in the whole business world. Upon the wise management of the English money matters a great deal of the business and prosperity of England and the world depends.

The Lord Chancellor is always in the Cabinet. He is a Judge, and the head of the lawyers in England. In old days the Lord Chancellor used to be as nearly approaching a Prime Minister as anybody was. Very often he used to be a Bishop, sometimes Archbishop, now of course he must be a lawyer, and in practice is always a peer, though there is no law that he must be one. The Lord Chancellor is the channel for the appointment of Judges, Magistrates, and Justices by the Crown, and practically appoints by himself to the higher positions in the law. He is the chief legal adviser to the Cabinet. He is keeper of the Great Seal to the Crown, and all writs and patents which require the great seal to be attached to make them valid come from him. He issues the writs for a new parliament at the command of the Crown.

The Home Secretary, presiding over the Home Office, has immediate charge of domestic matters in England, the control of the police and of the magistrates. He is responsible for domestic order, and supervises the laws for the inspections of factories, coal mines, and prisons. The Home Secretary is the original "Secretary of State," and all the other secretaries have been invented to relieve him of part of his duties. But any Secretary of State can do the work of the others in an emergency. One Secretary is always in attendance on the Crown, and one is always present in London.

One important part of the Home Secretary's duties is to advise the Crown in cases where it is advisable to lessen or remit punishments which have been imposed upon men in the law courts. For though the Crown cannot increase a punishment by a single day's imprisonment, the Prerogative of Mercy, as it is called, has been wisely retained, and if after a trial any cause appears for mercy, the Crown, on the advice of the Home Secretary, can show mercy and spare the lives sometimes of men condemned to death. Partly on this account it is often advisable that the Home Secretary should be a lawyer, well trained in the law.

The Foreign Secretary, presiding over the Foreign Office, has the important duty of conducting all the affairs of England with foreign nations. We have Ambassadors and Envoys representing England at all foreign seats of government. They are in constant communication with the Foreign Office. We have also consuls at all foreign places of importance, who are under the Foreign Office, and who look after the interests of individual British subjects abroad, and make reports upon questions of trade. Very often not only our foreign interests, but peace and war, may depend upon the wisdom, foresight, tact, and moderation of the Foreign Secretary. It is essential that he should be conversant with foreign countries and with foreign languages.

The Secretary for India, at the India Office, controls to some extent and co-operates with the Viceroy of India. He is advised by the Indian Council of twelve members, men conversant with Indian affairs. The Indian Council is appointed by the Chief Secretary, but with the consent of existing members of the Council. Appointments are for ten years, and may be specially renewed for five years more, so that the council is a more permanent body than changing party ministries in England. A member can only be removed by an address from both Houses of Parliament. But the Chief Secretary can introduce Bills into Parliament affecting India without consulting his Council, though practically he does not do so. The *Indian Budget* is annually laid before the House of Commons, and the Indian Government cannot incur fresh debt without the consent of the House, but the House passes no vote affecting Indian taxation.

The First Lord of the Admiralty, at the Admiralty Office, presides over our Naval affairs, that is over the force upon

which our very existence as a nation, to say nothing of our prosperity, depends. He has under him a Board of Admiralty, comprising skilled naval men.

The Secretary of State for War, at the War Office, presides over the affairs of the Army. Formerly there was a military Commander-in-Chief, with an office called The Horse Guards. But changes have been made, doing away with the old divided control over the Army. In 1904 an Army Council was created, working with and under the Secretary of State, as the Board of Admiralty works with the First Lord. A Committee of Defence, composed of some of the chief ministers, is supposed to consider the general purposes of the Navy and the Army. The First Lord of the Admiralty and the Secretary of State for War are the Parliamentary heads of their respective departments.

The Colonial Secretary, at the Colonial Office, has to manage the rather delicate relations with our self-governing Dominions, like Canada, the Cape, and Australia, and also to provide for the government of the Colonies, which are not self-governing, and are usually countries in which comparatively few inhabitants of European descent live among a great many negroes, or other coloured people. He sometimes has to protect them against the whites, for of course the whites, though fewer, are the stronger from superior brain power and energy. The Crown, acting through the Colonial Secretary, can *veto*, in theory, acts of Colonial Legislatures, and in fact the Ordinances made by the Governors of Crown Colonies that have no representative governments.

The Board of Trade controls and inspects railways and merchant shipping of all kinds, and grants certificates of efficiency to officers of the mercantile service.

The Ministry of Health has taken over the control of Local Government from the old Local Government Board, and the enforcement of the Sanitary Acts. The Ministry of Labour has taken over some of the former work of the Board of Trade, and tries to act as an umpire in trade disputes. The Ministry of Pensions superintends the gigantic system of pensions and relief which are a legacy of the war.

The Minister of Agriculture manages business connected with our largest industry, agriculture. One of his most important functions is to issue orders, which he is empowered to do by Act of Parliament, to stop infectious diseases among

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animals, by the slaughter of diseased cattle or cattle coming from an infected country, and by prohibiting the movement of cattle in infected districts.

The President and the Parliamentary Secretary of the Board of Education have to preside over the whole machinery of the Elementary and of the Public Secondary Schools of the country.

The Board of Trade, the Board of Agriculture, and the Board of Education made in 1899, are all departments of the Privy Council. But the real directing power in each is the Minister coming in and going out with the Cabinet.

The Postmaster General presides over the whole system of Posts and Telegraphs, including the Savings Banks and the various means by which the Government enable persons to invest their savings. This is a gigantic business, worked by the Government because it is so big and so important that no private companies could conveniently undertake it. Of all the departments of Government it is the one which should most constantly remind us of its presence and importance. How many of us when we stamp and post a letter realize the immense pains and forethought which have provided that that letter shall certainly be delivered the next day, at the opposite end of England, to the right person? But the railways and the electric discoveries which have rendered this great work of Government possible have been provided by the thought and energy of private persons.

There is a Secretary for Scotland, who may be considered as Home Secretary for Scottish affairs. The Lord President of the Council is the head of the Privy Council, and of the various Boards sprung from it. The Lord Privy Seal, and the Chancellor of the Duchy of Lancaster, are not so much active Ministers in their nominal offices as useful co-operators in a Ministry unhampered by much departmental work. The period of the war saw the creation of many more departments of government, or sub-departments. The tendency of a time of stress, when Government had to take control of many things formerly managed by private persons, tempted it to undertake the control of everything. The results in efficiency possibly, and certainly in economy, have not been such as to decrease the old English dislike of allowing Government interference to take the place of private enterprise.

It is seriously open to question whether the habit of

depending upon Government help and direction for many things, is compatible with the continued existence of the habits of self-help and ready initiative which underlie our whole free Constitution. Personal liberty, even if misused sometimes, is our most valuable possession.

Of the chief Ministers mentioned above, it may be taken that the First Lord of the Treasury, Chancellor of the Exchequer, Lord Chancellor, and the Secretaries of State, the First Lord of the Admiralty, the Lord President of the Council, the Lord Privy Seal, were always in the Cabinet. The Presidents of the Board of Trade, and of the Board of Education, the Ministers for Agriculture, of Labour, and of Health, the Secretary for Scotland, are now in the Cabinet. The Lord-Lieutenant of Ireland, or his Secretary, used to be in it.

The Crown has also a body of Councillors called the Privy Council. To be a member of the Privy Council is now only an honorary distinction, though of old they used to be the regular advisers of the Crown, as under the Tudors. But all the Ministers are Privy Councillors, and there are Committees of the Council empowered by law to attend to certain duties. Such are the Judicial Committee, which is a Court of Judges to hear certain appeals; and the Boards mentioned above. The Privy Council is also the formal mouthpiece for many Government orders and for Proclamations.

These Ministers, remember, make no laws; but they execute or carry out the laws made in Parliament, and do the business of the country according to law.

The heads of the different departments have to estimate every year what money they will want for their different services. As efficiency costs money, they all are inclined to ask for a good deal from the Treasury, and the Chancellor of the Exchequer has great trouble in satisfying the necessary demands of the various services, and at the same time keeping the whole expenditure within bounds. Parliament has of course to vote the money finally asked for, and may refuse to do so if it is not satisfied that it is being well spent. Motions are continually made in the House of Commons to reduce the vote for such and such a department by £1,000 or £500, or some other sum. This is not done with any real intention of depriving the service of money, but to give an opportunity of discussing its policy in some respect. Members can thus

keep a constant control over all that is done by the various parts of the Government ; and seeing that a fifth of the population of the world is affected directly by our Government, it is certain that there will always be plenty of real occasions for serious criticism and inquiry into its conduct by competent men. The administration of the British Empire is the largest, most important, and most expensive business which has ever existed.

Thus we may have some idea how complicated and serious and difficult and harassing that business is, for those who are responsible for doing it. When we have understood it, we shall be a little surprised at the readiness with which men, who have never shown themselves to be very clever in managing much easier affairs, criticize the way in which it is done, and find fault with it, and blame the men who do it, and give us to understand that they could do it much better. If it were not true it would be too absurd to invent ; but it is true that there are many fluent talkers, who would never undertake to manage a shop, but who think that they could manage the Post Office ; who would be hopelessly incompetent at the head of a school of thirty boys, but who think that they could rule India ; or who would refuse to steer a ship, from a wholesome dread of being drowned, but who would steer the State, if only people would accept them at their own valuation. To judge from their language, every newspaper writer not belonging to the party actually in office could teach those statesmen their business. Public business is very difficult business, and very anxious business. It matters very much whether it is ill or well done ; the best of laws need good administration to make them effective. It is one drawback to our system of government by public discussion, that unthinking people are far more apt to believe in a man who can talk or write well about what he does ill, than in the man who does public work well with less talking.

CHAPTER X

LAW AND JUSTICE

ONE most important part of the Government, for the execution of the laws, is the Judicial and Magisterial department of the State. Parliament makes the laws, representing the wishes of the community, the public departments which we spoke about above carry on the government according to law, the Judicial bodies execute the laws against those who break them, and decide disputes between private persons, or even between private persons and public bodies. It has been found essential for the purity of justice to separate, as far as can be, the Judicial from the political side of Government. In old days the Judges were all nominees of the Crown, and were all removable at the will of the Crown. Consequently they were an important part of the machinery of political government by the Crown, and were expected to give sentences in accordance with the political needs of the Crown. In some other countries Judges are elected, as the representatives of political parties, and as a consequence are not above the suspicion of political partizanship in their decisions. Here, since 1689, the Judges, though appointed by the Crown on the advice of a Minister, the Lord Chancellor, are irremovable when once appointed, unless both Houses of Parliament petition for their removal on the ground of their misconduct. They are therefore independent guardians of the laws. Only the Lord Chief Justice is appointed on the advice of the Prime Minister, not of the Lord Chancellor, but it is not a political appointment. He holds office on the same terms as the other Judges. The only Judge who holds a political position is the Lord Chancellor, who is a member of the Cabinet, going in and out of office with his party. But he is not quite like other Ministers; having once been Lord Chancellor, he cannot, by the practice of the Constitution, ever fill any other office, and he

is not a Judge in criminal cases at all. Other Judges are attached to the House of Lords, to hear Judicial appeals. But apart from this no Judge may vote in either House of Parliament, except as a Peer in the House of Lords, nor hold any of the other offices of the Executive Government.

Formerly there were many different classes of Judges. The Judges of the Court of King's Bench or Queen's Bench, the Barons of the Exchequer, and the Judges of the Court of Common Pleas, once heard different sorts of cases, though latterly their business became much the same. They date back to the reign of Edward I. The Judges of the High Court of Chancery heard cases dealing with trust property, and the Court was originally composed of the King's Clerks, clergy that is who were the only highly-educated class in the country. By a curious combination, business dealing with shipping and wills was in the hands of one Court of Probate and Admiralty. In 1875 the Judicature Act consolidated them all into a Supreme Court, divided into a Court of Appeal and a High Court of Justice, the latter subdivided into the Queen's Bench division, the Chancery division, and the division of Probate, Divorce, and Admiralty, and the Bankruptcy Court.

The Judges of the High Court of Justice sit in London to hear cases; both of a criminal nature, that is, cases where a man is accused of an offence which subjects him, if found guilty, to punishment, and of a civil nature, or disputes about property or cases where money damages are sought by an aggrieved party. Besides this they go on circuit, and hold the assizes in different parts of the country, judging criminal and civil business. The Chancery division of the High Court of Justice sits in London, to hear a certain class of complicated cases about property, and there are local Chancery Courts in some places. The division of Probate, Divorce, and Admiralty sits in London.

The Court of Appeal is composed of the Lord Chancellor, the Lord Chief Justice, the President of the Probate, Divorce, and Admiralty division, five other Judges, and the Master of the Rolls.

Many towns have Recorders, who are a sort of assistant Judges to hear less important criminal cases. Some of the preliminary business of the cases is also done by Chief Clerks in Chancery, by Masters of the High Court in London, and

by District Registrars in the country. But all cases of importance are ultimately tried before Judges of the High Court.

A man must have been a barrister for ten years before he is eligible for a Judgeship, really he has always served a longer time. To be a Judge of the Court of Appeal he must have been a barrister for fifteen years or a Judge for one.

The Judges are made more thoroughly independent by being very highly paid. A numerous and ill-paid judicial body is capable of being corrupt, and is likely to raise suspicion of corruption, which in its results is nearly as great an evil. We may remember, however, that a very successful barrister is sometimes making twice the income of a Judge before he is raised to the more important post.

The Judges not only declare the law, but also really help to make it. It is impossible for the best drawn-up Act of Parliament to provide for every case which can possibly arise, and formerly acts were drawn up in very loose and general terms. Consequently the Judges were, and are, often called upon to decide cases where the law is insufficient, or not quite clear, and they decided in accordance with the general meaning of the Act, and according to the general practice of past times. By this means the Common Law has grown up, founded upon numerous decisions of Judges. For instance, the writ of Habeas Corpus, by which a man may claim the right to know for what offence he is imprisoned, and claim his release if there is no legal cause for keeping him in prison, was really established by the Common Law before it was expressly embodied in a Statute in 1679. Many of the most important guarantees of our personal liberty are declared by the Common Law to rest upon the immemorial rights of Englishmen, and could be only with very great difficulty done away with by Parliament itself, if Parliament were ever perverse enough to try. The famous decision by Lord Mansfield in 1772 that there could be no slavery in England rested upon Common Law, not upon a law passed in Parliament.

The rank and file of the legal profession is composed of Barristers and Solicitors. Barristers are called to the Bar, as it is said, by one of the four Societies of the Middle Temple, Inner Temple, Lincoln's Inn, or Gray's Inn, after examination. They conduct business in court, and also out of court. Leading barristers are made King's Counsel, called K.C., and are paid higher fees, but no barrister's fees are legally recover-

able. They are supposed to be free payments. Solicitors are, in fact, legal agents acting for clients, and employing barristers for them. They are admitted as solicitors after examination through the Incorporated Law Society, and pay annually a fee to Government for permission to practise. There is no distinction now between a solicitor and an attorney. Barristers may be disbarred by the " Benchers," or Governing Body of the Inn to which they belong, and solicitors struck off the roll by the Judges for misconduct.

