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# THE RISE OF THE DEMOCRACY

BY

**JOSEPH CLAYTON**

Author of "Leaders of the People" "Bishops as Legislators," etc. etc.

**WITH EIGHT FULL-PAGE PLATES**

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### **KING JOHN GRANTING MAGNA CHARTA**

**From the Fresco in the Royal Exchange, by Ernest Normand.**

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## **PREFACE**

This short account of the rise of political democracy is necessarily but an outline of the matter, and while it is not easy to define the exact limits, there is no difficulty in noting omissions. For instance, there is scarcely any reference to the work of poets or pamphleteers. John Ball's rhyming letters are quoted, but not the poems of Langland, and the political songs of the Middle Ages are hardly mentioned. The host of political pamphleteers in the seventeenth century are excluded, with the exception of Lilburne and Winstanley, whose work deserves better treatment from posterity than it received from contemporaries. Defoe's vigorous services for the Whigs are unnoticed, and the democratic note in much of the poetry of Burns, Blake, Byron and Shelley is left unconsidered, and the influence of these poets undiscussed. The anti-Corn Law rhymes of Ebenezer Eliot, and the Chartist songs of Ernest Jones were notable inspirations in their day, and in our own times Walt Whitman and Mr. Edward Carpenter have been the chief singers of democracy. But a whole volume at least might be written on the part the pen has played in the struggle towards democracy.

Again, there is no mention of Ireland in this short sketch. A Nationalist movement is not necessarily a democratic movement, and the Irish Nationalist Party includes men of very various political opinions, whose single point of agreement is the demand for Home Rule. In India and Egypt the agitation is for representative institutions. Ireland might, or might not, become a democracy under Home Rule—who can say?

The aim of the present writer has been to trace the travelled road of the English people towards democracy, and to point out certain landmarks on that road, in the hope that readers may be turned to examine more closely for themselves the journey taken. For the long march teems with adventure and spirited enterprise; and, noting mistakes and failures in the past, we may surely and wisely, and yet with greater daring and finer courage, pursue the road, not unmindful of the charge committed to us in the centuries left behind.

J.C.

HAMPSTEAD,  
*September, 1911.*

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## THE RISE OF THE DEMOCRACY

### INTRODUCTION

#### THE BRITISH INFLUENCE

Our business here is to give some plain account of the movement towards democracy in England, only touching incidentally on the progress of that movement in other parts of the world. Mainly through British influences the movement has become world wide; and the desire for national self-government, and the adoption of the political instruments of democracy—popular enfranchisement and the rule of elected representatives—are still the aspirations of civilised man in East and West. The knowledge that these forms of democratic government have by no means at all times and in all places proved successful does not check the movement. As the British Parliament and the British Constitution have in the past been accepted as a model in countries seeking free political institutions, so to-day our Parliament and our Constitutional Government are still quoted with approval and admiration in those lands where these institutions are yet to be tried.

The rise of democracy, then, is a matter in which Britain is largely concerned; and this in spite of the fact that in England little respect and less attention has been paid to the expounders of democracy and their constructive theories of popular government. The notion that philosophers are the right persons to manage affairs of state and hold the reins of Government has always been repugnant to the English people, and, with us, to call a man "a political theorist" is to condemn him. The English have not moved towards democracy with any conscious desire for that particular form of government, and no vision of a perfect State or an ideal commonwealth has sustained them on the march. Our boast has been that we are a "practical" people, and so our politics are, as they ever have been, experimental. Reforms have been accomplished not out of deference to some moral or political principle, but because the abuse to be remedied had become intolerable. Dissatisfaction with the Government and the conviction that only by enfranchisement and the free election of representatives can Parliament remove the grounds of dissatisfaction, have carried us towards democracy.

#### GOVERNMENT OF THE PEOPLE, BY THE PEOPLE, FOR THE PEOPLE

We have been brought to accept Abraham Lincoln's famous phrase, "Government of the people, by the people, for the people," as a definition of democracy; but in that acceptance there is no harking back to the early democracies of Greece or Rome, so beloved by the French democrats of the eighteenth century, who, however, knew very little about those ancient states—or any vain notion of restoring primitive Teutonic democracy.

The sovereign assemblies of Greece—the Ecclesia of Athens, and the Apella of Sparta—the Comitia Centuriata of Rome, have no more resemblance to democracy in the twentieth century than the Witenagemot has to the British Parliament; and the democracy which has arisen in

modern times is neither to be traced for its origin to Greece or Rome, nor found to be evolved from Anglo-Saxon times. The early democracies of Athens and Sparta were confined to small states, and were based on a slave population without civic rights. There was not even a conception that slaves might or should take part in politics, and the slaves vastly outnumbered the citizens. Modern democracy does not tolerate slavery, it will not admit the permanent exclusion of any body of people from enfranchisement; though it finds it hard to ignore differences of race and colour, it is always enlarging the borders of citizenship. So that already in the Australian Commonwealth, in New Zealand, in certain of the American States, in Norway, and in Finland, we have the complete enfranchisement of all men and women who are of age to vote.

Apart from this vital difference between a slave-holding democracy and a democracy of free citizens—a difference that rent the United States in civil war, and was only settled in America by democracy ending slavery—ancient democracy was government by popular assembly, and modern democracy is government through elected representatives. The former is only possible in small communities with very limited responsibilities—a parish meeting can decide questions of no more than strictly local interest; for our huge empires of to-day nothing better than representative government has been devised for carrying out the general will of the majority.

As for the early English Witenagemot, it was simply an assembly of the chiefs, and, though crowds sometimes attended, all but the great men were the merest spectators. Doubtless the folk-moot of the tribe was democratic, for all free men attended it, and the English were a nation of freeholders, and the slaves were few—except in the west—and might become free men.<sup>[1]</sup> The shire-moot, too, with its delegates from the hundred-moots, was equally democratic. But with feudalism and the welding of the nation, tribal democracies passed away, leaving, however, in many places a valuable tradition of local self-government.

### THE FOUNDATIONS OF DEMOCRACY

A steady and invincible belief that those who maintain the defence of the country and pay for the cost of government should have a voice in the great council of the nation, and the conviction that effective utterance can be found for that voice in duly chosen representatives, are the foundations on which democracy has built. Democracy itself comes in (1) when it is seen that all are being taxed for national purposes; and (2) the opinion finds acceptance that responsibilities of citizenship should be borne by all who have reached the age of manhood and are of sound mind.

To sketch the rise of democracy in England is to trace the steady resistance to kings who would govern without the advice of counsellors, and to note the growing determination that these counsellors must be elected representatives. Only when the absolutism of the Crown is ended and a Parliament of elected members has become the real centre of government, is it possible, without a revolution, for democracy to be established.

Much of this book is given up, then, to the old stories of kingly rule checked and slowly superseded by aristocracy. And all the old attempts at revolution by popular insurrection are again retold, not only because of the witness they bear to the impossibility in England of achieving democracy by the violent overthrow of government, but because they also bear witness to the heroic resolution of the English people to take up arms and plunge into a sea of troubles rather than bear patiently ills that were unseemly for men to endure in silence. Popular insurrection failed, but over and over again violence has been resorted to in the resistance to tyranny, and has been justified by its victory. If Wat Tyler, Jack Cade, and Robert Ket are known as beaten revolutionaries, Stephen Langton, Simon of Montfort, and John Hampden are acclaimed as patriots for not disdaining the use of armed resistance.

The conclusion is that a democratic revolution was not to be accomplished in England by a rising of the people, but that forcible resistance even to the point of civil war was necessary to guard liberties already won, or to save the land from gross misgovernment. But always the forcible resistance, when successful, has been made not by revolutionaries but by the strong champions of constitutional government. The fruit of the resistance to John was the Great Charter; of Simon of Montfort's war against Henry III., the beginning of a representative Parliament; of the war against Charles, the establishment of Parliamentary government. Lilburne and his friends hoped that the civil war and the abolition of monarchy would bring in democracy, though democracy was never in the mind of men like Hampden, who made the war, and was utterly uncongenial to Cromwell and the Commonwealth men. But the sanctity of monarchy received its death-blow from Cromwell, and perished with the deposing of James II.; and there has been no resurrection. To the Whig rule we owe the transference of political power from the Crown to Parliament. Once it is manifest that Parliament is the instrument of authority, that the Prime Minister and his colleagues rule only by the permission and with the approval of the House of Commons, and that the House of Commons itself is chosen by a certain number of electors to represent the nation, then it is plain that the real sovereignty is in the electors who choose the House of Commons. As long as the electors are few and consist of the great landowners and their satellites, then the constitutional government is aristocracy, and democracy is still to come.

And just as discontent with monarchy, and its obvious failure as a satisfactory form of government, brought in aristocracy, so at the beginning of the nineteenth century discontent with aristocracy was rife, and a new industrial middle-class looked for "Parliamentary reform," to

improve the condition of England.

### BRITISH DEMOCRACY EXPERIMENTAL, NOT DOCTRINAIRE

Resistance to royal absolutism, culminating in the acknowledged ascendancy of Parliament and the triumphant aristocracy of 1688, was never based on abstract principles of the rights of barons and landowners, but sprang from the positive, definite conviction that those who furnished arms and men for the king, or who paid certain moneys in taxation, were entitled to be heard in the councils of the king; and the charters given in the twelfth and thirteenth centuries—from Henry I. to Henry III.—confirmed this conviction. The resistance to the Stuarts was still based on the conviction that direct taxation conferred political privileges, but now the claim to speak in the great council of the realm had become a request to be listened to by the king, and passed rapidly from that to a resolution that the king should have no money from Parliament if he refused to listen. The practical inconvenience of a king altogether at variance with Parliament was held to be sufficient justification for getting rid of James II., and for hobbling all future kings with the Bill of Rights.

The dethronement of aristocracy in favour of democracy has proceeded on very similar lines. The mass of English people were far too wretched and far too ignorant at the end of the eighteenth century to care anything about abstract "rights of man," and only political philosophers and a few artisans hoped for improvement in their condition by Parliamentary reform. Agricultural England accepted the rule of landowners as an arrangement by providence. It was the industrial revolution that shattered the feudal notions of society, and created a manufacturing population which knew nothing of lowly submission to pastors and masters. A middle-class emerged from the very ranks of the working people. The factory system brought fortunes to men who a few years earlier had been artisans, and to these new capitalists in the nineteenth century the aristocracy in power was as irksome as the Stuarts had been to the Whigs. If, as the Whigs taught, those who paid the taxes were entitled to a voice in the government, then the manufacturing districts ought to send representatives to Parliament. It seemed monstrous that places like Manchester, Leeds, and Birmingham had no one in the House of Commons to plead for the needs of their inhabitants. The manufacturer wanted Parliamentary representation because he hoped through Parliament to secure the abolition of the political disabilities of Nonconformists, and to get financial changes made that would make the conditions of trade more profitable. And he felt that it would be better for the country if he and the class he represented could speak freely in Parliament.

The workman wanted the vote because he had been brought to believe that, possessing the vote, he could make Parliament enact laws that would lighten the hardships of his life. The whole of the manufacturing class—capitalist and workman alike—could see by 1820 that the House of Commons was the instrument of the electorate, and that to get power they must become electors. (Yet probably not one per cent. of them could express clearly any theory of popular sovereignty.) The old Whig families, kept out of office by the Tories whom George III. had placed in power, and who now controlled the House of Commons, supported reform and the enfranchisement of the middle class because they saw no way of getting back into power except by a new electorate and a redistribution of Parliamentary seats. At the beginning of the twentieth century the landowner, still Whig, though now, as a general rule enrolled with the Unionist Party, has not been excluded from political power, but the representatives of the middle-class and of the working people are predominant in the House of Commons. The claim of the House of Lords to reject the bills of the Commons has been, in our time, subjected to the criticism formerly extended to the royal prerogative, and an Act—the Parliament Act—has now been passed which formally requires the Lords to accept, without serious amendment, every Bill sent up from the Commons in three successive sessions.

The transition from monarchy to aristocracy in England was brought about at the price of civil war. In many countries democracy has been born in revolution, and the birth pains have been hard and bitter. But in England in the nineteenth century democracy was allowed to come into being by permission of the aristocracy, and has not yet reached its full stature. It is true that violence, bloodshed, loss of life, and destruction of property marked the passage of the great Reform Bill; that more than once riots and defiance of law and order have been the expression of industrial discontent; but on the whole the average Englishman is content to wait for the redress of wrongs by Parliamentary action. Women have quite recently defied the law, refused to pay taxes, and made use of "militant methods" in their agitation for enfranchisement. But the women's plea has been that, as they are voteless, these methods have been necessary to call attention to their demands. Democratic advance has often been hindered and delayed by government, and by a national disinclination from rapid political change; but as the character of government has changed with the changed character of the electorate and the House of Commons, so resistance to democracy has always been abandoned when the advance was widely supported, and further delay seemed dangerous to the public order.

The House of Lords is thus seen to yield to the popular representatives in the House of Commons, and the government, dependent on the House of Commons, to listen to the demand of women for enfranchisement.

While the House of Commons completes its assertion of political supremacy, and insists on the absolute responsibility of the chosen representatives of the electorate, the agitation for the enfranchisement of women is the reminder that democracy has yet to widen its borders. Progress to democracy in the last one hundred years is visible not only in the enlarged number of

enfranchised citizens, but in the general admission that every extension of the franchise has been to the public good; not only in the fact that men of all classes and trades now have their representatives in Parliament, but in the very wide acknowledgment that women without votes cannot get that attention by members of the House of Commons that is given to male electors. That the majority of electors have expressed a decided opinion that the power of the House of Lords should be curtailed, as the power of the monarchy has been curtailed, and that the decisions of the House of Commons are only to be corrected by the House of Commons, is evidence that under our obviously imperfect Parliamentary system the will of the electors does get registered on the Statute Book.

#### EDUCATION TO DEMOCRACY

Apart from the direct political education to democracy, it is well to note the other agencies that have been at work, preparing men and women for the responsible task of national self-government.

In the Middle Ages the religious guilds and the trade guilds, managed by their own members, gave men and women a training in democratic government. The parish, too, was a commune, and its affairs and finances were administered by duly elected officers.<sup>[2]</sup>

But the guilds, with their numerous almshouses and hospitals, were all suppressed early in Edward VI.'s reign, and their funds confiscated. As for the parish, it was shorn of all its property, save the parish church, in the same reign, and its old self-governing life dwindled away to the election of churchwardens.

It was not till the beginning of the nineteenth century that the working classes, by the formation of trade unions, once more took up the task of education in self-government. From that time onward, through trade unions, co-operative societies, and friendly societies, with their annual conferences and congresses, a steady training in democracy has been achieved; and our Labour Party of to-day, with its Members of Parliament, its members of county and district councils, and its Justices of the Peace, would hardly have been possible but for this training. Other agencies may be mentioned. The temperance movement, the organisation of working-men's clubs, and the local preaching of the Nonconformist Churches—particularly the Primitive Methodist denomination—have all helped to educate workmen in the conduct of affairs, and to create that sense of personal responsibility which is the only guarantee of an honest democracy.

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## CHAPTER I

### THE EARLY STRUGGLES AGAINST THE ABSOLUTISM OF THE CROWN

#### THE GREAT CHURCHMEN

We are far from any thoughts of democracy in the early struggles against the absolutism of the Crown. The old love of personal liberty that is said to have characterised the Anglo-Saxon had no political outlet under Norman feudalism. What we note is that three Archbishops of Canterbury were strong enough and brave enough to stand up against the unchecked rule of kings, and the names of these great Archbishops—Anselm, Thomas à Becket, and Stephen Langton—are to be honoured for all time for the services they rendered in the making of English liberties. Not one of the three was in any sense a democrat. It is not till the latter part of the fourteenth century that we find John Ball, a wandering, revolutionary priest, uttering for the first time in England a democratic doctrine. Anselm, Becket, and Langton did their work, as Simon of Montfort, and as Eliot and Hampden worked later, not for the sake of a democracy, but for the restriction of an intolerable autocracy. All along in English history liberties have been gained and enlarged by this process of restriction, and it was only when the powers of the Crown had been made subject to Parliament that it was possible, at the close of the nineteenth century, for Parliament itself to become converted from an assembly of aristocrats to a governing body that really represented the nation.

But in considering the rise of democracy we can no more omit the early struggles against the absolutism of the Crown than we can pass over Simon of Montfort's Parliament, or the unsuccessful popular revolts, or the war with Charles I., or the Whig revolution of 1688. They are all incidents of pre-democratic days, but they are all events of significance. Democracy is no new order of society, conceived in the fertile mind of man; it has been slowly evolved and brought to birth after centuries of struggle, to be tried as a form of government only when other forms are outgrown, and cease to be acceptable.

All the great men—heroic and faulty—who withstood the tyranny of their day, not only wrested charters from kings, they left a tradition of resistance; and this tradition has been of incalculable service to a nation seeking self-government. It is easy to dismiss the work of Anselm and Becket as mere disputes between monarch and Churchman, to treat lightly the battle for the Great Charter as a strife between king and barons. Just as easy is it to regard the Peasant Revolt of the fourteenth century and Jack Cade's rebellion in the fifteenth century as the tumults of a riotous mob. The great point is to see clearly in all these contests, successful and unsuccessful, the

movement for liberty, for greater security and expansion of life in England, and to note that only by a stern endurance and a willingness not to bear an irksome oppression have our liberties been won. In the winning of these liberties we have proved our fitness for democracy, for a government that will allow the fullest measure of self-development.

Now, what was it that Anselm contended for, first with William II. and then with Henry I.?

#### ARCHBISHOP ANSELM AND NORMAN AUTOCRACY

Anselm was sixty when, in 1093, William II. named him for the Archbishopric of Canterbury. In vain Anselm, who was Abbot of the famous monastery of Bec, in Normandy, protested that he was too old, and that his business was not with high place and power in this world. The King seemed to be dying, and the bishops gathered round the sick bed would not hear of any refusal on Anselm's part. They pushed the pastoral staff into his hands, and carried him off to a neighbouring church, while the people shouted "Long live the bishop!"

What everybody felt was that with Anselm as Archbishop things might be better in England, for Anselm's reputation stood very high. He had been the friend of Lanfranc, the late Archbishop; he had been an honoured guest at the Court of William the Conqueror; and he was known for his deep learning, his sanctity of life, and simple, disinterested devotion to duty. It was hoped that with a man of such holiness at Canterbury some restraint might be placed on the lawless tyranny of the Red King. Lanfranc had been the trusted counsellor and right hand of the Red King's father: why should not Anselm bring back the son to the paths of decency—at least? The Archbishop of Canterbury was the chief man in the realm next to the king, and for three years since Lanfranc's death the see had been kept vacant that William Rufus might enjoy its revenues for his own pleasure. It was not unreasonable that men should look to the appointment of Anselm as the beginning of an amendment in Church and State. The trouble was that William stuck to his evil courses.

The rule of William the Conqueror had been stern and harsh, and his hand had been heavy on the English people. But there had been law and justice in the rule; religion and morality had been respected, and peace and security obtained.

The rule of the Red King was not only grievous, it was arbitrary, capricious, cruel, and without semblance of law. The austerity of the Conqueror had been conspicuous; equally conspicuous was the debauchery of his son. The Conqueror had been faithful and conscientious in seeing that vacancies in the Church were filled up quickly and wisely. The Red King preferred to leave bishoprics and churches empty so that he might annex the profits. Lanfranc, a wise and just man, had been the Minister of the Conqueror; the Red King made Ranulf (nicknamed the Torch or Firebrand)—a clever, unprincipled clerk—Bishop of Durham and Justiciar. It was Ranulf who did the King's business in keeping churches and bishoprics vacant, in violation of law and custom; it was Ranulf who plundered the King's vassals and the people at large by every kind of extortion, thwarted the protests of Anselm, and encouraged William in his savage profligacies.

Meek and gentle as Anselm was, he had all the courage that comes of a lofty sense of responsibility to God, and he stood before kings as the Hebrew prophets of old had stood, calm and fearless. At Christmas, 1092, three months before his nomination to the See of Canterbury, Anselm was in England over the affairs of his monastery, and William invited him to Court and treated him with great display of honour. Then some private talk took place between the two, and Anselm said plainly that "Things were spoken daily of the King, openly or secretly, by nearly all the men of his realm, which were not seemly for the King's dignity." From that time Anselm stayed in England, for William refused to give him leave to return to Normandy.

Then in March, 1093 came the King's sickness, which most men expected to be mortal. Anselm was summoned, and on his arrival bade the King "make a clean confession of all that he knows that he has done against God, and promise that, should he recover, he will without pretence amend in all things. The King at once agreed to this, and with sorrow of heart engaged to do all that Anselm required and to keep justice and mercy all his life long. To this he pledged his faith, and made his bishops witness between himself and God, sending persons in his stead to promise his word to God on the altar. An edict was written and sealed with the King's seal that all prisoners should be set free in all his dominions, all debts forgiven, all offences heretofore committed pardoned and forgotten for ever. Further, good and holy laws were promised to the whole people, and the sacred upholding of right and such solemn inquest into wrongdoing as may deter others."<sup>[3]</sup>

William did not die, and his repentance was short-lived; but the one act of grace he did before leaving his sick bed was to fill up the empty throne at Canterbury by the appointment of Anselm—Anselm's protests of unfitness notwithstanding. Then, on the King's recovery, as though to make up for the penitence displayed, all the royal promises of amendment were broken without shame, and "all the evil which the King had wrought before he was sick seemed good by the side of the wrong which he did when he was returned to health." The prisoners who had been pardoned were sent back to prison, the debts which had been cancelled were re-claimed, and all legal actions which had been dropped were resumed. Anselm was now enthroned at Canterbury, and his appointment could not be revoked; but the King was quick to show his displeasure at the new Archbishop.

The first point raised by William was that those lands belonging to the See of Canterbury, which



had been made over to military vassals of the Crown while the archbishopric was vacant, should remain with their holders. Anselm said at once that this was impossible. He was responsible for the administration of all the estates of Canterbury, and to allow these lands to be alienated to the Crown was to rob the poor and needy who, it was held, had a just claim on the property of the Church. Besides, Anselm saw that the lands would never be restored once an Archbishop confirmed their appropriation by the King's military tenants. There was no one in all England save Anselm who dared withstand the Crown, and had he yielded on this matter resistance to the tyranny of the Red King would only have been harder on the next occasion.

Then came the question of a present of money to the King, the customary offering. Anselm brought five hundred marks (£333), a very considerable sum in those days, and William, persuaded by some of his courtiers that twice the amount ought to have been given, curtly declined the present. Anselm, who disliked the whole business of these gifts to the Crown, for he knew that many a Churchman bought his office by promising a "free" gift after institution, solemnly warned William that money given freely as his was given was better than a forced tribute, and to this William answered that he wanted neither the Archbishop's money nor his preaching or company.

Thereupon Anselm retired and gave the money to the poor, determined that he, for his part, would make no attempt to purchase William's goodwill. Henceforth William was equally determined that Anselm should have no peace in England. It was hateful to the King that there should be anyone in the realm who acknowledged a higher authority than the Crown, and Anselm made it too plain that the Archbishop rested his authority not on the favour of the Crown, but on the discipline of the Christian religion. William was King of England indisputably, but there was a higher power than the King, and that was the Pope. William himself never dreamed of denying the divine authority of the Pope in spiritual matters; no one in all Christendom in the eleventh and twelfth centuries questioned that at Rome was a court of appeal higher than the courts of kings. Strong rulers like William the Conqueror might decline to submit to Rome on a personal question of marriage, but Rome was the recognised centre of religion, the headquarters of the Christian Church, and the supreme court of appeal. Apart from Rome there was no power that could curb the fierce unbridled tyranny of the kings of the earth, and the power of Rome was a spiritual weapon, for the Pope had no army to enforce his decisions. So Anselm, conscious of this spiritual authority, refused to bow to the lawless rule of the Red King; and his very attitude, while it encouraged men to lift up their hearts who erstwhile had felt that it was hopeless and useless to strive against William,<sup>[4]</sup> enraged the Red King to fury.

The things he wanted to forget were that the chief representative of the Christian religion was a greater person than the King of England, and that the Archbishop of Canterbury could be a Christian minister rather than a King's man.<sup>[5]</sup> And Anselm was the constant witness to the Christian religion, and, by his very presence, a rebuke to the crimes and cruelties of the Court of the Red King. William actually wrote to the Pope, naturally without any success, praying him to depose Anselm, and promising a large annual tribute to Rome if the request was granted.

For years the uneven contest was waged. The bishops generally avoided Anselm, and were only anxious to be accepted by the King as good servants of the Crown, with the result that William despised them for their servility. But the barons began to declare their respect for the brave old man at Canterbury.

At last, when Anselm was summoned to appear before the King's Court, to "do the King right," on a trumped-up charge of having failed to send an adequate supply of troops for the King's service, he felt the position was hopeless. Anselm's longing had been to labour with the King, as Lanfranc had laboured, to promote religion in the country, and he had been frustrated at every turn. The summons to the King's Court was the last straw, for the defendant in this Court was entirely at the mercy of the Crown. "When, in Anglo-Norman times you speak of the King's Court, it is only a phrase for the King's despotism."<sup>[6]</sup> Anselm took no notice of the King's summons, and decided to appeal to Rome. For a time William refused permission for any departure from England, but he yielded in 1097, and Anselm set out for Rome.

He stayed at Rome and at Lyons till William was dead, for the Pope would not let him resign Canterbury, and could do nothing to bring the King to a better mind. Then, on the urgent request of Henry I., he returned to England, and for a time all went well. Henry was in earnest for the restoration of law and religion in England, and his declaration, at the very beginning of his reign—the oft-quoted "charter" of Henry I.—to stop the old scandals of selling and farming out Church lands, and to put down all unrighteousness that had been in his brother's time, was hailed with rejoicing.

Anselm stood loyally by Henry over the question of his marriage with Edith (who claimed release from vows taken under compulsion in a convent at Romsey), and his fidelity at the critical time when Robert of Normandy and the discontented nobles threatened the safety of the Crown was invaluable. But Henry was an absolutist, anxious for all the threads of power to be in his own hands; and just when a great Church Council at the Lateran had decided that bishops must not be invested by kings with the ring and staff of their office, because by such investiture they were the king's vassals, Henry decided to invite Anselm to receive the archbishopric afresh from the King's hands by a new act of investiture. To Anselm the abject submission of the bishops to the Red King had been a painful spectacle; and now Henry was making a demand that would emphasise the royal supremacy, and the demand was intolerable and impossible. Again Anselm stood practically alone in his resistance to the royal will, and again the question in dispute was

whether there was any power in England higher than the Crown. The papal supremacy was no more under discussion than it had been under William. All that Henry wanted was that the archbishops and bishops should acknowledge that their authority came from the Crown; and at Henry's request Anselm, then 70 years old, again journeyed to Rome to lay the matter before the Pope.

Pope Paschal was fully alive to the mischief of making the bishops and clergy mere officers of kings, and it was soon seen there could be no dispensations from Rome even for Henry. All that the Pope would allow was that bishops might do homage to the Crown for their temporal rights, and with this Henry had to be content.

It was three years later before Anselm returned, and his course was now nearly run. He died at peace on April 21st, 1109, having wrought to no small purpose for religious liberty and the independence of the clergy. (The demand for political and social independence always follows the struggle for independence in religion.) Anselm spent the greater part of his life after his enthronement at Canterbury in battling for independence of the Crown; a century later Archbishop Stephen was to carry the battle still further, and win wider liberties for England from the Crown.

Of Anselm's general love of liberty and hatred of all tyranny many stories are told. One fact may be recalled. The Church Synod, which met at Westminster in 1102, at Anselm's request, attacked the slave trade as a "wicked trade used hitherto in England, by which men are sold like brute animals," and framed a Church rule against its continuance.

In spite of this decree, serfdom lingered in England for centuries, but hiring superseded open buying and selling of men. (The African slave trade was the work of the Elizabethan seamen, and was excused, as slavery in the United States was excused, by the Protestant Churches on the ground of the racial inferiority of the negro.)

### **THOMAS À BECKET AND HENRY II.**

Resistance to autocracy is often more needed against a strong and just king than it is against an unprincipled profligate. Henry II.'s love of order and peace, the strength and energy he spent in curtailing the power of the barons, and in making firm the foundations of our national system of petty sessions and assize courts have made for him an enduring fame. Henry II. was a great lawyer; he was "the flower of the princes of his world," in contemporary eyes; but it was as an autocrat he would rule. Against this autocracy Thomas à Becket, Archbishop of Canterbury, protested, and the protest cost him five years of exile, and finally his life. The manner of his death earned for the Archbishop the title of martyr, and popular acclamation required him to be canonised as a saint,<sup>[7]</sup> and his name to be long cherished with deep devotion by the English people. Both Henry and Thomas stand out honourably, but the former would have brought all England under one great centralised authority, with the Crown not only predominant but absolute in its supremacy, and the Archbishop contended for the great mass of poor and needy people to mitigate the harshness of the law, and to maintain the liberties of the Church against the encroachments of sovereignty. "Nothing is more certain," as the old writer put it, "than that both strove earnestly to do the will of God, one for the sake of his realm, the other on behalf of his Church. But whether of the two was zealous in wisdom is not plain to man, who is so easily mistaken, but to the Lord, Who will judge between them at the last day."

Becket was the first English-born Archbishop of Canterbury since the Norman Conquest. Henry, on his accession, clove to him in friendship, made him Lord Chancellor in 1155, and on Archbishop Theobald's death, the monks of Canterbury at once accepted Henry's advice and elected him to the vacant see. Becket himself knew the King too well to desire the appointment, and warned Henry not to press the matter, and prophesied that their friendship would be turned to bitter enmity. But Henry's mind was made up. As Chancellor, Becket had shown no ecclesiastical bias. He had taxed clergy and laity with due impartiality, and his legal decisions had been given without fear or favour. Henry counted on Becket to act with the same indifference as Archbishop, to be the King's vicegerent during the royal absence in France. And here Henry, wise as he was in many things, mistook his man. As Chancellor of England Becket conceived his business to be the administration of the laws: as Archbishop he was first and foremost the champion of the Christian religion, the protector of the poor, and the defender of the liberties of the Church. All unwilling, like his great predecessor, St. Anselm, to become archbishop, from the hour of his consecration to the See of Canterbury, in 1162, Becket was as firm as Anselm had been in resisting the absolutism of the King. To the King's extreme annoyance the Chancellorship was at once given up—the only instance known of the voluntary resignation of the Chancellorship by layman or ecclesiastic,<sup>[8]</sup> and all the amusements of the Court and the business of the world were laid aside by the new archbishop. The care of his diocese, the relief of the poor and the sick, and attendance at the sacred offices of the Church were henceforth the work of the man who had been Henry's best-loved companion, and within a year of his enthronement friendship with the King was broken.

The first point at issue was whether there should be one common jurisdiction in all the land, or whether the Church courts should still exist. These Church courts had been set up by William the Conqueror and Lanfranc, in order that the clergy should not be mixed up in ordinary law matters, and should be excluded strictly from the common courts. No penalty involving bloodshed could be inflicted in the Church courts, and all the savage barbarities of mutilation, common enough as

punishments in the King's court, were forbidden. Henry II., apart from his strong desire for centralisation in government, wanted these Church courts abolished, because every clerk who offended against the law escaped ordinary punishment, no matter what the charge might be. Archbishop Thomas saw that in the Church courts there was some protection, not only for the clergy, but for all minor ecclesiastics, and for widows and orphans, against the horrible legal cruelties of the age. "It must be held in mind that the Archbishop had on his side the Church or *Canon Law*, which he had sworn to obey, and certainly the law courts erred as much on the side of harshness and cruelty as those of the Church on that of foolish pity towards evil doers."<sup>[9]</sup>

Before this dispute had reached its climax Thomas had boldly taken measures against some of the King's courtiers who were defrauding the See of Canterbury; and he had successfully withstood Henry's plan for turning the old Dane-geld shire tax, which was paid to the sheriff for the defence of the country and the up-keep of roads, into a tax to be collected by the Crown as part of the royal revenue. Thomas told the King plainly that this tax was a voluntary offering to be paid to the sheriffs only "so long as they shall serve as fitly and maintain and defend our defendants," and said point blank that he would not suffer a penny to be taken off his lands for the King's purposes. Henry was obliged to yield, and this is the first case known of resistance to the royal will in the matter of taxation.

The case of clerical offenders, and the jurisdiction of the courts came before a great council at Westminster in 1163. Henry declared that criminous clerks should be deprived of their office in the Church courts, and then handed over to the King's courts for punishment. Thomas replied that the proposal was contrary to the religious liberties of the land, but he met with little support from the rest of the bishops. "Better the liberties of the Church perish than that we perish ourselves," they cried in fear of the King. Henry followed up his proposal by calling on the bishops to abide by the old customs of the realm, as settled by his grandfather, Henry I., and to this they all agreed, adding "saving the rights of our order."

A list of the old customs was drawn up, and sixteen *Constitutions*, or articles, were presented to the bishops at the Great Council of Clarendon, in January, 1164. To many of these Constitutions Thomas objected; notably (1) That clerks were to be tried in the King's courts for offences of common law. (2) That neither archbishops, bishops, nor beneficed clerks were to leave the kingdom without royal permission. (This would not only stop appeals to Rome, it would make pilgrimages or attendance at General Councils impossible without the King's consent.) (3) That no member of the King's household was to be excommunicated without the King's permission. (4) That no appeals should be taken beyond the Archbishop's court, except to be brought before the King. (This definite prohibition of appeals to Rome left the King absolute master in England.) The last article declared that neither serfs nor the sons of villeins were to be ordained without the consent of the lord on whose land they were born. Against his own judgment Thomas yielded to the entreaties of the bishops, and agreed to accept the Constitutions of Clarendon, but no sooner had he done so than he bitterly repented, and wrote off to the Pope acknowledging his mistake. Pope Alexander III. was mainly anxious to prevent open hostilities between Henry and the Archbishop, and wrote calmly that he was absolved, without suggesting any blame to the King.

Henry now saw that the Archbishop, and only the Archbishop, stood in the way of the royal will, and when another Council met at Northampton, in October, 1164, the King was ready to drive Thomas out of office. Before this Council Thomas was charged with having refused justice to John, the Treasury-Marshall, and with contempt of the King's court, and was heavily fined. It was difficult to get sentence pronounced, for the barons declined to sit as judges on an archbishop; but at length, Henry, Bishop of Winchester, on the King's order, declared the sentence. Henry followed up the attack next day by calling upon Thomas to account for 30,000 marks spent by him while Chancellor. In vain he proved that the Justiciar had declared him free of all claims when he laid down the Chancellorship, that the charge was totally unexpected; the King refused to stay the proceedings unless Thomas would sign the Constitutions of Clarendon.

Consultation with the bishops brought no help. "The King has declared, so it is said, that he and you cannot both remain in England as king and archbishop. It would be much safer to resign everything and submit to his mercy"; thus spake Hilary, of Chichester, and his fellow-bishops all urged resignation or submission.

Two days later the Archbishop came into the Council in full robes with the Cross in his hand. Earl Robert, of Leicester, rose to pass sentence upon him and at once the Archbishop refused to hear him. "Neither law nor reason permit children to pass sentence on their father," he declared. "I will not hear this sentence of the King, or any judgment of yours. For, under God, I will be judged by the Pope alone, to whom before you all here I appeal, placing the Church of Canterbury under God's protection and the protection of the Pope."

There were shouts of anger at these words, and some tore rushes from the floor and flung at him, but no one dared to stop the Archbishop's passage as he passed from the hall. It was useless to look for help or justice in England, and that very night Thomas left England for Flanders to appeal to Rome.

But Pope Alexander could do no more for Thomas than his predecessor had done for Anselm; only he would not allow any resignation from Canterbury. Henry himself appealed to the Pope in 1166, fearing excommunication by the Archbishop; "thus by a strange fate it happened that the King, while striving for those 'ancient customs' by which he endeavoured to prevent any right of appeal (to the Pope), was doomed to confirm the right of appeal for his own safety." The Pope did

what he could to arrange a reconciliation, but it was not till 1170 that the King, seriously alarmed that Thomas would place England under an interdict, agreed to a reconciliation.

On December 1st the exile was over, and Thomas landed at Sandwich, and went at once to Canterbury. There were many who doubted whether there could be lasting peace between the King and the Archbishop, and while the bishops generally hated the Primate's return, the nobles spoke openly of him as a traitor to the King.

The end was near. Thomas, asked to withdraw the sentence of excommunication he had passed against the Archbishop of York and the Bishop of London and Salisbury for violating the privileges of Canterbury, answered that the matter must go before the Pope. The bishops, instead of going to Rome, hastened to Henry, who was keeping his Court at Bur, in France.

Henry, at the complaint of the bishops, broke out into one of those terrible fits of anger which overcame him from time to time, and four knights left the Court saying, "All this trouble will be at an end when Thomas is dead, and not before." On December 29th these knights were at Canterbury, and at nightfall, just when vespers had begun, they slew Archbishop Thomas by the great pillar in the Cathedral. So died this great Archbishop for the liberties of the Church, and, as it seemed to him, for the welfare of the people.

Henry was horrified at the news of the Archbishop's death, and hastened to beg absolution from Rome for the rash words that had provoked the murder. In the presence of the Papal legate he promised to give up the Constitutions of Clarendon, nor in the remaining eighteen years of his reign did Henry make any fresh attempt to bring the Church under the subjection of the Crown.

To the great bulk of English people Thomas was a saint and martyr, and numerous churches were dedicated in his name. More than three hundred years later Henry VIII. decided that St. Thomas was an enemy of princes, that his shrine at Canterbury must be destroyed, and his festival unhallowed. But the fame of Thomas à Becket has survived the censure of Henry VIII., and his name shines clearly across the centuries. Democracy has been made possible by the willingness of brave men in earlier centuries to resist, to the death, an absolutism that would have left England bound and chained to the king's throne.

#### STEPHEN LANGTON AND JOHN

Stephen Langton was consecrated Archbishop of Canterbury in June, 1207, on the nomination of Pope Innocent III.; the monks of Canterbury, who had proposed their own superior, consenting to the appointment, for Langton had a high reputation for learning and was known to be of exalted character. But King John, who had wanted a man of his own heart for the archbishopric—John of Gray, Bishop of Norwich, commonly spoken of as "a servant of Mammon, and an evil shepherd that devoured his own sheep"—was enraged, and refusing to acknowledge Langton, defied the Pope, drove the monks out of the country, and declared that anyone who acknowledged Stephen Langton as archbishop should be accounted a public enemy. So it came about that the great English statesman who broke down the foulest and worst tyranny the land had known, and won for England the Great Charter of its liberties, was a nominee of the Pope, and was to find himself under the displeasure of the Papal legate when the Charter had been signed! For six years John kept Stephen out of Canterbury, while England lay under an interdict, with its King excommunicate and outside the pale of the Church. Most of the bishops fled abroad, "fearing the King, but afraid to obey him for dread of the Pope," and John laid hands on Church property and filled the royal treasury with the spoils of churchmen and Jews. But in 1213 John's position had become precarious, for the northern barons were plotting his overthrow, and the Pope had absolved all his subjects from allegiance, and given sentence that "John should be thrust from his throne and another worthier than he should reign in his stead," naming Philip of France as his successor. John was aware that he could not count on the support of the barons in a war with France, and a prophecy of Peter, the Wakefield Hermit, that the crown would be lost before Ascension Day, made him afraid of dying excommunicate. Accordingly John decided to get the Pope on his side. He agreed to receive Pandulf, the Papal legate; to acknowledge Stephen; make good the damage done to the Church, and, in addition, voluntarily ("of our own good free will and by the common counsel of our barons") surrendered "to God and to the Holy Mother Church of Rome, and to Pope Innocent and his Catholic successors," the whole realm of England and Ireland, "with all rights thereunto appertaining, to receive them back and hold them thenceforth as a feudatory of God and the Roman Church." He swore fealty to the Pope for both realms, and promised a yearly tribute of 1,000 marks.

This abject submission to the Pope was a matter of policy. John cared nothing for any appearance of personal or national humiliation, and as he had broken faith with all in England, so, if it should suit his purpose, would he as readily break faith with Rome. But the immediate advantage of having the Pope for his protector seemed considerable. "For when once he had put himself under apostolical protection and made his realms a part of the patrimony of St. Peter, there was not in the Roman world a sovereign who durst attack him or would invade his lands, in such awe was Pope Innocent held above all his predecessors for many years past."<sup>[10]</sup>

Stephen landed in June, 1213, and at Winchester John was formally absolved and the coronation oaths were renewed. It was very soon seen what manner of man the Archbishop was. In August a great gathering of the barons took place in St. Paul's, and there Langton recited the coronation charter of Henry I., and told all those assembled that these rights and liberties were to be recovered; and "the barons swore they would fight for these liberties, even unto death if it were

needful, and the Archbishop promised that he would help with all his might." The weakness of the barons hitherto had been their want of cohesion, their endless personal feuds, and the lack of any feeling of national responsibility. Langton laboured to create a national party and to win recognition of law and justice for all in England; and the Great Charter was the issue of his work.

The state of things was intolerable. The whole administration of justice was corrupt. The decisions of the King's courts were as arbitrary as the methods employed to enforce sentence. Free men were arrested, evicted, exiled, and outlawed without even legal warrant or the semblance of a fair trial. All the machinery of government set up by the Norman kings, and developed under Henry II., had, in John's hands, become a mere instrument of despotic extortion, to be used against anybody and everybody, from earl to villein, who could be fleeced by the King's servants.

John saw the tide rising against him, and endeavoured to divide barons from Churchmen by proclaiming that the latter should have free and undisturbed right of election when bishoprics and other ecclesiastical offices were vacant. But the attempt failed. Langton was too resolute a statesman, and his conception of the primacy of Canterbury was too high for any turning back from the work he had set himself to accomplish. The rights of election in the Church were important, but the restoration of justice and order and the ending of tyranny were, in his eyes, hardly less important. John, who had been at war in France, returned defeated from his last attempt to recover for the Crown the lost Angevin provinces, to face a discontent that was both wide and general. The people, and in especial the barons and knights whom for fourteen years John had robbed, insulted, and spurned, and whose liberties he had trampled upon, were ready at last under wise leadership to end the oppression.

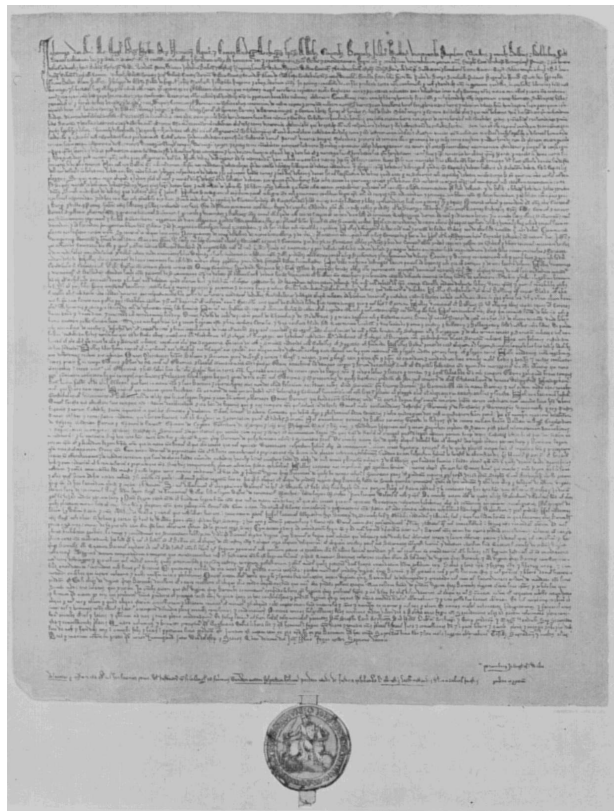
In November, 1214, the Archbishop saw that the time was come for action, and again the barons met in council. Before the high altar in the Abbey Church of St. Edmundsbury they swore that if the King sought to evade their demand for the laws and liberties of Henry I.'s charter, they would make war upon him until he pledged himself to confirm their rights in a charter under royal seal. "They also agreed that after Christmas they would go all together to the King and ask him for a confirmation of these liberties, and that meanwhile they would so provide themselves with horses and arms that if the King should seek to break his oath, they might, by seizing his castles, compel him to make satisfaction. And when these things were done every man returned to his own home."<sup>[11]</sup>

John now asked for time to consider these requests, and for the next six months worked hard to break up the barons' confederacy, to gain friends and supporters, and to get mercenaries from Poitou. It was all to no purpose. As a last resource he took the Cross, expecting to be saved as a crusader from attack, and at the same time he wrote to the Pope to help his faithful vassal. The Pope's letters rebuking the barons for conspiracy against the King were unheeded, and the mercenaries were inadequate when John was confronted by the whole baronage in arms.

### **THE GREAT CHARTER**

In May a list of articles to be signed was sent to John; and on his refusal the barons formally renounced their homage and fealty and flew to arms. John was forced to surrender before this host. On June 15th he met the barons at Runnymede, between Staines and Windsor, and there, in the presence of Archbishop Stephen and "a multitude of most illustrious knights," sealed the Great Charter of the Liberties of England.

This Great Charter was in the main a renewal of the old rights and liberties promised by Henry I. It set up no new rights, conferred no new privileges, and sanctioned no changes in the Constitution. Its real and lasting importance is due to its being a written document—for the first time in England it was down in black and white, for all to read, what the several rights and duties of King and people were, and in what the chief points of the Constitution consisted.



### MAGNA CHARTA

A facsimile of the Original in the British Museum.

The Great Charter is a great table of laws. It marks the beginning of written legislation, and anticipates Acts of Parliament. Unwritten laws and traditions were not abolished: they remain with us to this day; but the written law had become a necessity when "the bonds of unwritten custom" failed to restrain kings and barons. The Great Charter also took into account the rights of free men, and of the tenants of the King's vassals. If the barons and knights had their grievances to be redressed, the commons and the freeholding peasants needed protection against the lawless exactions of their overlords.<sup>[12]</sup>

Sixty-three clauses make up Magna Charta, and we may summarise them as follows:—

(1) The full rights and liberties of the Church are acknowledged; bishops shall be freely elected, so that the Church of England shall be free.<sup>[13]</sup>

(2-8) The King's tenants are to have their feudal rights secured against abuse. Widows—in the wardship of the Crown—are to be protected against robbery and against compulsion to a second marriage.

(9-11) The harsh rules for securing the payment of debts to the Crown and to the Jews (in whose debts the Crown had an interest) are to be relaxed.

(12-14) No scutage or aid (save for the three regular feudal aids—the ransom of the King, the knighting of his eldest son, and the marriage of his eldest daughter) is to be imposed except by the Common Council of the nation; and to this Council archbishops, bishops, abbots, earls, and greater barons are to be called by special writ, while all who held their land directly from the King, and were of lesser rank, were to be summoned by a general writ addressed to the sheriff of the county. Forty days' notice of the meeting was to be given, and also the cause of the assembly. The action of those who obeyed the summons was to be taken to represent the action of all.<sup>[14]</sup> (This last clause is never repeated in later confirmations of the Great Charter.)

(15-16) The powers of lords over their tenants are limited and defined.

(17-19) A Court of Common Pleas is to be held in some fixed place so that suitors are not obliged to follow the King's Curia. Cases touching the ownership of land are to be tried in the counties by visiting justices, and by four knights chosen by the county.

(20-23) No freeman is to be fined beyond his offence, and the penalty is to be fixed by a local jury. Earls and barons to be fined by their peers; and clerks only according to the amount of their lay property.

(24-33) The powers of sheriffs, constables, coroners, and bailiffs of the King are strictly defined. No sheriff is to be a justice in his own county. Royal officers are to pay for all the goods taken by requisition; money is not to be taken in lieu of service from those who are willing to perform the service. The horses and carts of freemen are not to be seized for royal work without consent. The

weirs in the Thames, Medway, and other rivers in England are to be removed.

(34-38) Uniformity of weights and measures is directed. Inquests are to be granted freely. The sole wardship of minors who have other lords will not be claimed by the King, except in special cases. No bailiff may force a man to ordeal without witnesses.

(39-40) No free man is to be taken, imprisoned, ousted of his land, outlawed, banished, or hurt in any way save by the judgment of his peers, or the law of the land. The King is not to sell, delay, or deny right or justice to anyone.

(41-42) Merchants may go out or come in without paying exorbitant customs. All "lawful" men are to have a free right to pass in and out of England in time of peace.

(44-47) An inquiry into the Forest Laws and a reform of the forest abuses are promised. All forests made in present reign to be disforested, and all fences in rivers thrown down.

(49-60) The foreign mercenaries of the King, all the detested gang that came with horses and arms to the hurt of the realm, are to be sent out of the country. The Welsh princes and the King of Scots (who had sided with the barons) are to have justice done. A general amnesty for all political offences arising from the struggle is made.

The last three articles appointed twenty-five barons, chosen out of the whole baronage, to watch over the keeping of the Charter. They were empowered to demand that any breach of the articles should at once be put right, and, in default to make war on the King till the matter was settled to their satisfaction. Finally there was the oath to be taken on the part of the King, and on the part of the barons that the articles of the Charter should be observed in good faith according to their plain meaning.

The Great Charter was signed, and then in a wild burst of rage John shouted to his foreign supporters, "They have given me five-and-twenty over-kings!"

Within a week of Runnymede the Great Charter was published throughout England, but neither King nor barons looked for peace. John was ready to break all oaths, and while he set about increasing his army of mercenaries, he also appealed to the Pope, as his overlord, protesting that the Charter had been wrested from him by force.

Langton and the bishops left for Rome to attend a general council. Pope Innocent declared the Charter annulled on the ground that both King and barons had made the Pope overlord of England, and that consequently nothing in the government could be changed without his consent. But with Langton, the bishops, and the Papal legate all away at Rome, there was no one to publish the Papal repudiation of the Charter, and the King and barons were already at civil war. Pope Innocent III. was dead in the spring of 1216, and John's wretched reign was over when the King lay dying at Newark in October.

Stephen Langton was back again at Canterbury in 1217, and for eleven more years worked with William the Marshall and Hubert of Burgh to maintain public peace and order during Henry III.'s boyhood. At Oxford, in 1223, the Charter was confirmed afresh, and two years later it was solemnly proclaimed again when the King wanted a new subsidy. As long as the great statesmen were in office Henry III. was saved from the weakness that cursed his rule in England for nearly forty years. But William the Marshall died in 1219, Archbishop Stephen in 1228, and Hubert was dismissed from the justiciarship in 1234. A horde of greedy aliens from Poitou fed at the Court of Henry and devoured the substance of England, until men arose, as Langton had arisen, to demand the enforcement of charters and a just administration of the laws.

Again a national party arises under the leadership of Simon of Montfort, and in their victory over the King we get the beginnings of Parliamentary government and popular representation. Every step forward is followed by reaction, but the ground lost is recovered, and the next step taken marks always a steady advance. Over and over again it has seemed that all the liberties won in the past were lost, but looking back we can see that there has been no lasting defeat of liberty. Only for a time have the forces of oppression triumphed; it is soon found impossible in England to rest under tyranny, or to govern without the consent of the governed. And every fresh campaign for the restriction of kingly power brings us nearer the day of democratic government.

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## CHAPTER II

### THE BEGINNING OF PARLIAMENTARY REPRESENTATION

#### DEMOCRACY AND REPRESENTATIVE GOVERNMENT

To-day democracy takes the form of representative government in civilised countries; and for representative government contend the nations and peoples seeking democracy.

The weak spots in all popular electoral systems are obvious, and the election of representatives is always a subject for jokes and satire. It could hardly be otherwise. For the best machinery in the world needs some sort of sympathetic intelligence in the person who manipulates it, and the machinery of popular elections can only be worked successfully with a large measure of sincerity

and good will. In the hands of the ambitious, the self-seeking, and the unscrupulous, democratic politics are a machine for frustrating popular representation, and as this state of things is always prevalent somewhere, the humorist and the satirist naturally treat politics without respect.

But in spite of all its faults and failings—glaring as these are—mankind can at present devise nothing better than representative government, and the abuse of power, the cunning, roguery, and corruption that too often accompany popular elections and democratic administration, rather stir honest men to action than make them incline to dictatorship and absolutism.

The present notion about representative government is that it makes possible the expression of popular will, and can ensure the fulfilment of that will. In the thirteenth century, when we get the beginnings of representative government, there is no question of the people making positive proposals in legislation, but there is a distinct belief that the consent of the governed ought to be obtained by the ruling power. The mere legal maxim from the Code of Justinian, that "that which touches all shall be approved by all,"<sup>[15]</sup> "becomes transmuted by Edward I. into a great political and constitutional principle."<sup>[16]</sup>

#### **REPRESENTATIVE THEORY FIRST FOUND IN ECCLESIASTICAL ASSEMBLIES**

More than a century earlier the first recorded appearances of town representatives are found in the Spanish Cortes of Aragon and Castile.<sup>[17]</sup> St. Dominic makes a representative form of government the rule in his Order of Preaching Friars, each priory sending two representatives to its provincial chapter, and each province sending two representatives to the general chapter of the Order.

In England, Simon of Montfort, the son of Simon, the great warrior of the Albigensian wars and the warm friend of Dominic, was in close association with the friars. Hence there was nothing so very remarkable in Earl Simon issuing writs for the Full Parliament of 1265 for the return of two burgesses from each city and borough. He had seen representative government at work among the friars in their chapters. Why should the plan be not equally useful in the government of the country?<sup>[18]</sup> There is no evidence that the summons to the burgesses was regarded as a revolutionary proposal—so lightly comes political change in England.

The name of Simon of Montfort, Earl of Leicester, must always be associated with the beginning of representative government in England. Let us recall how it was the great Earl came to be in power in 1265.

#### **THE MISRULE OF HENRY III.**

Henry III. was always in want of money, and his crew of royal parasites from Poitou drained the exchequer. Over and over again the barons called on the King to get rid of his favourites, and to end the misrule that afflicted the country; and the King from time to time gave promises of amendment. But the promises were always broken. As long as Henry could get money he was averse from all constitutional reform. In 1258 the barons were determined that a change must be made. "If the King can't do without us in war, he must listen to us in peace," they declared. "And what sort of peace is this when the King is led astray by bad counsellors, and the land is filled with foreign tyrants who grind down native-born Englishmen?"

William of Rishanger, a contemporary writer, expressed the popular feeling in well-known verses:

"The King that tries without advice to seek his country's weal  
Must often fail; he cannot know the wants and woes they feel.  
The Parliament must tell the King how he may serve them best,  
And he must see their wants fulfilled and injuries redressed.  
A King should seek his people's good and not his own sweet will.  
Nor think himself a slave because men hold him back from ill."

"The King's mistakes call for special treatment," said Richard, Earl of Gloucester.

#### **SIMON OF MONTFORT, LEADER OF THE NATIONAL PARTY**

So that year a Parliament met in Oxford, in the Dominican Priory. It was called the "Mad Parliament," because the barons all came to it fully armed, and civil war seemed imminent. But Earl Simon and Richard of Gloucester carried the barons with them in demanding reform. Henry was left without supporters, and civil war was put off for five years.

The work done at this Parliament of Oxford was an attempt to make the King abide loyally by the Great Charter; and the Provisions of Oxford, as they were called, set up a standing council of fifteen, by whom the King was to be guided, and ordered that Parliament was to meet three times a year: at Candlemas (February 2nd), on June 1st, and at Michaelmas. Four knights were to be chosen by the King's lesser freeholders in each county to attend this Parliament, and the baronage was to be represented by twelve commissioners.

It was an oligarchy that the Provisions of Oxford established, "intended rather to fetter the King than to extend or develop the action of the community at large. The baronial council clearly regards itself as competent to act on behalf of all the estates of the realm, and the expedient of



reducing the national deliberations to three sessions of select committees betrays a desire to abridge the frequent and somewhat irksome duty of attendance in Parliament rather than to share the central legislative and deliberative power with the whole body of the people. It must, however, be remembered that the scheme makes a very indistinct claim to the character of a final arrangement."<sup>[19]</sup>

For a time things went better in England. The aliens at Henry's Court fled over-seas, and their posts were filled by Englishmen. Parliament also promised that the vassals of the nobles should have better treatment, and that the sheriffs should be chosen by the shire-moots, the county freeholders.

But Henry's promises were quickly broken, and war broke out on the Welsh borders between Simon of Montfort's friend Llewellyn and Mortimer and the Marchers. Edward, Prince of Wales, stood by the Provisions of Oxford for a few years, but supported his father when the latter refused to re-confirm the Provisions in 1263. As a last resource to prevent civil war, Simon and Henry agreed to appeal to King Louis of France to arbitrate on the fulfilment of the Provisions. The Pope had already absolved Henry from obedience to the Provisions, and the Award of Louis, given at Amiens and called the *Mise of Amiens*, was entirely in Henry's favour. It annulled the Provisions of Oxford, left the King free to appoint his own ministers, council, and sheriffs, to employ aliens, and to enjoy power uncontrolled. But the former charters of the realm were declared inviolate, and no reprisals were to take place.

To Simon and most of the barons the Award was intolerable, and when Henry returned from France with a large force ready to take the vengeance which the Award had forbidden, civil war could not be prevented. London rallied to Simon, and Oxford, the Cinque Ports, and the friars were all on the side of the barons against the King.

On May 14th, 1264, a pitched battle at Lewes ended in complete victory for Simon, and found the King, Prince Edward, and the kinsmen and chief supporters of the Crown prisoners in his hands.

Peace was made, and a treaty—the *Mise of Lewes*—drawn up and signed. Once more the King promised to keep the Provisions and Charters, and to dismiss the aliens. He also agreed to live thriftily till his debts were paid, and to leave his sons as hostages with Earl Simon.

Simon at once set about the work of reform. The King's Standing, or Privy, Council was reconstituted, and the Parliamentary Commissioners were abolished, "for Simon held it as much a man's duty to think and work for his country as to fight for it." A marked difference is seen between Simon's policy at Oxford and the policy after Lewes. The Provisions of 1258 were restrictive. The Constitution of 1264 deliberately extended the limits of Parliament. "Either Simon's views of a Constitution had rapidly developed, or the influences which had checked them in 1258 were removed. Anyhow, he had genius to interpret the mind of the nation, and to anticipate the line which was taken by later progress."<sup>[20]</sup> What Simon wanted was the approval of all classes of the community for his plans, and to that end he issued writs for the Parliament—the *Full Parliament*—of 1265.

The great feature of this Parliament was that for the first time the burgesses of each city and borough were summoned to send two representatives. In addition, two knights were to come from each shire, and clergy and barons as usual—though in the case of the earls and barons only twenty-three were invited, for Simon had no desire for the presence of those who were his enemies. The Full Parliament sat till March, and then two months later war had once more blazed out. Earl Gilbert of Gloucester broke away from Simon, Prince Edward escaped from custody, and these two joined Lord Mortimer and the Welsh Marchers.

On August 4th Edward surprised and routed the army of the younger Simon near Kenilworth, and then advanced to crush the great Earl, who was encamped at Evesham, waiting to join forces with his son. All hope of escape for Earl Simon was lost, and he was outnumbered by seven to two. But fly he would not. One by one the barons who stood by Simon were cut down, but though wounded and dismounted, the great Earl "fought on to the last like a giant for the freedom of England, till a foot soldier stabbed him in the back under the mail, and he was borne down and slain." For three hours the unequal fight lasted in the midst of storm and darkness, and when it was over the Grey Friars carried the mangled body of the dead Earl into the priory at Evesham, and laid it before the high altar, for the poorer clergy and the common people all counted Simon of Montfort for a saint.

"Those who knew Simon praise his piety, admire his learning, and extol his prowess as a knight and skill as a general. They tell of his simple fare and plain russet dress, bear witness to his kindly speech and firm friendship to all good men, describe his angry scorn for liars and unjust men, and marvel at his zeal for truth and right, which was such that neither pleasure nor threats nor promises could turn him aside from keeping the oath he swore at Oxford; for he held up the good cause 'like a pillar that cannot be moved, and, like a second Josiah, esteemed righteousness the very healing of his soul.' As a statesman he wished to bind the King to rule according to law, and to make the King's Ministers responsible to a Full Parliament; and though he did not live to see the success of his policy, he had pointed out the way by which future statesmen might bring it about."<sup>[21]</sup>

In the hour of Simon's death it might seem that the cause of good government was utterly lost, and for a time Henry triumphed with a fierce reaction. But the very barons who had turned against Simon were quite determined that the Charters should be observed, and Edward was to

show, on his coming to the throne, that he had grasped even more fully than Simon the notion of a national representative assembly, and that he accepted the principle, "that which touches all shall be approved by all."

Henry III. died in 1272, and it was not till two years later that Edward I. was back in England from the crusades to take up the crown. It was an age of great lawgivers; an age that saw St. Louis ruling in France, Alfonso the Wise in Castile, the Emperor Frederick II.—the Wonder of the World—in Sicily. In England Edward shaped the Constitution and settled for future times the lines of Parliamentary representative government.

### **EDWARD I.'s MODEL PARLIAMENT, 1295**

For the first twenty years Edward's Parliaments were great assemblies of barons and knights, and it was not till 1295 that the famous Model Parliament was summoned. "It is very evident that common dangers must be met by measures concerted in common," ran the writ to the bishops. Every sheriff was to cause two knights to be elected from each shire, two citizens from each city, two burgesses from each borough. The clergy were to be fully represented from each cathedral and each diocese.

Hitherto Parliament, save in 1265, had been little else than a feudal court, a council of the King's tenants; it became, after 1295, a national assembly. Edward's plan was that the three estates—clergy, barons, and commons: those who pray, those who fight, and those who work—should be represented. But the clergy always stood aloof, preferring to meet in their own houses of convocation; and the archbishops, bishops, and greater abbots only attended because they were great holders of land and important feudal lords.

Although the knights of the shire were of much the same class as the barons, the latter received personal summons to attend, and the knights joined with the representatives of the cities and boroughs. So the two Houses of Parliament consisted of barons and bishops—lords spiritual and lords temporal—and knights and commons; and we have to-day the House of Lords and the House of Commons; the former, as in the thirteenth century, lords spiritual and temporal, the latter, representatives from counties and boroughs.

The admission of elected representatives was to move, in course of time, the centre of government from the Crown to the House of Commons; but in Edward I.'s reign Parliament was just a larger growth of the King's Council—the Council that Norman and Plantagenet kings relied on for assistance in the administration of justice and the collection of revenue. The judges of the supreme court were always summoned to Parliament, as the law lords sit in the Upper House to-day.

Money, or rather the raising of money, was the main cause for calling a Parliament. The clergy at first voted their own grants to the Crown in convocation, but came to agree to pay the taxes voted by Lords and Commons, And Lords and Commons, instead of making separate grants, joined in a common grant.