Cases before the Chancery division and some other cases, turning solely on questions of law and not of fact, are tried by a Judge, or by Judges, without a Jury. Questions of fact, cases touching life and liberty, and cases involving damages, and some others are tried before a Jury. Juries are of three kinds, grand, common, and special. The Grand Jury is made up of Justices of the Peace, or of gentlemen possessing the qualification to be Justices, the Common or Petty Jury is summoned from ordinary householders, men or women, rated at £30 a year for poor rate, freeholders of £10 a year and upwards, and leaseholders of £20 a year; the Special Jury is composed from rather richer people. The Jury have a most important function in guarding the lives, liberties, and property of their neighbours, and in punishing wrongdoers. We will consider a simple case of a criminal trial as an instance. A man arrested on suspicion of having committed a crime is brought before a magistrate, who, after hearing evidence which convinces him that there is real cause for suspicion, commits the man for trial. When the assizes come on a Grand Jury is sworn, consisting of leading inhabitants of the county, not fewer than twelve nor more than twenty-three. The Judge delivers a charge to them, reciting the cases to be tried, and they briefly consider the evidence for the prosecution brought before the magistrate who has committed a prisoner. On this evidence they return either a *true Bill* against a prisoner, or *no true Bill*. In the latter case he is released at once. In the former case he is tried before a Petty Jury of twelve sworn men of the county. Jurymen are selected by the Under Sheriff. A prisoner or a suitor in a civil case is allowed to object to these, if he thinks that they are personally hostile to him, and in cases where local feeling runs high a trial may be removed to the Central Criminal Court in London, to escape local prejudice. The

prisoner is prosecuted by a barrister and defended usually by a barrister. Evidence is brought by witnesses, who are put upon their oath, both for and against a prisoner, the Counsel engaged address the Jury, and the Judge sums up, pointing out the real bearing of all the evidence and explaining any points of law which may arise. The Jury are the sole judges of the facts of the case, the Judge of the points of law. If on the facts the Jury bring in a verdict of guilty, the Judge pronounces sentence.

Civil cases, disputes of all kinds, cases involving a claim for damages, and such matters, are usually tried before a Judge and Jury, and the respective cases are urged by Counsel and explained by the Judge in his summing up, much in the same manner as in a criminal trial, but the Jury not the Judge assess damages. The costs of a civil action have generally to be paid by the unsuccessful party, but the Judge can make an order for both sides to pay their own costs. A poor man can sue *in forma pauperis*, that is, with his expenses paid for him, but he will probably have to employ a solicitor to begin with to teach him how to manage it. Such proceedings are rightly jealously fenced by precautions against frivolous actions by persons with nothing to lose.

In civil cases an appeal may be made. Sometimes a Judge may give an order for a new trial, if the verdict is against the weight of evidence, or if important new facts appear after the trial. In that case the matter is tried again before a fresh Jury. In the case of an ordinary appeal, the case goes before the Court of Appeal, to be decided by the Judges without a Jury, and appeals may be carried on to the House of Lords, where the Law Lords give a final judgment.

Ecclesiastical cases, and cases from India and the Colonies, are carried on appeal before the Judicial Committee of the Privy Council, which forms therefore the great Central Court of Appeal for the whole Empire.

Recently two changes have been introduced; an accused person may, not must, be put upon oath, and give evidence in his own case, and an appeal is allowed even in criminal cases. Besides, a point of law may be reserved by the Judge, after a verdict of guilty, for further consideration. Also, in the case of a man condemned to death there is a sort of appeal to the Home Secretary, who may consider whether it is a case for exercising the mercy of the Crown. In the case of

imprisonment, moving for a writ of *Habeas Corpus* can reopen the case, if there is any ground for supposing that the law has not been complied with; and the prerogative of mercy can always release a prisoner. In reality the chances of an unjust conviction are very small. About one in four of the persons brought before a Magistrate are never committed for trial. Those committed have their case reviewed by the Grand Jury. They are tried before a Jury of their countrymen, under the direction of a Judge who belongs to a small, highly experienced, and very learned body, selected carefully from the best men of a very learned and capable profession. In some few cases if a man were convicted of some crime which he did not commit, it would be found that his conviction was owing to the fact that he was engaged in some other unlawful business, and that he consequently kept back evidence which would bear on one case for fear it should involve him in another. The whole practice of the English law is founded upon the supposition that a man is innocent until he is proved guilty. He is given every chance, and once tried and acquitted he can never be tried again for the same offence. The practice of some foreign countries is different, and they consider and treat every one as guilty who is accused by the police, unless he can prove his innocence. In one way a Judge can imprison without trial. He can commit a person summarily for contempt of court. It is essential that the dignity of the person and office of a Judge, as representing the law, should be upheld. English Justice is too precious to us all to be exposed to the chance of insult or outrage.

The administration of Justice in the country is not solely in the hands of the Supreme Court, at least not directly. There are fifty-six County Court Circuits, including the City of London Court, in which County Court Judges, appointed by the Lord Chancellor, adjudicate on matters of small debts, bankruptcy, and cases involving small damages and disputes about money up to £50 and further in Admiralty and Chancery matters. These last can always be removed to the High Court by desire of the parties. There is seldom a Jury.

A County Court Judge is called Judge So-and-so, an ordinary Judge of the High Court is Mr. Justice, and is always knighted.

The County Courts are an invention of the last century,

and are not to be confounded with the ancient County Courts which used to manage the affairs of the County.

Quarter Sessions are held in the chief towns four times a year before the County Justices, presided over by a Chairman, or before the Recorder, in a borough, where such a person exists. A Grand Jury is sworn, and cases are tried before a Petty Jury, as at the Assizes; but more important matters cannot be heard at Quarter Sessions, murder, for instance, and manslaughter cannot. Appeals from the decisions of Licensing bodies, in the case of public-houses, are heard at Quarter Sessions, as also are appeals against their rating by ratepayers who think that they are assessed too highly. Petty Sessions are held frequently, in all country towns, by two or more Justices, to dispose of small cases of assault, drunkenness, poaching, stealing, nuisances, and the like. The Justices may dispose of cases summarily, or commit prisoners for trial at Quarter Sessions or Assizes. They are assisted by their clerk, who is a Solicitor usually.

The County Justices are nominated by the Lord Chancellor, on the recommendation of the Lord-Lieutenant, and are unpaid.

There are also Stipendiary Magistrates in most large towns, who usually sit every day to dispose of similar business.

In all these cases the trial is conducted in accordance with the rules of English Justice, in open court, with witnesses giving evidence on oath, and an accused person can always employ counsel to speak for him.

Justices and Magistrates can also give orders for the temporary relaxation of certain regulations, with regard, for instance, to the keeping open of public-houses. They can give an order for an insane person to be removed to an asylum. They do practically give advice to applicants in small legal questions, and act as arbitrators in quarrels. They are legal witnesses to claims for pensions and annuities. The Justices of the Peace were formerly also *ex-officio* Guardians of the Poor. It is of the greatest public advantage to have persons of high character exercising these powers scattered about the country, and really efficient Justices ought to do much to preserve the general harmony of a neighbourhood by their influence. Their duties are strictly judicial, not political.

The machinery of Justice would be very incomplete without the police, who have special powers to maintain order,

detect and prevent crime, and to arrest persons with a warrant granted by a court or without warrant if engaged in wrong doing, or if acting in a decidedly suspicious manner. The police, however, are subject to actions for assault or other offences, like any other citizens, if they exceed their duty, and act in an unwarrantable manner. Any citizen may arrest a person actually engaged in committing crime, and every citizen is bound to come to the assistance of the police if called upon, to aid them in arresting criminals, or preventing a breach of the peace. The active co-operation of citizens is as essential to the proper carrying out of justice as to other parts of good government. Passive assistance is too often denied. Many riotous assemblies are made harder to be dealt with by the police through the action of inconsiderate people who stand about to look on, and swell a crowd. In fact the excellence of the machinery provided for keeping the peace on ordinary occasions, is one cause of the difficulty of keeping it on extraordinary emergencies. Our ancestors had to do all this for themselves. When, for instance, thirty or forty armed desperados, who were involved in the Gunpowder Plot, were traversing the Midland counties, there were no policemen or soldiers to send after them. The Sheriff of Worcestershire had to call up gentlemen, farmers, tradesmen, and labourers to bring arms, and aid him in storming the house where these men, careless of the lives of others as of their own, were prepared to fight to the last. What we gain in security is a little counterbalanced by the loss of a sense of national duty.

But there are other duties, connected with the administration of justice, which are not at all heroic, but which if shunned tend to the injury of the community. The whole fair and humane attitude of English law towards criminals is based on the idea that the community do not sympathize with crime, and will not be afraid of suppressing it either. Witnesses and Jurymen are expected to do their duty fearlessly and honestly. Where secret societies have established a reign of terror, there the action of the law must be sharper and stricter, and precautions must be taken to avoid a miscarriage of justice. It is the old story, personal liberties, like political liberties, are in the hands of those who enjoy them. They can preserve them by doing their duty, and will impair them if they fail in their duty. Many people have a strong dislike

to giving evidence. They do not like the trouble and notoriety and loss of time. All dislike being summoned on Juries, the loss of time and money is often serious. But it is not a loss exactly. It is of the utmost importance that all available evidence should be tendered in a case, to ensure the doing of justice ; it is still more important that honest and sensible men should give a careful consideration to that evidence as Jurymen. Witnesses and Jurymen can of course be compelled to attend ; but the true duty of an Englishman is not bounded by the extent to which he can be compelled to do a public duty. He should cheerfully do all in his power to further the proper carrying out of a system on which the liberties and properties of the whole nation depend.

CHAPTER XI

TAXATION AND RATES

THOUGH much public work is expected to be done in England without payment, yet the machinery of government, and the care for the defence and order of the country, must be expensive. These expenses are discharged by the money raised by taxation. The expenses of local government are discharged by the money raised by the rates.

In old days, when the machinery of the central government was very simple, there were no ordinary taxes, and rarely extraordinary taxes levied for a particular occasion. The early English kings had large estates of their own, and maintained their courts, rewarded their followers, and endowed the Church, out of what we should call their private property. The calls of the State upon the public support were extremely limited. All landholders had to give personal service in war, and service or money in building fortifications and in repairing bridges. But that was all, as a rule. Money, however, was sometimes raised to pay off the Danes, by a sort of land-tax, and the tax was continued for other purposes. With the introduction of the Feudal System certain payments were introduced, due from those who held land of the Crown. Privileges of trade and of self-government were granted by kings to towns, and a promise of money was exacted in return. Many offences were punishable by fines, and these fines were supposed to find their way to the king's treasury. This was a bad system, for it gave the Crown an interest in getting people punished, and it reached its worst development as late as Charles 1's reign, when fines levied by the Star Chamber for the infraction of obsolete laws formed an important part of the Royal Revenue. The general policy of the kings was to commute as much as they could of feudal services into money payments, but all the payments due from feudal

tenants to their lord were according to a fixed scale, and the barons stoutly withstood their arbitrary increase. At no time had the Crown an unlimited right in theory of taking the money of the subjects. Thomas a Becket, the famous Archbishop, was the first person who made a successful stand against unwarrantable taxation, and a Bishop of Lincoln in Richard I's reign was the second. The Great Charter declared that payments beyond the accustomed feudal dues could only be granted by the Common Council of the Realm, and the famous Confirmation of the Charters under Edward I confirmed this right to Parliament. When Royal power had grown, and the importance of Parliament decreased, under the Yorkist and Tudor Sovereigns, money was very often exacted from individuals, or even classes, in an illegal manner, but without serious opposition. But an attempt to levy a general tax, without consent of Parliament, provoked a storm before which even Wolsey and Henry VIII gave way, 1525. Under the Stewarts the undoubted practice of the past hundred and twenty years furnished the Crown Lawyers with precedents for raising money in various ways without consent of Parliament. But the Long Parliament, in 1641, made all these methods distinctly illegal, and the Bill of Rights, in 1689, again and finally confirmed the doctrine that all Supplies must be voted by the House of Commons. Supplies are either voted year by year, or are raised under Acts of Parliament which authorize them until the Act is repealed. The money is appropriated by votes of the House to special services, or is paid for special purposes under the permanent Acts. For instance, the public creditors and the Judges are paid under permanent Acts. By a standing order of the House of Commons no money is voted except in answer to the demand of the Crown, made through the Ministers. The various branches of Revenue are paid into one Consolidated Fund. The public accounts are audited every year through the Audit and Exchequer Office, so as to ensure that the money is spent in accordance with the votes of the House of Commons. The House of Commons votes all the taxes, the House of Lords does not meddle with this business at all, though the members of the House of Lords of course pay taxes, but their interests are fairly represented by the richer members of the House of Commons. It is a safe rule that those who pay for government should have a voice in govern-

ment. Like other sound political rules it is founded on fact, for those who pay will control in the long run, or will cease to pay. They will make their influence felt in one way or another, or will remove their wealth from the control of those who tax it against their will. In despotically-governed countries the unlimited right of the Government to raise money prevents the accumulation of wealth at all, by people who feel that it may be taken from them. This result may be produced by any Government which uses the power of the strongest without regard to the rights of others, and capital may be driven out of any business, and the business put an end to in any country, by reckless taxation of those who have embarked upon it.

The taxes which are raised for the public service are called the King's Taxes. Though the King's Taxes are appropriated for certain public purposes, and not paid into the pockets of the Monarch as they used to be, still the Crown has a revenue of its own, partly from private sources, partly voted by Parliament. The sums voted by Parliament, however, for the maintenance of the dignity of the Crown, are instead of the large private estates which the Crown has surrendered to the nation, and which now bring in a larger sum than is voted by Parliament to the Crown. As it is the income of the Crown is not so large as that of some private persons.

The taxes may be divided into two principal classes, direct and indirect. The direct taxes are those which are paid directly to some officer of the Public Revenue. Such are the Income Tax, or tax of so much in the pound upon all incomes above a certain value. Very small incomes are not taxed, partly from the consideration that in a very small income there is not much margin over after providing the bare necessities of life, partly because the cost and trouble of collection would hardly be repaid by the amount collected. Then there is an Inhabited House Duty, and Land Taxes. The Revenue derived from the Post-office may be considered a direct tax upon our correspondence. For as a matter of fact it does not cost the Government a penny to convey a letter. The stamp, or rather a great number of the stamps taken together, pay for their own manufacture and sale, for the carrying of correspondence, and leave a handsome sum over for the use of Government. The telegraphic branch of the Post-office is not profitable. This is instructive as illustrating the limits

of effective governmental control. The Post-office organized a service of men, to use means of communication which private enterprise had already set going. The telegraphic branch has had to buy lines, and to maintain them, and to make new lines where wanted. Private enterprise can more easily adapt itself to fresh needs and inventions than a Government Department can, which depends upon the voting of a Budget year by year. The extension of the system of telephones in England, for instance, has been hampered by the fact of Government controlling all electric communication. The inference is that State purchase and making of railways would not be economical, nor profitable to the State, nor lead to railway enterprise being extended. The comparison of foreign State Railways with the Midland or North Western Railway, for instance, is not encouraging to the idea of introducing the foreign system here. But apart from postage stamps, the Stamp Duties are an important branch of the Revenue. A great many kinds of legal and financial business are invalid unless the documents bear a stamp which is bought from a Government Office. Another way of raising money is by Succession and Probate Duties, a proportion levied upon all money and land passing by will from a dead person to his representatives.

Licences for many purposes, for using guns, shooting game, keeping dogs, selling beer, spirits, tobacco, and wine, keeping a man-servant or a carriage, and for other purposes, are direct taxes upon the person who pays them. When we consider that it is solely through the action of the law, and of an orderly Government, that money can pass from a man to his heirs without a scramble among claimants, that the law secures a man in the possession of his property, and that all the transactions of business life are only carried on under the protection of Government and the regulation of the law, it is clear that all such matters are fairly made the object of taxation. Licences are mostly required for what are luxuries after all, not a necessity of life to anyone. Where a dog is a necessity, as to a shepherd, or to a blind man, he can be kept without a licence.