"And, as the bulk of the burden fell upon the Commons, they adopted a formula which placed the Commons in the foreground. The grant was made by the Commons, with the assent of the Lords spiritual and temporal. This formula appeared in 1395, and became the rule. In 1407, eight years after Henry IV. came to the throne, he assented to the important principle that money grants were to be initiated by the House of Commons, were not to be reported to the King until both Houses were agreed, and were to be reported by the Speaker of the Commons' House. This rule is strictly observed at the present day. When a money bill, such as the Finance bill for the year or the Appropriation bill, has been passed by the House of Commons and agreed to by the House of Lords, it is, unlike all other bills, returned to the House of Commons."<sup>[22]</sup> The Speaker, with his own hand, delivers all money bills to the Clerk of Parliaments, the officer whose business it is to signify the royal assent.

In addition to voting money, the Commons, on the assembly of Parliament, would petition for the redress of grievances. In the thirteenth and fourteenth centuries, they were not legislators, but petitioners for legislation; and as it often happened that their petitions were not granted in the form they asked, it became a matter of bitter complaint that the laws did not correspond with the petitions. Henry V. in 1414 granted the request that "nothing should be enacted to the petition of the Commons contrary to their asking, whereby they should be bound without their assent"; and from that time it became customary for bills to be sent up to the Crown instead of petitions, leaving the King the alternative of assent or reaction.

### **THE NOBILITY PREDOMINANT IN PARLIAMENT**

In the fourteenth and fifteenth centuries, the power of Parliament was strong enough to force the abdication of two kings—Edward II. and Richard II.—but not strong enough to free the land of the turbulent authority of the nobles. This authority went down in the struggles of the Lancastrians and Yorkists.

"The bloody faction fights known as the Wars of the Roses brought the Plantagenet dynasty to a close, weeded out the older nobility, and cleared the way for a new form of monarchy."<sup>[23]</sup>

"The high nobility killed itself out. The great barons who adhered to the 'Red Rose' or the 'White

Rose,' or who fluctuated from one to the other, became poorer, fewer, and less potent every year. When the great struggle ended at Bosworth, a large part of the greatest combatants were gone. The restless, aspiring, rich barons, who made the civil war, were broken by it. Henry VII. attained a kingdom in which there was a Parliament to advise, but scarcely a Parliament to control."<sup>[24]</sup>

It is important to note the ascendancy of the barons in the medieval Parliaments, and their self-destruction in the Wars of the Roses. Unless we realise how very largely the barons were the Parliament, it is difficult to understand how it came about that Parliament was so utterly impotent under the Tudors. The Wars of the Roses killed off the mighty parliamentarians, and it took a hundred years to raise the country landowners into a party which, under Eliot, Hampden, and Pym, was to make the House of Commons supreme.

"The civil wars of many years killed out the old councils (if I might so say): that is, destroyed three parts of the greater nobility, who were its most potent members, tired the small nobility and gentry, and overthrew the aristocratic organisation on which all previous effectual resistance to the sovereign had been based."<sup>[25]</sup>

To get an idea of the weakness of Parliament when the Tudors ruled, we have but to suppose at the present day a Parliament deprived of all front-bench men on both sides of the House, and of the leaders of the Irish and Labour parties, and a House of Lords deprived of all Ministers and ex-Ministers.

### THE MEDIEVAL NATIONAL ASSEMBLIES

Before passing to the Parliamentary revival of the seventeenth century, there still remain one or two points to be considered relating to the early national assemblies of the thirteenth and fourteenth centuries.

(1) *Who were the electors in the Middle Ages?*—In the counties, all who were entitled to attend and take part in the proceedings of the county court had the right of electing the knight of the shire; and "it is most probable, on the evidence of records, on the analogies of representative usage, and on the testimony of later facts, that the knights of the shire were elected by the full county court."<sup>[26]</sup>

The county court or shire-moot not only elected knights for Parliament; it often enough elected them for local purposes as well. The county coroner was elected in similar fashion by the county. All the chief tenants and small freeholders were therefore the county electors; but the tenants-in-chief (who held their lands from the Crown) and the knights of the county had naturally considerably more influence than the smaller men. "The chief lord of a great manor would have authority with his tenants, freeholders as they might be, which would make their theoretical equality a mere shadow, and would, moreover, be exercised all the more easily because the right which it usurped was one which the tenant neither understood nor cared for."<sup>[27]</sup>

It is difficult to decide to what extent the smaller freeholders could take an active interest in the affairs of the county. As for the office of knight of the shire, there was no competition in the thirteenth or fourteenth century for the honour of going to Parliament, and it is likely enough that the sheriff, upon whom rested the responsibility for the elections, would in some counties be obliged to nominate and compel the attendance of an unwilling candidate.

(2) *Payment of Parliamentary Representatives.*—The fact that Members of Parliament were paid by their constituents in the thirteenth, fourteenth, and fifteenth centuries<sup>[28]</sup> made certain small freeholders as anxious not to be included in the electorate as others were anxious not to be elected to Parliament. It was recognised as "fair that those persons who were excluded from the election should be exempt from contribution to the wages. And to many of the smaller freeholders the exemption from payment would be far more valuable than the privilege of voting."<sup>[29]</sup> But the Commons generally petitioned for payment to be made by all classes of freeholders, and when all allowance has been made for varying customs and for local diversities and territorial influence, it is safe to take it that the freeholders were the body of electors.

In 1430, the eighth year of Henry VI., an Act was passed ordering that electors must be resident in the country, and must have free land or tenement to the value of 40s. a year at least; and this Act was in operation till 1831.

The county franchise was a simple and straightforward matter compared with the methods of electing representatives from the boroughs. All that the sheriff was ordered to do by writ was to provide for the return of two members for each city or borough in his county; the places that were to be considered as boroughs were not named. In the Middle Ages a town might have no wish to be taxed for the wages of its Parliamentary representative, and in that case would do its best to come to an arrangement with the sheriff. (It was not till the sixteenth and seventeenth centuries that a considerable increase of boroughs took place. The Tudors created "pocket" and "rotten" boroughs in order to have the nominees of the Crown in Parliament.) The size of the borough bore no relation to its membership till the Reform Act of the nineteenth century, and as the selection of towns to be represented was arbitrary, so the franchise in the towns was equally unsettled. One or two places had a wide franchise, others confined the vote to freemen and corporation members. But in spite of the extraordinary vagaries of the borough franchise, and the arbitrary selection of towns to be represented, these early medieval Parliaments really did in

an imperfect way represent the nation—all but the peasants and artisans.

"Our English Parliaments were *unsymmetrical* realities. They were elected anyhow. The sheriff had a considerable licence in sending writs to boroughs, that is, he could in part pick its constituencies; and in each borough there was a rush and scramble for the franchise, so that the strongest local party got it whether few or many. But in England at that time there was a great and distinct desire to know the opinion of the nation, because there was a real and close necessity. The nation was wanted to do something—to assist the sovereign in some war, to pay some old debt, to contribute its force and aid in the critical juncture of the time. It would not have suited the ante-Tudor kings to have had a fictitious assembly; they would have lost their sole *feeler*, their only instrument for discovering national opinion. Nor could they have manufactured such an assembly if they wished. Looking at the mode of election, a theorist would say that these Parliaments were but 'chance' collections of influential Englishmen. There would be many corrections and limitations to add to that statement if it were wanted to make it accurate, but the statement itself hits exactly the principal excellence of these Parliaments. If not 'chance' collections of Englishmen, they were 'undesigned' collections; no administrations made them, or could make them. They were bona fide counsellors, whose opinion might be wise or unwise, but was anyhow of paramount importance, because their co-operation was wanted for what was in hand."<sup>[30]</sup>

(3) *The political position of women in the Middle Ages.*—Abbesses were summoned to the convocations of clergy in Edward I.'s reign. Peeresses were permitted to be represented by proxy in Parliament. The offices of sheriff, high constable, governor of a royal castle, and justice of the peace have all been held by women. In fact, the lady of the manor had the same rights as the lord of the manor, and joined with men who were freeholders in electing knights of the shire without question of sex disability.<sup>[31]</sup> (A survival of the medieval rights of women may be seen in the power of women to present clergy to benefices in the Church of England.)

In the towns women were members of various guilds and companies equally with men, and were burgesses and freewomen. Not till 1832 was the word "male" inserted before "persons" in the charters of boroughs. "Never before has the phrase 'male persons' appeared in any statute of the realm. By this Act (the Reform Bill), therefore, women were technically disfranchised for the first time in the history of the English Constitution. The privilege of abstention was converted into the penalty of exclusion."

#### NO THEORY OF DEMOCRACY IN THE MIDDLE AGES

The years of Simon of Montfort and Edward I., which saw the beginnings of a representative national assembly, were not a time of theoretical discussion on political rights. The English nation, indeed, has ever been averse from political theories. The notion of a carefully balanced constitution was outside the calculations of medieval statesmen, and the idea of political democracy was not included among their visions.

"Even the scholastic writers, amid their calculations of all possible combinations of principles in theology and morals, well aware of the difference between the 'rex politicus' who rules according to law, and the tyrant who rules without it, and of the characteristics of monarchy, aristocracy, and democracy, with their respective corruptions, contented themselves for the most part with balancing the spiritual and secular powers, and never broached the idea of a growth into political enfranchisement. Yet, in the long run, this has been the ideal towards which the healthy development of national life in Europe has constantly tended, only the steps towards it have not been taken to suit a preconceived theory."<sup>[32]</sup>

Each step towards democracy has been taken "to suit the convenience of party or the necessities of kings, to induce the newly admitted classes to give their money, to produce political contentment."

The only two principles that are apparent in the age-long struggles for political freedom in England, that are recognised and acknowledged, are: (1) That that which touches all shall be approved by all; (2) that government rests on the consent of the governed. Over and over again these two principles may be seen at work.

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### CHAPTER III

#### POPULAR INSURRECTION IN ENGLAND

##### GENERAL RESULTS OF POPULAR RISINGS

Popular insurrection has never been successful in England; a violent death and a traitor's doom have been the lot of every leader of the common people who took up arms against the Government. The Civil War that brought Charles I. to the scaffold, and the Revolution that deposed James II. and set William of Orange on the throne, were the work of country gentlemen and Whig statesmen, not of the labouring people.

But if England has never seen popular revolution triumphant and democracy set up by force of arms, the earlier centuries witnessed more than one effort to gain by open insurrection some measure of freedom for the working people of the land.

No other way than violent resistance seemed possible to peasants and artisans in the twelfth, fourteenth, fifteenth, and sixteenth centuries, if their wrongs were to be mitigated and their rulers to be called to account.

Langton and Simon of Montfort had placed some check on the power of the Crown, had laid the foundations of political liberty, and marked the road to be travelled; but the lot of the labouring people remained unheeded and voiceless in the councils of the nation. What could they do but take up arms to end an intolerable oppression?

### **WILLIAM FITZOSBERT, CALLED LONGBEARD, 1196**

The first serious protest came from the London workmen in the reign of Richard I.; and FitzOsbert, known as Longbeard, was the spokesman of the popular discontent.

The King wanted money, chiefly for his crusades in Palestine. He had no inclination to personal government, and the business of ruling England was in the hands of Hubert Walter, Archbishop of Canterbury, the justiciar or King's lieutenant. Richard left England for Normandy in 1194, and returned no more. England to him was a country where money could be raised, a subject-province to be bled by taxation. Archbishop Hubert did his best to satisfy the royal demands; and though by his inquisitions "England was reduced to poverty from one sea to the other"—it is estimated that more than £1,000,000 was sent to Richard in two years—the King was left unsatisfied. The nation generally came to hate the Archbishop's taxation, the Church suffered by his neglect, and he was finally compelled to resign the justiciarship.

It was the London rising, under FitzOsbert's leadership, that directly caused Archbishop Hubert's retirement, and FitzOsbert is notable as the first of the long line of agitators.

The political importance of the capital was seen in the reigns of Cnut and William the Conqueror. It was conspicuous on the arrival of Stephen in 1135, and its influence on national politics lasted till the middle of the nineteenth century.<sup>[33]</sup>

By its charter London had the right of raising taxes for the Crown in its own way, and in 1196 the method proposed by the Corporation provoked the outbreak. "When the aldermen assembled according to usage in full hustings for the purpose of assessing the taxes, the rulers endeavoured to spare their own purses and to levy the whole from the poor" (Hoveden).

The poorer citizens were voteless, and the plan of the aldermen was to levy the tallages per head, and not in proportion to the property of the inhabitants. This meant, practically, that the whole, except a very small fraction of the sum to be raised, must be paid by the working people.

Thereupon FitzOsbert protested, and the people rose in arms against the demand.

FitzOsbert was an old crusader, and he was something of a lawyer and a powerful speaker. Not a rich man by any means, FitzOsbert was yet a member of the city council when, "burning with zeal for justice and fair play, he made himself the champion of the poor." To his enemies he was a demagogue and disreputable—so Ralph de Diceto, Dean of St. Paul's at that time, described him. To others of more popular sympathies he was heroic and died a martyr's death. Across the centuries he is seen as "an agitator"—the first English agitator, the first man to stand up boldly against the oppression of the common people. This palpably unjust taxation of the poor was intolerable to FitzOsbert.

Fifteen thousand men banded themselves together in London under an oath that they would stand by each other and by their leader; and FitzOsbert, after a vain journey to Normandy to arouse Richard's attention to the wrongs of his subjects, bade open defiance to the justiciar and his tax-gatherers.

For a time the Archbishop's men were powerless, but weakness crept in amongst the citizens, and the aldermen were naturally on the side of constituted authority. FitzOsbert's success meant a readjustment of taxation quite unpalatable to the City Fathers.

In the end FitzOsbert was deserted by all but a handful of his followers and fled with them for sanctuary to the church of St. Mary-le-Bow in Cheapside. Pursued by the officers of the law, FitzOsbert climbed up into the tower of the church, and to fetch him down orders were given to set the church on fire. This was done, and the only chance of life that now remained for the rebels was to get out of the church and cut their way through the ranks of their enemies.

At the church door FitzOsbert was struck down, and his little company quickly overpowered.

Heavily chained, and badly wounded, FitzOsbert was carried off to the Tower, to be tried and sentenced to a traitor's death without delay.

A few days later—it was just before Easter—FitzOsbert was stripped naked, and dragged at the tail of a horse over the rough streets of London to Tyburn. He was dead before the place of execution was reached, but the body, broken and mangled, was hung up in chains under the gallows elm all the same; and nine of his companions were hanged with him.

The very people who had fallen away from their leader in the day of his need now counted FitzOsbert for a saint, and pieces of his gibbet and of the bloodstained earth underneath the tree were carried away and treasured as sacred relics. It was alleged that miracles were performed when these relics were touched—so wide was now the popular reverence for the dead champion of the poor.

Archbishop Hubert put a stop to this devotion by ordering sermons to be preached on FitzOsbert's iniquities; and an alleged death-bed confession, containing an account of many evil deeds, was published. It is likely enough that an old crusader had plenty of sins to answer for, but FitzOsbert's one crime before the law was that he had taught the people of London to stand up and resist by force of arms the payment of taxes—taxes levied with gross unfairness in popular judgment.

The monks of Canterbury, to whom the church of St. Mary-le-Bow in Cheapside belonged, had long had their own quarrels with Archbishop Hubert, and on this firing of their church, and the violation of sanctuary, they appealed to the King and the Pope—Innocent III.—that Hubert should give up his political work and attend exclusively to his duties as Archbishop. Both the Pope and the great barons were against him, and in 1198 Archbishop Hubert was compelled to resign the judiciary.

### **THE PEASANT REVOLT AND ITS LEADERS, 1381**

The great uprising of the peasants in 1381 was a very different matter from the local insurrection made by FitzOsbert. Two centuries had passed, and in those centuries the beginnings of representative government had been set up and some recognition of the rights of the peasantry had been admitted in the Great Charter.

The Peasant Revolt was national. It was carefully prepared and skilfully organised, and its leaders were men of power and ability—men of character. It was not only a definite protest against positive evils, but a vigorous attempt to create a new social order—to substitute a social democracy for feudal government.<sup>[34]</sup>

The old feudal order had been widely upset by the Black Death in 1349, and the further ravages of pestilence in 1361 and 1369. The heavy mortality left many country districts bereft of labour, and landowners were compelled to offer higher wages if agriculture was to go on. In vain Parliament passed Statutes of Labourers to prevent the peasant from securing an advance. These Acts of Parliament expressly forbade a rise in wages; the landless man or woman was "to serve the employer who shall require him to do so, and take only the wages which were accustomed to be taken in the neighbourhood two years before the pestilence." The scarcity of labour drove landowners to compete for the services of the labourer, in spite of Parliament.

Discontent was rife in those years of social change. The Statutes of Labourers were ineffectual; but they galled the labourers and kept serfdom alive. The tenants had their grievance because they were obliged to give labour-service to their lords. Freehold yeomen, town workmen, and shopkeepers were irritated by heavy taxation, and vexed by excessive market tolls. All the materials were at hand for open rebellion, and leaders were found as the days went by to kindle and direct the revolt.

John Ball, an itinerant priest, who came from St. Mary's, at York, and then made Colchester the centre of his wanderings, spent twenty years organising the revolt, and three times was excommunicated and imprisoned by the Archbishop of Canterbury for teaching social "errors, schisms, and scandals," but was in no wise contrite or cast down.

Chief of Ball's fellow-agitators were John Wraw, in Suffolk, Jack Straw, in Essex—both priests these—William Grindcobbe, in Hertford, and Geoffrey Litster, in Norfolk. In Kent lived Wat Tyler, of whom nothing is told till the revolt was actually afoot, but who at once was acknowledged leader and captain by the rebel hosts.

From village to village went John Ball in the years that preceded the rising, organising the peasants into clubs, and stirring the people with revolutionary talk. It was the way of this vagrant priest to preach to the people on village greens, and his discourses were all on the same text—"In the beginning of the world there were no bondmen, all men were created equal."<sup>[35]</sup> Inequalities of wealth and social position were to be ended:

"Good people, things will never go well in England, so long as goods be not kept in common, and so long as there be villeins and gentlemen. By what right are they whom men call lords greater folk than we? If all come from the same father and mother, Adam and Eve, how can they say or prove that they are better than we, if it be not that they make us gain for them by our toil what they spend in their pride?

"They are clothed in velvet, and are warm in their furs and ermines, while we are covered in rags. They have wine and spices and fair bread, and we oatcake and straw, and water to drink. They have leisure and fine houses; we have pain and labour, the wind and rain in the fields. And yet it is of us and of our toil that these men hold their state.

"We are called slaves; and if we do not perform our services, we are beaten, and we have not any sovereign to whom we can complain, or who wishes to hear us and do us justice."

The poet, William Langland, in "Piers Plowman," dwelt on the social wrongs of the time; Ball was fond of quoting from Langland, and of harping on a familiar couplet:

"When Adam delved and Eve span,  
Who was then the gentleman?"

Besides the sermons, some of the rhymed letters that John Ball sent about the country have been preserved:

"John Ball, Priest of St. Mary's, greets well all manner of men, and bids them in the name of the Trinity, Father, Son and Holy Ghost, to stand together manfully in truth. Help truth and truth shall help you.

"John Ball greeteth you all,  
And doth to understand he hath rung your bell.  
Now with right and might, will and skill,  
God speed every dell.

John the Miller asketh help to turn his mill right:  
He hath ground small, small:  
The King's Son of Heaven will pay for it all.  
Look thy mill go right, with its four sails dight.

With right and with might, with skill and with will,  
And let the post stand in steadfastness.  
Let right help might, and skill go before will,  
Then shall our mill go aright;  
But if might go before right, and will go before skill,  
Then is our mill mis-a-dight."

Sometimes it is under the signature of John Trueman that John Ball writes:

"Beware ere ye be woe;  
Know your friend from your foe;  
Take enough and cry "Ho!"  
And do well and better and flee from sin,  
And seek out peace and dwell therein—  
So biddeth John Trueman and all his fellows."

A more definite note was struck when it seemed to Ball and his colleagues that the time was ripe for revolution, and the word was given that appeal must be made to the boy-king—Richard was only eleven years old when he came to the throne in 1377.

"Let us go to the King, and remonstrate with him, telling him we must have it otherwise, or we ourselves shall find the remedy. He is young. If we wait on him in a body, all those who come under the name of serf, or are held in bondage, will follow us in the hope of being free. When the King shall see us we shall obtain a favourable answer, or we must then ourselves seek to amend our condition."

In another letter John Ball greets John Nameless, John the Miller, and John Carter, and bids them stand together in God's name, and beware of guile: he bids Piers Plowman "go to his work and chastise well Hob the Robber (Sir Robert Hales, the King's Treasurer); and take with you John Trueman and all his fellows, and look that you choose one head and no more."

These letters and the preaching were accepted by willing minds. John Ball was in prison—in the jail of Archbishop Sudbury at Maidstone—in the spring of 1381, but the peasants were organised and ready to revolt. If Wat Tyler is the recognised leader of the rebel forces—"the one head"—John Ball's was the work of preparing the uprising. The vagrant priest had rung his bell to some purpose. In every county, from Somerset to York, the peasants flocked together, "some armed with clubs, rusty swords, axes, with old bows reddened by the smoke of the chimney corner, and odd arrows with only one feather."

At Whitsuntide, early in June, 1381, the great uprising began—the Hurling time of the peasants—long to be remembered with horror by the governing classes. A badly ordered poll-tax was the match that kindled the fire.

The poll-tax was first levied, in 1377, on all over fourteen years of age. Two years later it was graduated, every man and woman of the working class being rated at 4d., and dukes and archbishops at £6 13s. 4d. More money was still wanted by the Government, and early in 1381, John of Gaunt, the chief man in the realm, called Parliament together at Northampton, and demanded £160,000. Parliament agreed that £100,000 should be raised, and the clergy—owning a third of the land—promised £60,000. But the only way of raising the £100,000 that the Government could think of was by another poll-tax, and this time everybody over fifteen was required to pay 1s. Of course, the thing was impossible. In many parishes the mere returns of population were not filled in; numbers evaded payment—which spelt ruin—by leaving their homes. £22,000 was all that came to hand.

Then a man named John Legge came to the assistance of the Government, and was appointed

chief commissioner, and empowered to collect the tax.

The methods of Legge and his assistants provoked hostility, and when the villagers of Fobbing, Corringham, and Stanford-le-Hope, in Essex, were summoned to meet the commissioner at Brentwood, their reply was to kill the collectors.

The Government answered this by sending down Chief Justice Belknap to punish the offenders, but the people drove the chief justice out of the place, and Belknap was glad to escape with his life.

This was on Whit-Sunday, June 2nd, and two days later the revolt had spread to Kent; Gravesend and Dartford were in tumult. In one place Sir Simon Burley, a friend of Richard II., seized a workman, claiming him as a bondservant, and refusing to let him go under a fine of £300; while at Dartford a tax-collector had made trouble by gross indecency to the wife and daughter of one John Tyler.<sup>[36]</sup>

Thereupon this John Tyler, "being at work in the same town tiling of an house, when he heard thereof, caught his lathing staff in his hand, and ran reaking home; where, reasoning with the collector, who made him so bold, the collector answered with stout words, and strake at the tyler; whereupon the tyler, avoiding the blow, smote the collector with his lathing staff, so that the brains flew out of his head. Wherethrough great noise arose in the streets, and the poor people being glad, everyone prepared to support the said John Tyler."

Now, with the fire of revolt in swift blaze, it was for the men of Kent to see that it burned under some direction. Authority and discipline were essential if the rising was not to become mob rule or mere anarchy, and if positive and intolerable wrongs were to find remedies.

At Maidstone, on June 7th—after Rochester Castle had been stormed, its prisoners set free and Sir John Newton its governor placed in safe custody—Wat Tyler was chosen captain of the rebel hosts.

History tells us nothing of the antecedents of this remarkable man. For eight days, and eight days only, he plays his part on the stage of national events: commands with authority a vast concourse of men; meets the King face to face, and wrests from sovereignty great promises of reform; orders the execution of the chief ministers of the Crown, and then, in what seems to be the hour of triumph, is struck to the ground, and goes to his death.

Under the accredited leadership of Wat Tyler the revolt at once took form. Five days were spent in Kent before the peasant army marched on London. The manor houses were attacked, and all rent rolls, legal documents, lists of tenants and serfs destroyed. The rising was not a ferocious massacre like the rising of the Jacquerie in France; there was no general massacre of landlords, or reign of terror. The lawyers who managed the landowners' estates were the enemy, and against them—against the instruments of landlord tyranny—was the anger of the peasants directed. In the same way John of Gaunt, and not the youthful King, was recognised as the evil influence in government; and while a vow was taken by the men of Kent that no man named "John" should be King of England, the popular cry was "King Richard and the Commons," and all who joined in this were accounted friends of the insurgent populace.

Blackheath was reached on the evening of June 12th, and early the following morning, which was Corpus Christi Day, John Ball—released by a thousand hands from his prison at Maidstone—preached to the multitude on the work before them:

"Now is the opportunity given to Englishmen, if they do but choose to take it, of casting off the yoke they have borne so long, of winning the freedom they have always desired. Wherefore, let us take good courage and behave like the wise husbandman of scripture, who gathered the wheat into his barn, but uprooted and burned the tares that had half-choked the good grain. The tares of England are her oppressive rulers, and the time of harvest has come. Ours it is to pluck up these tares and make away with them all—the wicked lords, the unjust judges, the lawyers—every man, indeed, who is dangerous to the common good. Then shall we all have peace in our time and security for the future. For when the great ones have been rooted up and cast away, all will enjoy equal freedom and nobility, rank and power shall we have in common."

Thirty-thousand men—yeomen, craftsmen, villeins, and peasants, were at Blackheath, and these were soon joined by thousands more from Surrey.

John Wraw and Grindcobbe came to consult with Wat Tyler, and then returned to Suffolk and Hertford to announce that the hour had come to strike.

The Marshalsea and King's Bench prisons, and the houses of ill-fame that clustered round London Bridge, were destroyed before Wat Tyler led his army into the city. An attempt to meet the King in conference was frustrated by the royal counsellors. Richard came down in the royal barge as far as Rotherhithe, but was dissuaded by Sir Robert Hales, and the Earls of Suffolk, Salisbury, and Warwick, from "holding speech with the shoeless ruffians."

Richard rowed back swiftly to the Tower, and Tyler and his army swept into London. The city was in the hands of the rebel captain, but the citizens welcomed the invaders, and offered bread and ale when Tyler proclaimed that death would be the instant punishment for theft.

John of Gaunt's palace at the Savoy, on the river strand, was the first place to be burnt; but Henry, Earl of Derby, John of Gaunt's son (eighteen years later to reign as Henry IV., in place of



Richard), was allowed to pass out uninjured, and a wretched man caught in the act of stealing off with a silver cup was promptly executed.

The Savoy destroyed, the Temple—a hive of lawyers—was the next to be burnt, and before nightfall the Fleet Prison and Newgate had been demolished.

Again Tyler demanded conference with the King, and Richard, lying in the Tower with his counsellors, unable to prevent the work of conference, boldly decided to come out and meet the rebels. Mile End was appointed for the conference, and to Mile End Richard came with a very modest retinue. The King was only fifteen, but he was the son of the Black Prince, and he had both courage and cunning. He was fully aware that the people did not lay on him responsibility for the sins of the Government. "If we measure intellectual power by the greatest exertion it ever displays, rather than by its average results, Richard II. was a man of considerable talents. He possessed along with much dissimulation a decisive promptitude in seizing the critical moment for action."<sup>[37]</sup>

At Mile End Tyler stated the grievances of the people. But first he asked that all traitors should be put to death, and to this the King agreed.

Four positive articles of reform were put forward, and were at once assented to by the King:—

1. A free and general pardon to all concerned in the rising.
2. The total abolition of all villeinage (forced labour) and serfdom.
3. An end to all tolls and market dues—"freedom to buy and sell in all cities, burghs, mercantile towns, and other places within our kingdom of England."
4. All customary tenants to become leaseholders at a fixed rental of fourpence an acre for ever.

That all doubts might be removed, thirty clerks were set to work on the spot to draw up charters of manumission, and banners were presented to each county. At nightfall thousands returned home convinced that the old order was ended, and that the Royal charters were genuine assurances of freedom.

But Tyler and the bulk of the men of Kent and Surrey remained in the city. It seemed to Wat Tyler that better terms still were to be wrung from the King. It looked that night as though the insurrection had triumphed completely. Not only were the charters signed and the royal promises given, but several in high office, whom Tyler held to be "traitors," had gone to their doom. Sir Robert Hales, the Treasurer, Archbishop Sudbury, the Chancellor—a gentle and kindly old man, "lenient to heretics"—John Legge, the hated poll-tax commissioner, with Appleton, John of Gaunt's chaplain, and Richard Lyons, a thoroughly corrupt contractor of Edward III.'s reign, were all dragged out of the Tower and beheaded on Tower Hill on Friday, June 15th.

On Tyler's request for another conference with Richard on the following day, the King saw he had no choice but to yield. For the second time Wat Tyler and Richard met face to face. The conference was held at Smithfield, in the square outside St. Bartholomew's Priory. The King and two hundred retainers, with Walworth the mayor, were on the east side of the square. Tyler and his army were on the west side, opposite the Priory.

In the open space Tyler, mounted on a little horse, presented his demands; more sweeping were the reforms now asked for than those of the previous day.

"Let no law but the law of Winchester<sup>[38]</sup> prevail throughout the land, and let no man be made an outlaw by the decree of judges and lawyers. Grant also that no lord shall henceforth exercise lordship over the commons; and since we are oppressed by so vast a horde of bishops and clerks, let there be but one bishop in England; and let the property and goods of Holy Church be divided fairly according to the needs of the people in each parish, after in justice making suitable provision for the present clergy and monks. Finally, let there be no more villeins in England, but grant us all to be free and of one condition."

Richard answered that he promised readily all that was asked, "if only it be consistent with the regality of my Crown." He then bade the commons return home, since their requests had been granted.

Nobles and counsellors stood in sullen and silent anger at the King's words, but were powerless to act. Tyler, conscious of victory, called for a draught, and when his attendant brought him a mighty tankard of ale, the rebel leader drank good-humouredly to "King Richard and the Commons." A knight in the royal service, a "valet of Kent," was heard to mutter that Wat Tyler was the greatest thief and robber in all the county, and Tyler caught the abusive words, drew his dagger, and made for the man.

Mayor Walworth, as angry as the nobles at the King's surrender, shouted that he would arrest all who drew weapons in the King's presence; and on Tyler striking at him impatiently, the Mayor drew a cutlass and slashed back, wounding Tyler in the neck so that he fell from his horse. Before he could recover a footing, two knights plunged their swords into him, and Tyler, mortally wounded, could only scramble on to his little horse, ride a yard or two, call on the commons to avenge him, and then drop—a dead man.<sup>[39]</sup>

And with Wat Tyler's death the whole rebellion collapsed. Confusion fell upon the people at

Smithfield. Some were for immediate attack, but when Richard, riding out into the middle of the square, claimed that he and not Tyler was their King, and bade them follow him into the fields towards Islington, the great mass, convinced that Richard was honestly their friend, obeyed. At nightfall they were scattered.

Wat Tyler's body was taken into the Priory, and his head placed on London Bridge.

Walworth hastily gathered troops together, and the leader of the rebels being dead, the nobles recovered their courage.

The rising was over; the people without leaders were as sheep for the slaughter. Jack Straw was taken in London and hanged without the formality of a trial; and on June 22nd Tresilian, the new chief justice, went on a special assize to try the rebels, and "showed mercy to none and made great havock." The King's charters and promises were declared null and void when Parliament met, and some hundreds of peasants were hanged in various parts of the country.

John Ball and Grindcobbe were hanged at St. Albans on July 15th, John Wraw and Geoffrey Litster suffered the same fate.

All that Wat Tyler and the peasants had striven for was lost; but the rising was not quite in vain. For one thing, the poll-tax was stopped, and the end of villeinage was hastened.

The great uprising was the first serious demonstration of the English people for personal liberty. "It taught the King's officers and gentle folks that they must treat the peasants like men if they wished them to behave quietly, and it led most landlords to set free their bondsmen, and to take fixed money payments instead of uncertain services from their customary tenants, so that in a hundred years' time there were very few bondsmen left in England."<sup>[40]</sup>

### **JACK CADE, CAPTAIN OF KENT, 1450**

To understand the character and importance of the rising of the men of Kent under Jack Cade in 1450, the first thing to be done is to clear the mind of Shakespeare's travesty in *King Henry VI.*, Part 2. In the play the name of Cade has been handed down in obloquy, and all that he and his followers aimed at caricatured out of recognition. The part that Jack Cade really played in national affairs has no likeness to the low comedy performance imagined by Shakespeare.

It was a popular rising in 1450, but it was not a peasant revolt. Men of substance in the county rallied to Cade's banner, and in many parishes in Kent the village constable was employed to enrol willing recruits in the army of disaffection.<sup>[41]</sup>

The peasant revolt was at bottom a social movement, fostered and fashioned by preachers of a social democracy. Cade's rising was provoked by misgovernment and directed at political reform. It was far less revolutionary in purpose than the revolt that preceded it, or the rising under Ket a hundred years later.

The discontent was general when Cade encamped on Blackheath with the commons of Kent at the end of May, 1450. Suffolk, the best hated of Henry VI.'s ministers, had already been put to death by the sailors of Dover, and Lord Say-and-Sele, the Treasurer, was in the Tower under impeachment. Ayscough, Bishop of Salisbury, another Minister, was hanged by his infuriated flock in Wiltshire, and Bishop Moleyns, of Chichester, Keeper of the Privy Seal, was executed in Portsmouth by a mob of sailors. Piracy prevailed unchecked in the English Channel, and the highways inland were haunted by robbers—soldiers back from France and broken in the wars.

The ablest statesman of the day, the Duke of York, was banished from the royal council, and there was a wide feeling that an improvement in government was impossible until York was recalled.

Whether Cade, who was known popularly as "Mortimer," was related to the Duke of York, or was merely a country landowner, can never be decided. The charges made against him after his death were not supported by a shred of evidence, but it was necessary then for the Government to blacken the character of the Captain of Kent for the utter discouragement of his followers. All we *know* of Cade is that by the Act of Attainder he must have been a man of some property in Surrey—probably a squire or yeoman.

The army that encamped on Blackheath numbered over 40,000, and included squires, yeomen, county gentlemen, and at least two notable ecclesiastics from Sussex, the Abbot of Battle and the Prior of Lewes. The testimony to Cade's character is that he was the unquestioned and warmly respected leader of the host. The Cade depicted by his enemies—a dissolute, disreputable ruffian—was not the kind of man to have had authority as a chosen captain over country gentlemen and clerical landowners in the fifteenth century.

The "Complaints" of the commons of Kent, drawn up at Blackheath and forwarded to the King and his Parliament, then sitting at Westminster, called attention in fifteen articles to the evils that afflicted the land. These articles dealt with a royal threat to lay waste Kent in revenge for the death of the Duke of Suffolk; the wasting of the royal revenue raised by heavy taxation; the banishment of the Duke of York—"to make room for unworthy ministers who would not do justice by law, but demanded bribes and gifts"; purveyance of goods for the royal household without payment; arrest and imprisonment on false charges of treason by persons whose goods and lands were subsequently seized by the King's servants, who then "either compassed their deaths or

kept them in prison while they got possession of their property by royal grant"; interference by "the great rulers of the land" with the old right of free election of knights of the shire; the mismanagement of the war in France. A certain number of purely local grievances, chiefly concerned with the maladministration of justice, were also included in the "Complaints," and five "Requests"—including the abolition of the Statutes of Labourers—were added.

Henry and his counsellors dismissed these "Complaints" with contempt. "Such proud rebels," it was said, "should rather be suppressed and tamed with violence and force than with fair words or amicable answer." But when the royal troops moved into Kent to disperse the rising, Cade's army cut them to pieces at Sevenoaks. Henry returned to London; his nobles rode away to their country houses; and after a fruitless attempt at negotiations by the Duke of Buckingham and the Archbishop of Canterbury,<sup>[42]</sup> the King himself fled to Kenilworth—leaving London at the mercy of the Captain of Kent.

On July 2nd Cade crossed London Bridge on horseback, followed by all his army. The Corporation had already decided to offer no opposition to his entry, and one of its members, Thomas Coker, of the Drapers' Company—later sheriff and M.P.—had gone freely between the camp at Blackheath and the city, acting as mutual friend to the rebels and the citizens. All that Cade required was that the foreign merchants in London should furnish him with a certain number of arms and horses, "and 1,000 marks of ready money"; and this was done. "So that it was found that the Captain and Kentishmen at their being in the city did no hurt to any stranger."<sup>[43]</sup>

On the old London stone, in Cannon Street, Cade laid his sword, in the presence of the Mayor and a great multitude of people, and declared proudly: "Now is Mortimer lord of this city." Then at nightfall he went back to his headquarters at the White Hart Inn in Southwark.

The following day Lord Say-and-Sele, and his son-in-law, Crowmer, Sheriff of Kent, were removed by Cade's orders from the Tower to the Guildhall, tried for "divers treasons" and "certain extortions," and quickly beheaded. Popular hatred, not content with this, placed the heads of the fallen minister and his son-in-law on poles, made them kiss in horrible embrace, and then bore them off in triumph to London Bridge.

A third man, one John Bailey, was also hanged for being a necromancer; and as Cade had promised death to all in his army convicted of theft, it fell out that certain "lawless men" paid the penalty for disobedience, and were hanged in Southwark—where the main body of the army lay.

Cade's difficulties began directly after Lord Say-and-Sele's execution. London assented willingly to the death of an unpopular statesman, but had no mind to provision an army of 50,000 men, and, indeed, had no liking for the proximity of such a host. Plunder being forbidden, and strict discipline the rule, the urgent question for the Captain of Kent was how the army was to be maintained.

Getting no voluntary help from the city. Cade decided that he must help himself. He supped with a worthy citizen named Curtis in Tower Street on July 4th, and insisted before he left that Curtis must contribute money for the support of the Kentish men. Curtis complied—how much he gave we know not—but he resented bitterly the demand, and he told the tale of his wrongs to his fellow-merchants.<sup>[44]</sup> The result was that while Cade slept in peace as usual at the White Hart, the Mayor and Corporation took counsel with Lord Scales, the Governor of the Tower, and resolved that at all costs the Captain of Kent and his forces must be kept out of the city. After the treatment of Curtis the fear was that disorder and pillage might become common.

On the evening of Sunday, July 5th, and all through the night battle waged hotly on London Bridge, which had been seized and fortified before Cade was awake, and by the morning the rebels, unsuccessful in their attack, were glad to agree to a hasty truce.

The truce gave opportunity to Cardinal Kemp, Archbishop of York, the King's Chancellor, to suggest a lasting peace to Cade. Messengers were sent speedily from the Tower, where Kemp, with Archbishop Stafford, of Canterbury, had stayed in safety, to the White Hart, urging a conference "to the end that the civil commotions and disturbances might cease and tranquillity be restored."

Cade consented, and when the two Archbishops, with William Waynfleet, Bishop of Winchester, met the Captain of Kent in the Church of St. Margaret, Southwark, and promised that Parliament should give consideration to the "Complaints" and "Requests" of the commons, and that a full pardon should be given to all who would straightway return home, the rising was at an end.

Cade hesitated, and asked for the endorsement of the pardons by Parliament; but this was plainly impossible because Parliament was not sitting. The bulk of the commons were satisfied with their pardons, and with the promise that Parliament would attend to their grievances. There was nothing to be gained, it seemed, by remaining in arms. On July 8th, the rebel army had broken up, taking the road back to the towns and villages, farms and cottages in Kent, Sussex, and Surrey. Cade, with a small band of followers, retreated to Rochester, and attempted without success, the capture of Queenborough Castle. On the news that the commons had dispersed from Southwark, the Government at once took the offensive. Alexander Iden was appointed Sheriff of Kent, and, marrying Crowmer's widow, subsequently gained considerable profit. Within a week John Cade was proclaimed by the King's writ a false traitor throughout the countryside, and Sheriff Iden was in eager pursuit—for a reward of 1,000 marks awaited the person who should take Cade, alive or dead.

Near Heathfield, in Sussex, Cade, broken and famished, was found by Iden, and fought his last fight on July 13th, preferring to die sword in hand than to perish by the hangman. He fell before the overwhelming odds of the sheriff and his troops, and the body was immediately sent off to London for identification.

The landlady of the White Hart proved the identity of the dead captain, and all that remained was to stick the head on London Bridge, and dispatch the quartered body to Blackheath, Norwich, Salisbury and Gloucester for public exhibition.

Iden got the 1,000 marks reward and, in addition, the governorship of Rochester Castle at a salary of £36 a year.

By special Act of Attainder all Cade's goods, lands and tenements were made forfeit to the Crown, and statements were published for the discrediting of Cade's life.

No allusion was made in Parliament to the "Complaints" and "Requests," and, in spite of Cardinal Kemp's pardons, a number of men were hanged at Canterbury and Rochester for their share in the rising, when Henry VI. and his justices visited Kent in January, 1451.

The revolt failed to amend the wretched misrule. It remained for civil war to drive Henry VI. from the throne, and make Edward IV. of York his successor.

### **THE NORFOLK RISING UNDER ROBERT KET, 1549**

A century after the rising of the commons of Kent came the last great popular rebellion—the Norfolk Rising, led by Ket. This insurrection was agrarian and social, concerned neither with the fierce theological differences of the time, nor with the political rivalries of Protector Somerset and his enemies in Edward VI.'s Council.

At the beginning of the sixteenth century England was in the main a nation of small farmers, but radical changes were taking place, and these changes meant ruin to thousands of yeomen and peasants.

The enclosure, by many large landowners, of the fields which for ages past had been cultivated by the country people, the turning of arable land into pasture, were the main causes of the distress.<sup>[45]</sup> Whole parishes were evicted in some places and dwelling houses destroyed, and contemporary writers are full of the miseries caused by these clearances.

Acts of Parliament were passed in 1489 and 1515, prohibiting the "pulling down of towns," and ordering the reversion of pasture lands to tillage, but the legislation was ignored. Sir Thomas More, in his "Utopia" (1516), described very vividly what the enclosures were doing to rural England; and a royal commission, appointed by Cardinal Wolsey, reported in the following year that more than 36,000 acres had been enclosed in seven Midland counties. In some cases, waste lands only were enclosed, but landowners were ordered to make restitution within forty days where small occupiers had been dispossessed. Royal commissions and royal proclamations were no more effective than Acts of Parliament. Bad harvests drove the Norfolk peasantry to riot for food in 1527 and 1529. The dissolution of the monasteries in 1536 and 1539 abolished a great source of charity for the needy, and increased the social disorder. Finally, in 1547, came the confiscation by the Crown of the property of the guilds and brotherhoods, and the result of this enactment can only be realised by supposing the funds of friendly societies, trade unions, and co-operative societies taken by Government to-day without compensation.

All that Parliament would do in the face of the starvation and unemployment that brooded over many parts of England, was to pass penal legislation for the homeless and workless—so that it seemed to many that Government had got rid of Papal authority only to bring back slavery. The agrarian misery, the violent changes in the order of church services and social customs, the confiscation of the funds of the guilds, and the wanton spoiling of the parish churches<sup>[46]</sup>—all these things drove the people to revolt.

Early in 1549 the men of Devon and Cornwall took up arms for "the old religion," and were hanged by scores. In Norfolk that same year the rising under Ket was social, and unconcerned with religion. Lesser agrarian disturbances took place in Somerset, Lincoln, Essex, Kent, Oxford, Wilts, and Buckingham. But there was no cohesion amongst the insurgents, and no organisation of the peasants such as England had seen under John Ball and his companion in 1381.

In 1548 Somerset, the Lord Protector, made an honest attempt to check the rapacity of the landowners, but his proclamation and royal commission were no more successful than Wolsey's had been, and only earned for the Protector the hatred of the landowners.

The Norfolk Rising was the one strong movement to turn the current that was sweeping the peasants into destitution. It failed, as all popular insurrection in England has failed, and it brought its leaders to the gallows; but for six weeks hope lifted its head in the rebel camp outside Norwich, and many believed that oppression and misery were to end.

The rising began at Attleborough, on June 20th, when the people pulled down the fences and hedges set up round the common fields. On July 7th, at the annual feast in honour of St. Thomas of Canterbury, at Wymondham, a mighty concourse of people broke down the fences at Hetherset, and then appealed to Robert Ket and his brother to help them.

Both the Kets were well-known locally. They were men of old family, craftsmen, and landowners. Robert was a tanner by trade, William a butcher. Three manors—valued at 1,000 marks, with a yearly income of £50—belonged to Robert Ket: church lands mostly, leased from the Earl of Warwick.

Ket saw that only under leadership and guidance could the revolt become a revolution, and he threw himself into the cause of his poorer neighbours with whole-hearted fervour. "I am ready," he said, "and will be ready at all times to do whatever, not only to repress, but to subdue the power of great men. Whatsoever lands I have enclosed shall again be made common unto ye and all men, and my own hands shall first perform it. You shall have me, if you will, not only as a companion, but as a captain; and in the doing of the so great a work before us, not only as a fellow, but for a leader, author, and principal."

Ket's leadership was at once acclaimed with enthusiasm by the thousand men who formed the rebel band at the beginning of the rising. The news spread quickly that Ket was leading an army to Norwich, and on July 10th, when a camp was made at Eaton Wood, every hour brought fresh recruits. It is clear from Ket's speeches, and from "The Rebels' Complaint," issued by him at this time, that the aim of the leaders of the Norfolk Rising was not merely to stop the enclosures, but to end the ascendancy of the landlord class for all time, and to set up a social democracy.

Ket's address at Eaton Wood was revolutionary:

"Now are ye overtopped and trodden down by gentlemen, and put out of possibility ever to recover foot. Rivers of riches run into the coffers of your landlords, while you are par'd to the quick, and fed upon pease and oats like beasts. You are fleeced by these landlords for their private benefit, and as well kept under by the public burdens of State, wherein while the richer sort favour themselves, ye are gnawn to the very bones. Your tyrannous masters often implead, arrest, and cast you into prison, so that they may the more terrify and torture you in your minds, and wind your necks more surely under their arms.... Harmless counsels are fit for tame fools; for you who have already stirred, there is no hope but in adventuring boldly."

"The Rebels' Complaint" is equally definite and outspoken. It rehearsed the wrongs of a landless peasantry, and called on the people to end these wrongs by open rebellion. The note of social equality is struck by Ket throughout the rising.

"The present condition of possessing land seemeth miserable and slavish—holding it all at the pleasure of great men; not freely, but by prescription, and, as it were, at the will and pleasure of the lord. For as soon as any man offend any of these gorgeous gentlemen, he is put out, deprived, and thrust from all his goods.

"The common pastures left by our predecessors for our relief and our children are taken away.

"The lands which in the memory of our fathers were common, those are ditched and hedged in and made several; the pastures are enclosed, and we shut out.

"We can no longer bear so much, so great, and so cruel injury; neither can we with quiet minds behold so great covetousness, excess, and pride of the nobility. We will rather take arms, and mix Heaven and earth together, than endure so great cruelty.

"Nature hath provided for us, as well as for them; hath given us a body and a soul, and hath not envied us other things. While we have the same form, and the same condition of birth together with them, why should they have a life so unlike unto ours, and differ so far from us in calling?

"We see that things have now come to extremities, and we will prove the extremity. We will rend down hedges, fill up ditches, and make a way for every man into the common pasture. Finally, we will lay all even with the ground, which they, no less wickedly than cruelly and covetously, have enclosed.

"We desire liberty and an indifferent (or equal) use of all things. This will we have. Otherwise these tumults and our lives shall only be ended together."

But though the method was revolution and the goal social democracy, Ket was no anarchist. He proved himself a strong, capable leader, able to enforce discipline and maintain law and order in the rebel camp. And with all his passionate hatred against the rule of the landlord, Ket would allow neither massacre nor murder. There is no evidence that the life of a single landowner was taken while the rising lasted, though many were brought captive to Ket's judgment seat.

Ket was equally averse from civil war between the citizens of Norwich and the peasants. When the Mayor of Norwich, Thomas Cod, refused to allow Ket's army to cross the city on its way to Mousehold Heath, where the permanent camp was to be made, Ket simply led his forces round by Hailsdon and Drayton, and so reached Mousehold on July 12th without bloodshed. A week later, and 20,000 was the number enrolled under the banner of revolt—for the publication of "The Rebels' Complaint" and the ringing of bells and firing of beacons roused all the countryside to action.

On Mousehold Heath, Robert Ket, with his brother William, gave directions and administered justice under a great tree, called the Oak of Reformation. Mayor Cod, and two other respected Norwich citizens, Aldrich, an alderman, and Watson, a preacher, joined Ket's council, thinking their influence might restrain the rebels from worse doings.

Twenty-nine "Requests and Demands," signed by Ket, Cod, and Aldrich, were dispatched to the King from Mousehold, and this document gave in full the grievances of the rebels. The chief demands were the cessation of enclosures, the enactment of fair rents, the restoration of common fishing rights, the appointment of resident clergymen to preach and instruct the children, and the free election or appointment of local "commissioners" for the enforcement of the laws. There was also a request "that all bond men may be made free, for God made all free with His precious bloodshedding."

The only answer to the "Requests and Demands" was the arrival of a herald with a promise that Parliament would meet in October to consider the grievances, if the people would in the meantime quietly return to their homes.

But this Ket would by no means agree to, and for the next few weeks his authority was supreme in that part of the country. He established a rough constitution for the prevention of mere disorder, two men being chosen by their fellows from the various hundreds of the eastern half of the county. A royal messenger, bearing commissions of the peace to certain country gentlemen, falling into the hands of Ket, was relieved of his documents and dismissed. Ket then put in these commissions the names of men who had joined the rising, and declared them magistrates with authority to check all disobedience to orders.

To feed the army at Mousehold, men were sent out with a warrant from Ket for obtaining cattle and corn from the country houses, and "to beware of robbing, spoiling, and other evil demeanours." No violence or injury was to be done to "any honest or poor man." Contributions came in from the smaller yeomen "with much private good-will," but the landowners generally were stricken with panic, and let the rebels do what they liked. Those who could not escape by flight were, for the most part, brought captive to the Oak of Reformation, and thence sent to the prisons in Norwich and St. Leonard's Hill.

Relations between Ket and the Norwich authorities soon became strained to breaking point. Mayor Cod was shocked at the imprisonment of county gentlemen, and refused permission for Ket's troops to pass through the city on their foraging expeditions. Citizens and rebels were in conflict on July 21st, but "for lack of powder and want of skill in the gunners" few lives were lost, and Norwich was in the hands of Ket the following day. No reprisals followed; but a week later came William Parr, Marquis of Northampton—Henry VIII.'s brother-in-law—with 1,500 Italian mercenaries and a body of country squires, to destroy the rebels. Northampton's forces were routed utterly, and Lord Sheffield was slain, and many houses and gates were burnt in the city.

Then for three weeks longer Robert Ket remained in power, still hoping against hope that some attention would be given by the Government to his "Requests and Demands." Protector Somerset, beset by his own difficulties, could do nothing for rebellious peasants, could not countenance in any way an armed revolt, however great the miseries that provoked insurrection. The Earl of Warwick was dispatched with 14,000 troops to end the rebellion, and arrived on August 24th. For two days the issue seemed uncertain—half the city only was in Warwick's hands. The arrival of 1,400 mercenaries—"lanzknights," Germans mostly—and a fatal decision of the rebels to leave their vantage ground at Mousehold Heath and do battle in the open valley that stretched towards the city, gave complete victory to Warwick.

The peasants poured into the meadows beyond Magdalen and Pockthorpe gates, and were cut to pieces by the professional soldiers.

When all seemed over Ket galloped away to the north, but was taken, worn out, at the village of Swannington, eight miles from Norwich.

More than 400 peasants were hanged by Warwick's orders, and their bodies left to swing on Mousehold and in the city. Robert Ket and William Ket were sent to London, and after being tried and condemned for high treason, were returned to Norwich in December for execution. Robert Ket was hanged in chains from Norwich Castle, and William suffered in similar fashion from the parish church at Wymondham—to remind all people of the fate that befell those who venture, unsuccessfully, to take up arms against the government in power.

So the Norfolk Rising ended, and with it ended all serious popular insurrection in England. Riots and mob violence have been seen even to our own time, but no great, well-organised movement to overthrow authority and establish a social democracy by force of arms has been attempted since 1549.

The characters of Robert Ket and his brother have been vindicated by time, and the rebel leader is now recognised as a disinterested, capable, high-minded man. Ket took what seemed to him the only possible course to avert the doom of a ruined peasantry, and failed. But his courage and humaneness are beyond question.<sup>[47]</sup>

The enclosures did not end with the sixteenth century, and for another one hundred years complaints are heard of the steady depopulation of rural England. In the eighteenth century came the second great series of enclosures—the enclosing of the commons and waste spaces, by Acts of Parliament. Between 1710 and 1867 no less than 7,660,439 acres were thus enclosed.

To-day the questions of land tenure and land ownership are conspicuous items in the discussion of the whole social question, for the relations of a people to its land are of very first importance in a democratic state.

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## CHAPTER IV

### THE STRUGGLE RENEWED AGAINST THE CROWN

#### PARLIAMENT UNDER THE TUDORS

The English Parliament throughout the sixteenth century was but a servile instrument of the Crown. The great barons were dead. Henry VIII. put to death Sir Thomas More and all who questioned the royal absolutism. Elizabeth, equally despotic, had by good fortune the services of the first generation of professional statesmen that England produced. These statesmen—Burleigh, Sir Nicholas Bacon, Sir Walter Mildmay, Sir Thomas Smith, and Sir Francis Walsingham—all died in office. Burleigh was minister for forty years, Bacon and Mildmay for more than twenty, and Smith and Walsingham for eighteen years.<sup>[48]</sup>



**SIR JOHN ELIOT**

Parliament was not only intimidated by Henry VIII. and Elizabeth, its membership was recruited by nominees of the Crown.<sup>[49]</sup> And then it is also to be borne in mind that both Henry and Elizabeth made a point of getting Parliament to do their will. They governed through Parliament, and ruled triumphantly, for it is only in the later years of Elizabeth that any discontent is heard. The Stuarts, far less tyrannical, came to grief just because they never understood the importance of Parliament in the eyes of Englishmen in the middle ranks, and attempted to rule while ignoring the House of Commons.

Elizabeth scolded her Parliaments, and more than once called the Speaker of the House of Commons to account. The business of Tudor Parliaments was to decree the proposals of the Crown. "Liberty of speech was granted in respect of the aye or no, but not that everybody should speak what he listed." Bacon declared, "the Queen hath both enlarging and restraining power; she may set at liberty things restrained by statute and may restrain things which be at liberty."

Yet Elizabeth raised no objection to the theory that Parliament was the sovereign power, for her authority controlled Parliament; and so we have Sir Thomas Smith writing in 1589 that "the most high and absolute power of the realm of England consisteth in the Parliament."

In his "Ecclesiastical Polity," Book I. (1592-3), Hooker argues that "Laws human, of what kind soever are available by consent," and that "laws they are not which public approbation hath not made so"; deciding explicitly that sovereignty rests ultimately in the people.

#### VICTORY OF PARLIAMENT OVER THE STUARTS

When he came to the throne in 1603, James I. was prepared to govern with all the Tudor

absolutism, but he had neither Elizabeth's Ministers—Cecil excepted—nor her knowledge of the English mind. The English Parliament and the English people had put up with Elizabeth's headstrong, capricious rule, because it had been a strong rule, and the nation had obviously thriven under it.<sup>[50]</sup> But it was another matter altogether when James I. was king.

"By many steps the slavish Parliament of Henry VIII. grew into the murmuring Parliament of Queen Elizabeth, the mutinous Parliament of James I., and the rebellious Parliament of Charles I."

The twenty years of James I.'s reign saw the preaching up of the doctrine of the divine right of kings by the bishops of the Established Church, and the growing resolution of the Commons to revive their earlier rights and privileges. If the Stuarts were as unfortunate in their choice of Ministers as Elizabeth had been successful, the House of Commons was equally happy in the remarkable men who became its spokesmen and leaders. In the years that preceded the Civil War—1626-42—three men are conspicuous on the Parliamentary side: Eliot, Hampden, and Pym. All three were country gentlemen, of good estate, high principle, and religious convictions<sup>[51]</sup>—men of courage and resolution, and of blameless personal character. Eliot died in prison, in the cause of good government, in 1632; Hampden fell on Chalgrove Field in 1643.

As in earlier centuries the struggle in the seventeenth century between the King and the Commons turned mainly on the questions of taxation. (At the same time an additional cause of dispute can be found in the religious differences between Charles I. and the Parliamentarians. The latter were mainly Puritan, accepting the Protestantism of the Church of England, but hating Catholicism and the high-church views of Laud. The King was in full sympathy with high Anglicanism, and, like his father, willing to relax the penal laws against Catholics.)

"By the ancient laws and liberties of England it is the known birthright and inheritance of the subject that no tax, tallage, or other charge shall be levied or imposed but by common consent in England, and that the subsidies of tonnage and poundage are no way due or payable but by a free gift and special Act of Parliament."

In these memorable words began the declaration moved by Sir John Eliot in the House of Commons on March 2nd, 1629. A royal message ordering the adjournment of the House was disregarded, the Speaker was held down in his chair, and the key of the House of Commons was turned against intrusion, while Eliot's resolutions, declaring that the privileges of the Commons must be preserved, were carried with enthusiasm.

Charles answered these resolutions by dissolving Parliament and sending Eliot to the Tower.

For eleven years no Parliament was summoned. Eliot refused altogether to make any defence for his Parliamentary conduct. "I hold that it is against the privilege of Parliament to speak of anything which is done in the House," was his reply to the Crown lawyers. So Sir John Eliot was left in prison, for nothing would induce this devoted believer in representative government to yield to the royal pressure, and three years later, at the age of forty-two, he died in the Tower.

It was for the liberties of the House of Commons that Eliot gave his life. Wasted with sickness, health and freedom were his if he would but acknowledge the right of the Crown to restrain the freedom of Parliamentary debate; but such an acknowledgment was impossible from Sir John Eliot. For him the privilege of the House of Commons in the matter of free speech was a sacred cause, to be upheld by Members of Parliament, even to the death—a cause every whit as sacred to Eliot as the divine right of kings was to the Stuart bishops.

Charles hoped to govern England through his Ministers without interference from the Commons, and only the need of money compelled him to summon Parliament.

John Hampden saw that if the King could raise money by forced loans and other exactions, the days of constitutional government were over. Hence his memorable resistance to ship-money. London and the seaports were induced to provide supplies for ships in 1634, on the pretext that piracy must be prevented. In the following year the demand was extended to the inland counties, and Hampden refused point blank to pay—though the amount was only a matter of 20s.—falling back, in justification of his refusal, on the Petition of Right—acknowledged by Charles in 1628—which declared that taxes were not to be levied without the consent of Parliament. The case was decided in 1636, and five of the twelve judges held that Hampden's objection was valid. The arguments in favour of non-payment were circulated far and wide, so that, in spite of the adverse verdict, "the judgment proved of more advantage and credit to the gentleman condemned than to the King's service."<sup>[52]</sup>

The personal rule of Charles and his Ministers, Laud and Strafford, came to an end in the autumn of 1640, when there was no choice left to the King but to summon Parliament, if money was to be obtained. Earlier in the year the "Short Parliament" had met, only to be dissolved by the folly of the King after a sitting of three weeks, because of its unwillingness to vote supplies without the redress of grievances.

The disasters of the King's campaign against the Scots, an empty treasury, and a mutinous army, compelled the calling of Parliament. But the temper of the men who came to the House of Commons in November was vastly different from the temper of the "Short Parliament."<sup>[53]</sup> For this was the famous "Long Parliament" that assembled in the dark autumn days of 1640, and it was to sit for thirteen years; to see the impeachment and execution of Laud and Strafford, the



trial and execution of the King, the abolition of monarchy and the House of Lords, the establishment of the Commonwealth; and was itself to pass away finally only before Cromwell's military dictatorship.

Hampden was the great figure at the beginning of this Parliament. "The eyes of all men were fixed upon him, as their *patriæ pater*, and the pilot that must steer the vessel through the tempests and rocks which threatened it. I am persuaded (wrote Clarendon) his power and interest at that time were greater to do good or hurt than any man's in the kingdom, or than any man of his rank hath had at any time; for his reputation of honesty was universal, and his affections seemed so publicly guided, that no corrupt or private ends could bias them."

Politically, neither Hampden nor Pym was Republican. Both believed in government by King, Lords, and Commons; but both were determined that the King's Ministers should be answerable to Parliament for the policy of the Crown, and that the Commons, who found the money for government, should have a definite say in the spending of that money. As for the royal claim of "Divine right," and the royal view that held passive obedience to be the duty of the King's subjects, and saw in Parliament merely a useful instrument for the raising of funds to be spent by the royal pleasure without question or criticism—these things were intolerable to Hampden, Pym, and the men of the House of Commons. The King would not govern through Parliament; the House of Commons could govern without a King. It was left to the Civil War to decide the issue between the Crown and Parliament, and make the House of Commons supreme.

Things moved quickly in the first year of the Long Parliament. The Star Chamber and High Commission Courts were abolished. Strafford was impeached for high treason, and executed on Tower Hill. Archbishop Laud lay in prison, to be executed four years later. The Grand Remonstrance of the House of Commons was presented to Charles in December, 1641. The demands of the Commons in the Remonstrance were not revolutionary, but they stated, quite frankly, the case for the Parliament. The main points were the need for securities for the administration of justice, and an insistence on the responsibility of the King's Ministers to the Houses of Parliament. The Grand Remonstrance was only carried by eleven votes in the House of Commons, 159 to 148, after wild scenes. "Some waved their hats over their heads, and others took their swords in their scabbards out of their belts, and held them by the pummels in their hands, setting the lower part on the ground." Actual violence was only prevented "by the sagacity and great calmness of Mr. Hampden, by a short speech."

Charles promised an answer to the deputation of members who waited upon him with the Grand Remonstrance, and early in the new year came the reply. The King simply demanded the surrender of five members—Pym, Hampden, Holles, Strode, and Hazlerig—and their impeachment on the charge of high treason. All constitutional law was set aside by a charge which proceeded personally from the King, which deprived the accused of their legal right to a trial by their peers, and summoned them before a tribunal which had no pretence to a justification over them. On the refusal of the Commons to surrender their members, Charles came in person to Westminster with 300 cavaliers to demand their arrest. But the five members, warned of the King's venture, were well out of the way, and rested safely within the City of London—for the citizens were strongly for the Parliament. "It was believed that if the King had found them there (in the House of Commons), and called in his guards to have seized them, the members of the House would have endeavoured the defence of them, which might have proved a very unhappy and sad business."

As it was, Charles could only retire "in a more discontented and angry passion than he came in." The step was utterly ill-advised. Parliament was in no mood to favour royal encroachments, and the citizens of London were at hand, with their trained bands, to protect forcibly members of the House of Commons.

War was now imminent. "The attempt to seize the five members was undoubtedly the real cause of the war. From that moment, the loyal confidence with which most of the popular party were beginning to regard the King was turned into hatred and suspicion. From that moment, the Parliament was compelled to surround itself with defensive arms. From that moment, the city assumed the appearance of a garrison.