Indirect taxes are those which are paid indirectly by the users of taxed articles. The spirit duty is a direct tax upon the spirit merchant, an indirect tax on those who buy spirits, because they have to pay more for them because of the tax.

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Customs and Excise are the chief forms of indirect taxation. Certain goods have to pay duty on coming into the country, or if made in the country are subject to a payment from the makers. All such goods are of course raised in price, in proportion to the duty levied upon them. Many people in England are hardly ever called upon to pay direct taxes, but pay indirectly whenever they smoke a pipe of tobacco or drink a glass of beer. Indirect taxes can be raised in amount without being immediately felt by the greater number of people, so long as they are not raised upon necessities of life. Formerly, when there was a high duty on corn, it was an indirect tax, the results of which were felt everywhere in increased prices, even by the farmers. It is impossible to raise the price of necessities without raising the price of everything else, and the farmer who under the Corn Laws sold his wheat at eighty shillings a quarter, paid more for his tea, his tobacco, his shirt, and his watch, and probably could not buy machinery or artificial manures at all. The old idea of finance was to tax goods coming into the country, so as to stop them coming in if possible, and to cause people to produce them in the country. The effect is to turn away labour and capital from occupations where they can be most profitably employed, and to divert them to channels where for a like effort they produce less result. This is called Protection. In France, for instance, the native industry of producing sugar from beetroot was protected, with the result that all French people consume dear and inferior sugar, and the confectionery trade was largely driven away to England, where imported sugar was better and cheaper. The Frenchmen who produce bad and dear sugar could be more profitably employed in the industries for which France possesses natural advantages. It has been said that every uninstructed person is naturally a Protectionist, so far as his own trade is concerned. It may be so, and perhaps if it had not been for the increase of our manufacturing population, and for the pressure of the Corn Laws, we might have remained a Protectionist country. We are still Protectionist in the sense that much trade is regulated, and Tariff Reformers think that it would be a good thing to regulate it further, by duties, in the interests of British producers. There is some cause for belief that newer influences in the country are inclining to Protection, both in the shape of direct duties, and in the way of regulat-

ing trade and hampering it by restrictions, which do not allow men or masters to employ capital and labour as they naturally would do if left to themselves. The aggregate of national wealth, in spite of distress and of bad times, has increased enormously, and the standard of comfort has everywhere been raised in England, under a system of liberty in trade corresponding to our liberty in politics. The spirit which underlies the two is identical, and it is certain that a system of leading strings, and intermeddling, cannot be introduced in one without reflecting harmfully upon the other. We hear a great deal of bad times and of unemployed labourers. Even now we do not know what bad times are as a nation. The average income of the classes living upon weekly wages is far higher than it was fifty years ago, and the death rate of our most neglected districts is lower than the death rate of the whole population in the Middle Ages of "Merry England." We have got so far by an advance in personal, political, and commercial liberty, and we may get farther on the old road, or try a new one with uncertain results.

Occasionally the amount raised by taxation of any kind in a year by a nation will not be found sufficient for the expenses of the year. Governments then borrow, and borrow often recklessly, in excess not only of what they can repay, but in excess of the amount upon which they can conveniently pay interest.

There is no question but that the national expenditure has risen of late to dangerously high proportions. In 1861 the Revenue and Expenditure was about 70 millions. In 1881 they were about 81 millions. In 1901, during the South African War, they were 130 and 183 millions respectively, the balance of 53 millions being borrowed. The estimated Revenue and Expenditure for 1921-2 were 1,216 millions. A possibly illusory surplus of 92 millions being deducted from the latter. The public debt is 7,831 millions, against 651 millions in the year before the war. Most of this enormous debt represents materials, and lives, used up and destroyed in war. We have deliverance from certain ruin at the hands of foreign enemies to show for it, and we should have been morally ruined if we had not incurred it, but we have to bear the charges of the debt, with decreased resources, and such weights as unemployment doles, a consequence of the dislocation of the world's trade. All this big expenditure is not

sheer waste. The expenses of Education, and of Sanitary laws, are or should be reproductive in the long run. Defence is no more unproductive expenditure than is insurance of life and property in a private budget. But the immensity and the complexity of the activities of a modern Government makes it more and more difficult for members of Parliament to keep adequate control over expenditure. No task is more imperative upon the citizen than insistence upon economy, upon forgoing even desirable expenditure if we cannot afford it, and insistence upon getting our money's worth when we must spend. All taxation is more or less a necessary evil. As Mr. Gladstone used to say, the money should be left to fructify in the pockets of the people. There is too frequently an assumption that Government commands an inexhaustible spring of mysterious wealth. If Government pays for something it really means that you and I pay for it. There is no other source from which the money can come. Everybody contributes indirectly to taxation, even if they do not pay directly themselves. This applies to local taxation, through rates, as well as to Imperial taxes. In this former department the ordinary citizen can often exercise more influence upon true economy than he can in matters of national finance.

Rates are a kind of local tax, levied by some body which has received powers from Parliament to raise them, sometimes to an unlimited amount, sometimes only up to a certain limit. They are payable to County Councils, Town Councils, other local councils such as Parish Councils, London County and Borough Councils, District Councils and Guardians of the Poor. They provide poor relief, roads, drainage, water, education, public open spaces, libraries, and other things of local advantage. Rates are levied exclusively upon real property, that is upon land, and houses, and other things erected on land, such as advertisement hoardings,¹ telephone wires, railway works and so on. The rateable value of property is its annual letting value, with a certain deduction made from it, usually about one-sixth of its full value, for the possible letting value is of course more than the actual value over a term of years. So much in the pound is then demanded by the overseers of the parish, through the rate collector, upon this value. Many people do not pay rates on the bulk

¹ The glaring placards which deface our country with advertisements of soap and pills can be rated.

of their property if it does not happen to consist of lands or houses; and it is common for small occupiers of houses not to pay rates. The owner pays for them and adds something to their rent to repay himself. If possible an occupier should pay his own rates, and obtain a corresponding reduction of his rent. It is better that a man should be brought face to face with the expense of the government which he himself helps to carry on, and feel directly the burden of the rates which he helps to impose through his representatives.

The local rates are audited through the Ministry of Health. But audit is voluntary in old Boroughs.

Direct taxation of all kinds leads to more economical administration than do indirect payments. Of course indirectly all men will pay rates, from whatever hands they immediately come. If a man does not pay them directly he still will pay them in higher rent, or worse accommodation, or in less employment, for the ratepayers' pockets are not the source of an inexhaustible supply of money.

But because the rates are employed for purposes of universal interest, and because personal property, invested money for instance, does not pay them, the rates are supplemented by payment from the Imperial Taxes. The real object to be aimed at in taxes and rates is to spread the expense of government widely over all who have a voice and interest in government, with some consideration for those whose property is only just above the necessary amount to ensure them a living, and with a corresponding increase on those who have a superfluity. We partly attain this in England, where the rich man, with a big house or land, is heavily rated, and pays in licences, in succession duty, and in super-tax—taxes which the poor man is directly free from entirely. But it must always be borne in mind that all taxation affects the whole community, for it withdraws wealth from business and from employment in providing wages.

If a man considers that he is assessed too highly for rates, he can appeal to the Quarter Sessions against his rating, and carry the appeal to the higher courts if necessary. He can appeal too against his assessment for income tax, but he himself first makes the return of his taxable income, and if he does that honestly he need fear no over-taxation. Some people who would think twice about defrauding a neighbour think little of defrauding the community, just as some think

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little of defrauding a railway company. To bring in some trifling amount of tobacco from abroad, without paying the duty, is looked upon as a good joke. It is a very bad joke, for it is petty swindling of a man's country, and all such pieces of cunning are entirely unworthy of an honest man. To preserve his self-respect a man should be scrupulously honest in discharging his obligations to the State in all forms, the more so that the State is less likely to detect him than his neighbour would be if he tried to cheat him.

CHAPTER XII

THE HISTORY OF LOCAL GOVERNMENT : MUNICIPAL CORPORATIONS

THE matters which we have been considering concern chiefly the general government of the whole country, but our duty is perhaps to be more generally done in connexion with questions of local government. Though Parliament is the supreme power in the State, yet much of the local government of the country is of necessity delegated by Parliament to local bodies of one sort or another. The government of towns, counties, parts of counties and parishes, and the raising of rates for the expenses of these governments, the care of the poor by Guardians, and the administration of education by School Committees, with the raising of the necessary rates, are matters of too great importance to be done hurriedly by Parliament in the intervals of national business, and too full of detail to be adequately managed in the brief space of time which Parliament could afford to bestow upon them. Parliament has therefore laid down rules by law under which the local bodies work, and the Home Office and the Ministry of Health, the Board of Agriculture and the Board of Education, composed of officials responsible to Parliament, superintend their working.

Now this local government lies at the very root of all our institutions, and is the basis probably of those habits which enable us to make our institutions work. Some of the smaller political divisions of England are in fact older than any organized kingdom of England. There is no doubt that counties, like Kent and Sussex and Essex, were organized political bodies before there was any kingdom of England at all. It is probable that, small subdivisions, as we consider them, of some counties were partially self-governing communities before even the old counties existed. It is possible

that in the Parish Vestry of some old parishes, a body which has now finally lost the last remains of any political position, we have the relic of an assembly older than the House of Lords, and far older than the House of Commons. Some counties, such as the midland counties, were probably deliberately made, as administrative divisions of the kingdom, when the West Saxon kings conquered the Danes in the tenth century ; but the general history of Great Britain has been a history of the bringing together of smaller bodies, not the subdivision of bigger bodies. People learned to govern in smaller areas, and had to gradually adapt the government of these to a union of continually increasing numbers and of wider interests. This process is still going on, and we may have perhaps in the future to study the question of providing for the expansion of the British Constitution to meet the needs of the extended British Empire. The history of our local administration is therefore most interesting as containing that of the beginnings of our whole Constitutional Government. A learned German, Gneist, who has made an exhaustive study of our Constitutional history, has found the secret of the whole of our Constitutional development in the self-governing habits of the people fostered originally in their small local assemblies. We ought still to consider that whenever we take part in Town Council or County Council business, in parish meetings or Parish Councils, we are not only doing necessary local business, but training ourselves to be more worthy citizens of the British Empire.

It would be very interesting, but is beyond our present subject, to go into the whole question of local self-government in ancient times. It will be sufficient to notice it briefly, but to point out that the same lesson meets us which we have learned from the consideration of the history of national government, that people gain and lose influence to a great extent whether they deserve to have it or not.

English counties were each long ago divided into several Hundreds, or as they were called in the North, Wapentakes. Yorkshire, Lincolnshire, Kent, and Sussex, had other subdivisions, called Ridings, Parts, Lathes, and Rapes respectively containing several Hundreds, but we are not concerned with these. The Hundreds were made up of a great many smaller areas called parishes or townships. Sometimes the parishes and townships comprised one and the same district,

sometimes not quite the same. There was a Shire Court or County Court in the county—not to be confounded with the modern County Court where small disputes are decided and small debts recovered—and to this County Court representatives from different townships in the county came together, and most, but not all, freeholders in the country had the right, or the burden as they sometimes thought it, of attending also. The Sheriff, or Shire Reeve, appointed by the King, presided, and the Alderman or Earl, who was generally the chief landowner, was with him. So was the Bishop, if as sometimes was the case the shire contained a Bishop's See. This County Court judged cases of crime or dispute in the county, first by themselves, latterly in the presence of the King's Judges, they arranged for common needs of defence, and for common contributions in men and money to the needs of the kingdom. Later when Parliaments began, the County Court elected the county members, and sometimes the borough members for boroughs in the county. When the Plantagenet kings organized the central government of the country more efficiently, the interest in the business of the County Court declined, men failed to attend, unless they were men of note and influence, and its functions dwindled except as an electoral body. Those of us who can remember the old days of public nomination of county members at the Hustings, which was only abolished in 1872, can remember the last, somewhat irregular, meetings of the old County Court, and the confusion and riot which reigned supreme on those occasions suggest one reason for the collapse of its influence. But every large assembly, to which a great number of people have a right to come, especially if they come from a large extent of country, has a tendency to dwindle down into a smaller assembly of the leading people who can easily afford to come, and whose voices will be influential in the meeting if they attend it. The influential people who continued to attend the County Court were separately organized into a body of County Justices by Edward III in 1360, and the petty judicial and administrative work of the county went into their hands. Justices are unpaid, and represent the people with means and leisure into whose hands county business naturally fell. Yet down to the County Council Act of 1888 the election of the County Coroner by the county was a relic of the old state of things. The Sheriff still continued, and continues, to be

appointed by the Crown in each county, as the chief executive officer of the law. He has to welcome the Judges, and entertain them on circuit. He through the Deputy or Under Sheriff, whom he appoints, is responsible for the summoning of the Grand Jury and Petty Juries (see in Law and Justice above), and if no one else could be found to undertake the job he is liable to have to hang condemned murderers with his own hands. In the reign of Queen Mary a Lord-Lieutenant was appointed to every county. He is supposed to be chief military commander of the county. The last occasion when a Lord-Lieutenant actually commanded the county levy against a foreign enemy was when Lord Cawdor arrayed the militia, and the old women of Pembrokeshire dressed in red cloaks to imitate soldiers at a distance, against a descent of the French in Fishguard Bay in 1796. The Lord-Lieutenant used to nominate all officers to the county militia, and he does so still on their first appointment, subject to the regulations of the War Office, and he still recommends the names of persons to the Lord Chancellor to be appointed as County Justices. The Lord-Lieutenant is appointed for life, the Sheriff for one year. Both offices are not only unpaid, but a cause of great expense to the holders.

The Hundred Courts of old were also partly representative bodies, partly attended by certain freeholders as a right. Both to them and to the County Court men who were not only not freeholders, but not personally free, sent representatives, and came as representatives themselves. The Hundred Courts were practically responsible for the police of their districts. Constables of each Hundred existed till the last century. The County Police Act of 1856 finally abolished them. The judicial business of the Hundreds, however, was finally taken over by the Justices in Quarter and Petty Sessions, though the police business left for a time one trace, the only existing relic indeed of the Hundreds, except in the map. If a man's house were burnt or injured by a mob he could recover damages from the Hundred in which it stood.

The meeting of the inhabitants of a township continued through the Middle Ages, but chiefly to manage their common agricultural interests. The growth of the manorial system, of manors under a lord of the manor, threw control more and more into the hands of the lord and his steward. In times of confusion the powerful lord who could afford armour, horses,

and weapons, and trained men-at-arms, and who could fortify his house, or even get leave to build a castle, was the natural protector of the neighbourhood. Often, no doubt, the oppressor too, but more power went into his hands because he was powerful already, and men sometimes surrendered their personal liberty for the sake of his protection. The manor still remains, with certain limited rights of property in the lord of the manor ; but the land act of 1922 has abolished the limited ownership, called copyhold, under a lord of a manor, and the old Manorial Courts have become obsolete.

The meeting of the township continued in another form as the Parish Vestry. This continued to be a living organization, because the area with which it was concerned was small enough to allow of the continued personal attendance of parishioners, that is all householders in the place, irrespective of their religious opinions, and because it was concerned with one class of business, the relief of the poor, which was of very great local interest. It had controlled ecclesiastical business as well as civil, and it often met in church, or when that began to be considered indecorous, in the vestry of the church. The incumbent of the parish naturally presided, and it grew to be considered that he had a right to preside. He used, of course, to be often the only man of education in a country place, and his presidency was not the result of priestly usurpation, but of the natural supremacy of education. The vestry continued to do civil business, to regulate highways, and to appoint surveyors of highways, to appoint churchwardens and assistant overseers of the poor, to levy church rates and poor rates, and to manage parish property. Now, since the Local Government Act of 1894, the vestry is confined to the election of churchwardens for ecclesiastical business, and to other ecclesiastical matters, and even in these functions Parochial Church Councils, called into existence by the Enabling Act of 1919, have largely superseded the vestry in the management of parochial business. The ratepayers of the parish, men and women, were qualified to meet in the vestry, and are still qualified. Several parishes were joined together into Poor Law Unions in 1834 for the administration of the Poor Law, and elected Boards of Guardians for the purpose. A Union sometimes extended beyond the limits of a county, and parishes themselves were sometimes in more than one county.

In one class of townships, however, the general meeting of the inhabitants not only continued, but managed to exercise power and to gain more. Our earliest towns were organized precisely like the country districts. But towns were places where comparatively wealthy trading people were gathered together. They lived in a small compass, so that they were able to defend themselves with town walls, and they could afford armour and weapons. Consequently they did not need the protection of a lord with his men-at-arms and castle, and they had money wherewith to purchase more rights of self-government, especially from the king. Moreover, living in a community they were more active-minded and better educated than the scattered country people. They had the elements of strength and so they became strong and managed their own affairs. They purchased charters and became corporate towns. Often one class of people in the town acquired power over others. Merchant guilds, or trading companies, and guilds of craftsmen, or trades unions as we should call them, contended for power. Sometimes one class of citizens, sometimes another, got the upper hand, but those who had got it invariably tended to become a narrow, exclusive body, a kind of aristocracy of trade or labour, regulating the life and work of those outside their body. Some of these others migrated in consequence to country villages, and raised these into towns, and themselves became the founders of new limited corporations. Throughout England, however, there was great variety in the constitutions of the different incorporated towns, till in 1835 the Municipal Corporations Act reformed them all upon one system.

By that year the importance and size of the towns having much increased, and the general education of townspeople having increased with their wealth, the process of restoring local self-government among those who were worthy of it may be said to have begun in earnest.

The ratepayers of corporate towns, men and women, were empowered to elect a Town Council of Councillors, holding office for three years, from one to six Councillors for each separate ward in the town. The Council so elected appoints a Court of Aldermen, holding office for six years, either out of their own body or from outside it, and the Council and Aldermen elect a Mayor for each year to preside over them. The Mayor alone is paid, for he is expected to dispense hos-

pitality and head subscriptions in the name of the Town, and he generally spends more than he receives. A Mayor is a Justice of the Peace, by virtue of his office, for the year of his Mayoralty and for the year succeeding, and can try small cases. Many of the Aldermen are appointed Justices too. The Town Council appoints a paid Town Clerk, who acts as their chief Secretary, and a paid Borough Treasurer, who is responsible for the public accounts of the Town.¹ The business of Town Councils is varied and important. The paving, lighting, draining, and cleansing of the Borough, the organization of the Police Force, of the Fire Brigade, the care of cemeteries, the control of slaughterhouses, the proper distribution of water, and sometimes the whole water supply, are in their hands. The Corporation of Liverpool for instance has created Lake Vyrnwy, in Wales, and supplies thence not only Liverpool, but a district of more than one hundred square miles with water. The Sanitary Acts generally are enforced through the Corporation, new streets are made, and parks and pleasure grounds provided by them. Baths, wash-houses public libraries, and hospitals may be erected by them. Improved dwellings for the poorer classes may be built, as has been done on a large scale in Glasgow. Markets may be provided and maintained for the readier distribution of food supplies. Some Corporations have embarked on large schemes for improving the trade of their towns. Such is the Manchester Ship Canal, designed to make inland Manchester a seaport, such are some of the docks at Liverpool, and the improved navigation of the Clyde up to Glasgow. All these matters are provided for out of the rates. The accounts of all these have to be checked. Many officials and inspectors

¹ One Corporation still differs in many respects from all others. The Corporation of the City of London, from its antiquity and importance, was felt to stand in a peculiar position. The City of London is not thickly inhabited by residents who sleep there, but it is thronged in the daytime by crowds who have their homes elsewhere. It is the richest spot on earth, and the most important in the business of the whole world. It has played a part in English history, too, which has raised its privileges into a matter of national sentiment. The voluntary expenditure of the London Corporation for the benefit of Londoners, as in making the Tower Bridge, and in acquiring open spaces round London, has done much to justify its peculiar treatment. As part of an extended Corporation its influence would be less felt for good, but its incorporation with the rest of London, in some way or another, is probably only a question of time.

have to be appointed and superintended. The many public buildings necessary for these purposes have to be built and kept in repair. The Town Council of a great Corporation is often housed in a magnificent Town Hall. Their work requires a great deal of space, and it is well that so important a division of public business should be provided with a stately home, for imagination plays a large part in human affairs, and a Sovereign without the pomp of royalty, a Judge without his robes, and a Town Council without their Town Hall would be less respected than they should be. The income, expenditure, and volume of business of a great corporate town are equal to those of some considerable European States of a hundred years ago. No wonder that all this amount of real work trains those who take part in it for even larger and still more important national affairs. Most considerable Corporations have their public debt, incurred by borrowing large sums on the security of the rates for carrying out great schemes. But there is some danger when Corporations embark upon money-making schemes, such as the gas supply for instance, or tramways, that they may hamper private enterprise; and through the changes incidental to a body freshly elected at short intervals may fail in efficiency and economy compared with a permanently established private business. There is the possible danger too of corruption, from the desire to conciliate voters who may be privately interested in such public schemes. And the suspicion of corruption is nearly as damaging to the public interest as its existence. It is often wise for Corporations to confine themselves to kinds of business which are too large to be readily embarked upon by private capitalists, or so important for the public well-being, like the Liverpool water supply, as to make it expedient that they should be under public control. As Mr. Gladstone used to say, the business of Governments is to govern, not to trade

CHAPTER XIII

COUNTY, DISTRICT, AND PARISH COUNCILS

AS a previous generation had seen the reform of that part of local self-government which had continued to exist in the towns, so the last generation saw the resuscitation of the local self-government of country districts. The increase of public spirit, and the increased efficiency of local government, under the Municipal Corporations Reform Act of 1835, were so evident as to make it certain that the measure would be ultimately copied in country places. Local Boards of Urban Districts were first erected, under separate Acts of Parliament, giving a kind of corporate existence to smaller towns. The ratepayers were empowered to elect Boards every three years, with authority to look after paving, lighting, water supply, cemeteries, and other objects, the exact powers of the Board differing in different places. The idea of extending the system to the counties was long entertained as possible some day, as the education and public spirit of the country population increased, following behind that of the towns of course, where intelligence is sharpened by constant contact of men with men, but still increasing. The extension of railways and of newspapers gradually obliterated the deeper distinctions between town and country. Mr. W. H. Smith's railway bookstalls were a not unimportant stone in the road of progress. It might have been well to have resuscitated local self-government in the country before the extension of the parliamentary franchise to rural householders, but when once that was done in 1884 and 1885, the other followed as a matter of course. In 1888 the Local Government Act, commonly called the County Councils Act, practically extended the municipal system to the counties. The chief part of county administration was taken out of the hands of the nominated Justices, and put into the hands of elected Councillors.

Under this Act the whole of England was divided into county districts. Smaller counties were left alone, the larger were divided into more manageable fractions. There are sixty-one County Councils, including the County of London and some others which are really town districts. All the larger boroughs are erected into counties also, and their Town Councils exercise also the functions of a County Council.

Every three years the ratepayers elect County Councillors, one in each ward into which the county is divided. The Councillors elect the County Aldermen, who sit for six years, either from their own body or from outside it, and they elect a Chairman for a year. Peers and clergymen, who cannot be elected to the House of Commons, are eligible. To these Councils were transferred large powers, formerly exercised by the Justices in Quarter Sessions and certain new powers besides. They maintain county buildings, such as a County Council Hall, Lunatic Asylum, Industrial Schools, and they keep up County Bridges. They license theatres, and grant or suspend dancing and music licences. They divide the county into polling districts for parliamentary elections. All this was done by the Justices. The Council also keep up the main roads, can make provision to prevent the pollution of rivers, and appoint the Coroners and Medical Officers of Health, and manage technical education classes. These latter functions the Justices did not exercise. The County Council and Justices combine in the management of the County Police, but the Justices still license public-houses. The Council levy and expend the county rates for these purposes, can oppose bills in Parliament dealing with county matters, and can make bye-laws for county government. It was thought better that the newly-elected bodies, exercising such extensive powers, should be strengthened by the co-operation of tried administrators, and so the Justices were combined with the Council for certain purposes.

The practical self-governing instincts of English people have in the rural districts led to an harmonious co-operation of the older and the newer elements in county government, and those who have already proved themselves competent administrators have seldom been passed over in elections to the Councils.

In 1894 the fabric of restored local self-government was completed by the creation of District and Parish Councils,

and of Parish Meetings, Urban Local Boards being transformed into District Councils, and the Parish Vestries being confined to ecclesiastical business. The Districts roughly answer to the old Poor Law Unions, though not precisely. District Councillors are elected for three years, but one-third of their number, as nearly as possible, are to retire every year. They are elected by all who are on the parliamentary or local register as electors in the parishes composing the district, irrespective of sex or of married condition, but a husband and wife may not be qualified as electors in respect of the same property. Women are eligible as District Councillors. Councillors must either be qualified electors of the district, or residents for twelve months within it. They may elect a Chairman, provided he be qualified as a Councillor, outside their own body, and the Chairman is a Justice of the Peace *ex-officio*.

The District Councillors so elected act as Guardians of the Poor in their district. For this purpose they may elect a Chairman or Vice-Chairman, or both, and not more than two other additional Guardians from outside their own body, but from persons qualified to be Guardians of the District, provided that on the first occasion these additional Guardians shall be persons who have actually served as nominated or *ex-officio* Guardians of the Union already, if such persons are available. This provision is intended to secure continuity of policy between the new District Councils and the old Boards of Guardians. The District Council is also responsible for the maintenance of highways, superseding the old Highway Boards, for protecting rights of way and roadside wastes from encroachment, and for maintaining rights of common. They also are responsible for the enforcement of the Sanitary Acts. These Acts are of very great importance, and the control of infectious diseases, the reform of unsanitary dwellings, the providing of adequate drainage and water supply, among other things, are thus put under the control of those most immediately interested in them. Where a single rural parish formed a Rural Sanitary District the District Council now exercises the powers of a Parish Council for the parish, as well as those of a District Council.

Below the districts, however, the parishes form the smallest unit of local organization. Every parish has its Parish Meeting, which must assemble once a year at least. All electors, registered either on the local or parliamentary register of

electors in a parish, are eligible to attend and vote, irrespective of sex or married condition, provided as above that no husband and wife are qualified upon the same qualification. The Parish Meeting elects its own Chairman for the year, and except in the smallest parishes a Parish Council for three years. A poll of the qualified electors may be demanded at a Parish Meeting, and the subsequent election is by ballot.

The Parish Meeting has the power of adopting for the parish any of the Adoptive Acts ; namely, the Acts for lighting and watching, for providing baths and washhouses, for providing a cemetery, for carrying out public improvements, such as pleasure grounds, cricket grounds, and such like, or for providing a public library. A parish of less than one hundred inhabitants has only a Parish Meeting and no Council, unless it votes for the establishment of a Council, and the County Council sees fit to establish one. A parish with a population between one hundred and three hundred need not have a Parish Council, but must have one if they ask for it. Every parish of three hundred inhabitants and upwards must have a Parish Council. In parishes which have no Council the Parish Meeting must meet at least twice a year. Small parishes may be grouped with a neighbouring parish or parishes under a Parish Council by the County Council, but only with the consent of the Parish Meeting of the parishes so grouped.

Where one part of a parish has a distinct local interest, and defined boundaries, an order of the County Council may forbid any action of the Parish Council affecting the interests of that area, unless confirmed by a Parish Meeting of the part so affected. Parish Meetings are the more important part of the new parochial organization. The Parish Councils can chiefly carry out what the Parish Meetings determine upon being done, but under the supervision of the County Council to a great extent.

The Parish Council, of varying numbers from five to fifteen, fixed by the County Council, is elected from qualified electors in the parish, or from persons resident in the parish or within three miles of it, of either sex, for a year of office. The fifteenth of April is the normal date for entering on office, but the first elections were in November, 1894. They elect their own Chairman from their own body, or from persons qualified to be Councillors, and he holds his office three years. The

Council meets within seven days of its first election. Unless no other place can be had at reasonable cost it must not meet on premises licensed for the sale of intoxicating drink. Its duties are to elect Overseers and Assistant Overseers of the Poor ; to take over the duties of Churchwardens except with regard to ecclesiastical affairs—that is, chiefly business connected with charities—to provide for the management of parochial charities other than ecclesiastical charities ; to hold parish property, not including ecclesiastical buildings nor elementary schools ; to provide if necessary parochial buildings, fire engines or fire escapes ; to take the place of the Churchwardens and Overseers with regard to appeals by them with respect to the valuation list for rates, or against the amount of the county rate ; to provide for the management of village greens and for the acquisition of allotments ; to deal with any water supply, saving the existing rights of any person ; to deal with open drains, ditches, or pieces of stagnant water ; and to acquire by agreement rights of way in the parish or in adjoining parishes which will be beneficial to inhabitants of the parish. The Parish Council also carries out the wishes of the Parish Meetings with regard to the Adoptive Acts. For such purposes the Council can raise money by rates in the parish within certain limits. If suitable land for allotments cannot be acquired by voluntary agreement, the Parish Council may try to obtain the sanction of the County Council for the compulsory acquisition of land. If the County Council refuses to sanction the arrangement, an appeal may be made to the Ministry of Health. But in the cases where this Ministry overrides the objection of the County Council, the matter must be laid before Parliament, and may be debated there. The acquisition of a man's property without his consent is an important matter, more especially in reality for the comparatively poor, and needs to be very closely safeguarded against abuse.

If the District Council fails to keep up highways, or to carry out the Sanitary Acts, with respect to drainage and water supply, for instance, to the satisfaction of a Parish Council interested therein, the Parish Council may appeal to the County Council to make the District Council do its duty. The County Councils are thus the general supervisors and guardians as it were of the whole local administration in their respective counties.

The inhabitants of country districts are by these provisions given the power of making their own surroundings better and brighter, their lives more healthy and their minds better informed. It rests with them to work the machinery successfully, and new as some of them are to the give and take of public business, to the consideration, foresight, and spirit of compromise by which public affairs are made to run smoothly and successfully, we may expect some mistakes to begin with and some friction. But it will be surprising if the self-governing faculties of Englishmen do not prevent as a rule Parish Meetings from degenerating into disorderly and unseemly wrangles, and Parish Councils from becoming the instruments of a few self-seeking agitators and jobbers.