"The transaction was illegal from beginning to end. The impeachment was illegal. The process was illegal. The service was illegal. If Charles wished to prosecute the five members for treason, a bill against them should have been sent to a grand jury. That a commoner cannot be tried for high treason by the Lords at the suit of the Crown, is part of the very alphabet of our law. That no man can be arrested by the King in person is equally clear. This was an established maxim of our jurisprudence even in the time of Edward the Fourth. 'A subject,' said Chief Justice Markham to that Prince, 'may arrest for treason; the King cannot; for, if the arrest be illegal, the party has no remedy against the King.'"<sup>[54]</sup>

Both King and Parliament broke rudely through all constitutional precedents in their preparations for hostilities.

The King levied troops by a royal commission, without any advice from Parliament, and Pym got an ordinance passed, in both Houses, appointing the Lords-Lieutenant of the counties to command the Militia without warrant from the Crown.

A last attempt at negotiations was made at York, in April, when the proposals of Parliament—nineteen propositions for curtailing the power of the Monarchy in favour of the Commons—were

rejected by Charles with the words: "If I granted your demands, I should be no more than the mere phantom of a king."

By August, Charles had raised the royal standard at Nottingham, and war was begun.

Five years later and Charles was a prisoner, to die in 1649 on the scaffold. That same year monarchy and the House of Lords were abolished by law; the Established Church had already fallen before the triumphant arms of the Puritans.

Then, in 1653, the House of Commons itself fell—expelled by Cromwell; and the task of the Lord Protector was to fashion a constitution that would work.<sup>[55]</sup> What happened was the supremacy of the army. Parliament, attenuated and despised, contended in vain against the Protector. On Cromwell's death, and the failure of his son, Richard, the army declared for Charles II., and there was an end to the Commonwealth.

### THE DEMOCRATIC PROTEST—LILBURNE

In all these changes the great mass of the people had neither part nor lot; and the famous leaders of the Parliamentary Party, resolute to curtail the absolutism of the Crown, were no more concerned with the welfare of the labouring people than the barons were in the time of John. The labouring people—generally—were equally indifferent to the fortunes of Roundheads and Cavaliers, though the townsmen in many places held strong enough opinions on the matters of religion that were in dispute.<sup>[56]</sup>

That the common misery of the people was not in any way lightened by Cromwell's rule we have abundant evidence, and it cannot be supposed that the substitution of the Presbyterian discipline for episcopacy in the Church, and the displacement of Presbyterians by Independents, was likely to alleviate this misery.

Taxation was heavier than it had ever been before, and in Lancashire, Westmorland, and Cumberland the distress was appalling.

Whitelocke, writing in 1649,<sup>[57]</sup> notes "that many families in Lancashire were starved." "That many in Cumberland and Westmorland died in the highways for want of bread, and divers left their habitations, travelling with their wives and children to other parts to get relief, but could find none. That the committees and Justices of the Peace of Cumberland signed a certificate, that there were 30,000 families that had neither seed nor bread-corn, nor money to buy either, and they desired a collection for them, which was made, but much too little to relieve so great a multitude."

Cromwell, occupied with high affairs of State, had neither time nor inclination to attend to social reform. Democracy had its witnesses; Lilburne and the Levellers made their protest against military rule, and were overpowered; Winstanley and his Diggers endeavoured to persuade the country that the common land should be occupied by dispossessed peasants, and were quickly suppressed.

Lilburne was concerned with the establishment of a political democracy, Winstanley with a social democracy, and in both cases the propaganda was offensive to the Protector.

Had Cromwell listened to Lilburne, and made concessions towards democracy, the reaction against Puritanism and the Commonwealth might have been averted.<sup>[58]</sup>

John Lilburne had been a brave soldier in the army of the Parliament in the early years of the Civil War, and he left the army in 1645 with the rank of Lieutenant-Colonel (and with £880 arrears of pay due to him) rather than take the covenant and subscribe to the requirements of the "new model."

The monarchy having fallen, Lilburne saw the possibilities of tyranny in the Parliamentary government, and at once spoke out. With considerable legal knowledge, a passion for liberty, clear views on democracy, an enormous capacity for work, and great skill as a pamphleteer, Lilburne was not to be ignored. The Government might have had him for a supporter; it unwisely decided to treat him as an enemy, and for ten years he was an unsparing critic, his popularity increasing with every fresh pamphlet he issued—and at every fresh imprisonment.

Lilburne urged a radical reform of Parliament and a general manhood suffrage in 1647, and the "Case for the Army," published by the Levellers in the same year, on the proposal of the Presbyterian majority in Parliament that the army should be disbanded, demanded the abolition of monopolies, freedom of trade and religion, restoration of enclosed common lands, and abolition of sinecures.

Both Cromwell and Ireton were strongly opposed to manhood suffrage, and Cromwell—to whom the immediate danger was a royalist reaction—had no patience for men who would embark on democratic experiments at such a season.

Lilburne and the Levellers were equally distrustful of Cromwell's new Council of State. "We were ruled before by King, Lords, and Commons, now by a General, Court-martial, and Commons; and, we pray you, what is the difference?" So they put the question in 1648.

To Cromwell the one safety for the Commonwealth was in the loyalty of the army to the

Government. To Lilburne the one guarantee for good government was in the supremacy of a Parliament elected by manhood suffrage. He saw plainly that unless steps were taken to establish democratic institutions there was no future for the Commonwealth; and he took no part in the trial of Charles I., saying openly that he doubted the wisdom of abolishing monarchy before a new constitution had been drawn up.

But Lilburne overestimated the strength of the Leveller movement in the army, and the corporals who revolted were shot by sentence of courts-martial.<sup>[59]</sup>

In vain the democratic troopers argued, "the old king's person and the old lords are but removed, and a new king and new lords with the commons are in one House, and so we are under a more absolute arbitrary monarchy than before." The Government answered by clapping Lilburne in the Tower, where, in spite of a petition signed by 80,000 for his release, he remained for three months without being brought to trial. Released on bail, Lilburne, who from prison had issued an "Agreement of the Free People," calling for annual parliaments elected by manhood suffrage and the free election of unendowed church ministers in every parish, now published an "Impeachment for High Treason against Oliver Cromwell and his son-in-law, James Ireton," and declared that monarchy was preferable to a military despotism. At last, brought to trial on the charge of "treason," Lilburne was acquitted with "a loud and unanimous shout" of popular approval.<sup>[60]</sup> "In a revolution where others argued about the respective rights of King and Parliament, he spoke always of the rights of the people. His dauntless courage and his power of speech made him the idol of the mob."<sup>[61]</sup>

Lilburne was again brought to trial, in 1653, and again acquitted, with undiminished enthusiasm. But "for the peace of the nation," Cromwell refused to allow the irrepressible agitator to be at large, and for two years Lilburne, "Free-born John," was kept in prison. During those years all power in the House of Commons was broken by the rule of the Army of the Commonwealth, and Parliament stood in abject submission before the Lord Protector. Only when his health was shattered, and he had embraced Quaker principles, was Lilburne released, and granted a pension of 40s. a week. The following year, at the age of 40, Lilburne died of consumption—brought on by the close confinement he had suffered. A year later, 1658, and Cromwell, by whose side Lilburne had fought at Marston Moor, and against whose rule he had contended for so many a year, was dead, and the Commonwealth Government was doomed.

#### WINSTANLEY AND "THE DIGGERS"

The "Digger" movement was a shorter and much more obscure protest on behalf of the people than Lilburne's agitation for democracy; but it is notable for its social significance.

While Lilburne strove vigorously for political reforms that are still unaccomplished, Gerrard Winstanley preached a revolutionary gospel of social reform—as John Ball and Robert Ket had before him. But Winstanley's social doctrine allowed no room for violence, and included the non-resistance principles that found exposition in the Society of Friends. Hence the "Diggers," preaching agrarian revolution; but denying all right to force of arms, never endangered the Commonwealth Government as Lilburne and the Levellers did.

Free Communism was the creed of more than one Protestant sect in the sixteenth century, and the Anabaptists on the Continent had been conspicuous for their experiments in community of goods and anarchist society.

Winstanley confined his teaching and practice to common ownership of land, pleading for the cultivation of the enclosed common lands, "that all may feed upon the crops of the earth, and the burden of poverty be removed." There was to be no forcible expropriation of landlords.

"If the rich still hold fast to this propriety of Mine and Thine, let them labour their own lands with their own hands. And let the common people, that say the earth is *ours*, not *mine*, let them labour together, and eat bread together upon the commons, mountains, and hills.

"For as the enclosures are called such a man's land, and such a man's land, so the Commons and Heath are called the common people's. And let the world see who labour the earth in righteousness, and those to whom the Lord gives the blessing, let them be the people that shall inherit the earth.

"None can say that their right is taken from them. For let the rich work alone by themselves; and let the poor work together by themselves."<sup>[62]</sup>

With the common ownership and cultivation of land, an end was to be made of all tyranny of man over his fellows.



**JOHN HAMPDEN**

*After the Engraving by G. Houbraken.*

"Leave off dominion and lordship one over another; for the whole bulk of mankind are but one living earth. Leave off imprisoning, whipping, and killing, which are but the actings of the curse. Let those that have hitherto had no land, and have been forced to rob and steal through poverty; henceforth let them quietly enjoy land to work upon, that everyone may enjoy the benefit of his creation, and eat his own bread with the sweat of his own brow."

Winstanley's argument was quite simple:

"If any man can say that he makes corn or cattle, he may say, *That is mine*. But if the Lord made these for the use of His creation, surely then the earth was made by the Lord to be a Common Treasury for all, not a particular treasury for some."

Two objections were urged against private property in land:

"First, it hath occasioned people to steal from one another. Secondly, it hath made laws to hang those that did steal. It tempts people to do an evil action, and then kills them for doing it." It was a prolific age for pamphlets, the seventeenth century; the land teemed with preachers and visionaries, and Winstanley's writings never attracted the sympathy that was given to the fierce controversialists on theological and political questions.

Only when Winstanley and his Diggers set to work with spade and shovel on the barren soil of St. George's Hill, in Surrey, in the spring of 1649, was the attention of the Council of State called to the strange proceedings. The matter was left to the local magistrates and landowners, and the Diggers were suppressed. A similar attempt to reclaim land near Wellingboro' was stopped at once as "seditious and tumultuous." It was quite useless for Winstanley to maintain that the English people were dispossessed of their lands by the Crown at the Norman Conquest, and that with the execution of the King the ownership of the Crown lands ought to revert to the people; Cromwell and the Council of State had no more patience with prophets of land nationalisation than with agitators of manhood suffrage. Indeed, the Commonwealth Government never took the trouble to distinguish between the different groups of disaffected people, but set them all down as "Levellers," to be punished as disturbers of the peace if they refused to obey authority.

Winstanley's last pamphlet was "True Magistracy Restored," an open letter to Oliver Cromwell, 1652, and after its publication Gerrard Winstanley and his Diggers are heard of no more.

To-day both Lilburne and Winstanley are to be recalled because the agitation for political democracy is always with us, and the question of land tenure is seen to be of profound importance in the discussion of social reform. No democratic statesman in our time can propose an improvement in the social condition of the people without reference to the land question, and no social reformer of the nineteenth century has had more influence or been more widely read and discussed than Henry George—the exponent of the Single Tax on Land Values.

Winstanley was very little heeded in his own day, but two hundred and fifty years later the

civilised countries of the earth are found in deep debate over the respective rights of landowners and landless, and the relation of poverty to land ownership. State ownership, taxation of land values, peasant proprietorship, co-operative agriculture—all have their advocates to-day, but to Winstanley's question whether the earth was made "for to give ease to a few or health to all," only one answer is returned.

## THE RESTORATION

Under the Commonwealth the landowners were as powerful as they had been under the monarchy. Enclosures continued. Social reform was not contemplated by Cromwell nor by Councils of State; democracy was equally outside the political vision of government. Church of England ministers were dispossessed in favour of Nonconformists, Puritanism became the established faith, Catholicism remained proscribed.

The interest in ecclesiastical and theological disputes was considerable, and Puritanism was popular with large numbers of the middle-class. But to the mass of the people Puritanism was merely the suppression of further liberties, the prohibition of old customs, the stern abolition of Christmas revels and May-day games.

Lilburne did his best to get Cromwell to allow the people some responsibility in the choice of its rulers. Winstanley proposed a remedy for the social distress. To neither of these men was any concession made, and no consideration was given to their appeals.

Hence the bulk of the nation, ignored by the Commonwealth Government, and alienated by Puritanism, accepted quite amiably—indeed, with enthusiasm—the restoration of the monarchy on the return of Charles II., and was unmoved by the royalist reaction against Parliamentary Government that followed on the Restoration.

The House of Commons itself, when Monk and his army had gone over to the side of Charles, voted, in the Convention Parliament of 1660, "that according to the ancient and fundamental laws of this Kingdom, the government is, and ought to be, by King, Lords, and Commons," and Charles II. was received in London with uproarious enthusiasm.

The army was disbanded; a royalist House of Commons restored the Church of England and ordered general acceptance of its Prayer Book. Puritanism, driven from rule, could only remain in power in the heart and conscience of its adherents.

To the old Commonwealth man it might seem, in the reaction against Puritanism, and in the popularity of the King, that all that had been striven for in the civil war had been lost, in the same way as after the death of Simon of Montfort it might have appeared that "the good cause" had perished with its great leader. In reality the House of Commons stood on stronger ground than ever, and was to show its strength when James II. attempted to override its decisions. In the main the very forms of Parliamentary procedure were settled in the seventeenth century, to remain undisturbed till the nineteenth century. "The Parliamentary procedure of 1844 was essentially the procedure on which the House of Commons conducted its business during the Long Parliament."<sup>[63]</sup>

With Charles II. on the throne the absolutism of the Crown over Parliament passed for ever from England. Cromwell had set up the supremacy of the army over the Commons: this, too, was gone, never to be restored.

Henceforth government was to be by King, Lords, and Commons; but sovereignty was to reside in Parliament. Not till a century later would democracy again be heard of, and its merits urged, as Lilburne had urged them under the Commonwealth.

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## CHAPTER V

### CONSTITUTIONAL GOVERNMENT—ARISTOCRACY TRIUMPHANT

#### GOVERNMENT BY ARISTOCRACY

For nearly two centuries—from 1660 to 1830—England was governed by an aristocracy of landowners. Charles II. kept the throne for twenty-five years, because he had wit enough to avoid an open collision with Parliament. James II. fled the country after three years—understanding no more than his father had understood that tyranny was not possible save by consent of Parliament or by military prowess. At the Restoration the royal prerogative was dead, and nothing in Charles II.'s reign tended to diminish the power of Parliament in favour of the throne. Charles was an astute monarch who did not wish to be sent on his travels again, and consequently took care not to outrage the nation by any attempt upon the liberties of Parliament. Only by the Tudor method of using Parliament as the instrument of the royal will could James II. have accomplished the constitutional changes he had set his heart upon. In attempting to set up toleration for the Roman Catholic religion, and in openly appointing Roman Catholics to positions of importance, James II. set Parliament at defiance and ranged the forces of the Established Church against himself. The method was doomed to failure. "None have gone about to break Parliaments but in

the end Parliaments have broken them."<sup>[64]</sup> In any case the notion of restoring political liberty to Catholics was a bold endeavour in 1685. Against the will of Parliament the project was folly. To overthrow the rights of corporations and of the Universities, and to attempt to bully the Church of England, after Elizabeth's fashion, at the very beginning of a pro-Catholic movement, was to provoke defeat.

Parliament decided that James II. had "abdicated," when, deserted by Churchill, he fled to France, and William and Mary came to the throne at the express invitation of Parliament. The Revolution completed the work of the Long Parliament by defining the limits of monarchy, and establishing constitutional government. It was not—this Revolution, of 1688—the first time Parliament had sanctioned the deposing of the King of England and the appointment of his successor,<sup>[65]</sup> but it was the last. Never again since the accession of William and Mary have the relations of the Crown and Parliament been strained to breaking point; never has the supremacy of Parliament been seriously threatened by the power of the throne.

The full effects of the Revolution of 1688 were seen in the course of the next fifty years. Aristocracy, then mainly Whig, was triumphant, and under its rule, while large measures of civil and religious liberty were passed, the condition of the mass of labouring people was generally wretched in the extreme. The rule of the aristocracy saw England become a great power among the nations of the world, and the British Navy supreme over the navies of Europe; but it saw also an industrial population, untaught and uncared for, sink deeper and deeper into savagery and misery. For a time in the eighteenth century the farmer and the peasant were prosperous, but by the close of that century the small farmer was a ruined man, and with the labourer was carried by the industrial revolution into the town. The worst times for the English labourer in town and country since the Norman Conquest were the reign of Edward VI. and the first quarter of the nineteenth century.

The development of our political institutions into their present form; the establishment of our Party system of government by Cabinet, and of the authority of the Prime Minister; the growth of the supreme power of the Commons, not only over the throne but over the Lords also: these were the work of the aristocracy of the eighteenth century, and were attained by steps so gradual as to be almost imperceptible. No idea of democracy guided the process; yet our modern democratic system is firm-rooted upon the principles and privileges of the Constitution as thus established. Social misery deepened, without check from the politicians; and the most enlightened statesmen of the Whig regime were very far from our present conceptions of the duties and possibilities of Parliament.

#### **CIVIL AND RELIGIOUS LIBERTY**

James II. was tumbled from the throne for his vain attempt to establish toleration for Catholics and Nonconformists without consent of Parliament. Yet the Whig aristocracy which followed, while it did nothing for Catholics, laid broad principles of civil and religious liberty for democracy to build upon.<sup>[66]</sup>

The Declaration of Right, presented by Parliament to William and Mary on their arrival in London, was turned into the Bill of Rights, and passed into law in 1689. It stands as the last of the great charters of political liberty, and states clearly both what is not permitted to the Crown, and what privileges are allowed to the people.

Under the Bill of Rights the King was denied the power of suspending or dispensing, of levying money, or maintaining a standing army without consent of Parliament. The people were assured of the right of the subject to petition the Crown, and of the free election of representatives in Parliament, and of full and free debate in Parliament. Any profession of the Catholic religion, or marriage with a Catholic, disqualified from inheritance to or possession of the throne.

So there was an end to the doctrine of the Divine Right of Kings, and four hundred non-juring clergymen—including half-a-dozen bishops—of the Church of England were deprived of their ecclesiastical appointments for refusing to accept the accomplished fact, and acknowledge William III. as the lawful King of England. By making William King, to the exclusion of the children of James II., Parliament destroyed for all future time in England the belief in the sacred character of kingship. The King was henceforth a part of the constitution, and came to the throne by authority of Parliament, on conditions laid down by Parliament.

William resented the decision of Parliament not to allow the Crown a revenue for life, but to vote an annual supply; but the decision was adhered to, and has remained in force ever since. The Mutiny Act, passed the same year, placed the army under the control of Parliament, and the annual vote for military expenses has, in like manner, remained.

The Toleration Act (1689) gave Nonconformists a legal right to worship in their own chapels, but expressly excluded Unitarians and Roman Catholics from this liberty. Life was made still harder for Roman Catholics in England by the Act of 1700, which forbade a Catholic priest, under penalty of imprisonment for life, to say mass, hear confessions, or exercise any clerical function, and denied the right of the Catholic laity to hold, buy or inherit property, or to have their children educated abroad. The objection to Roman Catholics was that their loyalty to the Pope was an allegiance to a "foreign" ruler which prevented their being good citizens at home. Against this prejudice it was useless to point to what had been done by Englishmen for their country, when all the land was Catholic, and all accepted the supremacy of the Pope. It was not till 1778 that the

first Catholic Relief Bill was carried, a Bill that "shook the general prejudice against Catholics to the centre, and restored to them a thousand indescribable charities in the ordinary intercourse of social life which they had seldom experienced."

The last Roman Catholic to die for conscience' sake was Oliver Plunket, Archbishop of Armagh, who was executed at Tyburn, when Charles II. was King, in 1681. After the Revolution, Nonconformists and Catholics were no longer hanged or tortured for declining the ministrations of the Established Church, but still were penalised in many lesser ways. But the spirit of the eighteenth century made for toleration, and the Whigs were as unostentatious in their own piety as they were indifferent to the piety of others.

The killing of "witches," however, went on in Scotland and in England long after toleration had been secured for Nonconformists. As late as 1712 a woman was executed for witchcraft in England.<sup>[67]</sup>

### **GROWTH OF CABINET RULE**

William III. began with a mixed ministry of Whigs and Tories, which included men like Danby and Godolphin, who had served under James II. But the fierce wrangling that went on over the war then being waged on the Continent was decidedly inconvenient, and by 1696 the Whigs had succeeded in driving all the Tories—who were against the war—out of office. Then for the first time a united ministry was in power, and from a Cabinet of men with common political opinions the next step was to secure that the Cabinet should represent the party with a majority in the House of Commons. Our present system of Cabinet rule, dependent on the will of the majority of the Commons, is found in full operation by the middle of the eighteenth century. The fact that William III., George I., and George II. were all foreigners necessitated the King's ministers using considerable powers. But George III. was English, and effected a revival in the personal power of the King by his determination that the choice of ministers should rest with the Crown, and not with the House of Commons. He succeeded in breaking up the long Whig ascendancy, and so accustomed became the people to the King making and unmaking ministries, that on George IV.'s accession in 1820 it was fully expected the new King would turn out the Tories and put in Whigs. William IV. in 1835 did what no sovereign has done since—dissolved Parliament against the wish of the government.

From 1696 to 1701 the Whigs were in office. Then on the death of William and the accession of Anne, Tory ministers were included in the government, and for seven years the Cabinet was composite again. But Marlborough and Godolphin found that if they were to remain in power it must be by the support of the Whigs, who had made the support of the war against France a party question; and from 1708 to 1710 the ministry was definitely Whig. By 1710 the war had ceased to be popular, and the general election of that year sent back a strong Tory majority to the House of Commons, with the result that the Tory leaders, Harley (Earl of Oxford) and Henry St. John (Bolingbroke) took office. The Tories fell on the death of Anne, because their plot to place James (generally called the Chevalier or the old Pretender), the Queen's half-brother, on the throne was defeated by the readiness of the Whig Dukes of Somerset and Argyll to proclaim George, Elector of Hanover, King of England. By the Act of Settlement, 1701, Parliament had decided that the Crown should pass from Anne to the heirs of Sophia, Electress of Hanover and daughter of James I.; and the fact that the Chevalier was a Catholic made his accession impossible according to law, and the policy of Bolingbroke highly treasonable.

George I. could not speak English, and relied entirely on his Whig ministers. Bolingbroke fled to the Continent, but was permitted to return from exile nine years later. Oxford was impeached and sent to the Tower. The Whigs were left in triumph to rule the country for nearly fifty years—until the restiveness of George III. broke up their dominion—and for more than twenty years of that period Walpole was Prime Minister. Cabinet government—that is, government by a small body of men, agreed upon main questions of policy, and commanding the confidence of the majority of the House of Commons—was now in full swing, and in spite of the monarchist revival under George III., no King henceforth ever refused consent to a Bill passed by Parliament.

The Whigs did nothing in those first sixty years of the eighteenth century to make the House of Commons more representative of the people. They were content to repeat the old cries of the Revolution, and to oppose all proposals of change. But they governed England without oppression, and Walpole's commercial and financial measures satisfied the trading classes and kept national credit sound.

### **WALPOLE'S RULE**

Walpole remained in power from 1720 to 1742 by sheer corruption—there was no other way open to him. He laughed openly at all talk of honesty and purity, and his influence lowered the whole tone of public life.<sup>[68]</sup> But he kept in touch with the middle classes, was honest personally, and had a large amount of tact and good sense. His power in the House of Commons endured because he understood the management of parliamentary affairs, and had a genius for discerning the men whose support he could buy, and whose support was valuable.

George III. went to work in much the same way as Walpole had done, and only succeeded in breaking down the power of the Whig houses by using the same corrupt methods that Walpole had employed. The "King's friends," as they were called, acted independently of the party

leaders, and in the pay of the King were the chief instrument of George III.'s will.

### THE CHANGE IN THE HOUSE OF LORDS

But George III. not only turned the Whigs out of office, he altered permanently the political complexion of the House of Lords. From the time of the Revolution of 1688 to the death of George II. in 1760, the Lords were Whiggish, and the majority of English nobles held Whig principles. They were, on the whole, men of better education than the average member of the House of Commons, who was in most cases a fox-hunting squire, of the Squire Western type. The House of Lords stood in the way of the Commons when, in the Tory reaction of 1701, the Commons proposed to impeach Somers, the Whig Chancellor, a high-minded and skilful lawyer, "courteous and complaisant, humane and benevolent," for his share in the Second Partition Treaty of 1699, and this was the beginning of a bitter contest between the Tory Commons and the Whig Lords. An attempt was made by the Commons to impeach Walpole on his fall in 1742, but the Lords threw out a Bill proposing to remit the penalties to which his prosecutor might be liable, and the King made Walpole a peer. George III., by an unsparing use of his prerogative, changed the character and politics of the Upper House. His creations were country gentlemen of sufficient wealth to own "pocket" boroughs in the House of Commons, and lawyers who supported the Royal prerogative.<sup>[69]</sup>

From George III.'s time onward there has always been a standing and ever-increasing majority of Tory peers in the House of Lords. And while the actual number of members of the Upper House has been enlarged enormously, this majority has become enlarged out of all proportion. Liberal and Tory Prime Ministers were busy throughout the nineteenth century adding to the peerage—no less than 376 new peers were created between 1800 and 1907; but comparatively few Liberals retained their principles when they became peers, and two of the present chiefs of the Unionist Party in the House of Lords—Lords Lansdowne and Selborne—are the sons of eminent Liberals.

So it has come about that while the House of Commons has been steadily opening its doors to men of all ranks and classes, and in our time has become increasingly democratic in character, the House of Lords, confined in the main to men of wealth and social importance, has become an enormous assembly of undistinguished persons, where only a small minority are active politicians, and of this minority at least three-fourths are Conservatives.

This change in the House of Lords began, as we have seen, in the reign of George III., when the Whig ascendancy in Parliament had passed. But the Whigs did nothing during their long lease of power to bring democracy nearer, and were entirely contemptuous of popular aspirations. At the very time when the democratic idea was the theme of philosophers, and was to be seen expressed in the constitution of the revolted American colonies, and in the French Revolution, England remained under an aristocracy, governed first by Whigs, and then by Tories. It is true democracy was not without its spokesmen in England in the eighteenth century, but there was no popular movement in politics to stir the masses of the people, as the preaching of the Methodists stirred their hearts for religion. Democratic ideas were as remote from popular discussion in the eighteenth century as they had been made familiar by Lilburne for a brief season in the seventeenth century.

### "WILKES AND LIBERTY"

A word must be said about John Wilkes, a man of disreputable character and considerable ability, who for some ten years—1763-73—contended for the rights of electors against the Whig Government. The battle began when George Grenville, the Whig Prime Minister, had Wilkes arrested on a general warrant for an article attacking the King's Speech in No. 45 of the *North Briton*, a scurrilous newspaper which belonged to Wilkes. Chief Justice Pratt declared the arrest illegal on the ground that the warrant was bad, and that Wilkes, being at the time M.P. for Aylesbury, enjoyed the privilege of Parliament. A jury awarded Wilkes heavy damages against the Government for false imprisonment, and the result of the trial made Wilkes a popular hero. Then, in 1764, the Government brought a new charge of blasphemy and libel, and Wilkes, expelled from the House of Commons, and condemned by the King's Bench, fled to France, and was promptly declared an outlaw. He returned, however, a year or two later, and while in prison was elected M.P. for Middlesex. The House of Commons, led by the Government, set the election aside, and riots for "Wilkes and Liberty" broke out in London. The question was: Had the House of Commons a right to exclude a member duly elected for a constituency?—the same question that was raised over Charles Bradlaugh, a man of very different character, in the Parliament of 1880. Again and again in 1768 and 1769 Wilkes was re-elected for Middlesex, only to be expelled, and finally the House decided that Wilkes' opponent, Colonel Luttrell, was to sit, although Luttrell was manifestly not chosen by the majority of electors. The citizens of London replied to this by choosing Wilkes for Sheriff and Alderman in 1770, and by making him Lord Mayor four years later. The Government gave up the contest at last, and Wilkes was allowed to take his seat. Besides vindicating the right of constituencies against the claim of Parliament to exclude undesirable persons, Wilkes did a good deal towards securing that right of Parliamentary debating which was practically admitted after 1771.

But the "Wilkes and Liberty" movement was no more than a popular enthusiasm of the London mob for an enemy of the Government, and a determination of London citizens and Middlesex electors not to be brow-beaten by the Government. Wilkes himself always denied that he was a



"Wilkesite," and he had no following in the country or in Parliament.

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## CHAPTER VI

### THE RISE OF THE DEMOCRATIC IDEA

#### THE WITNESS OF THE MIDDLE AGES

The idea of constitutional government has its witnesses in the Middle Ages, democratic theories are common in the sixteenth and seventeenth centuries, but it is not till the eighteenth century that France, aflame to realise a political ideal, proves that democracy has passed from the books of schoolmen and philosophers, and is to be put in practice by a nation in arms.

In the thirteenth century the friars rallied to Simon of Montfort and preached, not democracy, but constitutional liberty.<sup>[70]</sup> Thomas Aquinas, the great Dominican doctor, became the chief exponent of political theory, and maintained that sovereignty expressed in legislative power should be exercised for the common good, and that a mixed government of monarch, nobles, and people, with the Pope as a final Court of Appeal, would best attain that end.<sup>[71]</sup>

A hundred years later, John Ball and his fellow agitators preached a gospel of social equality that inspired the Peasant Revolt. But communism was the goal of the peasant leaders in 1381, and freedom from actual oppression the desire of their followers. No conception of political democracy can be found in the speeches and demands of Wat Tyler.

In the sixteenth century Robert Ket in Norfolk renewed the old cries of social revolution, and roused the countryside to stop the enclosures by armed revolt. And again the popular rising is an agrarian war to end intolerable conditions, not a movement for popular government.

#### THE "SOCIAL CONTRACT" THEORY

The theory of a pact or contract between the Government and the people became the favourite assumption of political writers from the sixteenth century onward, and it was this theory that Rousseau popularised in his "Social Contract," the theory, too, which triumphed for a season in the French Revolution.

The theory is, of course, pure assumption, without any basis in history, and resting on no foundation of fact. It assumes that primitive man was born with enlightened views on civil government, and that for the greater well-being of his tribe or nation he deposited the sovereign authority which belonged to himself, in a prince or king—or in some other form of executive government—retaining the right to withdraw his allegiance from the government if the authority is abused, and the contract which conferred sovereignty violated. It was not maintained that the contract was an actually written document; it was supposed to be a tacit agreement. The whole theory seems to have sprung from the study of Roman law and the constitutions of Athens and Sparta. Nothing was known of primitive man or of the beginnings of civilisation till the nineteenth century. The Bible and the classical literature of Greece and Rome are all concerned with civilised, not primitive, man, and with slaves and "heathens" who are accounted less than men. The "sovereign people" of Athens and Sparta became the model of later republican writers, while the choosing of a king by the Israelites recorded in the Old Testament sanctioned the idea, for early Protestant writers, that sovereignty was originally in the people.