There is yet another consideration connected with elections to local governing bodies. These matters are not political. The strong political partisan does not like to be told so, but in our cooler moments we all know it to be true. Local politics may be harmfully introduced into national politics, and a man may be supported for parliament by those who know that he entertains dangerous opinions on some great public matter, because they think that he is sound on some question of their local trade or railway. So it is mischievous to vote for a man as a member of some local body because he is Liberal or Conservative, without considering his ability to deal with local needs. A man's capacity to do good work in connexion with highways, drains, and water supply, is not in the least affected by his views about the government of Ireland, or the composition of the House of Lords. In local matters, as in Imperial matters, we are all acting as trustees for others, for our neighbours and for our children; and in doing work, and in choosing others to do work, we should resolutely put on one side private dislikes and prejudices, self-interest above all, and also excessive deference to the claims of party allegiance intruding beyond its proper sphere. On political questions good and honest men will always differ. Ability is usually recognizable, high character is never disputable. As we said above, that a parliament of the men of the highest character in each constituency would be a good parliament, so locally governing bodies of thoroughly honest men will not go very far wrong in the long run, whatever incidental mistakes they may make when new to their business. Nay more, responsibility is

itself an ennobling influence, and those who are called upon to be responsible for their neighbours will become the better for gravely and manfully facing these responsibilities. Increased facilities for local self-government mean more work, and work honestly undertaken is a blessed thing, indeed a necessary thing, if a man is to be a man.

CHAPTER XIV

LOCAL GOVERNMENT—*continued*

THERE is one consideration often lost sight of in regard to the duties of these various locally governing bodies of which we have been speaking. Their duties are executive or administrative in the first place, but not legislative. They exist to carry out the laws, not to make them, as a rule. It is true that they can make bye-laws, as a railway company can, within certain limits allowed by Parliament. Bye-laws are so called from an old Scandinavian word meaning a town, which we find in such names as Derby and Rugby, and are laws applying only to a limited area, and not directly made by Parliament. Local bodies can often, in the light of their practical experience, find points where the public law might be amended, and they can petition Parliament to make such amendments. Town and County Councils can also be heard by Counsel before Committees of the two Houses of Parliament for or against the passing of certain Acts. They can adopt or not at their pleasure certain permissive Acts, such as the Act for establishing Public Libraries or the Allotment Acts. But it is a sound principle that we should have in Great Britain one supreme legislative body. Without it the law would soon differ widely in different parts of the country, and the sense and power of common action in the country for common national ends would be undermined. We have seen how in old days the common patriotism of England was lost sight of amid conflicting and selfish local interests, and the history of the United States of America contains one great lesson at least, in the slavery question, of the danger to national unity springing from conflicting State interests. And this, though it is the chief, is not the only instance to that effect. Just as no single person's taste can be consulted by all laws made for the common good, so the wishes of a neighbourhood must give way to the common interest of

the whole country. The habit of compromise, of give and take, of subordination of our own wishes in many ways, is part of the essential nature of a Constitutional Government. We can only enjoy a reasonable liberty in most things by curtailing our liberty in some things, and by granting liberty to others who differ from us. This lesson is well learned in managing local affairs which come home to our everyday life.

Indeed one of the most valuable features of local government is the training which it affords in state business. In the municipalities, which have enjoyed extensive powers of self-government since the Act of 1835, time has shown how the men trained in the administrative affairs of their own town have been able to rise to the competent management of the affairs of the nation. The voters in these boroughs, on whichever side they may vote in parliamentary elections, are generally fairly steady in their party allegiance, that is, have adopted their policy on more rational grounds, and so hold by it more strongly, than the electors who have lacked this local education. Nor is it wonderful that men trained in municipal affairs should have acquired some idea of the gravity of the issues of public life. For public business, even on a small scale, is important and difficult business, which requires training and practice before it can be done well.

If we are bound to understand as much as we can of great national questions, so we are bound to try and understand the smaller local questions of administration about which these local governments have to decide. They are easier to understand. Every man can judge with little difficulty of the merits of a scheme which affects his own parish or town, and whether or no it is worth the money which it will cost. Every man has a fair chance of judging of the personal character of men who offer themselves for election from the limited society of his own neighbourhood. A man may talk grandly about public affairs, but his lack of good judgment, or of ability to do business, may escape the notice of even honest inquirers who do not see him at work ; but the mere fluent talker about local affairs ought to be very soon found out. This local business is responsible business too, for it involves the interests of others besides ourselves, and involves the spending of the money of others too. It is a useful education also which we ought not to neglect. It is very possible

that we may find that we and our representatives may make mistakes, and may mismanage our local affairs. It is a very useful thing to make mistakes, if we are ready to acknowledge them as mistakes, and to learn from them to do better. And it is better to make mistakes and to buy our experience, in local affairs than in national. For the former class of mistakes do less harm, and can probably be set right, but the latter class of mistakes may do irreparable mischief, and if put right at all may only be able to be mended at the cost of war, or of years of loss and suffering. It is very difficult to repeal a bad law, and harder still, or impossible, to undo the mischief it has caused. Real acquaintance with the difficulties of government, wisdom, caution, consideration for others, are best learned amid affairs where mistakes are not likely to be absolutely ruinous.

The members of the Town, County, Parish, and District Councils, or even of Parish Meetings, may be said to be serving their first apprenticeship in the actual work of administration; but there will probably always be among them some members who have already had experience on the wider field of the County's, or even of the Nation's business. We as electors shall probably do well to try and combine these two elements, of young, active men, who may have a useful public career before them, and well-trying, older men, who have seen real government work already. The electors must take a real and continued interest in this organization if they want to work beneficially. If we do not, if we do not attend Parish Meetings, if we do not vote, or vote without consideration for any candidates, the work will fall into a few hands, which may be good ones or may be bad. Plainly, if people do not do their duty in attending to their local affairs, when those affairs are put in their power, they are encouraging a certain prevalence of petty jobbery and corruption. It is important to consider the obligations as well as the privileges which accompany local self-government. The work as we have seen was done, and is still partially done, by those who were likely to be capable of doing it, and who did not mind spending time and money in doing it. Even to be a Justice of the Peace costs money indirectly, and time and trouble directly. The obligation to serve the State without reward was fully recognized. Now, the great advance in general education and prosperity has made many more people

capable and willing to do public business, but we must be prepared to accept the burden with the privilege. We cannot honestly repay ourselves out of public money, nor out of contracts for doing public business which we ourselves set on foot. No doubt some people do so manage to pay themselves indirectly; but it is not the act of an honest man, and therefore certainly not of a good citizen. If all the people who carry on local business were allowed salaries, the burden would be enormous and the results corrupting, for it would be impossible to prevent men from making a paying profession of it, and using corrupt means and indirect bribes to get themselves continually re-elected. We should, and most men do, consider it sufficient reward and honour to be trusted by fellow-citizens to do business for them. And this business is very important. There are many public buildings necessary for the machinery of local government—Town Halls, County Halls, where Town Councils and County Councils meet, offices for their Clerks, Courts for the administration of Justice; there are too Lunatic Asylums, Industrial Schools, and Technical Schools, Hospitals, Baths, Washhouses, Libraries. All these need sometimes to be built, always to be kept in repair, superintended, inspected. Their condition will afford an index of the state of Public spirit in the neighbourhood. If the local governing bodies neglect the care of the roads the inhabitants very soon feel it. If they even neglect the putting up of sign-posts and milestones strangers may be seriously inconvenienced. Drains, water supply, the prevention of the pollution of rivers, the control of slaughter-houses and public cemeteries, the providing of means for extinguishing fire, affect directly the health and safety of all. Most important is the maintenance of an efficient police to check crime, and to detect the criminal when it is committed.

These things may not sound very grand or imposing, but they are matters upon which our health, comfort, and safety depend in no common degree. The modern citizen, in town or country, goes to his business along well-made streets or roads, in towns, at night time, with the advantage of light whereby to see his way. He lives in a house which must conform to certain sanitary conditions, he enjoys a supply of good water, the drainage of his town is managed on scientific principles to water his house and ensure supply

from pollution. All this at least can be managed and should be done by efficient local government. A man's life and property, and what is of more general utility, for life and property are not attacked every day, the general peace and quiet of his neighbourhood are protected by a well-handled police force, whose influence is rather felt than seen. If he fall ill himself of an infectious disorder he can be placed under skilled care in a building where his illness will not imperil his family, and the infectious diseases of his neighbours are in like manner removed from his doors. If he is afflicted with a lunatic or idiotic relative, an Asylum is open where all that care and knowledge can do will alleviate the lot of the sufferer. Such at least may be his condition. Local bodies may fail in their duties, or may not yet have got into sufficient working order to provide all these desirable conditions in villages as well as towns. Then it is the duty of citizens, for their own sakes and their families' sakes, as well as on public grounds, to bring such pressure to bear in elections as to ensure such things being properly attended to, or to come forward and offer to attend to them in person, becoming candidates for office.

As a last resource pressure can be applied through the law. A complaint made to the Ministry of Health of neglect of duty by local bodies, will be attended to if properly substantiated. Or a private person may set the law in motion and compel local bodies to do their duty. A prudent citizen, however, will consult a good solicitor before trying anything of the sort, and a prudent solicitor will probably advise him not to do it. Publicity given to a case in the newspapers is usually enough to cause a real neglect of duty to be put right. But without imputing absolute neglect of duty, it is certain that many of the duties of local governing bodies are ill or well done according to the amount of interest felt locally in public affairs, and the unwise or wise choice of County, Town, District, or Parish Councillors. It is very strongly the duty as well as the interest of the citizen to see to the efficiency of his local government. It is a task from which the quiet and peaceable, and these are generally the wise, are apt to shrink, because it may bring them into unpleasant relations with their own neighbours. The busy-bodies, the gossips, the lovers of notoriety, who are not always the wisest, are sure to want to

have their say in such matters, and they should not be left to have things all their own way. One of the dangers to both national and local business arises from a sort of peaceable longsuffering, sometimes laziness, on the part of those who ought to bring their judgment, moderation and honesty, to bear on such matters, but who prefer to let them alone till a great crisis or scandal arises. One of the penalties of popular government is the need which it imposes upon all people to exert themselves to get things done well. Both England and America sometimes suffer from a lazy spirit, though not so much as some other countries where, with all their talk of liberty, people generally prefer to be told what to do by men in office.

The most likely department to suffer from neglect is the enforcement by local bodies of the Sanitary Acts. It is only in recent years that the possibilities of Government coping with the causes of disease has been realized. Even now knowledge on such subjects is not widely spread enough for every one to be really convinced that the Sanitary Acts are beneficial. Their enforcement leads to the invasion of home by outsiders, which is reasonably disliked. But if the people who dislike it would comply with the law willingly they would be spared much annoyance.

Nuisances for instance should not be allowed. No one may make a pigsty in part of a dwelling-house, or keep pigs or create similar nuisances in the neighbourhood of other dwelling-houses. The Local Sanitary Authority, whatever it may be, has power to compel the notification of infectious diseases, with a view to removing sufferers to hospitals, or taking other steps to isolate them, and to purify infected dwellings. They can enforce the law which forbids persons with infectious diseases to travel by public conveyances. They can condemn unsanitary dwelling-houses, prevent overcrowding of people in houses too small to hold them with regard to health and decency. They can close unsanitary sources of water supply, and correct improper drainage. They can stop the pollution of streams of water. They can provide for public cleanliness by erecting wash-houses and baths. They can destroy unhealthy food, diseased meat, rotten fruit or fish. They can inspect sources of milk supply to the public, and see that they are clean. In all these matters the co-operation of the individual citizen is

most helpful. There is no doubt that legislation, prompted by scientific knowledge of the laws of health, has gone on somewhat faster than unenlightened public opinion has been prepared to follow, and that consequently a kind of passive resistance to this class of legislation often still exists. But when we reflect that the scientific men, who have gained the ear of Parliament and caused it to legislate in this fashion, and to commit this power of administration to local bodies, are men who have made an exhaustive study of these subjects, and come to absolutely certain scientific conclusions upon them, by dint of knowledge which we most of us do not possess, we must see that it is wise to listen to them. Besides it is right to obey the law. Experience is all in favour of the enforcement of sanitary rules. The death-rate of places where they are adopted has fallen, and the enlightened people who try to obey them, and whose neighbours obey them, for here our action very much affects our neighbours, are just the people whose homes are the healthiest, whose children grow up the strongest, and whose lives are lengthened.

But besides the various things which local bodies are obliged to do, there are many Permissive Acts which they may adopt if they please. Such are some of the sanitary measures mentioned above, such as providing baths and washhouses. They may also acquire land for the public enjoyment, a very necessary help to the health of large towns, providing lungs as it were for the free circulation of fresh air among crowded streets.

Public recreation grounds should be under the control of the people who enjoy them, but as a matter of fact the public bodies, who provide them at the public expense, have sometimes hard work to prevent their owners from destroying the real use of such places. Here the co-operation of individuals should come in. They can and should discourage the rough horse-play, the foul language, the actual destruction of trees, seats, flowers, and ornaments which sometimes goes on. It is a good sign of advancing civilization that such misuse of public places is getting rarer, but it may be made rarer still by teaching our children not to be mischievous and to exercise consideration towards others at home and abroad. This same consideration may be extended towards the use of other places, not provided by public money, but accessible to the public as places of enjoyment. The man

is not properly alive to his duties towards others, or to his country, who mars the most beautiful spots in that country by noisy perhaps half-drunken rioting, who cuts his foolish name on ancient monuments, leaves dirty paper about, or strews broken bottles about a sea-beach, or sets fire with his pipe-lights carelessly to the heather on a hill-side or to the furze on a common. The minor duties of a citizen include care for the natural beauties which all may enjoy.

Another Permissive Act which can be usefully adopted by local bodies is that for the formation of libraries. The great National Libraries and Museums, the British Museum and the British Museum Library, the South Kensington Museum, the Natural History Museum, and the National Gallery, are fitly supported out of national funds. They are indispensable to the highest cultivation of intellectual and artistic excellence in the nation, and are on a scale which only national funds could support. The Free Library, as it is called (of course it is not free in one sense, it is paid for out of the rates), is a comparatively new device, to meet and stimulate the growing education of the nation in its different towns and districts. It can only be set up after a special vote of the ratepayers, by a majority of those voting, and can be supported by a rate of not more than twopence in the pound. It is an excellent thing to have, and like other excellent things brings responsibility along with its advantages. A man who can command any leisure for it is bound to read. Many a man and boy, who has had apparently no leisure has managed to make it for reading, and those men and boys have been heard of again. Surely those who can freely enter a library near their own doors, are bound to make some acquaintance with the various branches of knowledge which may be useful to them in their trade, with the history of the country which they are called upon to help to govern, with above all the great thoughts of the greatest men of the past and present. A man has a duty with regard to these things. Free Libraries are very much used for the reading of fiction. Good fiction is a very good thing, it enlarges the sympathies and the understanding, it strengthens the best moral faculties if it be really good fiction, above all it rests the harassed brain and body, and amuses us, and it is a very good thing indeed to be rationally amused—people are always the better for learning to amuse themselves well. But it is not the sole end of

libraries to provide even good recreation. We should use our libraries to help us to become better men, better equipped with for instance the sanitary knowledge we spoke of above, and with historical knowledge for guidance in politics, or economic knowledge for understanding laws of trade and the true conditions of national wealth. Many men may not be able to do much in this way, but all men can do something.

Another Permissive Act which may be adopted by local bodies is that for providing land for Allotments. Here the State, acting through local bodies, steps in artificially to encourage, that is to protect a certain form of industry, gardening or small farming. For Protection, which some people suppose was banished from England with the repeal of the Corn Laws, is still with us in several forms. No doubt if working Allotments pays, the natural process of supply and demand will eventually establish Allotments without the aid of government, as they have been established in many places. If it does not pay, no government aid will in the long run support the system. But the contention is that the demand takes time to produce the natural supply, and that the initial steps could be well taken by government so as to improve more quickly the condition of a desirable class of citizens. But, again, the benefit calls for renewed exertion. The man who obtains an Allotment at some cost, however small, to the community, is bound to try and become a better man and citizen thereby. If he does not improve in industry and self-respect, he may be sure that he is helping to condemn the system itself in the long run, though it may last out his day.

To sum up this matter of what local government is made or permitted to do by the laws of the national government, let us consider what we should be doing without its aid. It is impossible to think of what England would be like without the national government. A journey through Central Africa, or in a South American Republic, during one of their periodical changes of government, may give us some idea of the confusion; but such a country would not be England at all as we know it or have heard of it. But in local affairs we know something, if we have lived sixty years. Our grandfathers knew a good deal, their grandfathers much more, of what this country was like without those advantages which we have got or are trying to get.

Men stumbled along half-paved roads, between yawning ditches, among stones and pitfalls of mud. In some districts wheeled traffic was impossible in the winter on any but main roads. At night-time in the greatest cities a few oil lamps flickered dimly at long intervals, and the footpad or bully robbed or struck the defenceless in defiance of the rare and inefficient watch. The roads near London, even in the suburbs themselves, were dangerous from armed and mounted highwaymen. The citizen who reached his home lay down with a reeking cesspool in his basement story, and some noxious trade or slaughter-house pouring in its effluvium at his window. This he kept shut, and suffered from the equally noisome carbonic acid and sewer gas inside. All this too often happens still, but it happens less often, and it can be lessened by careful local administration. If ill of an infectious disorder he would see it run through the house, and probably through the street. He drew water from a contaminated well, as too many of his descendants do, or from a river into which flowed such of the filth of the town as went anywhere. Libraries, Baths, Washhouses, Free Schools, he never dreamed of. If his child were afflicted in mind it remained a drag and a grief in the household, or was immured in a kind of prison where barbarities unspeakable were the only recognized form of treatment. In whatever class of society he lived his life was lower and more brutal than the life of the same class now. His life was shorter as a rule. Yet he was often a man to admire. Such as he fought in the Civil Wars, restored English liberties, founded the Colonies, beat the French, conquered India, built up our national trade.

Truly the citizen of to-day with his many advantages in life, his possibilities of intellectual improvement, has a heavy responsibility upon him when he considers what his fathers bore and what his fathers were. He with so much to help him has failed if he does not become a wiser, better educated, more tolerant man than they, and at the same time as much of a *man*, as brave, as honest, as true as they were.

CHAPTER XV

EDUCATION

ONE of the great benefits which we enjoy is the wide diffusion of the means for learning and education. It is the obvious duty of a citizen to use the advantages of which we have spoken to improve himself or herself. Personally, it is a duty which we owe to ourselves and our families ; politically, it is a duty which we owe to the community, which is improved by the improvement of all its members. The means of learning are now placed within the reach of all. The history of learning in England is a chequered one. Far back in the Middle Ages learning, if not far advanced, was very highly valued. In the thirteenth century the Universities of Europe and of England, Oxford in particular, had a far larger number of students, in proportion to the population, than they have now. When the Middle Ages were closing, just as the Reformation was beginning, the cultivation of learning increased still more, and helped to bring in the Reformation, but nearly destroyed itself in the ruins of the change. In the interval between the first half of Henry VIII's reign and the latter half of Elizabeth's, not only were there few learned and great writers, except upon theological controversy, but it has been suspected that the knowledge of reading and writing went backwards among the community at large. That was because the schools supported by the Monasteries and the Religious Guilds, which were then suppressed, came to an end. They were presently replaced by foundations like Edward VI's of Christ's Hospital, and by Grammar Schools in nearly all towns. But the machinery for teaching in many country places was never replaced where it had once existed. The next century was taken up with civil and religious dissensions, the next century thought a great deal of material prosperity and little of intellectual progress, and the increasing population more and more out-

grew private effort and the work of Religious Societies. These latter did much, certainly, by National Schools, so named not because they belonged to the nation, but because they were founded by a voluntary society called the National Society for the Promotion of Education, and by British Schools, founded by another religious association. But it became abundantly clear that the nation could not be taught effectively without interference of the State.

It was in 1830 that the first modest grant of £20,000 was made by Parliament towards encouraging elementary education. In 1870 Mr. Forster's Act established a universal and compulsory system. Since then it has become also a free system, free that is to those taught, but of course paid for by the rates and taxes. No doubt an ideal system would be one in which compulsion was unnecessary, where all parents would be eager to seize the advantages of education for their children, and proud to pay for them. But human nature being defective, even in England, compulsion is necessary, and free schooling is almost the necessary complement of compulsion. England was then divided into school districts. School Boards were elected in many of the districts, whose business it was to erect and maintain schools. School Boards were elected by the ratepayers for a three years' term of office. The voting was by ballot, but unlike the voting in parliamentary or municipal elections, it was cumulative; that is, each voter had the same number of votes as there were places to be filled, and he might distribute his votes among several candidates, or give all to one as he pleased. The School Board appointed and dismissed teachers in its schools.

In other places, where efficient schools existed under managers of one kind or another, it was thought a waste of energy to abolish a good working system, and these Voluntary Schools continued, subject of course to Government Inspection like School Board Schools, and receiving aid from the national funds in proportion to their efficiency. Managers of Voluntary Schools appointed and dismissed their teachers, and were under Government only.

The Education Act of 1902 abolished School Boards, and put all schools under the Local Authority, the County Councils, or Borough Councils, working through Educational Committees. The old Board Schools are called Provided Schools; the Voluntary Schools are called Non-provided

Schools ; because they were built, repaired, and their sites provided, at private expense. Both classes are supported by an Education rate, but the Managers of Non-provided Schools have members added to them by the Local Authorities, and are controlled by the Local Authority, as well as by the Education Office. No religious teaching can be given to a child in any school against the will of its parents. It would be well if parents would take more active interest in the schools and in their children's work. No system can take their plain duty out of their hands. They can do much to encourage regular attendance, and interest. Parents also should uphold the reasonable authority of the schoolmaster. Of course violent and unwise punishments are sometimes inflicted, and against them a protest is inevitable ; but with some truth a great statesman has said that the valuable privilege of a sound flogging as a boy is, by the action of the people themselves, now generally confined to the sons of noblemen and rich men at the big public schools.

We are too apt to think of education as merely learning. Learning is an important part of education, and a means for education, for drawing out our full powers, and giving us the capacity to use them. But true education is a training of the whole intellectual, moral, and physical man or woman, which begins at home and at school, and goes on through life. A wise direction of education at first is of the greatest importance, and the discipline, the order and regularity of school life, are the most important factors in early education. If children were under too strict a discipline once, it is no reason why they should be too often under no discipline now. To learn to obey is the necessary preliminary to learning to rule. Even the strict discipline of games at our great public schools is of great service, and it should be the aim of teachers, parents, and of all who take an interest in boys and young men to encourage sports like cricket, rowing, and football, in which discipline, self-control, and subordination of the individual to the interests of the whole company are essential.

But education does not end with school. The regular school-time should, if possible, be prolonged after it has ceased to be compulsory. The child who leaves school as soon as the law allows is in danger of forgetting in a very few years all that he or she has learnt. The teaching and

discipline of the highest standards in schools is more valuable than that of the lower, and to keep a child at school as long as possible is not waste of time and money, but is the only way of really turning his earlier teaching to the best account. There are now Continuation Schools supported by Government, held in the evening, for the benefit of those who are at work in the day. There are Technical Schools, supported out of public money by the County Councils, for manual or scientific training in arts and sciences which will be helpful to men and women in their trades. The public Department of Science and Art, the centre of which is at South Kensington, conducts classes and examinations in different parts of the country. University Extension lectures bring the results of the highest education to the doors of people in many towns. Public Libraries exist, and books of the highest class are now produced at a price which puts them within the reach of any man who will deny himself a few glasses of beer, or of any young woman who will forgo the putting of a few ribbons outside her head for the sake of putting something better inside. It is the duty of all to use these means of helping themselves, when the State or private persons meet them half-way with so much encouragement. Some, of course, will say that they do not see the use of it, that it does not pay. As a fact it does pay in the lowest sense. It matters much less what you learn than how you learn. Give a man the power of reading and writing, and all knowledge is open to him. But he or she who carefully masters one book even, certainly one kind of even elementary knowledge, is strengthened for acquiring more, has acquired the power of application, the mental training, which will serve for all kinds of improvement. We must take the opinion of those who have this gain, not of those who have not. The fox without a tail has always excellent reasons for believing that a brush is an unnecessary appendage. Scotchmen are our prize example of the fruits of education. In Scotland a good system of Elementary Schools, and means for continued education, have existed much longer than they have existed in England, and have been made good use of. If we look for a man who gets on in any way, is a good workman, a good business man, the successful pioneer in the colonies, the influential man at home, we shall not easily beat the Scot, or those whose fathers were brought up in Scotland.

The highest branches of knowledge are not to be reached by all, and a great community with varied employments cannot usefully produce nothing but great scholars and scientific men. The Universities, and the Colleges in them, were founded and endowed by private persons, almost entirely, to encourage the higher kind of education. No one supposes that all our schoolboys and schoolgirls could usefully go on to the Universities, or that it could be done without lowering the standard of education properly aimed at by the Universities. But by aid of schools of different grades promising scholars can be passed on to the highest rungs of the ladder of learning, and the Universities themselves now send their men into the country to disseminate some of the results of their highest training.

But as a consequence partly of the novelty of good general education in England the objects of education are often lost sight of. Too many of those who have acquired the beginnings of a literary education at school are led to believe that their future course in life should be determined by it, and that they can usefully forsake the trade or occupation in which their parents made a living and seek only clerk's work at the least, or if possible some of the careers in which book-learning is essential, the entrance to which is usually controlled by the results of competitive examinations. As a fact education is a training of our faculties, and of that training the exercise of the mind through books is only a part. That training of the mind should be recognized as making a man a better man, more sympathetic, more tolerant, more wise, with a higher conception of the duties and possibilities of life, but not as necessarily turning him into a clerk, or a schoolmaster, or a professional man. To turn to Scotland again, we see there how the long-continued existence of the means of education has caused a sounder conception of the uses of education to prevail. From the Scotch village schools have proceeded some men who have filled with distinction pulpits in the Scotch Kirk, who have governed India, who have been leading doctors and scientific men. But there have also proceeded hosts of men who have worked on their farms and at their trades, none the worse, but all the better, for having their minds stored with the lessons of the past, and their leisure occupied by intelligent co-operation in the thought of the present time. We shall learn in time that we do not want increased crowds of partially

trained men and women thronging into professions already overstocked by the fully trained, but that we do want, and can get, a higher level of general intelligence among men and women employed in all the functions of life in a great and varied community. Habits of punctuality, regularity, subordination of our own wishes, attention, application, thought, are the most valuable lessons learned at school, or in classes attended after school-days, for they are universally applicable in all stations and employments, and universally useful for developing our best capacities in whatever we may do.

CHAPTER XVI

SELF-GOVERNMENT IN SOCIAL LIFE

THE duties of an English citizen extend far beyond the circle of duties imposed by the State. As is inevitable and fitting, in a nation where the habit of self-government prevails, a great deal of the work of a citizen in the community is done by voluntary associations of different kinds, for common benefits. These grow naturally in England and America and in the Dominions from the self-governing capacities of the people, and distinguish us from some foreign countries, where a measure of self-government has been introduced by law, but where the past traditions of the people lead them to expect Government to undertake nearly everything for them. A very great deal of our ordinary life is regulated through voluntary associations of men who spontaneously, without pressure from the State, work together for common objects. The whole of our railway system is founded upon such voluntary association, so is our whole business system, worked through Companies, Benefit Societies, Trade Societies, Chambers of Commerce, Societies for promoting hundreds of charitable objects, the Stock Exchange, the M.C.C., the Jockey Club, the Football Associations, which fill so much of the thoughts of many Englishmen—these have all come into existence through the action of persons interested, and provide a kind of constitutional government for their different departments of activity. The general principle of all is the same, to put the administration of affairs into capable hands, under more or less control by the public opinion of all who are concerned, above all of those who voluntarily pay for the carrying on of all these things. The self-governing powers of Englishmen are perhaps more strikingly illustrated by the vast volume of voluntary organization in the country, than by our Parliamentary Government itself. Assuredly the duties of citizens are not confined to what they are com-

pelled to do, or invited to do by law, but embrace a reasonable activity in one or another of these phases of public life.

Some of the most important of these voluntary Associations are Trades Unions. In one shape or another Trades Unions are very old. In the Middle Ages the craftsmen employed in various pursuits united to control the methods of work and to limit the numbers employed, and in time became powerful associations, often actually ruling the Corporate Towns. It is noteworthy, however, that with the growth of power they became more exclusive and intolerant of others, and ultimately grew into aristocratic bodies. The great London Companies had in fact this origin. The greater size of modern Trades Unions, and the wider distribution of their members, will prevent them from following quite the same line of development, but the acquisition of power will be more trying to them than the period through which they passed in the earlier part of last century, when they were jealously regarded by the law. Their purpose, that of the older Unions at least, is to serve as a Benefit Society, to free members who may be in trouble from coming upon public or private charitable aid, to encourage a high standard of work in the trade, to make certain regulations for the conduct of the trade, and to secure as good wages as possible for the workers. They used to be treated as illegal combinations, but as far back as 1824 they were partially recognized, in 1871 they were put on a legal footing and enabled to hold property through trustees, and in 1875 they were put completely on the same footing as any Friendly or Benefit Society.

There is no doubt that their work has been in many ways beneficial to the community. Questions of work and wages can be more conveniently settled, on a large scale, by organized bodies of both masters and men than by individual action. The hardships incidental to a struggle for work, by disorganized workmen bargaining with disorganized employers, may be mitigated by Unions. But to be complete the organization must be recognized on both sides, and employers and employed must allow each others' organizations, if they cannot yet be organized in one body for the pursuance of what are after all their common interests, for prosperous workmen do good work, and liberal masters are well served as a rule. The man deserves well of his country who brings classes together, not who sows dissensions between them. The world gives

less glory to the peacemakers than to the warmakers, but a higher authority has given to the former the greater praise. But in practice the Unions have subordinated their other aims very much of late to the object of organizing and supporting strikes for the control of a business. A strike is of course a perfectly legal operation in itself—it may do good or it may not, that is a question for men to decide for themselves, but whether successful or not it is a kind of war. As such it is open to the objections which are to be found to all wars. Human nature being what it is, war will sometimes be necessary, but a necessary evil always. It is injurious to the better feelings of humanity, it entails loss and suffering, and all wars are liable to produce unexpected results. The late great coal strike for instance, of 1921, whatever its other results, has inflicted on the whole community losses equal to those of a considerable national war, and has driven out of England altogether some trade which may never return, or not till a war on the Continent perhaps drives it back again. Any war, a strike among others, may attain its object, but every war will always be found to be an extravagant and wasteful way of obtaining an object. It may be the only way, but the wisdom of statesmen who are always going to war is to be distrusted. And war is always likely to lead to injustice, and cannot be waged without injury to non-combatants. It is perfectly allowable for men to strike, and men who have joined themselves to an association have implicitly pledged themselves to act with that association. But to coerce or intimidate men who choose to work on whatever terms please themselves, is a perfectly unjustifiable exercise of tyranny of the worse kind, against the law, against morality, and against the best interests of all who prize political liberty and self-respect. The duty of the citizen with regard to Trades Unions or other voluntary associations is similar to his duty towards the State. It is his business to take an active part in the management of the body to which he has joined himself, and to do his best to make it serve its purpose, and not to let it fall into the hands of a few interested people to be worked for their private advantage.