The Huguenot Languet, in his *Vindiciae contra Tyrannos* (1579), maintained on scriptural grounds that kingly power was derived from the will of the people, and that the violation by the king of the mutual compact of king and people to observe the laws absolved the people from all allegiance.<sup>[72]</sup> The Jesuit writers, Bellarmine and Mariana, argued for the sovereignty of the people as the basis of kingly rule; and when the English divines of the Established Church were upholding the doctrine of the divine right of kings, the Spanish Jesuit, Suarez, was amongst those who attacked that doctrine, quoting a great body of legal opinion in support of the contention that "the prince has that power of law giving which the people have given him." Suarez, too, insists that all men are born equal, and that "no one has a political jurisdiction over another." Milton, in his "Tenure of Kings and Magistrates" (1649), had taken a similar line: the people had vested in kings and magistrates the authority and power of self-defence and preservation. "The power of kings and magistrates is nothing else but what is only derivative, transferred, and committed to them in trust from the people to the common good of all, in whom the power yet remains fundamentally, and cannot be taken from them without a violation of their natural birthright." Hooker, fifty years earlier (1592-3), in his "Ecclesiastical Polity," Book I., had affirmed the sovereignty or legislative power of the people as the ultimate authority, and had also declared for an original social contract, "all public regiment of what kind soever seemeth evidently to have risen from deliberate advice, consultation, and composition between men, judging it convenient and behoveful." Hobbes made the social contract a justification for Royal absolutism, and Locke, with a Whig ideal of constitutional government, enlarged on the right of a people to change its form of government, and justified the Revolution of 1688. The writings of Hobbes and Locke have had a lasting influence, and Locke is really the source of the democratic

stream of the eighteenth century. It rises in Locke to become the torrent of the French Revolution.

But Huguenots and Jesuits, Hooker and Milton—what influence had their writings on the mass of English people? None whatever, as far as we can see. Milton could write of "the power" of "the people" as a "natural birthright," but the power was plainly in Cromwell's army, and "the people" had no means of expression concerning its will, and no opportunity for the assertion of sovereignty. Lilburne and the Levellers held that democracy could be set up on the ruins of Charles I.'s Government, and the sovereignty of the people become a fact; and with a ready political instinct Lilburne proposed the election of popular representatives on a democratic franchise. Cromwell rejected all Lilburne's proposals; for him affairs of State were too serious for experiments in democracy; and Lilburne himself was cast into prison by the Commonwealth Government. Lilburne's pamphlets were exceedingly numerous, and his popularity, in London particularly, enormous. He was the voice of the unrepresented, powerless citizens in whom the republican theorists saw the centre of authority. The one effort to persuade the Commonwealth Republic to give power to the people was made by John Lilburne, and it was defeated. The Whig theory that an aristocratic House of Commons, elected by a handful of people, and mainly at the dictation of the landowners, was "the People," triumphed. The bulk of the English people were left out of all account in the political struggles of Whigs and Tories, and democracy was not dreamed of till America was free and France a republic. The industrial revolution compelled the reform of the British House of Commons, and democracy has slowly superseded aristocracy, not from any enthusiasm for the "sovereign people," but from the traditional belief that representative government means the rule of the people.

Precedent, not theory, has been the argument for democracy in England.

### **THOMAS HOBBS (1588-1679)**

The writings of Hobbes are important, because they state the case for absolute rule, or "a strong government," as we call it to-day. Hobbes was frankly rationalist and secular. Holding the great end of government to be happiness, he made out that natural man lived in savage ill-will with his fellows. To secure some sort of decency and safety men combined together and surrendered all natural rights to a sovereign—either one man, or an assembly of men—and in return civil rights were guaranteed. But the sovereignty once established was supreme, and to injure it was to injure oneself, since it was composed of "every particular man." The sovereign power was unlimited, and was not to be questioned. Whether monarchy, aristocracy, or democracy was the form of government was unimportant, though Hobbes preferred monarchy, because popular assemblies were unstable and apt to need dictators. Civil laws were the standard of right and wrong, and obedience to autocracy was better than the resistance which led to civil war or anarchy—the very things that induced men to establish sovereignty. Only when the safety of the state was threatened was rebellion justifiable.

At bottom, the objection to the theories of Hobbes is the same objection that must be taken to the theories of Locke and Rousseau. All these writers assume not only the fiction of a social contract, but a *static* view of society. Society is the result of growth: it is not a fixed and settled community. Mankind proceeds experimentally in forms of government. To Hobbes and his followers, security of life and property was the one essential thing for mankind—disorder and social insecurity the things to be prevented at all cost. Now, this might be all very well but for evolution. Mankind cannot rest quietly under the strongest and most stable government in the world. It will insist on learning new tricks, on thinking new thoughts, and if it is not allowed to teach itself fresh habits, it will break out in revolt, and either the government will be broken or the subjects will wither away under the rule of repression.

Hobbes may be quoted as a supporter of the rule of the Stuarts, and equally of the rule of Cromwell. Every kind of strong tyranny may be defended by his principles.

In the nineteenth century Carlyle was the finest exponent of "strong" government, and generally the leaders of the Tory party have been its advocates, particularly in the attitude to be taken towards subject races.

### **JOHN LOCKE (1632-1704)**

Locke, setting out to vindicate the Whig Revolution of 1688, rejects Hobbes' view of the savagery of primitive man, and invents "a state of peace, goodwill, mutual assistance and preservation"—equally, as we know to-day, far from the truth. Locke's primitive men have a natural right to personal property—"as much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property"—but they are as worried and as fearful as Hobbes' savages. So they, too, renounce their natural rights in favour of civil liberty, and are happy when they have got "a standing rule to live by, common to every one of that society, and made by the legislative power erected on it."

According to Hobbes, once having set up a government, there was no possible justification for changing it—save national peril; and a bad government was to be obeyed rather than the danger of civil war incurred.

But Locke never allows the government to be more than the trustee of the people who placed it in power. It rules by consent of the community, and may be removed or altered when it violates its

trust. Hobbes saw in the break-up of a particular government the dissolution of society. Locke made a great advance on this, for he saw that a change of government could be accomplished without any very serious disturbance in the order of society or the peace of a nation. Hobbes did not believe that the people could be trusted to effect a change of government, while Locke had to justify the change which had just taken place in 1688.

Only when we have dropped all Locke's theories of primitive man's happiness, and the social-contract fiction, does the real value of his democratic teaching become clear, and the lasting influence of his work become visible.

Mankind is compelled to adopt some form of government if it is to sleep at nights without fear of being murdered in its bed, or if it wishes to have its letters delivered by the postman in the morning. As the only purpose of government is to secure mutual protection, mankind must obey this government, or the purpose for which government exists will be defeated. But the powers of government must be strictly limited if this necessary consent of the governed is to continue, and if the government has ceased to retain the confidence that gives consent, then its form may be changed to some more appropriate shape.

Now all this theory of Locke's has proved to be true in the progress of modern democracy. It was pointed out that the danger of his doctrine—that a nation had the right to choose its form of government, and to change or adapt its constitution—lay in the sanction it gave to revolution; but Locke answered that the natural inertia of man was a safeguard against frequent and violent political changes, and as far as England was concerned Locke was right. The average Englishman grumbles, but only under great provocation is he moved to violent political activity. As a nation, we have acknowledged the right of the majority to make the political changes that have brought in democracy, and we have accepted the changes loyally. Occasionally, since Locke, the delay of the government in carrying out the wishes of the majority has induced impatience, but, generally, the principle has been acted upon that government is carried on with the consent of the governed, and that the Parliamentary party which has received the largest number of votes has the authority from the people to choose its ministry, and to make laws that all must obey.

The power of the people is demonstrated by the free election of members of Parliament, and, therefore, democracy requires that its authority be obeyed by all who are represented in Parliament. There is no social contract between the voter and the government; but there is a general feeling that it is not so much participation in politics as the quiet enjoyment of the privileges of citizenship that obliges submission to the laws. The extension of the franchise was necessary whenever a body of people excluded from the electorate was conscious of being unrepresented and desired representation. Otherwise the consent of the voteless governed was obviously non-existent, and government was carried on in defiance of the absence of that consent.

It is not Locke's theories that have guided politically the great masses of the people, for Locke's writings have had no very considerable popularity in England. But it has happened that these theories have influenced the conduct of statesmen, and with reason, since they offer an explanation of political progress, and constrain politicians to act, experimentally indeed, but with some reasonable anticipation of safety to the nation. British statesmen and politicians have made no parade of Locke's opinions; they have done nothing to incur the charge of "theorist," but the influence of Locke can be seen all the same—chiefly in the loyal acceptance of political change, in the refusal to be shocked or alarmed at a "leap in the dark," and by a willingness to adjust the machinery of government to the needs of the time. In England Locke's influence has been less dynamic than static; it has helped us to preserve a moderation in politics; to be content with piecemeal legislation, because to attempt too much might be to alienate the sympathies of the majority; to keep our political eye, so to speak, on the ebb and flow of public opinion—since it is public opinion that is the final court of appeal; to tolerate abuses until it is quite plain a great number of people are anxious to have the abuse removed; and above all to settle down in easy contentment under political defeat, and make the best of accomplished reforms, not because we like them, but because a Parliamentary majority has decreed them.

For England, in fact, the essence of Locke's teaching has helped to produce a deference almost servile to political majorities and to public opinion, a reluctance to make any reform until public opinion has pronounced loudly and often in favour of reform, and an emphatic assurance that every reform enacted by Parliament is the unmistakable expression of the will of the people. Locke has discouraged us from hasty legislation and from political panics.

#### **ROUSSEAU AND THE FRENCH REVOLUTION**

Locke's influence in France and in America has been altogether different. Voltaire, Rousseau, and Diderot were all students and admirers of Locke, and his political theories were at the base of Rousseau's "Social Contract." A return to nature, a harking back to an imaginary primitive happiness of mankind, the glorification of an ideal of simplicity and innocence,—supposed to have been the ideal of early politics—the restoration of a popular sovereignty built up on natural rights alleged to have been lost: these were the articles of faith Rousseau preached with passionate conviction in his "Discourses" and in the "Social Contract." Individual man was born naturally "free," and had become debased and enslaved by laws and civilisation. "Man is born free, and everywhere he is in chains," is the opening sentence of the "Social Contract." This liberty and equality of primitive man was acclaimed as a law of nature by eighteenth century writers in

France, and to some extent in England too. Pope could write, "The state of nature was the reign of God." Instead of a forward movement the business of man was to recover the lost happiness of the childhood of the world, to bring back a golden age of liberty and equality. Locke's "state of peace, goodwill, mutual assistance, and preservation" is to be the desire of nations, and with wistful yearning Rousseau's disciples gazed on the picture painted by their master.

It was all false, all a fiction, all mischievous and misleading, this doctrine of a return to an ideal happiness of the past, and it was the most worthless portion of Locke's work. To-day it is easy for us to say this, when we have learnt something of the struggle for existence in nature, something of the habits and customs of primitive man, and something of man's upward growth. But Locke and Rousseau were born before our limited knowledge of the history of man and his institutions had been learnt; before science, with patient research, had revealed a few incidents in the long story of man's ascent. Even the history of Greece and Rome, as Rousseau read it, was hopelessly inaccurate and incomplete. Therefore, while we can see the fallacy in all the eighteenth century teaching concerning the natural happiness of uncivilised man, we must at the same time remember it as a doctrine belonging to a pre-scientific era. The excuse in France, too, for its popularity was great. Civilisation weighed heavily on the nation. The whole country groaned under a misrule, and commerce and agriculture were crippled by the system of taxation. It seemed that France was impoverished to maintain a civilisation that only a few, and they not the most useful members of the community, could enjoy.

How mankind had passed from primitive freedom to civilised slavery neither Locke nor Rousseau inquired. "Man is born free, and everywhere he is in chains," cries Rousseau, in sublime disregard of facts. For man was not born free in the ancient republics of Greece and Rome that Rousseau revered; children were not born free in his day any more than they are in ours; and any assembly or community of people necessarily involves mutual consideration and forbearance which are at once restrictive.

The truth is, of course, that man is not born free, but is born with free will to work out political freedom or to consent to servitude. He is not born with "natural" political rights, but born to acquire by law political rights.

The fiction of primitive man's happiness and of the natural goodness and freedom of man did little harm in England, for Locke was not a popular author, and Wesley's religious revival in the eighteenth century laid awful stress on man's imperfections. The sovereign people ruled in an unreformed House of Commons, and the "contract" theory was exhibited by ministers holding office on the strength of a majority in the Commons.

Rousseau's writings depicted, with a clearness that fascinated the reader, the contrast between the ideal state that man had lost and the present condition of society with its miseries and corruption; and by its explanation of the doctrines of a contract and the sovereignty of the people, suggested the way to end these miseries and corruptions. The "Social Contract" became the text-book of the men who made the French Revolution, and if the success of the Revolution is due to the teaching of Rousseau more than to that of any other French philosopher, the crimes and mistakes of the Revolution are directly to be traced to his influence, and this in spite of Rousseau's deprecation of violence.<sup>[73]</sup>

As there is a certain tendency in England to-day to attempt the resuscitation of Rousseau's theories of popular sovereignty and the natural rights of man, and as so distinguished a writer as Mr. Hilaire Belloc is at pains to invite the English working class to seek illumination from Rousseau and to proceed to democracy guided by the speculative political doctrines of the eighteenth century rather than on the tried experimental lines of representative government and an extended franchise, it is necessary to devote to Rousseau and his "Social Contract" more space than the subject deserves.

The "Social Contract" is full of inaccuracies in its references to history; it is often self-contradictory, and it has not even the merit of originality. From Hobbes Rousseau borrowed the notion of authority in the State; from Locke the seat of this authority; the nature of the original pact and of citizenship from Spinoza; from the Huguenot Languet the doctrine of fraternity; and from Althusius the doctrine of the inalienability of citizenship. Where Locke was content to maintain that the people collectively had the right to change the form of government, Rousseau would give the community continual exercise in sovereignty, while voting and representation are signs of democratic decadence in Rousseau's eyes. The sovereign people governing, not through elected representatives but by public meeting, has only been found possible in small slave-ridden states.

At the Revolution France had to elect its deputies. But the theory of the sovereignty of the people has over and over again, in France, upset the Government, and destroyed the authority of the deputies. In England we accept the rule of Parliament, and are satisfied that the election of representatives by an enfranchised people is the most satisfactory form of democracy, though we retain a healthy instinct of criticism of the Government in power. In France has happened what Locke's critics foretold: the sovereign people never wholeheartedly delegates its powers to its deputies, and indulges in revolution when impatient of government. During the Revolution the passionate clamour of the sovereign people overpowered the votes and voices of elected representatives, and revolution and reaction were the rule in France from 1793 to 1871.

We may be frankly against the Government all the time in England; we may resist it actively and passively, for the purpose of calling attention to some political grievance, some disability that

needs removal. But we never forget that it is the Government, or believe that it can be overturned save by the votes of the electorate. At the time of the European revolutions of 1848, when crowns were falling, and ministers flying before the rage of the sovereign people, Chartism never seriously threatened the stability of the British Government, and its great demonstrations were no real menace to the existing order. Nothing seems able to shake the British confidence in its elected representatives, and in the Government that is supported by a majority of those representatives. We have never accepted the gospel of Jean Jacques Rousseau; Priestley and Price are almost the only names that can be mentioned as disciples of Rousseau before the advent of Mr. H. Belloc.

France, still following Rousseau, does not associate political sovereignty with representation as England does. It never invests the doings of its Cabinet with a sacred importance, and it readily transfers the reins of government from Ministry to Ministry. France has submitted to the sovereignty of an Emperor and to the rule of kings since the great Revolution, and though its Republic is now forty years old, and at present there are no signs of dictatorship on the horizon, the Government of the Republic is never safe from a revolutionary rising of the sovereign people, and only by the strength of its army has revolution been kept at bay. If Louis XVI. had possessed the army of modern France he too might have kept the revolution at bay. All this revolution and reaction, disbelief in the authority of representative government, and lively conviction that sovereignty is with the citizens, and must be asserted from time to time—to the confusion of deputies and delegates—is Rousseau's work, the reaping of the harvest sown by the "Social Contract." Let us sum up the character of Rousseau's work, and then leave him and his doctrines for ever behind us.

"Rousseau's scheme is that of a doctrinaire who is unconscious of the infinite variety and complexity of life, and its apparent simplicity is mainly due to his inability to realise and appreciate the difficulties of his task. He evinced no insight into the political complications of his time; and his total ignorance of affairs, together with his contempt for civilised life, prevented him from framing a theory of any practical utility. Indeed, the disastrous attempt of the Jacobins to apply his principles proved how valueless and impracticable most of his doctrines were. He never attempted to trace social and political evils to their causes, in order to suggest suitable modifications of existing conditions. He could not see how impossible it was to sweep away all institutions and impose a wholly new social order irrespective of the natures, faculties, and desires of those whom he wished to benefit; on the contrary, he exaggerates the passivity and plasticity of men and circumstances, and dreams that his model legislator, who apparently is to initiate the new society, will be able to repress all anti-social feelings. He aims at order and symmetry, oblivious that human nature does not easily and rapidly bend to such treatment. It is his inability to discover the true mode of investigation that accounts for much of Rousseau's sophistry. His truisms and verbal propositions, his dogmatic assertions and unreal demonstrations, savour more of theology than of political science, while his quasi-mathematical method of reasoning from abstract formulæ, assumed to be axiomatic, gives a deceptive air of exactness and cogency which is apt to be mistaken for sound logic. He supports glaring paradoxes with an array of ingenious arguments, and with fatal facility and apparent precision he deduces from his unfounded premises a series of inconsequent conclusions, which he regards as authoritative and universally applicable. At times he becomes less rigid, as when (under the influence of Montesquieu) he studies the relations between the physical constitution of a nation, its territory, its customs, its form of government, and its deep-rooted opinions, or avows that there has been too much dispute about the forms of government. But such considerations are not prominent. In certain cases his inconsistencies may be due to re-handling, but he is said to have observed that those who boasted of understanding the whole contract were more clever than he."

[74]

This may sound very severe, but it is entirely just. The "Social Contract" consists of four books: (1) The founding of the civilized state by a social pact. (2) The theory of the sovereignty of the people. (3) and (4). The different forms of government; the indestructible character of the general will of the community; and civil religion.

The whole work teems with generalisations, mostly ill-founded, and the details are not in agreement. The one thing of permanent value is the conception that the State represents the "general will" of the community. How that "general will" finds expression and gets its way is of great importance to democracy. Even more important is the nature of that "general will." Individualist as Rousseau was in his views about personal property (following Locke in an apparent ideal of peasant proprietorship), he insisted on the subjection of personal rights to the safety of the Commonwealth.

#### AMERICAN INDEPENDENCE

The resistance of the American colonies to the British Government did not commence with any spirit of independence. The tea incident at Boston took place in 1773, and it was not till three years later that the Declaration of Independence was drawn up. The Whig principles of 1688 are at the foundation of American liberties, and Locke's influence is to be seen both in the Declaration of Independence and in the American constitution. The colonists from the first had in many states a Puritanism that was hostile to the prerogatives of governors, and appeals to the British Government against the misuse of the prerogative were generally successful. The colonists wanted no more, and no less, than the constitutional rights enjoyed by Englishmen in Great Britain, and while the Whigs were in power these rights were fairly secure. George III.,

attempting a reversion to monarchist rule, drove the colonists to war and to seek independence; with the aid of France this independence was won.

If the French officers who assisted the Americans brought the doctrines of Rousseau to the revolted colonists, which is possible, it is quite certain that the establishment of the American Republic, and the principles of La Fayette and Paine, who had fought in the American War, were not without effect in France.

The American Constitution was the work of men who believed in democratic government as Locke had defined it, and America has been the biggest experiment in democracy the world has seen. The fact that the President and his Cabinet are not members of Congress makes the great distinction between the British and American Constitution. The College of Electors is elected only to elect the President; that done, its work is over. Congress, consisting of members elected from each state, and the Senate, consisting of representatives from each state, need not contain a majority of the President's party, and the President is in no way responsible to Congress as the British Prime Minister is to the House of Commons. The relation of the State Governments to the Federal Government has presented the chief difficulty to democracy in America.

The Whigs, or Republicans, as they came to be called, stood for a strong Federal Government; the Democrats were jealous for the rights of State Governments. The issue was not decided till the Civil War of 1861-1865, when the southern slave-holding States, seeing slavery threatened, announced their secession from the United States. Abraham Lincoln, the newly-elected President, declared that the Government could not allow secession, and insisted that the war was to save the union. Slavery was abolished and the Union saved by the defeat of the Secessionists; but for a time the fortunes of the Union were more desperate than they had been at any time since the Declaration of Independence.

Hamilton was the real founder of the Republican party, as Jefferson was of the Democrats. Both these men were prominent in the making of the American Constitution in 1787, and Jefferson was the responsible author of the Declaration of Independence. But Franklin and Paine made large contributions to the democratic independence of America.

#### **THOMAS PAINE (1737-1809)**

Edmund Randolph, the first Attorney-General of the United States, was on Washington's staff at the beginning of the War, and he ascribed independence in the first place to George III., but next to "Thomas Paine, an Englishman by birth."<sup>[75]</sup>

Paine's later controversies with theological opponents have obscured his very considerable services to American Independence, to political democracy in England, and to constitutional government in the French Revolution; and as mankind is generally, and naturally, more interested in religion than in politics, Paine is remembered rather as an "infidel"—though he was a strong theist—than as a gifted writer on behalf of democracy and a political reformer of original powers.

Paine—who came of a Suffolk Quaker family—reached America in 1774, on the very threshold of the war. His Quaker principles made him attack negro slavery on his arrival, and he endeavoured, without success, to get an anti-slavery clause inserted in the "Declaration of Independence." He served in the American ranks during the war, and was the friend of Washington, who recognised the value of his writings. For Paine's "Common Sense" pamphlet and his publication, "The Crisis," had enormous circulation, and were of the greatest value in keeping the spirit of independence alive in the dark years of the war. They were fiercely Republican; and though they were not entirely free from contemporary notions of government established on the ruins of a lost innocence, they struck a valiant note of self-reliance, and emphasised the importance of the average honest man. "Time makes more converts than reason," wrote Paine. Of monarchy he could say, "The fate of Charles I. hath only made kings more subtle—not more just"; and, "Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived."

Paine was in England in 1787, busy with scientific inventions, popular in Whig circles and respected. The fall of the Bastille won his applause, as it did the applause of Fox and the Whigs, but it was not till the publication of Burke's "Reflections on the Revolution in France," in 1790, that Paine again took up his pen on behalf of democracy.

Burke had been the hero of Paine and the Americans in the War of Independence, and his speeches and writings had justified the republic. And now it was the political philosophy of Hobbes that Burke seemed to be contending for when he insisted that the English people were bound for ever to royalty by the act of allegiance to William III.

Paine replied to Burke the following year with the "Rights of Man" which he wrote in a country inn, the "Angel," at Islington. It was not so much to demolish Burke as to give the English nation a constitution that Paine desired; for it seemed to the author of "Common Sense" that, America having renounced monarchy and set up a republican form of government, safely guarded by a written constitution, England must be anxious to do the same thing, and was only in need of a constitution.

The flamboyant rhetoric of the American Declaration of Independence—"We hold these truths to be self-evident—that all men are created equal; that they are endowed by the Creator with

inalienable rights; that among these are life, liberty, and the pursuit of happiness"—was not the sort of language that appealed to English Whigs (America itself cheerfully admitted the falseness of the statement by keeping the negro in slavery), and the glittering generalities of the "Rights of Man" made no impression on the Whig leaders in Parliament. Paine was back in the old regions of a social contract, and of a popular sovereignty antecedent to government. It was all beside the mark, this talk of a popular right inherent in the nation, a right that gave the power to make constitutional changes not *through* elected representatives in Parliament, but by a general convention. Parliament in the sight of the Whigs was the sovereign assembly holding its authority from the people, and only by a majority in the House of Commons could the people express its will. What made the "Rights of Man" popular with the English democrats of the "Constitutional Society" and the sympathisers with the French Revolution was not so much the old pre-historic popular "sovereignty" fiction—though it is true that there were many Englishmen, of whom Godwin was one, who could see no hope of Parliament reforming itself or of granting any measure of enfranchisement to the people, and therefore were willing to fall back on any theory for compelling Parliament to move towards a more liberal constitution—as the programme of practical reforms that was unfolded in its pages and the honest defence of the proceedings in Paris. That Parliament had no right to bind posterity, as Burke maintained, and that if the revolution of 1688 was authoritative, why should a revolution in 1788 be less authoritative? were matters of less interest than the clear statement of events in France, and the proposals for a democratic constitution in England and for social reform. Fifty thousand copies of the "Rights of Man" were quickly sold, and it obtained a large number of readers in America, and was translated into French. The total sales were estimated at 200,000 in 1793. Paine followed it up with Part II. while he was an elected member of the National Convention in Paris, and in 1792, when a cheap edition of the "Rights of Man" was issued, its author was tried for high treason, and in his absence convicted and outlawed.

Part I. of the "Rights of Man," while relying on the popular "sovereignty" fiction for getting a national convention, contained a careful definition of representative government. It showed that government by democracy—i.e. by popular meeting, suitable enough for small and primitive societies—must degenerate into hopeless confusion in a large population; that monarchy and aristocracy which sprang from the political confusion of the people must degenerate into incapacity. A representative government was the control of a nation by persons elected by the whole nation, and the Rights of Man were the rights of all to this representation.

As a nation we have never admitted any "natural" political rights to man, but we have steadily insisted on the constitutional right of representation in Parliament to those who possess a fixed abode and contribute by taxation to the national revenue.

Paine attacked all hereditary authority and all titles, but approved a double chamber for Parliament. He claimed that the whole nation ought to decide on the question of war with a foreign country, and urged that no member of Parliament should be a government pensioner.

In Part II. there is a confident announcement that "monarchy and aristocracy will not continue seven years longer in any of the enlightened countries of Europe," so sure was Paine that civilised mankind would hasten to follow the examples of France and America, and summon national conventions for the making of republican constitutions. As the old form of government had been hereditary, the new form was to be elective and representative. The money hitherto spent on the Crown was to be devoted to a national system of elementary education—all children remaining at school till the age of 14—and to old-age pensions for all over 60. It is in these financial proposals and the suggested social reforms that Paine is seen as a pioneer of democracy. A progressive income tax is included in this Part II., the tax to be graduated from 3d. in the £ on incomes between £50 to £500; 6d. on incomes between £500 and £1,000; an additional 6d. up to £4,000; and then 1s. on every additional £1,000 until we get to an income tax of 20s. in the £ on an income of £22,000 a year.

The popularity of Paine's proposals in England and the Reign of Terror in France frightened the British Government into a policy of fierce persecution against all who bought, sold, lent or borrowed the "Rights of Man." "Constitutional Societies" were suppressed, and all who dared openly express sympathy with revolutions or republics were promptly arrested.

Paine, outlawed by the British Government, contended in the National Convention for a republican constitution for France, did his best to prevent the execution of Louis XVI., fell with the Girondins, was thrown into prison, and only escaped with his life by an accident. Then, under the very shadow of the guillotine Paine wrote his "Age of Reason," to recall France from atheism to a mild humanitarian theism. This book was fatal to Paine's reputation. Henceforth the violent denunciation of theological opponents pursued him to the grave, and left his name a byword to the orthodox. As Paine's contribution to the body of democratic belief in the "Rights of Man" was submerged in the discussion on his religious opinions, so was his early plea for what he called "Agrarian Justice." On his release from a prison cell in the Luxembourg, in 1795, Paine published his "Plan for a National Fund." This plan was an anticipation of our modern proposals for Land Reform. Paine urged the taxation of land values—the payment to the community of a ground-rent—and argued for death duties as "the least troublesome method" of raising revenue. It was in the preface to this pamphlet on "Agrarian Justice" that Paine replied to Bishop Watson's sermon on "The Wisdom and Goodness of God in having made both Rich and Poor." "It is wrong," wrote Paine, "to say God made rich and poor; He made only male and female, and gave them the earth for their inheritance."

Napoleon organised the plebiscite, which conferred on him the Consulate for life, in 1802, and the French Revolution and Constitution making having yielded to a military dictatorship, Paine returned to America, and died in New York in 1809.

### MAJOR CARTWRIGHT AND THE "RADICAL REFORMERS"

John Cartwright, the "Father of Reform," is notable as the first of the English "Radical Reformers." His direct influence on politics was small—none of his writings had the success of the "Rights of Man"—but, like Paine, he laboured to turn England by public opinion from aristocracy to democracy, and for more than forty years Cartwright was to the fore with his programme of Radical reform. The problem for Cartwright and the Radical reformers was how to get the changes made which would give political power to the people—with whom was the sovereignty, as they had learnt from Locke—and make Parliament the instrument of democracy. A hundred years and more have not sufficed to get this problem answered to everybody's satisfaction, but in the latter part of the eighteenth century, to the minds of simple, honest men, it seemed enough that the argument should be stated plainly and reasonably; it would follow that all mankind would be speedily convinced; so great was the faith in the power of reason.

What neither Cartwright nor Paine understood was, that it was not the reasonableness of a proposed reform but the strength of the demand that carried the day. The revolt and independence of the American Colonies were not due to a political preference for a republic, but were the work of public opinion driven by misgovernment to protest. The difficulty in England was that the mass of people might be in great wretchedness, badly housed, ill-fed, and generally neglected, but they were not conscious of any desire for democracy. They were against the government, doubtless, and willing enough, in London, to shout for "Wilkes and Liberty," but the time had not yet come for the working class to believe that enfranchisement was a remedy for the ills they endured.

Major Cartwright was an exceedingly fine type of man; conscientious, public spirited, humane, and utterly without personal ambition. He resigned his commission in the Navy because he believed it wrong to fight against the American Colonies, and he organised a county militia for the sake of national defence. On the pedestal beneath his statue in Cartwright Gardens, just south of Euston Road, in London, the virtues of the "Father of Reform" are described at length, and he is mentioned as "the firm, consistent and persevering advocate of *universal suffrage*, equal representation, vote by ballot, and annual Parliaments." It was in 1777 that Cartwright published his first pamphlet entitled "Legislative Rights Vindicated," and pleaded for "a return to the ancient and constitutional practice of Edward III." and the election of annual Parliaments. Long Parliaments were the root of all social political evil, Cartwright argued. War, national debt, distress, depopulation, land out of cultivation, Parliamentary debate itself become a mockery—these calamities were all due to long Parliaments; and would be cured if once a year—on June 1st—a fresh Parliament was elected by the votes of every man over eighteen—by ballot and without any plural voting—and a payment of two guineas a day was made to members on their attendance. Of course, Cartwright could not help writing "all are by nature free, all are by nature equal"—no political reformer in the eighteenth century could do otherwise—but, unlike his contemporaries, the Major was a stout Christian, and insisted that as the whole plan of Christianity was founded on the equality of all mankind, political rights must have the same foundation. By the political axiom that "no man shall be taxed but with his own consent, given either by himself or his own representative in Parliament," Cartwright may be quoted as one who had some perception of what democracy meant in England; but he is off the track again in arguing that personality, and not the possession of property, was the sole foundation of the right of being represented in Parliament. It was the possession of property that brought taxation, and with taxation the right to representation. We cannot repeat too often that in England the progress to democracy has never been made on assumptions of an abstract right to vote. We have come to democracy by experience, and this experience has taught us that people who are taxed insist, sooner or later, on having a voice in the administration of the national exchequer. But we have never admitted "personality" as a title to enfranchisement.