Various means have been suggested for avoiding the disagreements which give rise to labour wars.

Co-operative trading, or the joint ownership of businesses by those who are supplied through them, or who work at

them, offers a great apparent advantage, as avoiding the chance of disagreement between employers and employed. Co-operative supply, by which men club together to supply themselves with necessaries at a cheaper rate, and of a better quality than they could obtain singly, has been very successful in many instances. The management is comparatively simple, and there is little opportunity for disagreement among those who have joined. Co-operative Supply Societies have therefore flourished greatly. But this disagreement does occur in the case of Co-operative production, and has wrecked some such enterprises. In a Co-operative factory all the men working are themselves employers, and their managers are the employed. The employers have sometimes failed to recognize the full value of intelligent management, and have underpaid it, getting in consequence badly served. The same moral therefore meets us in labour questions of all kinds, the need of consideration for others. The masters, who work with their brains, underrate sometimes the manual labour of men; the men, who work with their hands, underrate the brain work of the men who manage. So also the men masters in Co-operative businesses have underrated the services of the men managers. Work is paid partly in proportion to the number of men who can do it, and till education is far more advanced and spread the number of good hands will be far in excess of the number of good heads. It is the duty of each to try and understand the other. One very sure test of a truly noble character is admiration of the powers which a man does not himself possess.

Arbitration may be wisely employed to stop labour wars, as it may be for stopping national wars. The difficulty is the same in both cases, that it may need a war to force people to agree to the terms of the arbitrator, if either side is dissatisfied with the award. What the State might do would be to collect and publish full information about the questions at issue in labour disputes, so as to put public sympathy clearly on the side of justice, with complete knowledge of the points in dispute. The contending parties themselves would often be the better for such information impartially set forth, and outside public opinion would be an irresistible force in favour of the side of the right.

The duties of a citizen bring him face to face with other voluntary associations for doing all kinds of work. So much

of the work of the community is done by these that the worthy citizen must be more or less involved in them. In all he should do his best to make them subserve their purpose well.

Our gas and water supply is usually in the hands of private companies, though sometimes of municipalities. Our communications are in the hands of railway companies and steamship companies. Our money business is in the hands of banks, owned by companies or by a few partners. Even the Bank of England was in its origin a private association of merchants. Our necessary trade is carried on by great companies. The lighthouses which guard our shores were originally the work of the private corporation of the Trinity House. Our lifeboat service furnishes the noblest opportunities for the most heroic duties, done by private men at their own risk entirely. Our hospitals were mostly started and are supported by private benevolence, and the same is true of a multitude of other charitable agencies. Our higher education is carried out in similar ways. The so-called great Public Schools are generally not public really. Some, like Cheltenham College, were founded by a company. Others, like Harrow, were founded and endowed by private liberality. Even Eton, though it was founded by a king, was endowed out of what were then his private estates. They are not Public Schools in the sense in which the Primary School is a Public School, they are not aided out of rates or taxes. The Colleges in the Universities were mostly founded and endowed by private persons. Even our religious needs are provided for in the same way. The Church of England was not founded by the State, but owed part of its great power and the privileges which it acquired, to the fact that it existed before there was one compacted state of England.¹

Voluntary religious associations have sprung up since, working for similar objects upon different lines. One and all can only hold property subject to the laws of the State, and disputes about it must ultimately be decided by the courts of the State. Every association, religious or commercial or charitable or learned, must be an object of concern to the State in proportion to its importance, and citizens as a

¹ All parishioners have a legal right to a seat in a parish church, if there is room, and to the ministrations of the clergy, if they want them.

body must be interested in them, apart from the special interest of those most immediately concerned with each.

Most of these associations that I have mentioned are so important, or rich, or powerful, or all three, that the State is obliged to control them. One private company, the East India Company, became so important that it was absorbed, and its duties in governing India completely taken over by the State in 1858. These bodies having been raised to the rank of corporations by the law, and thereby given certain advantages, have been therefore subjected to certain control by the State, and must always be subject to some control. The rule holds good of all important associations, the general conduct of whose business affects the interests of large numbers of the community. Otherwise they would become states themselves, within the State, and break up our national unity and power. Railway Companies manage our most important means of transit. They are private Companies, but the State has stepped in to aid them in acquiring the land necessary for their purposes, and they are so indispensable to all that the State has carefully regulated their arrangements for traffic. The servants of such companies are more especially servants of the State than most of us, and as good citizens are bound specially to consider the interests of the community at large in all that they do. In proportion to the importance of such associations all connected with them have duties of special weight, besides rights, and are liable to special legislation for the sake of the community. Railway Acts, and some Ecclesiastical Acts, are of such a kind of special legislation. The rule holds good of Trade Associations among others, and on the day that Trades Unions control all the labour of the country, they must find themselves controlled by the State. As we are Englishmen first, and members of Trades Unions, Churches, Universities, Railway Companies, and so on secondly, we must acquiesce in this consequence. The interests of the whole community stand first in importance.

But, meanwhile, we have ample opportunities for doing our duty, for work in short as members of some of these associations. From the meeting of the Reading Room Committee up to the Church Congress of the Church of England, from the Trades Union Congress down to the meetings of the village Club, we have scope for action and duties as good citizens. It will probably be good for our neighbours, and

for ourselves, if we try to become familiar with the work of some one form of private association for common ends, and work specially at that, supporting the Club, the Church, the Chapel, the particular charity, the Boy Scouts, or whatever it is that we can work at best.

The duties of a citizen are certainly not confined to what he is obliged to do by the State, nor even to what he is invited to do. He is an unprofitable servant to his country unless he exerts himself, so far as opportunity offers, to aid in the promotion of some at least of the many useful schemes and occupations which make our social life the living, active, beneficent organism which it is.

Public meetings control many of these affairs, and public meetings are held for many political and social objects besides. Does it occur to all of us that we have duties with regard to public meetings—a duty of attending in order to help and in order to learn ; a duty in attending meetings to hear speakers with whom we may not agree, and to hear arguments, not to howl like wild beasts and make disorder like schoolboys ; a duty of upholding the authority of the duly-constituted Chairman, who is there to keep order ? We are governed by argument and reason and by discussion, and discussion to be useful, to exist indeed, must be free. Liberty of speech is a birth-right of Englishmen, and we are all ready to condemn the Governments of the past, which put men in the pillory, or even put them to death, for freely expressing opinions. We are as truly as they were enemies of this very breath of our constitution if we shout down opponents, and otherwise violently interrupt public meetings. Indeed, so much of the discussion of the present day is carried on in print, through the newspapers, that we are scarcely acting up to the spirit of free speech and discussion if we refuse to read the newspapers which support a policy from which we differ. Those newspapers likewise sin against the spirit of free speech which refuse to notice the arguments of their opponents, or what is worse and more common, deliberately distort those arguments.

CHAPTER XVII

NATIONAL DEFENCE : THE EMPIRE : THE LEAGUE OF NATIONS

AMONG the duties of a citizen the defence of his country must be included. The old English law was that every man was bound to provide himself with arms, according to his means, and to protect the country against foreign invasion or domestic rebellion. The military service, owed for their estates by landholders under the Crown, was an additional device to provide an efficient heavy cavalry, raised from those who could afford good horses and complete armour, supplementing, but not superseding the obligation of universal service. Sea defence was provided from certain ports, the Cinque Ports, who had special privileges of self-government given to them in return for the duty of providing ships and crews. When our early kings became involved in wars in Wales and Scotland, and on the Continent, neither the universal national levy, nor the Feudal levy, was of much use. It was a question whether either was liable to serve outside the kingdom, and the latter only owed the king service for forty days. The great Scotch and French wars were consequently fought with hired soldiers. Compulsion may have helped to fill the ranks, but plenty of volunteers were usually to be found. But there was no regular standing army in time of peace. The despotism of Henry VIII, and the personal government of Charles I, were supported by no army, nor even by any police, except the parish constables. The civil wars of the seventeenth century began the regular standing army, which under Cromwell's Protectorate was more numerous in proportion to the population than it has ever been since, except during the late war. Ever since that time there has been a small professional army, raised by voluntary enlistment. This has been supplemented by a second line of defence, the

Militia, representing the old national levy, but consisting only of some men, not all, called out for a short training only. Up to the nineteenth century men could still be compelled to serve in the Militia if sufficient recruits did not volunteer. Up to the Napoleonic wars the fleet could be legally manned by means of the press-gang. From the alarm of invasion in those wars sprang Volunteer Corps, of men who freely gave time and money to be trained for national defence. They were revived in 1859-60. But in 1906-7 they were superseded by the Territorials, paid soldiers, organized as an army, but called out for only a short time of training every year. During the late Great War, we resorted to universal compulsory service, of all who were physically fit and not needed for other national services. It was a necessity when confronting Powers who had enrolled their whole populations in the armies. But we have reverted to our more national system of voluntary enlistment since. The large proportion of our soldiers who must be abroad, in India and elsewhere, makes compulsory service a very different question for us from what it was to French and Germans. Our most important force, the Navy, must be filled by voluntary, long-service men; for the Service is too highly technical to make it possible, even if desirable, to man modern ships by successive drafts of the whole male population.

What are the rights and duties of a citizen with regard to national defence? Anyone may take up the occupation of a soldier or a sailor if he chooses, just as he may become a bricklayer or a lawyer. There is a very great deal to be said for the latter service, especially in the case of a high-spirited boy who likes adventure. Cannot a sailor turn his hand to anything? How seldom have we ever met a disagreeable sailor? But most people cannot become, and do not want to become, professional soldiers and sailors. The question of those who have, or think they have a conscientious objection to joining a Service which may fight, cannot be debated here. Their scruples may be respectable, but the question is not very simple. Do they scruple to take advantage of the results of other people's fighting? But this does not affect most of us. It certainly seems a right and a privilege, not merely a duty, for a man to qualify himself to be able to do something in defence of his national home and liberties. It is the privilege of a free man. No unfree nation can be trusted with arms

by a despotic government. The German people in arms upset their own autocratic government when it had led them into disaster. Discipline and liberty go hand in hand. A free man must discipline himself if he is to be worth anything, and the habits learned in military training, of obedience to lawful orders, of acting with others for a common purpose, and subordination of self, are very valuable. It is by no means true that the power of self-defence fosters a habit of military aggression. Those who have seen war are not those who think lightly of war; and those who will be shot at if there is war are not those who will provoke it unnecessarily.

A reasonable provision for self-defence, by a reasonable nation, is a preservative of peace. "When a strong man armed keepeth his house his goods are at peace." The British Empire is worth keeping. We are not perfect by any means, but British ideals of politics, law, justice, and liberty are worth preservation. They are fortunately common not only to us and to the Dominions, but in main to the United States as well. The English-speaking world has no desire to interfere with other people, but if it were all truly organized for defence no one could interfere with it. If it had been so organized it might have prevented war in 1914. A great ideal has been brought to the front since then in the League of Nations, an organization intended to make international war as unnecessary, and impossible, as is war between private persons in a legally governed State. The complete carrying out of such an ideal is not a thing to be achieved in a few years. It was many years before law put down private warfare in civilized States; and the simultaneous calling into existence of several small States, founded on national feelings, makes it peculiarly difficult to perfect at once a scheme by which these new small jealous States are necessarily called upon to give up some freedom of national action. The policeman is needed, in the background at least, to prevent private violence within a State, and the international policeman will be a necessity for some time in the family of States. Facts seem to point to the British and the U.S.A. fleets as the handiest international policemen, actuated by law and reason. That the former has four times—against Philip II of Spain, against Louis XIV of France, against Napoleon, and against Germany—been the chief barrier between Europe, with America in the two former cases and a conquering military

despotism, is an argument for not allowing it to fall below a certain standard. But undoubtedly the ideal of the League of Nations, a system of common counsel and of peaceful arbitration upon difficulties between nations, is the ideal towards which we ought to strive. It is the ideal of Christianity, and of civilization; it is a necessity to prevent the increasing ruin of renewed wars. But while human nature is what it is, the arm of the law, international as well as national, must still be strong. Nor is the spirit which must inspire a system of international peace compatible with a spirit of envy and jealousy in the members of a nation among themselves, among classes, places or families. From the home, the school, the parish, the trade, the nation, upwards to the Empire and to the world, ever widening spheres of duty, ever increasing opportunities of self-discipline, self-control and service for others, are the hard work and the high privilege of the Citizens of England, men and women; each a little unit in the most influential organization in the world.

GLOSSARY AND APPENDIX

- Alderman*, pp. 8, 74. Literally, *Elder*. The Alderman was the Military leader of a County in the time before the Danish Conquest of England, after which the name Earl usually superseded Alderman. Now, the Aldermen are the more permanent part of Town or County Councils, elected by the Council for six years, out of their own body or from outside.
- Ambassador*, p. 46. Envoys accredited to Foreign Courts by Great Britain. All such Envoys are often loosely called Ambassadors, though strictly the name is confined to seven or eight at the principal courts only. They are all under the direction of the Foreign Office.
- Army Council*, p. 47. The governing body of the Army; consisting of the Secretary of State for War, Chief of the General Staff, Adjutant-General, Quartermaster-General, Master-General of the Ordnance, a Parliamentary Under-Secretary of State, and a Financial Secretary. Constituted in 1904.
- Army Discipline Act*, p. 17. An Act necessary for keeping the Army in existence, passed yearly, since 1879. It superseded the Mutiny Act of 1689. They made and make it impossible to keep an Army unless Parliament meets every year.
- Assizes*, p. 52. Sittings of the Judges of the High Court, for civil and criminal business, in different parts of the country. The Judges go on *Circuit* through the country to hold the Assizes.
- Attorney General*. The chief legal adviser and law-officer of the Government.
- Ballot*, p. 26. Secret voting, established 1872 to prevent bribery and intimidation.
- Bill*, p. 30. A proposed form of law submitted to either House of Parliament.
- Board of Admiralty*, p. 47. The governing body of the Navy; consisting of the First Lord, four Sea Lords (sailors), and a Civil Lord.
- Board of Agriculture*, p. 47. A Committee of the Privy Council, empowered to carry out Acts connected with agriculture, cattle, dogs, commons, tithe-commutation, etc. Constituted 1889.
- Board of Education*, p. 48. A Committee of the Privy Council to superintend the working of the Education Acts. Constituted in 1899.
- Board of Trade*, p. 48. A Committee of the Privy Council empowered to carry out Acts connected with commerce, harbours, light-houses, mercantile marine, railways, canals, tramways, bankruptcy, trading companies, fisheries, explosives, gas, etc. Constituted 1786, and its powers enlarged by various Acts, especially in 1883.
- Bye-Laws*, p. 84. Literally, *Town Laws*. Laws made by a Corpor-

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- ation or Company, under authority of Parliament, with a limited scope.
- Cabinet*, p. 42. A Committee of leading Ministers, unknown to the law, who arrange the policy of the Government and practically initiate important legislation.
- Canvassing*, p. 26. Personal solicitation of voters to give their votes to certain persons; a practice dangerously near to intimidation, corruption, and undue influence.
- Chancellor of the Duchy of Lancaster*, p. 48. The chief administrator of the Duchy of Lancaster, which has been vested in the Crown since 1399. The office has few duties, and is practically useful for giving a place in the Government to a man who may be of service in other ways.
- Chancellor of the Exchequer*, p. 45. The Minister responsible for the control of the Finances, and for the yearly Budget.
- Chiltern Hundreds, Steward of the*, p. 30. A nominal office under the Crown, acceptance of which vacates a Seat in the House of Commons.
- Churchwarden*, p. 73. An officer nominated by an Incumbent of a Parish or elected by the Vestry to take care of the church and church property, and sometimes to act as official trustee of an ecclesiastical charity. A qualified person chosen must act.
- Colonial Secretary*, p. 47. The Minister responsible for Colonial Affairs. Finally constituted as a separate office in 1854.
- Colony*. A British possession abroad. It may be a Crown Colony, ruled entirely by a Governor appointed by the Crown; or it may have Representative Institutions, but no Ministry responsible to the Assembly. Sierra Leone is in the former class, Jamaica in the latter. The Dominions are no longer Colonies, nor is the Indian Empire.
- Commander-in-Chief*, p. 47. Formerly the military head of the Army. His office was finally abolished in 1904.
- Committee, Parliamentary*, p. 31. A House of Parliament engaged in the consideration of the details of a Bill. Committees of a few members hear evidence bearing upon private Bills. Select Committees consider the details of Bills of a technical character, or other questions, submitted to them by the House. Grand Committees and Standing Committees are larger Committees which consider the details of Bills of different classes specially committed to them.
- Common Law*, p. 53. The Law not embodied in Acts of Parliament, but depending upon precedent and immemorial custom.
- Consolidated Fund*, p. 64. The total revenue of the United Kingdom, the moneys derived from various sources being paid into one common fund.
- Constituencies*, p. 25. The persons qualified as electors in several districts, who elect representatives of those districts to sit in Parliament.
- Constitution*, pp. 1, 2, etc. The organization of the whole body of the people of the United Kingdom. All acts which are contrary to law are, in some degree, unconstitutional. Many acts which are not against the law are unconstitutional, as tending to disturb the working organization of the State. If the Crown were now to veto

a Bill which had passed both Houses, or if the House of Commons were to pass a Bill prolonging its own existence for ten years, it would be unconstitutional.

Consul, p. 46. An official at a foreign place, charged with the care of the interests of British subjects and trade. They are under the Foreign Office.

Coroner, p. 71. Literally *the Crown Officer*. An official appointed by the County Council to preside over questions or *inquests* in cases of sudden and suspicious death, and on the finding of treasure.

County Courts, p. 56. Law Courts for the settlement of small debts and disputes, and less important legal business not of a criminal nature. In cases involving over £5 a Jury of five may be summoned at the requisition of either party.

The ancient County Courts were the governing bodies of the counties, composed of men who had a personal claim to attend, and of representatives from the different townships in the counties. They were never formally abolished. The election of the Coroner by the county, down to 1888, was the last vestige of their existence.

County Council, p. 78. The Elective Body, choosing its own Aldermen, which administers the affairs of a County or County Borough, under the Local Government Act of 1888.

Crown in Council, p. 38. The supreme Executive Power. The Crown acting through Ministers or the Privy Council. Really, now, Ministers acting in the name of the Crown.

Crown in Parliament, pp. 24, 31. The supreme legislative power of the Kingdom. Laws are enacted by the Crown with the advice and consent of the two Houses.

Dissolution. The final termination of a Parliament by royal proclamation, by which all seats in the House of Commons are vacated. The Speaker vacates his office at a Dissolution. The Ministers of the Crown are unaffected by it.

District Council, p. 78. The Elective Body administering certain Acts, chiefly Sanitary Acts and Highway Acts, in parts of counties, under the Local Government Act of 1894. Its members act also as Guardians of the Poor in the District.

Dominions. Colonies which are ruled by Ministers directly responsible to Assemblies elected in the Colonies themselves. A Viceroy or Governor, appointed by the Crown, takes the place of a Constitutional Sovereign in each. Such are Canada, Australia, New Zealand, South Africa, and Newfoundland.

Estates of the Realm, p. 6. The Lords Spiritual, the Lords Temporal, and the Commons, assembled in Parliament. *Estates* answered formerly to nearly what we mean by *Classes*. The Crown is not an Estate, and the name Fourth Estate was bestowed on Newspapers as a joke, by persons who did not understand the meaning of the word.

Executive Government, pp. 41, etc. The power which executes the laws. The Crown is the supreme executive power.

First Lord of the Admiralty, p. 46. The Minister who presides over Naval Affairs, at the head of the Board of Admiralty.

First Lord of the Treasury, p. 44. An office usually, but not necessarily, held by the Prime Minister. He is head of the Treasury

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- Board, but business connected with money belongs now to the department of the Chancellor of the Exchequer.
- Foreign Secretary*, p. 46. The Minister responsible for our relations with foreign countries. Constituted as a separate office in 1782.
- Franchise*, p. 28. Strictly a liberty or right. Now confined to the right of voting for Members of Parliament or of Local Governments.
- Government*, pp. 30, 42. A name applied commonly to the whole body of Ministers, and sometimes to the members voting with them in the two Houses.
- Guardians*, p. 79. District Councillors, with some others added by themselves, engaged in the administration of the Poor Law.
- Habeas Corpus*, p. 53. A writ depending primarily on the Common Law, also on a Statute of 1679, by suing for which a man may be certified upon what legal cause he is imprisoned. The suspension of the Habeas Corpus Act enables a Government to imprison dangerous men without showing cause. Suspension has been resorted to in times of rebellion or riot, under Parliamentary sanction.
- High Court of Justice*, p. 52. The Supreme Court of Justice in England, consisting of the Lord Chancellor and the other Judges. The Courts of Scotland and Ireland are distinct from it.
- Home Secretary*, p. 45. The original Secretary of State, responsible for the conduct of affairs in England. The Police are more or less directly under his control.
- Hundreds*, pp. 70, 72. Ancient divisions of counties, formerly the basis of police arrangements, now practically obsolete. Called in the North of England *Wapentakes*.
- Impeachment*, p. 41. The trial of an obnoxious person, usually a Minister, before the House of Lords on the accusation of the House of Commons. Now practically superseded by a vote of want of confidence, which is sufficient to remove a Minister from Office.
- Indian Council*, p. 46. A Council in England to advise the Indian Secretary.
- Justices of the Peace*, p. 57. Unpaid Magistrates appointed by the Lord Chancellor, on the recommendation of the Lords Lieutenant, to administer justice in the counties, and to co-operate with the County Councils in controlling the Police. Justices are called J.P.
- Leader of the House of Commons*. The Leading Minister sitting in the House of Commons, who directs the Government business in the House. An office unknown to the Law.
- Leader of the Opposition*. The leading member opposed to the Government of the day, who takes the lead in opposing or criticising Government measures. An office unknown to the Law.
- Legislature*. The body which makes laws. In ordinary language, the two Houses of Parliament.
- Letters Patent*. Open letters from the Crown empowering a person to do some act or enjoy some right.
- Lord Chancellor*, pp. 45, 51. Head of the English legal profession. *Ex-officio* private adviser to the Crown. Necessarily a member of the Cabinet, Keeper of the Great Seal, the affixing of which is necessary to the validity of Acts done by the Crown, Speaker of the House of Lords. In the Middle Ages the Chancellor was generally the nearest approach to a Prime Minister.

- Lord Chief Justice*, p. 51. The head of the Criminal Law, appointed on the recommendation of the Prime Minister.
- Lord Lieutenant of a County*, p. 72. A titular distinction, conveying nominally the military command in a county, actually some influence in appointing Justices of the Peace and Militia Officers. The head of the Justices for the County.
- Lord Lieutenant of Ireland*. Was the representative of the Crown in Ireland. Abolished 1922.
- Lord President of the Council*, p. 49. Chief Member of the Privy Council. A titular office of great dignity, conferring a Seat in the Cabinet upon some distinguished member of the party in office. He also acts as Minister of Education in the House of Lords.
- Lord Privy Seal*, p. 49. An office formerly involving the custody of the Privy Seal, which was essential to the validity of certain Royal Acts, till 1884, when it ceased to be used.
- Lords Spiritual*, p. 33. The Archbishops and the twenty-four Bishops who have seats in the House of Lords.
- Lords Temporal*, p. 33. The Peers of the United Kingdom, all having seats in the House of Lords; the Peers of Scotland and Ireland, whether they have Seats in the House of Lords or not, all being hereditary advisers of the Crown.
- Manor*, p. 73. An ancient territorial possession, in which the tenants as well as the Lord of the Manor have certain rights by prescription. It was formerly one of the areas for Local Government.
- Mayor*, p. 74. The chief officer and Magistrate in a Municipal Corporation, elected annually. In London and in York from ancient times, in some other boroughs by recent creation, he is called Lord Mayor.
- Militia*, p. 107. Troops trained for a short time only, raised for service in the United Kingdom, but liable to foreign service in war time.
- Ministry of Health*, p. 47. Created 1919 to control Local Government and Sanitary Acts. Superseded the Local Government Board.
- Ministry of Labour*, p. 47. The Department which superintends labour questions.
- Ministry of Pensions*, p. 47. The Ministry to regulate war pensions.
- Municipality*, p. 47. A corporate town, or the governing body of a corporate town.
- National Debt*, p. 65. A capital sum borrowed by the Government at various times, with no obligation for repayment of capital. The payment of interest is provided for by permanent Acts.
- Non-Provided Schools*, p. 95. Schools built and repaired by private subscriptions, usually with a proviso that some definite religious teaching should be given in them to all the children who are not withdrawn by their parents from such teaching.
- Opposition*, p. 30. The Party in Parliament which usually acts in opposition to the Government of the day.
- Orders in Council*. Certain orders of the Government issued formally by the Privy Council.
- Overseers*, p. 81. Unpaid officers appointed annually by the Parish Councils, to make and collect Poor Rates, give temporary relief

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to the poor in pressing cases, prepare lists of qualified Jurymen and Voters. Paid Assistant Overseers and Rate Collectors may also be appointed, and dismissed by Parish Councils. A qualified person appointed Overseer must act.

Parish Councils, p. 78. Small elective Councils to administer the affairs of a parish or parishes, chosen triennially under the Local Government Act of 1894. Their action is regulated by this and other Acts of Parliament, and in some cases by the discretion of the County Councils.

Parish Meeting, p. 79. A meeting of the electors of a parish, to elect the Parish Council and to control it in certain cases, and to regulate Parish business under the Local Government Act of 1894. The Parish Council may be considered the executive of the meeting.

Parliamentary Secretary to the Board of Education, p. 48. The Minister for Education in the House of Commons. Constituted 1899.

Parochial Councils, p. 73. Councils elected by Communicant Members of the Church of England, to manage Ecclesiastical Affairs. Created by law in 1919.

Petty Sessions, p. 57. Sitting of Justices of the Peace to dispose of petty civil and criminal business.

Postmaster-General, p. 48. The Minister at the head of the Postal, Telegraph, and Savings Bank business conducted by the Government.

Prerogative. The rights and powers of the Crown as secured to it by immemorial usage.

Privilege. The rights of the House of Commons as secured to it by usage, its own action, and statute law.

Prime Minister, p. 44. The head of the Ministry, the prime mover in policy and legislation, the person who recommends the choice of other ministers to the Crown.

Privy Council, p. 49. The Council which formerly advised the Crown ; now active only through its Committees (such as the Cabinet, Board of Trade, etc.). The formal mouthpiece for announcing many decisions of Government ; Members of the Privy Council are styled Right Honourable.

Provided Schools,¹ p. 95. Schools built and repaired out of public funds.

Prorogation. The suspension of Parliament by Royal Proclamation, putting an end to all current business in Parliament. A Bill not carried to the Royal Assent before a Prorogation must be begun again from the beginning when Parliament reassembles.

Quarter Sessions, p. 57. Sitting of the Justices, or the Recorder in the County Town, or in Boroughs for which there is a Recorder, for hearing cases of not the greatest importance, Appeals from Petty Sessions, and Appeals against Rating and Assessment.

Rates, p. 66. Taxes on real property, *i.e.* houses and land, levied for local purposes by local bodies. They amount to about £75,000,000 a year in England.

Recorder, p. 52. A local Judge to try criminal cases in the town to which he is appointed.

Revising Barristers. Barristers formerly appointed to hear claims and objections with regard to the lists of voters, and empowered to pass final lists subject to approval by the High Court.

- School Boards*, p. 95. Elective Bodies formerly chosen by the rate-payers to carry out the Education Acts in their several districts. Abolished 1902.
- Schools Committee*, p. 95. A Committee of the Local Authority, to which that Authority may add expert members from outside itself, to control public Education. Constituted 1902.
- Secretary for India*, p. 46. The Minister responsible for the Government of India, acting in conjunction with the Viceroy. Constituted 1858.
- Secretary for Ireland*. The Home Secretary for Ireland, nominally Chief Secretary to the Lord-Lieutenant. Abolished 1922.
- Secretary for Scotland*, p. 48. The Home Secretary for Scotland. An office revived recently.
- Secretary to the Treasury, Patronage*. Familiarly known as "Whip." His functions are to act as agent between the Government and its supporters in the House, to ensure attendance at divisions, and to arrange for "pairs" between members of opposite parties who find it inconvenient to be present at a division. The Financial Secretary to the Treasury is the subordinate of the Chancellor of the Exchequer.
- Secretary for War*, p. 47. The Minister responsible for the business of the Army. His office is the War Office. Constituted as a separate office in 1854.
- Sheriff*, p. 71. Formerly Royal representative in each county. Still nominal head of the executive in the county. A man nominated must serve the office.
- Speaker*, p. 30. The Presiding Officer, Chairman and Official Spokesman of the House of Commons. Elected by the House for the duration of Parliament.
- Standing Orders*, of the House of Commons or House of Lords. Rules laid down by both Houses for the conduct of their own business. In force permanently unless specially changed. Sessional Orders are in force for the Session only.
- Stipendiary Magistrates*, p. 57. Paid Magistrates appointed to dispose of small cases and preliminary inquiries in large towns.
- Taxes*, p. 62. Moneys levied by authority of Parliament for public purposes, though historically the name did not include the Customs or Duties on Imports.
- Territorials*, p. 108. Paid regiments for home defence, taking the place of the Volunteers. Organized in 1906. Partly organized under county associations.
- Town Councils*, p. 74. Elective Councils of Mayor, Aldermen, and Councillors for the administration of the affairs of a Municipality.
- Township*, p. 73. An ancient self-governing local division, often since lost in a Parish or Manor, or developed into a Municipality.
- Union*, p. 79. A collection of parishes for the administration of the Poor Law. Constituted in 1834.
- Vestry*, p. 73. Formerly the consultative, administrative, and electing assembly of the parish, itself elected by or composed of the rate-payers. Now a meeting of parishioners for ecclesiastical business only. The London Vestries, which were continued as Sanitary Authorities by the Act of 1888, were extinguished as such, and all

their duties were taken over by the Metropolitan Boroughs under the Act of 1899.

Viceroy of India, p. 46. The Representative of the Crown and chief ruler in India. He exercises executive power, and legislative power with his Council, under the orders of the Indian Secretary. His official title is Governor-General of India.

Volunteers, p. 108. Troops voluntarily raised, and as a rule unpaid. The Crown was empowered to accept their services by Acts of Parliament of 1804, 1863, 1881.

Whip. The Patronage Secretary to the Treasury, usually assisted by one of the Junior Lords of the Treasury. *See* Secretary to the Treasury.

Yeomanry. Volunteer mounted troops, required to train for a certain time every year, and then subject to Military Law. They were largely increased and reorganized during the war in South Africa, 1899-1902.

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