### THE GORDON RIOTS

*From the Painting by Seymour Lucas, R.A.*

Cartwright followed with the multitude of political writers of his time to deduce a right to vote, and his deduction is as worthless as the rest of the *a priori* reasoning. But the brave old man—he was tried for "sedition" at the age of eighty in the Government panic of 1820—was an entirely disinterested champion of the poor and a real lover of liberty. He believed the affairs of government ought to be a matter of common concern, and that they were quite within the capacities of ordinary men. Cartwright's life—much more than his writings—kept the democratic ideal unshaken in the handful of "Radical Reformers" who survived the Tory reaction on the war with the French Republic in 1793, and his glowing enthusiasm helped to kindle the fire for political enfranchisement that was burning in the hearts of the manufacturing population by 1818. But in 1777 the electorate was not anxious for reform, and the unenfranchised gave no thought to their political disabilities. On the very day in 1780 that the Duke of Richmond proposed, in the House of Lords, a resolution in favour of manhood suffrage and annual Parliaments, the London mob, stirred up by the anti-Catholic fanaticism of Lord George Gordon, marched to Westminster with a petition to repeal Savile's Act of 1778, which allowed Catholics to bequeath land and to educate their own children. There was a riot, and in the course of the next six days the mob burnt Newgate, sacked Catholic chapels, and generally plundered and ravaged the City.

In the House of Commons Pitt made three attempts to get reform considered—in 1782, 1783 and 1785—and on each occasion his resolution was defeated by an overwhelming majority. After that Pitt made no further effort for reform, and from 1793 to 1795 the Government he led passed the Acts of repressive legislation which made all democratic propaganda illegal, and crushed all political agitation.

But "the Cause" was not dead.

Sir Francis Burdett, M.P. for Westminster, Henry Hunt, better known as "Orator Hunt," and Cobbett with his "Political Register," in various ways renewed the campaign for manhood suffrage, and the growth of the manufacturing districts made a change in the constitution of Parliament imperative.

Burdett was sent to the Tower in 1810 for contempt of Parliament, but lived to see the Reform Bill of 1831 passed into law, and died a Tory. Cobbett spent two years in prison, and became M.P. for Oldham in 1832. What Cobbett did with pen—and no man at that day wrote with greater ability for the common people, or with greater acceptance—Hunt did on the platform. Both strove to arouse the working class to demand enfranchisement. Hunt presided at the mass meeting at Peterloo, by Manchester, in 1819—an entirely peaceful meeting which was broken up by the military with some loss of life—and was sent to prison for two years for doing so. He also was elected M.P. (for Preston) in the first reformed Parliament.

Again the Government tried coercion, and after Peterloo, for the next few years, intimidation and numerous arrests kept down all outward manifestation of the reform movement.

In spite of this, the movement could not be stayed. Each year saw political indifference changed to positive desire for enfranchisement, and the British public, which, in the main, had been left untouched by the vision of a democracy and the call for a national convention and a new constitution, became impatient for the reform of Parliament and the representation of the manufacturing interest.

### THOMAS SPENCE (1750-1814)

The name of Spence must be mentioned amongst those who preached the democratic idea at the

close of the eighteenth century. A Newcastle schoolmaster, Spence, in 1775, expounded his "Plan" for land nationalisation on the following lines:—

"The land, with all that appertains to it, is in every parish made the property of the Corporation or parish, with as ample power to let, repair, or alter all or any part thereof, as a lord of the manor enjoys over his lands, houses, etc.; but the power of alienating the least morsel, in any manner, from the parish, either at this or any time thereafter, is denied. For it is solemnly agreed to, by the whole nation, that a parish that shall either sell or give away any part of its landed property shall be looked upon with as much horror and detestation as if they had sold all their children to be slaves, or massacred them with their own hands. Thus are there no more or other landlords in the whole country than the parishes, and each of them is sovereign lord of its territories.

"Then you may behold the rent which the people have paid into the parish treasuries employed by each parish in paying the Parliament or National Congress at any time grants; in maintaining and relieving its own poor people out of work; in paying the necessary officers their salaries; in building, repairing, and adorning its houses, bridges, and other structures; in making and maintaining convenient and delightful streets, highways, and passages both for foot and carriages; in making and maintaining canals and other conveniences for trade and navigation; in planting and taking in waste grounds; in providing and keeping up a magazine of ammunition and all sorts of arms sufficient for all the inhabitants in case of danger from enemies; in premiums for the encouragement of agriculture, or anything else thought worthy of encouragement; and, in a word, doing whatever the people think proper, and not as formerly, to support and spread luxury, pride, and all manner of vice."

No taxes of any kind were to be paid by native or foreigner "but the aforesaid rent, which every person pays to the parish according to the quantity, quality, and conveniences of the land, housing, etc., which he occupies in it. The Government, poor, roads, etc., are all maintained by the parishes with the rent, on which account all wares, manufactures, allowable trade employments, or actions are entirely duty free."

The "Plan" ends with the usual confidence of the idealist reformer of the time in the speedy triumph of right, and in the world-wide acceptance of what seemed to its author so eminently reasonable a proposal.

"What makes this prospect yet more glowing is that after this empire of right and reason is thus established it will stand for ever. Force and corruption attempting its downfall shall equally be baffled, and all other nations, struck with wonder and admiration at its happiness and stability, shall follow the example; and thus the whole earth shall at last be happy, and live like brethren."

The American War and the French Revolution hindered the consideration of Spence's "empire of right and reason," but, in the course of nearly forty years' advocacy of land nationalisation, Spence gathered round him a band of disciples in London, and the Spenceans were a recognised body of reformers in the early part of the nineteenth century. The attacks on private property in land, and the revolutionary proposals for giving the landlords notice to quit, brought down the wrath of the Government on Spence, and he was constantly being arrested, fined and imprisoned for "seditious libel," while his bookshop in Holborn was as frequently ransacked by the authorities.

Spence died in 1814, and the movement for abolishing the landlords in favour of common ownership languished and stopped. The interesting thing about Spence's "Plan" is its anticipation of Henry George's propaganda for a Single Tax on Land Values, and the extinction of all other methods of raising national revenue, a propaganda that, in a modified form for the taxation of land values, has already earned the approval of the House of Commons.

### **PRACTICAL POLITICS AND DEMOCRATIC IDEALS**

Because we insist on the experimental character of our British political progress, and the steady refusal to accept speculative ideas and *a priori* deductions in politics, it does not follow that the services of the idealist are to be unrecognised.

The work of the idealist, whether he is a writer or a man of action—and sometimes, as in the case of Mazzini, he is both—is to stir the souls of men and shake them out of sluggish torpor, or rouse them from gross absorption in personal gain, and from dull, self-satisfied complacency. He is the prophet, the agitator, the pioneer, and after him follow the responsible statesmen, who rarely see far ahead or venture on new paths. Once or twice in the world's history the practical statesman is an idealist, as Abraham Lincoln was, but the combination of qualities is unusual. The political idealist gets his vision in solitary places, the democratic statesman gets his experience of men by rubbing shoulders with the crowd.

A democratic nation must have its seers and prophets, lest it forget its high calling to press forward, and so sink in the slough of contented ease. The preacher of ideals is the architect of a nation's hopes and desires, and the fulfilment of these hopes and desires will depend on the wisdom of its political builders—the practical politicians. Often enough the structural alterations are so extensive that the architect does not recognise his plan; and that is probably as it should be; for it is quite likely that the architect left out of account so simple a matter as the staircase in his house beautiful, and the builder is bound to adapt the plan to ordinary human needs.

The idealist has a faith in the future of his cause that exceeds the average faith, and in his sure confidence fails to understand why his neighbours will not follow at his call, or move more rapidly; and so he fails as a practical leader.

Here the work of the statesman and politician comes in. They are nearer to the mass of people, they hold their authority by election of the people, and they understand that the rate of speed must be slow. Under the guidance of their political leaders, the people are willing to move.

Sometimes the idealist is frankly revolutionary, is for beginning anew in politics, and starting society all over again. If the state of things is bad enough, he may get into power, as he did in France at the Revolution, and for a time the world will stagger at his doings. But there is no beginning *de novo* in politics, and the revolutions wrought by men who would give the world an entirely fresh start (to be distinguished from mere changes of dynasty, such as our English Revolution was) have their sandy foundations washed away by the floods of reaction.

There is no such absolute escape from the past for men or nations, and we can only build our new social and political order on the foundations of experience. But we may not be moved to build at all but for the prophet and the agitator, and therefore the instinct that makes governments slay or imprison the political agitator and suppress the writings of political prophets can be understood. For the existence of every government is threatened by prophets and agitators, and in self-defence it resists innovation. A healthy democracy will allow too many opportunities for popular expression to fear innovation; yet even under a democracy the prophets have been stoned—their sepulchres to be subsequently erected by public subscription and handsomely decorated.

Democracy owes too much to its prophets in the past not to rejoice at their presence in its midst. But it will prudently leave the direction of its public affairs to men who, less gifted it may be in finding new paths, are more experienced in making the roads that others have discovered fit for the heavy tread of multitudes.

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## CHAPTER VII

### PARLIAMENTARY REFORM AND THE ENFRANCHISEMENT OF THE PEOPLE

#### THE INDUSTRIAL REVOLUTION

The industrial revolution of the eighteenth century changed the face of England and brought to the manufacturing class wealth and prominence. The population of Lancashire was not more than 300,000 in 1760, the West Riding of Yorkshire about 360,000, and the total population of England 6,000,000. The inventions of Arkwright, Hargreaves, Crompton, Watt, and Cartwright revolutionised the cotton trade in the last twenty years of the eighteenth century, and increased enormously the production of woollen goods. England ceased to be mainly a nation of farmers and merchants; domestic manufacture gave way to the factory system; the labouring people, unable to make a living in the country, gathered into the towns. The long series of Enclosure Acts—1760-1843—turned seven million acres of common land into private property, and with this change in agrarian conditions and the growth of population England ceased to be a corn-exporting country, and became dependent on foreign nations for its food supply.

While these industrial and agrarian changes meant a striking increase in wealth and population, they were accompanied by untold misery to the common people.

"Instead of the small master working in his own home with his one or two apprentices and journeymen, the rich capitalist-employer with his army of factory hands grew up. Many of these masters were rough, illiterate and hard, though shrewd and far-seeing in business. The workmen were forced to work for long hours in dark, dirty and unwholesome workshops. The State did nothing to protect them; the masters only thought of their profits; the national conscience was dead, and unjust laws prevented them combining together in trade unions to help themselves. Women and children were made to work as long and as hard as the men. A regular system grew up of transporting pauper and destitute children to weary factory work. There was no care for their health. There were few churches and chapels, though the Methodists often did something to prevent the people from falling back into heathendom. The workmen were ignorant, brutal, poor and oppressed. There were no schools and plenty of public houses. In hard times distress was widespread, and the workmen naturally listened to agitators and fanatics, or took to violent means of avenging their wrongs, for they had no constitutional means of redress. Even the masters had no votes, as the new towns sent no members to Parliament. The transfer of the balance of population and wealth from the south and east to the north and Midlands made Parliamentary reform necessary."<sup>[76]</sup>

With this transfer of the balance of economic power came a good deal of rivalry between the manufacturers and the landed gentry, the latter becoming more and more Tory, the former more and more Radical. As all political power, in the main, was in the landowner's hands, men anxious to take part in politics eagerly bought up the small estates, and the old yeoman class disappeared, except in out-of-the-way places. These yeomen and small landowners had been the

backbone of the Parliamentary Party in the days of the Stuarts, but they were left hopelessly behind in an age of mechanical inventions and agrarian changes, and were in most cases glad to sell out and invest their property in other ways.

The story of the misery of rural depopulation in the first half of the sixteenth century repeats itself at the close of the eighteenth.

"A single farmer held as one farm the lands that once formed fourteen farms, bringing up respectably fourteen families. The capitalist farmer came in like the capitalist employer. His gangs of poor and ignorant labourers were the counterpart of the swarm of factory hands. The business of farming was worked more scientifically, with better tools and greater success; but after the middle of the eighteenth century the condition of the agricultural labourer got no better, and now the great mass of the rural population were mere labourers.... Pauperism became more and more a pressing evil, especially after 1782, when *Gilbert's Act* abolished the workhouse test (which compelled all who received relief from the rates to go into the half-imprisonment of a poor-house), and the system of poor law doles in aid of wages was encouraged by the high prices at the end of the century. In 1803 one-seventh of the people was in receipt of poor law relief."<sup>[77]</sup>

But with all the considerable distress, in town and country alike amongst the working people, at the beginning of the nineteenth century, swift progress was taking place in agriculture and in manufactures. Only, the accumulated wealth fell into fewer hands, and the fluctuations in the demand for goods, caused partly by the opening up of new markets, brought successions of good times and bad times. "The workmen shared but partially in the prosperity, and were the first to bear the brunt of hard times."<sup>[78]</sup>

### THE NEED FOR PARLIAMENTARY REFORM

The point for us to note here is that the changed economic conditions made Parliamentary reform a necessity, and brought the question of popular enfranchisement within sight. It was useless for Burke to maintain the incomparable beauty of the British constitution; English politicians might be indifferent to political theories of democracy, and heartily dislike any notion of radical change, but the abuses were too obvious to prevent reform.

Whatever the size of the county it returned two members elected by freeholders, and the cost of a county election was enormous. Some of the boroughs, especially in Cornwall, were tiny villages. Eighteen members were returned from such boroughs in that part of Cornwall which now returns one member for the Liskeard Division. The fields of Old Sarum belonged to seven electors and returned two members. As there was no habitation whatever in this "borough" of Old Sarum, a tent was put up for the convenience of the returning officer at election times. No general law decided the borough franchise. Local custom and various political and personal considerations settled who should vote for members of Parliament. Places like Westminster and Preston had practically manhood suffrage. In most of the "corporation boroughs" the franchise was restricted exclusively to freemen of the borough, and to the self-elected non-resident persons who composed the governing body before the Municipal Corporation Act of 1835. A small number of rich and powerful men really worked nearly all the elections. Seats were openly bought and sold, and a candidate had either to find a patron who would provide him with a seat, or, failing a patron, to purchase a seat himself. Fox first entered Parliament for the pocket borough of Midhurst, and Sir George Trevelyan has described how it took place. Midhurst was selected by the father of Charles James Fox as "the most comfortable of constituencies from the point of view of a representative; for the right of election rested in a few small holdings, on which no human being resided, distinguished among the pastures and the stubble that surrounded them by a large stone set up on end in the middle of each portion. These burbage tenures, as they were called, had all been bought up by a single proprietor, Viscount Montagu, who when an election was in prospect, assigned a few of them to his servants, with instructions to nominate the members and then make back the property to their employer. This ceremony was performed in March, 1768, and the steward of the estate, who acted as the returning officer, declared that Charles James Fox had been duly chosen as one of the burgesses for Midhurst, at a time when that young gentleman was still amusing himself in Italy."

Three years earlier Burke had entered Parliament as a nominee of Lord Rockingham's. Gibbon sat in the House for some years under patronage. Gladstone first became a member by presentation to a pocket borough, and later spoke in praise of this method of bringing young men of promise into Parliament. John Wilson Croker estimated that of six hundred and fifty-eight members of the House of Commons at the end of the eighteenth century, two hundred and seventy-six were returned by patrons. Men of more independence of mind who could afford to buy seats did so, and many of the reformers—including Burdett, Romilly and Hume—thus sat in the House.

### MANUFACTURING CENTRES UNREPRESENTED IN PARLIAMENT

It was not so much that the landowning aristocracy were over-represented in Parliament by their control of so many pocket boroughs, as that great manufacturing centres were entirely unrepresented. The middle-class manufacturers had no means of making their influence felt in the unreformed House of Commons, for towns of such importance as Leeds, Manchester and

Birmingham sent no representatives to Parliament. This meant that Parliament was out of touch with all the industrial life of the nation, and that nothing was done till after the Reform Act in the way of serious industrial legislation.

35 constituencies with hardly any voters at all returned	75	members
46 constituencies with less than 50 voters in each returned	90	"
19 constituencies with less than 100 voters in each returned	37	"
26 constituencies with less than 200 voters in each returned	52	"
84 male electors in other constituencies returned	157	"

The Reform Act of 1832 changed all this. It disfranchised all boroughs with less than 2,000 inhabitants—fifty-six in all; allowed one member only to boroughs with between 2,000 and 4,000; gave representatives to Manchester, Birmingham, Leeds, and to several other large manufacturing towns and London boroughs; extended the county franchise to leaseholders and £50 tenants at will; and settled the borough franchise on a uniform qualification of occupation in a house of £10 rateable value. It also fixed two days, instead of fifteen, as the limit for county elections, and one day for boroughs.

#### THE PASSAGE OF THE GREAT REFORM BILL

The Reform Bill was not carried without much rioting in the country, and some loss of life.

The Duke of Wellington was at the head of the Tory Ministry in 1830; and though he declared in face of an Opposition that was headed by the Whig aristocrats, and included the middle-class manufacturers and the great bulk of the working class in the industrial districts of Lancashire, Yorkshire and the Midlands, that "no better system (of Parliamentary representation) could be devised by the wit of man" than the unreformed House of Commons, and that he would never bring forward a reform measure himself, and should always feel it his duty to resist such measure when proposed by others, yet, in less than two years after this speech Wellington's resistance had ended, and the Reform Bill was carried into law.

What happened in those two years was this: At the general election in the summer of 1831, the popular cry was "the Bill, the whole Bill, and nothing but the Bill."

"The whole countless multitude of reformers had laid hold of the principle that the most secure and the shortest way of obtaining what they wanted was to obtain representation. The non-electors felt themselves called upon to put forth such power as they had as a means to obtaining the power which they claimed." And the non-electors were enormously successful. For they "combined their will, their knowledge, and their manifest force in political unions, whence they sent forth will, knowledge, and influence over wide districts of the land. And the electors, seeing the importance of the crisis—the unspeakable importance that it should be well conducted—joined these unions."

The Reformers carried the day at the elections, and the new House of Commons passed the second reading of the Bill on July 8th, by 136: 367-231. On September 21st the third reading passed by 345 to 236. Then on the 8th of October the House of Lords threw out the Bill by 199 to 158, and at once fierce riots broke out all over the country, in especial at Derby, Nottingham, and Bristol.

At Derby the jail was stormed. At Nottingham the castle was burned, and of nine men subsequently convicted of riot, three were hanged. At Bristol, the jail, the Mansion House, the Customs House, the Excise Office, and the Bishop's Palace were burned, and twelve lives were lost in three days.

The new session opened in December, and again the Bill was introduced, and this time the second reading had a majority of 162: 324-162. The House of Lords hesitated when the Bill came up to them at the end of March, 1832; allowed the second reading to pass by 184 to 175, and then in Committee struck out those clauses which disfranchised the "rotten" boroughs—uninhabited constituencies like Old Sarum. Grey, the Whig Prime Minister, at once resigned, and the Duke of Wellington endeavoured to form a Tory anti-reform Ministry. But the task was beyond him, the temper of the country was impatient of any further postponement of the Bill. Petitions poured in urging Parliament to vote no supplies, and resolutions were passed refusing to pay taxes till the Bill became law.

On Wellington's failure to make a Government, William IV. had to recall Grey, and the Whigs resumed office with an assurance that, if necessary, the King would create sufficient peers favourable to reform, so that the Bill should pass.

The battle was over, the anti-Reformers retired, and on June 4th, 1832, the Reform Bill passed the Lords by 106 to 22, receiving the Royal Assent three days later.

The Whigs protested that the Reform Bill was a *final measure*, and Sir Francis Burdett, the veteran reformer, was content to vote with the Tories when the Act had become law. But there is no finality in politics, and the Reform Bill was only the removal of a barrier on the road to democracy. The Tories described the Bill as revolutionary, but as a matter of fact the Act of 1832 neither fulfilled the hopes of its friends nor the fears of its foes. What the Act did was to transfer the balance of power from the landed aristocracy, which had been in the main predominant since

1688, to the richer members of the middle class—the big farmers in the country, the prosperous shopkeepers in the towns. The working class was still voteless, and the old democratic franchise of Preston and Westminster was gone from those boroughs.

The first reformed Parliament met early in 1833, and the change in the character of the House of Commons was seen at once. Government accepted responsibility for legislation in a way that had never been known before. The New Poor Law, 1834, and the new Municipal Corporations Act, 1835, were the beginning of our present system of local government. Slavery was abolished in all British Colonies in 1833.

Greville, in his *Memoirs*, gives us an impression of the new regime in Parliament as it appeared to one who belonged to the old dethroned aristocracy.

"The first thing that strikes one is its inferiority to preceding Houses of Commons, and the presumption, impertinence, and self-sufficiency of the new members.... There exists no *party* but that of the Government; the Irish act in a body under O'Connell to the number of about forty; the Radicals are scattered up and down without a leader, numerous, restless, turbulent, bold, and active; the Tories, without a head, frightened, angry, and sulky."

### THE WORKING CLASS STILL UNREPRESENTED

But the working classes were the really disappointed people in the country. They had worked for the reformers, and their energies—and their violence—had been the driving force that had carried the Bill into law. If their expectations were extravagant and their hopes over-heated, the more bitter was their distress at the failure of the Reform Act to accomplish the social improvements that had been predicted.

### CHARTISM

So the working class in despair of help from the Government, decided to get the franchise for themselves, and for twelve years, 1838-1850, Chartism was the great popular movement. The *Five Points of the People's Charter* were proclaimed in 1838: (1) Universal Suffrage; (2) Vote by Ballot; (3) Annual Parliaments; (4) Abolition of Property Qualification for Members of Parliament; (5) Payment of Members. A Sixth Point—Equal Electoral Districts—was left out in the National Petition.

Although the Chartist demands were political, it was the social misery of the time that drove men and women into the Chartist movement. The wretchedness of their lot—its hopeless outlook, and the horrible housing conditions in the big towns—these things seemed intolerable to the more intelligent of the working people, and thousands flocked to the monster Chartist demonstrations, and found comfort in the orations of Feargus O'Connor, Bronterre O'Brien, and Ernest Jones.

The Charter promised political enfranchisement to the labouring people, and once enfranchised they could work out by legislation their own social salvation. So it seemed in the 'Forties—when one in every eleven of the industrial population was a pauper.

Stephens, a "hot-headed" Chartist preacher, put the case as he, a typical agitator of the day, saw it in 1839: "The principle of the People's Charter is the right of every man to have his home, his hearth, and his happiness. The question of universal suffrage is, after all, a knife-and-fork question. It means that every workman has a right to have a good hat and coat, a good roof, a good dinner, no more work than will keep him in health, and as much wages as will keep him in plenty."<sup>[79]</sup>

The lot of the labourer and the artisan was found to be worse than it was in the earlier years of the nineteenth century, before the great Reform Act had been passed.<sup>[80]</sup> And while the Anti-Corn Law League, the Socialist propaganda of Robert Owen, and the agitation for factory legislation, all promised help and attracted large numbers of workmen, the Chartist movement was by far the strongest and most revolutionary of all the post-reform popular agitations. Chartism went to pieces because the leaders could not work together, and were, in fact, greatly divided as to the methods and objects of the movement. By 1848 Bronterre O'Brien had retired from the Chartist ranks, Feargus O'Connor was M.P. for Nottingham—to be led away from the House of Commons hopelessly insane, to die in 1855—and Ernest Jones could only say when the Chartist Convention broke up in hopeless disagreement, "amid the desertion of friends, and the invasion of enemies, the fusee has been trampled out, and elements of our energy are scattered to the winds of heaven."

In spite of its failure, Chartism kept alive for many years the desire for political enfranchisement in the labouring classes. That desire never died out. Although Palmerston, the "Tory chief of a Radical Cabinet"—so Disraeli accurately enough described him—was Prime Minister from 1855 to 1865 (with one short interval), and during that period gave no encouragement to political reform, the opinion in the country grew steadily in favour of working-class enfranchisement. Palmerston's very inactivity drove Liberals and the younger Conservatives to look to the working classes for support for the measures that were planned. The middle class was satisfied that the artisans could be admitted to the franchise without danger to the Constitution. Palmerston's death in 1865 left the Liberal Party to Earl Russell's premiership, with Gladstone as its leader in the Commons. Reform was now inevitable.

The Bill as first introduced in 1866 was a moderate measure, making a £7 rental the qualification for a vote in the boroughs. It was too moderate to provoke any enthusiasm, and it was hateful to the old Palmerstonian Whigs and most of the Conservatives, who objected to any enfranchisement of the working class. By a combination of these opponents the Bill was defeated, the Liberals retired from office, and a Conservative ministry under Lord Derby, with Disraeli leading the House of Commons, was formed.

### THE HYDE PARK RAILINGS (1866)

It was seen quickly that there was a very real demand for the enfranchisement of the town workman—the agricultural districts remained unawakened—and Reform Leagues and Reform Unions sprang up as they had done in 1831. Then in London came the incident of the Hyde Park railings, which gave a distinct impetus to the Reform movement. What happened at Hyde Park was this: the London Reform Union decided to hold a monster demonstration in Hyde Park on July 23rd, but the Chief Commissioner of Police had declared the meeting must not take place, and ordered the gates to be closed at five o'clock. Mr. Edmund Beales, and other leaders of the London Reform Union, on being refused admittance, drove away calmly to hold a meeting in Trafalgar Square, but the great mass of people remained outside the park, "pressed and pressing round the railings." Some were clinging to the railings; others deliberately weakened the supports of the railings. Park Lane was thronged, and all along the Bayswater Road there was a dense crowd. The line was too long for the police to defend, and presently, when the railings yielded to the pressure, the people poured in to the park.

"There was a simultaneous, impulsive rush, and some yards of railing were down, and men in scores were tumbling and floundering and rushing over them. The example was followed along Park Lane, and in a moment half a mile of iron railings was lying on the grass, and a tumultuous and delighted mob was swarming over the park. The news ran wildly through the town. Some thought it a revolt; others were of opinion it was a revolution. The first day of liberty was proclaimed here—the breaking loose of anarchy was shrieked at there. The mob capered and jumped over the sward for half the night through. Flower beds and shrubs suffered a good deal, not so much from wanton destruction, as from the pure boisterousness which came of an unexpected opportunity for horseplay. There were a good many little encounters with the police; stones were thrown on the one side, and truncheons used on the other pretty freely. A few heads were broken on both sides, and a few prisoners were made by the police; but there was no revolution, no revolt, no serious riot even."<sup>[81]</sup>

The Guards were called out, and a detachment arrived at the park, but the people only cheered the soldiers good-humouredly. Not even a blank cartridge was fired that day.

The Government, however, took the Hyde Park disturbance with extreme seriousness. "Nothing can well be more certain than the fact that the Hyde Park riot, as it was called, convinced Her Majesty's ministers of the necessity of an immediate adoption of the reform principle."<sup>[82]</sup> Disraeli, who in 1859 had proposed reform without getting any support, now saw that a great opportunity had come for a constructive Conservative policy, and boldly insisted to his party that Parliamentary Reform was a necessity. "You cannot establish a party of mere resistance to change, for change is inevitable in a progressive country," he told his followers.

All through the autumn and winter great demonstrations took place in the large towns and cities of the country in support of the demand for the enfranchisement of the workman, and when Parliament met in February, 1867, a Reform Bill was promised in the Queen's Speech. To Lord Derby the measure was frankly a "leap in the dark," and one or two Conservative ministers (including Cranborne, afterwards Lord Salisbury) left the Government in disgust. But the Conservatives generally chuckled at "dishing the Whigs," and the Bill, with considerable revision, was passed through both Houses of Parliament by August.

### HOUSEHOLD SUFFRAGE

By the Reform Bill of 1867 all male householders in boroughs were enfranchised, and all male lodgers who paid £10 a year for unfurnished rooms. The town workman was enfranchised by this Act as the middle-class man had been enfranchised by the Act of 1832, and the electorate was increased from about 100,000 to 2,000,000. An amendment that women should not be excluded from the franchise was moved by John Stuart Mill, and defeated. Some redistribution of seats took place under the Act of 1867, eleven boroughs were disfranchised, thirty-five with less than 10,000 inhabitants were made single-member constituencies, and additional representation was given to Chelsea, Hackney, Leeds, Liverpool, Manchester, Salford, Glasgow, Birmingham, Dundee, and Merthyr. "Thus was *Household Suffrage* brought in in the boroughs, and a great step was made towards democracy, for it was plain that the middle-class county constituencies could not last very much longer now that all workmen who happened to live in boroughs had their votes."<sup>[83]</sup>

The third Reform Act, giving household suffrage to the country districts, was passed by Gladstone in 1884, and it was followed by a Redistribution of Seats Act in 1885. By these two Acts the agricultural labourer was enfranchised, a service franchise was created for those who were qualified neither as householders nor lodgers, and the principle of single-member equal electoral districts—on a basis of 54,000 inhabitants—was adopted. Only twenty-three boroughs, the City of

London and the Universities of Oxford, Cambridge, and Dublin, retained double-member representation. The membership of the House of Commons was increased from six hundred and fifty-eight to six hundred and seventy, the present total; and the franchise remains as it was fixed in 1885—occupation and ownership giving the right to vote.

From time to time, for more than a hundred years, a plea has been put forward for universal or adult suffrage for men on the ground of an abstract right to vote, but it has met with little encouragement.<sup>[84]</sup> There is, however, a wide feeling in favour of simplifying the registration laws, so that a three-months' residence, instead of, as at present, a year's residence from one July to the next, should be sufficient to qualify for the franchise. There is also a strong demand for "one man, one vote." At present, while no elector may give more than one vote in any constituency, he may, if he has property in various places, give a vote in each of these districts, and some men thus give as many as a dozen votes at a general election. This plural voting by property and residential qualifications in different constituencies is not customary in other constitutional countries, and a Bill for its abolition passed the House of Commons in 1906, but was rejected by the Lords.

While Liberals urge "one man, one vote" as the more democratic arrangement, Conservatives reply by asking for "one vote, one value"—that is, a new redistribution of seats, for in the last twenty-five years there have been deep and extensive changes in the distribution of populations, and Ireland in particular is over-represented, it is maintained. But then the representation of Ireland in the House of Commons was really guaranteed by the Act of Union, 1800.<sup>[85]</sup>

### WORKING-CLASS REPRESENTATION IN PARLIAMENT

With the extension of the franchise the change in the *personnel* of the House of Commons has become marked. The more wealthy of the middle class entered in considerable numbers after 1832; the Acts of 1867 and 1884 made the entry of the workman inevitable. The miners were the first to send Labour representatives to Parliament, and to-day their members outnumber those of any other trade. Since 1892 industrial constituencies, chiefly in Yorkshire, Lancashire, South Wales, and the mining districts, have gone on steadily electing and re-electing working-class representatives—trade union secretaries and officers for the most part—and with the formation of a National Labour Representation Committee in 1900, these representatives became a separate and distinct party—the Labour Party after 1906—in the House of Commons.

Enfranchisement to secure representation for the redress of grievances has been the principle that has guided the English people towards democracy. Both the middle class and the working class were convinced that enfranchisement was necessary if the House of Commons was to be in any real sense a representative assembly, and both have used enfranchisement for obtaining representation in Parliament. The return of forty Labour Members at recent general elections is evidence that a large electorate supports the Labour Party in its desire to carry in Parliament legislation that will make life a better thing for the labourer and his family; and in the House of Commons the Labour Members have won a general respect. As a matter of fact, the House of Commons to-day is in every way a more orderly, a more intelligent, more business-like, and better-mannered assembly than it was in the days before 1832.

No stronger evidence of the value of Parliamentary representation to the working-class can be offered than the large output of what may be called labour legislation in recent years. It is true that Lord Shaftesbury's benevolent and entirely disinterested activities promoted Factory Acts in the first half of the nineteenth century, but in the last twenty years measures for the amelioration of the lot of the workman have been constantly before Parliament.

### REMOVAL OF RELIGIOUS DISABILITIES—CATHOLICS, JEWS, AND FREETHINKERS

The nineteenth century was not only the century of popular enfranchisement; it was the century that saw the removal of religious disabilities, and the free admission to Parliament and to the Government of Roman Catholics, Nonconformists, Jews, and Freethinkers.

In the year 1800 Roman Catholics in England were excluded from Parliament, from the franchise, from the magistracy, the Bar, the Civil Service, from municipal corporations, and from commissions in the Army and Navy. Pitt was willing to abolish these disabilities on the passing of the Act of Union, and the Irish people were bitterly disappointed that the disabilities remained. But George III. refused all assent to the proposals, and Pitt resigned. Several times the House of Commons passed Catholic Relief Bills, which were thrown out by the Lords, and it was not till 1829, when "the English ministry had to choose between concession and civil war," that Peel and the Duke of Wellington yielded and persuaded their party to admit Catholics to Parliament and to the Civil and Military Services.

The repeal of the Penal Laws against Roman Catholics—Acts of Elizabeth that inflicted penalties on priests who said mass in England, and on Roman Catholics who attended mass—took place in 1844, and in 1866 the Parliamentary Oath was amended and made unobjectionable to Roman Catholics.

A Roman Catholic is still excluded by law from the Crown, the Lord Chancellorship, and the Lord Lieutenancy of Ireland, but many Roman Catholics are members of Parliament—members of all parties—and the late Lord Ripon, a Catholic, sat in a Liberal Cabinet.



In 1846 Rothschild was elected as a Liberal M.P. for the City of London, but the law did not permit him to take his seat. Then for some years Jewish M.P.'s were allowed to take part in debates and sit on committees, but were not allowed to vote. Finally, in 1858, the Lords, after rejecting the measure for ten years, passed the Jews' Disabilities Bill, which removed all restriction. The Right Hon. Herbert Samuel, M.P., is the first Jew to sit in the Cabinet, for though Disraeli was of the Jewish race, he was a Christian in belief.

Although in 1800 various Acts on the Statute Book required Nonconformists to subscribe to the religion of the Church of England before taking part in municipal affairs, these Acts had long been a dead letter. All that was done in the nineteenth century was to repeal these Acts, and to throw open the universities and public offices to Nonconformists. It is only, however, in recent years that Nonconformists have filled posts of high importance in the Cabinet.

The last attempt at restriction on the religious beliefs of members of Parliament was made in the House of Commons itself, when Charles Bradlaugh, after being duly elected M.P. for Northampton, was by the action of the House excluded from his seat. Bradlaugh was a frank disbeliever in Christianity, and the House of Commons refused to allow him either to take the oath or make an affirmation. For five years (1880-5) the struggle lasted—a Liberal Government being in power all the time—and three times during that period the electors of Northampton triumphantly returned Charles Bradlaugh as their member, only to be answered by resolutions of refusal and expulsion passed by the House of Commons against their representative. It was a repetition of the battle Wilkes had fought one hundred and twenty years earlier, and it ended in the same way. A new Parliament assembled in January, 1886 (after a general election in November), the new Speaker (Mr. Peel) permitted Bradlaugh to take the oath in the usual way, declined to allow any interference, and the battle was over. Two years later a general Affirmation Bill was carried on the motion of Bradlaugh, and became law. When Charles Bradlaugh lay dying in January, 1891, the House of Commons passed, without dissent, a resolution expunging from the journals of the House the old resolutions of exclusion.

### THE ENFRANCHISEMENT OF WOMEN

The nineteenth century then will always be noted as the era of steady advance towards democracy, especially in England. Enfranchisement of the workman, and his representation in Parliament, have transferred the government of the country from an aristocracy to the middle class and the working class, for to-day, alike in Parliament and in the permanent Civil Service, men of the middle class predominate, assisted by those who served apprenticeship in mine or workshop. The removal of religious disabilities has ended the old rule that confined the business of the legislature and the administration of justice to members of the Established Church of England, and Roman Catholics, Jews, Nonconformists, and Freethinkers now take their share in all public work.

One disability only remains—the sex disability that denies the parliamentary franchise to women. In the middle ages women were excused from parliamentary attendance, but there was no notion that their powers and privileges as landowners were shortened because, on account of their sex, they were granted exemption from Parliament and from juries. In 1868 a test case—*Chorlton v. Lings*—was brought, and the judges decided that women householders were not to be registered as electors, and it was left to Parliament to pass a Women's Enfranchisement Bill. From the time of John Stuart Mill's advocacy in 1867 there have always been supporters of Women's Suffrage in the House of Commons, and in the last five years these supporters have been growing in numbers. Only the refusal of the Government to give time for the discussion of the Bill in Committee has prevented a Woman's Enfranchisement measure, which on several occasions has received a second reading, from passing the House of Commons; and the announcement by the present (1911) Government that full facilities for such discussion are to be granted next year (1912) would indicate that the removal of political sex disabilities is close at hand. Women are not asking for adult suffrage, but are willing to receive enfranchisement on the terms that qualify men as electors, and the Conciliation Bill, as it is called—because members of every political party have agreed to make it their Bill—would place on the roll of electors rather more than a million of women voters.

Meantime, while waiting for the removal of the anti-democratic barrier that excludes them from full political citizenship, women are admitted in the United Kingdom to an equal share with men in all local government. Since 1869 women who are householders have enjoyed the municipal franchise, and as Poor Law guardians and members of school boards, they have been freely elected to sit side by side with men. In 1907 women were declared eligible by Parliament for membership on county and borough councils, and for the chairmanship of county councils and the mayoralty of boroughs. Since this Act was passed we have seen women elected to the councils of great cities—Manchester and Liverpool, for instance—and chosen as mayors in several towns. No political movement in recent years has been of greater public interest or importance than the agitation for "Votes for Women." The demand for enfranchisement is based on the old constitutional ground of the Parliamentarians of the seventeenth century—that those who are directly taxed by Government must have some political control of the public expenditure—and it is supported by the present leader of the Conservative Party<sup>[86]</sup> on the ground that government can only be carried on in England by consent of the governed.

The demand for the parliamentary franchise is with us the expression of that deep dissatisfaction at the unequal relations of the sexes that is felt by many men, and by far more women, all over

the civilised world. As the middle-class man and the workmen of Great Britain were sure that they could not get from Parliament an understanding of popular grievances, still less fair treatment, until they possessed the right to choose their own parliamentary representatives, so women are convinced that there can be no adequate adjustment of these unequal relations until they too enjoy the same privilege of citizenship; for enfranchisement and representation are the two chosen instruments of democratic government in our day.

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## CHAPTER VIII

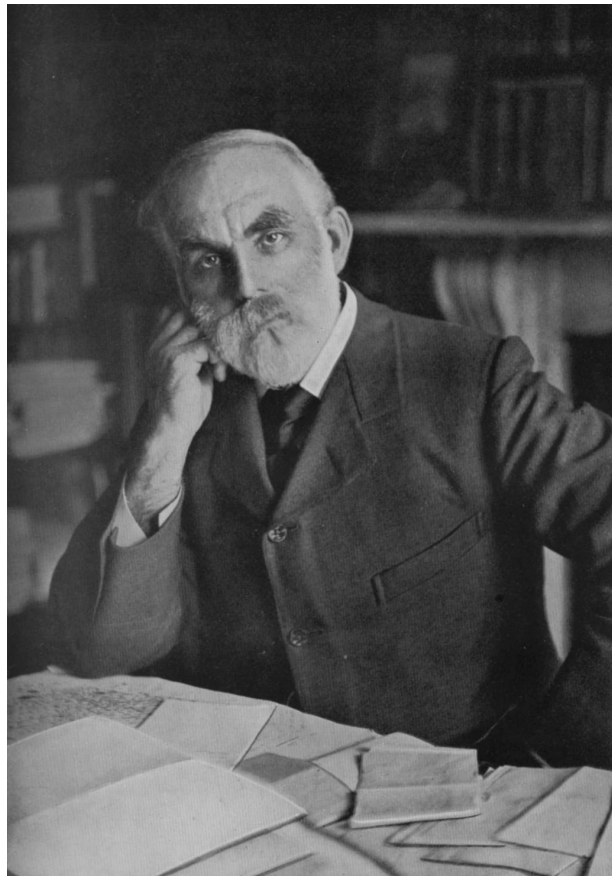
### DEMOCRACY AT WORK

#### LOCAL GOVERNMENT

To-day in Great Britain, in America, in the self-governing colonies, and in many European countries, we can see the principles of democracy in working order.

The whole system of local government in Great Britain and Ireland is essentially democratic. The municipal councils of all the large cities are elected on household suffrage, and have enormous powers. There is now no sex disability to prevent the election of women to these bodies, and, except in the case of the clergy of the Established Church, who are disqualified from sitting on town councils (but not on county or district councils), all ratepayers are eligible for nomination. The result is that on nearly every city council, and on a great number of county councils, London borough councils, urban and rural district councils, boards of guardians, and parish councils, there are working-class representatives, while women members have been elected to the great councils of Liverpool and Manchester, and sit on many boards of guardians and parish councils.

All these councils are of recent creation. The Municipal Corporations Act of 1835 placed the election of town councils for the first time in the hands of the ratepayers, but the real reform of local government dates from 1888. In that year the Conservative Government established county and district councils and Lord Rosebery became the first chairman of the London County Council. Six years later the Liberals set up parish councils in the rural districts, with parish meetings where the population did not exceed three hundred. In 1899 the Conservatives displaced the old London vestries by borough councils, and in 1902-3 abolished in England the school boards created in 1870, and made the county council the local authority for public elementary education. Scotland was allowed to retain its school boards, and strong but unsuccessful opposition was made in London and the chief cities to the suppression of the specially elected education authority.



**THE RIGHT HON. JOHN BURNS, M.P.**

*Photo: Moyse, Putney.*

As far as rural England is concerned, county councils, district councils, and parish councils are, generally speaking, very reluctant to put into operation the wide powers they possess. The average county council, though popularly elected, is composed in agricultural England of landowners and the bigger farmers, who, as a common rule, do not favour a land programme for labourers, and are anxious to keep down the rates. The rural district council and board of guardians are equally averse from any display of public enterprise, and the parish council, which often consists mainly of labourers, rarely accomplishes anything except at the prompting, or with the sanction, of the parochial landowner. The result is that allotments, rural housing, village baths and washhouses, an adequate water supply, public halls and libraries, are not regarded as the concern of rural elected authorities, but are left to the private enterprise of landowners. Civic pride, which glories in the public proprietorship of lands and libraries, tramways and lodging-houses, waterworks and workmen's dwellings, art galleries and swimming baths, and is a living influence in the municipalities of, let us say, London, Glasgow, Liverpool, Leeds, Bradford, Manchester, Birmingham, West Ham, and many a smaller borough, does not exist in rural councils. To the farmer and the peasant public ownership is a new and alien thing. The common lands and all the old village communal life have gone out of the memory of rural England; but the feudal tradition that the landowner is the real centre of authority has survived, and it is the benevolent landowner who is expected to build cottages, grant allotments, and see to the water supply, as fifty years ago he built and managed the village school. Political organisation could break through this tradition, but farmers and agricultural labourers are without this organisation; and so the authority of the landowner remains, in spite of the democratic constitution of local government. The people can allow their power to remain in the hands of others, just as a king can be content to reign without ruling, and the local government of rural England is an oligarchy elected by a popular franchise.

In the factory towns and the mining districts it is a very different matter. Here the people are organised, and take their share in local government. In the county of Durham, for instance, the working class predominates on local councils, and the influence of trade unions prevails in these assemblies wherever a strong Labour party exists. Mr. Joseph Chamberlain began his public career on the Birmingham Town Council, and his municipal services earned for him the enthusiastic support of Birmingham for all his later political ventures. It would be difficult to mention the name of a great statesman who laid the foundations of his fame in rural local government.

As in local government, so in the Imperial Parliament. Rural England sends no Labour member to the House of Commons. Only in very exceptional cases has a tenant farmer been elected. It is the social labour of the mine and the mill that has produced the Labour member of Parliament.

Mr. Joseph Arch made a valiant attempt to organise the agricultural labourers of England, and from 1880 to 1890 a rural labourers' union, with some thousands of members, was in existence. For a time this secured a rise in wages, and when Mr. Arch was in Parliament, as a Liberal M.P. (1885-1895), the rural labourer hoped for lasting improvement in the conditions of life. But the Union fell to pieces, and Mr. Arch was not strong enough single-handed to force the claims of his constituents on the House of Commons.

#### **THE WORKMAN IN THE HOUSE OF COMMONS**

To-day there are more than forty workmen in the House of Commons, and the great majority of these have served an apprenticeship in municipal and trade union offices. Northumberland, Durham, Yorkshire, Lancashire, Stafford, South Wales, Glasgow, Dundee, Leicester, Norwich and London, all have their elected Labour members in Parliament, and a marked preference is shown for the man who has proved his honesty and capacity in the municipality, or as the leader of his trade union. All the miners' representatives are tried and experienced men. Mr. G.N. Barnes, M.P., was for ten years the general secretary of the Amalgamated Society of Engineers. Mr. Clynes, M.P., was elected to the office of district secretary of the Gas Workers' and General Labourers' Union twenty years ago; Mr. Will Thorne, M.P., has been general secretary of the same union since 1889, and has sat on the West Ham Corporation for more than sixteen years. Mr. George Lansbury, M.P., and Mr. Will Crooks, M.P., are well known for their work on the London County Council and on their local borough council and board of guardians. Similarly with other Labour members of Parliament. Their lives are marked by a sense of public responsibility, with the result that in the House of Commons they are grave, business-like, and undemonstrative. The Labour members do not make "scenes"; they respect the rules of the House and the dignity of the National Assembly, partly because they are all in sober middle age, but more because they have learnt that public business can only be carried on by due observance of order; and they are in Parliament to get business done for their constituents, to promote legislation that will make life easier for the working class. When Mr. Victor Grayson, in the exuberance of youth, and with a passion that blazed out against the misery of the poor, made a "scene" in the House of Commons, and was expelled, the Labour members were quite sincere in their disapproval. They understood, with a wider knowledge than Mr. Grayson possessed, that "scenes" alienated sympathy in the House, were not helpful in debate, and were not popular with the electors.

The member who would succeed in the House of Commons must respect the usages of the House, and show himself loyal to its laws of debate. As long as this respect and loyalty are shown the Labour member is accepted by his fellow-members as one who has been elected to the greatest club in the world, and is justly entitled to all the privileges of membership. For the British House of Commons is a democratic assembly, and in its collective pride it cares nothing for the opinions

or social rank of its members. All it asks is that the newly-elected member should be alive to the honour of membership, should be modest in his bearing, and should as soon as possible "catch the tone of the House." He may be a labourer, or the son of a belted earl; the House is indifferent so long as his parliamentary manners are good.

The House of Commons is a far more orderly assembly than it was a hundred years ago; it is more sober and less noisy, and the arrival of Labour members has increased rather than diminished its good behaviour. It is also a far more industrious assembly, and the influence of the Labour party compels an amount of legislation that honourable members would have thought impossible fifty years ago.

### WORKING-CLASS LEADERS IN PARLIAMENT

Three representative working-class leaders in the House of Commons stand out pre-eminently in contemporary politics—the Right Hon. John Burns, Mr. J. Keir Hardie, and Mr. J. Ramsay MacDonald. The Right Hon. D. Lloyd George is conspicuous rather as the representative of the industrious Nonconformist middle class, but the success of his career is no less significant of the advance of democracy. The very Cabinet is now no longer an aristocratic committee, and the highest offices of executive government are held by men who are neither wealthy nor of distinguished family.

Two working-class leaders of an earlier generation—the Right Hon. T. Burt, M.P., and Mr. H. Broadhurst—held office as Under-Secretaries in the Liberal Government of 1892-5; but Mr. John Burns is the first trade unionist to sit in the Cabinet. He, too, might have been an Under-Secretary in the days of that short-lived Ministry, but decided, with characteristic vigour, that if he was fit to be an Under-Secretary he was fit for the Cabinet. At the close of 1905 the opportunity came, and the offer of Sir H. Campbell-Bannerman to preside over the Local Government Board was promptly accepted. The workman first took his place in the Cabinet when Mr. John Burns, at the age of forty-seven, went to the Local Government Board—to the complete satisfaction of Mr. Burns. For the robust egoism of Mr. Burns is largely a class pride. His invincible belief in himself is part of an equally invincible belief in the working class. His ambitions thrive on the conviction that whatever Mr. John Burns does, that the working class does in the person of their representative. Always does he identify himself with the mechanics and labourers with whom his earlier years were spent, and by whose support he has risen to office. The more honours for Mr. John Burns, the more does it seem to this stalwart optimist that the working class is honoured. He arrays himself in court dress at the palaces of kings, receives honorary degrees at Universities, and is kept before the public by the newspaper paragraphist, without wincing or pretending to dislike it. Why should the workman not be esteemed by kings and universities? Mr. Burns asks. So great is his self-respect that the respect of others is taken as a matter of course. Much of the criticism that has been directed against Mr. John Burns misses the mark, because it does not recognise that the motive power at work all the time in his career is the triumph of his class. It is the triumph of a member of the Amalgamated Society of Engineers, of a London workman, that Mr. John Burns beholds with unconcealed pleasure in his own success.

There are drawbacks, of course, to this complete self-satisfaction. Since the workman has triumphed in the person of Mr. John Burns, the working class would do well to follow his example, and heed his advice on all matters affecting its welfare, Mr. Burns argues. The failures of working-class life and the misery of the poor are due to the lack of those virtues that he possesses, he is apt to maintain. Hence Mr. Burns is hated as a Pharisee in certain quarters when he extols self-reliance and total abstinence as essential to working-class prosperity, and points to gambling and strong drink as the root of all evil in the State. It is sometimes urged that Mr. Burns over-praises his own merits; but the fault is really in the opposite direction; he does not appreciate sufficiently that the gifts he possesses—the gifts he has used so fully and so freely—are exceptional. These gifts are a powerful physique, a great voice, a tremendous energy, and a love of literature; and they are not the common equipment of the skilled mechanic and the labourer. True, they are often wasted and destroyed when they do exist; and in the case of Mr. Burns a strongly disciplined will has made them abundantly fruitful. But from the first the physique, the voice, and the untiring energy were far above those that fall to the lot of the average workman; and the love of books stored the mind with rich supplies of language to be drawn upon when speeches were to be made. Not as an administrator at the Local Government Board has Mr. Burns become famous. His fame as a champion of the working class was established by popular ovations in Hyde Park and at dock gates. Battersea has been won and held by the speeches of its member. It is not the mighty voice alone, silencing interruption often enough by sheer volume of sound, but the plainly pointed epigram, the ready jest and the quick repartee that endear Mr. John Burns' speeches to the multitude. His sayings and phrases are quoted. His wit is the wit of the Londoner—the wit that Dickens knew and studied, the wit of the older cabmen and 'bus drivers, the wit of the street boy. It is racy, it is understood, and the illustrations are always concrete and massive, never vague or unsubstantial. Apt Shakespearian quotations, familiar and unfamiliar, embellish the speeches. Personality, vital personality, counts for so much in the orator of the market place. The speaker must be alive to his audience, he must convince by his presence no less than by his arguments. And Mr. Burns is so obviously alive. He warms the shrunken, anæmic vitality of followers, and overpowers the protests of enemies by sheer force of character.

Mr. John Burns is at his real vocation when addressing a great multitude. His energy finds an

outlet in speech on those occasions, an outlet it can never find in the necessary routine of office administration. He was made for a life of action, and when once, in youth, he had thrown himself into the active study of political and industrial questions, every opportunity was seized for stating the results of that study. As a Social Democratic candidate for Parliament, Mr. Burns polled 598 votes at West Nottingham in 1885. In 1886 he was charged (with Messrs. Hyndman, Champion, and Williams) with seditious conspiracy—after an unemployed riot in the West End—and acquitted. In 1887 he suffered six weeks imprisonment (with Mr. R.B. Cunninghame Graham) for contesting the right of free speech in Trafalgar Square. In 1889 came the great London dock strike, and, with Messrs. Mann and Tillet, Mr. Burns was a chief leader of the dockers. Battersea returned him to the London County Council in 1889 and to the House of Commons in 1892. The Liberal Party promised a wider sphere of work than the Socialists could offer; political isolation was a barren business; and Mr. Burns gradually passed from the councils of the trade union movement to the Treasury Bench of a Liberal Ministry. But the Socialist convictions of early manhood had a lasting influence on their owner. These convictions have been mellowed by work; responsibility has checked and placed under subjection the old revolutionary ardour; experience finds the road to a co-operative commonwealth by no means a quick or easy route, and admits the necessity of compromise. But there is still a consciousness of the working class as a class in the speeches of Mr. Burns; and there is still the belief expressed that the working class must work out their own salvation, and that it is better the people should have the power to manage their own national and municipal affairs, and the wisdom to use that power aright, rather than that a benevolent bureaucracy should manage things for them. Mr. John Burns is an older man by twenty-five years than he was in the stormy days of the Trafalgar Square riots, and he is now a Privy Councillor and Cabinet Minister, but his character is little changed. His speeches on the settlement of the great Dock Strike of August, 1911, are the speeches of the man of 1889. Parliamentary life made sharper changes in the minds of Gladstone and Mr. Joseph Chamberlain than it has made in the mind of the Right Hon. John Burns. But Mr. Burns never admits that he possesses health and vigour beyond the average.

A working class leader of vastly different qualities is Mr. J. Keir Hardie, M.P. He, too, no less significant of democracy, stands as the representative of his class, claims always to be identified with it, to be accepted as its spokesman. A Lanarkshire miner and active trade unionist, Mr. Hardie has striven to create a working-class party in politics independent of Liberals and Conservatives; to him, more than to any other man, the existence of the Independent Labour Party and the Parliamentary Labour Party—the latter consisting of the Independent Labour Party and the trade unions—may justly be said to be due. The political independence of an organised working class has been the one great idea of Mr. Hardie's public life. Not by any means his only idea, for Mr. Hardie has been the ever-ready supporter of all democratic causes and the faithful advocate of social reforms; but the *great* idea, the political pearl of great price, for which, if necessary, all else must be sacrificed. Only by this independence can democracy be achieved, and a more equal state of society be accomplished—so Mr. Hardie has preached to the working people for the last twenty-five years at public meetings and trade union congresses, travelling the length and breadth of Great Britain in his mission.

There is something of the poet in Mr. Keir Hardie but much more of the prophet, and withal a good deal of shrewd political common sense. Where Mr. John Burns wants, humanly, the approval and goodwill of his friends and neighbours for his work, Mr. Keir Hardie is content with the assurance of his own conscience; and in times of difficulty he chooses rather to walk alone, communing with his own heart, than to seek the consolations of social intercourse.

Mr. Burns is a citizen of London, a lover of its streets, at home in all its noise, a reveller in its festivities. Mr. Hardie belongs to his native land; he is happier on the hills of Lanarkshire than in the Parliament of Westminster; solitude has no terrors for him. Both men entered the House in 1892. Personal integrity, blameless private life, and a doggedness that will not acknowledge defeat, have had much to do with the success that both have won. For if Mr. Hardie remains a private member of the House of Commons while Mr. Burns is a Cabinet Minister, Mr. Hardie has lived to see an independent Labour Party of forty members in Parliament, and has himself been its accredited leader.

Again, exceptional gifts may be noted. An eloquence of speech, a rugged sincerity that carries conviction, a love of nature and of literature—all these things, controlled and tempered by will and refined by use, have won for Mr. Hardie a high regard and an affection for the cause he champions. For years Mr. Hardie was misrepresented in the Press, abused by political opponents and misunderstood by many of the working class. From 1895 to 1900 he was out of Parliament, rejected by the working-class electorate of South West Ham. But nothing turned Mr. Hardie from his policy of independence, or shook his faith in the belief that only by forming a political party of their own could the working people establish a social democracy. Merthyr Tydvil re-elected him to the House of Commons in 1900 at the very time when he was braving a strong public opinion by denouncing the South African War; and for Merthyr Mr. Hardie will sit as long as he is in Parliament.

It may safely be said that Mr. Hardie will never take office in a Liberal Ministry. The sturdy republicanism that keeps him from court functions and from the dinner parties of the rich and the great, and the strong conviction that Labour members do well to retain simple habits of life, are not qualities that impel men to join Governments.

Visionary as he is—and no less a visionary because he has seen some fulfilment of his hopes—so indifferent to public opinion that many have exclaimed at his indiscretions, with a religious

temperament that makes him treat his political work as a solemn calling of God and gives prophetic fire to his public utterances, Mr. Keir Hardie may remain a private member of Parliament; but he also remains an outstanding figure in democratic politics, conspicuous in an age that has seen the working class rising cautiously to power. Mr. Hardie's influence with the politically minded of the working class has contributed in no small degree to the changes that are now at work. The ideal of a working class, educated and organised, taking up the reins of government and using its power in sober righteousness, has been preached by Mr. Hardie with a fervour that commands respect. He has made an appeal that has moved the hearts of men and women by its religious note, and hence it is very considerably from the ranks of Nonconformists with Puritan traditions that the Independent Labour Party has been recruited. Mr. Hardie is now fifty-five years of age. He has never been afraid of making mistakes, and he has never sought the applause of men. He has succeeded in arousing large numbers of people from a passive allegiance to the party governments of Liberals and Conservatives, and constrained them to march under a Labour banner at political contests. Whether the Labour Party in Parliament will remain a separate organisation or will steadily become merged in the Liberal Party, forming perhaps a definite left wing of that party: whether a sufficiently large number of voters will ever be found to make the Labour Party anything more than a group in Parliament: and whether the Independent Labour movement is not passing as Robert Owen's socialist movement and as the Chartist movement passed away in the middle of the nineteenth century, are questions that are yet to be answered. Democracy will go its own way in spite of the prophets. In any case, the work of Mr. Keir Hardie has been fruitful and valuable. For it has made for a quickened intelligence, and a more exalted view of human life amongst the working people; and it has increased the sense of personal and civic responsibility. It has made for civilisation, in fact, and it has insisted on the importance of things that democracy can only forget to its own destruction.

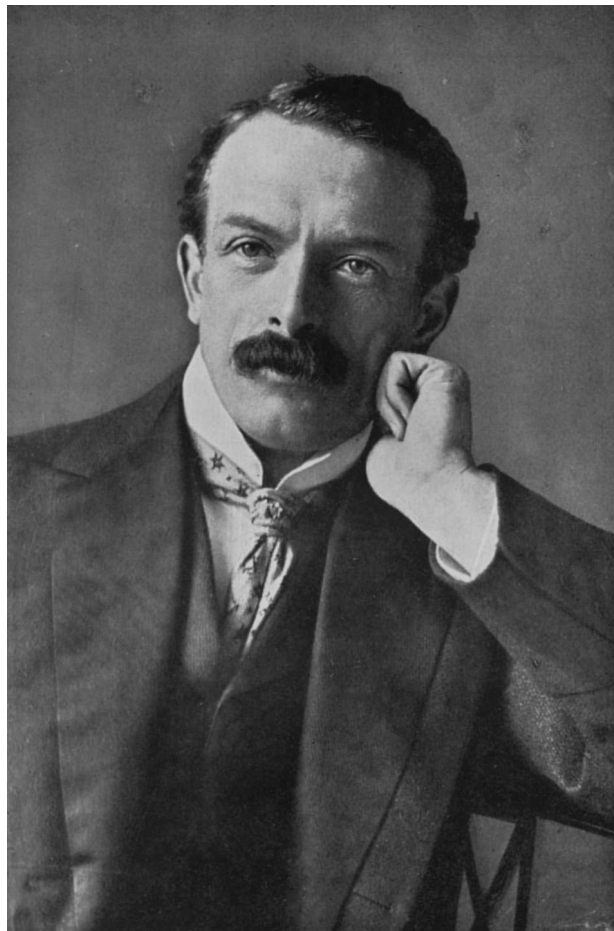
The third distinguished working-class leader in Parliament is Mr. J. Ramsay MacDonald, the elected leader of the Labour Party, and its secretary since its formation. Mr. Ramsay MacDonald is for the working class, but, though born of labouring people, and educated in a Scotch board school, has long ceased to be of them. Never a workman, and never associated with the workman's trade union, Mr. MacDonald went from school teaching to journalism and to a political private secretaryship, and so settled down quickly into the habits and customs of the ruling middle class. Marriage united him still more closely with the middle class, and strengthened his position by removing all fear of poverty, and providing opportunities for travel.

From the first Mr. MacDonald's political life has been directed clearly to one end—the assumption of power to be used for the social improvement of the people. And this ambition has carried him far, and may carry him farther. With the industry and persistence that are common to his race, Mr. MacDonald has taken every means available to educate himself on all political questions; with the result that he is accepted to-day as one of the best informed members of the House of Commons. He taught himself to speak, and his speeches are appreciated. He taught himself to write, and his articles on political questions have long been welcome in the monthly reviews, and his books on Socialism are widely read. Twenty years ago the Liberal Party promised no political career to earnest men like Mr. MacDonald, men anxious for social reform. The future seemed to be with the Socialists, and with the Independent Labour Party. When the Liberal downfall came in 1895, it was thought that the fortunes of Liberalism were ended. Native prudence has restrained Mr. Ramsay MacDonald from pioneering, but once the Independent Labour Party, of Mr. Keir Hardie's desire, was set going, and promised an effectual means for political work, Mr. MacDonald joined it, and did well to do so. As an ordinary Liberal or Radical Member of Parliament, Mr. Ramsay MacDonald would never have had the opportunities the Labour Party has given him. He only entered the House of Commons in 1906—at the age of forty—and already as leader of the Labour Party he is a distinguished Parliamentary figure, of whose future great things are foretold.

Mr. MacDonald has studied politics as other people study art or science. He has trained himself to become a statesman as men and women train themselves to become painters and musicians. He has learnt the rules of the game, marked the way of failure and the road to success, and his career may be pondered as an example to the young. No generous outburst of wrath disfigures Mr. MacDonald's speeches, no rash utterance is ever to be apologised for, no hasty impulse to be regretted. In the Labour movement Mr. MacDonald won success over older men by an indefatigable industry, a marked aptitude for politics, and by an obvious prosperity. Other things being equal, it is inevitable that in politics, as in commerce, the needy, impecunious man will be rejected in favour of the man with an assured balance at the bank, and the man of regular habits preferred before a gifted but uncertain genius. The Socialist and Labour movements of our time have claimed the services of many gifted men and women, and the annals of these movements are full of heroic self-sacrifice. But an aptitude for politics was not a distinguishing mark of Socialists, and therefore Mr. MacDonald's experience and abilities gave him at once a prominent place in the council of the Independent Labour Party, and soon made him the controlling power in that organisation. With the formation of the National Labour Party a very much wider realm was to be conquered, and Mr. MacDonald has been as successful here as in the earlier Independent Labour Party. But now the Labour Party having made Mr. MacDonald its chairman, it can do no more for him. He is but forty-five years old, his health is good, his talents are recognised; by his aversion from everything eccentric or explosive, the public have understood that he is trustworthy. We may expect to see Mr. Ramsay MacDonald a Cabinet Minister in a Liberal-Labour Government. It may even happen that he will become Prime Minister in such a Government. He is a "safe" man, without taint of fanaticism. His sincerity for the improvement of the lot of the poor does not compel him to extravagant speech on the subject, and his imagination

is sufficient to exclude dullness of view. He has proved that the application of Socialist principles does not require any violent disturbance of the existing order, and is compatible with social respectability and political authority. A public opinion that would revolt against the notion of an ex-workman becoming Prime Minister would not be outraged in any way by Mr. MacDonald holding that office. Mr. Burns and Mr. Hardie have remained in their own and in the public eye representatives of the working class, all education notwithstanding. Mr. MacDonald has long cut himself off from the labouring class of his boyhood. He has adapted himself easily and naturally to the life and manners of the wealthier professional classes, and he moves without constraint in the social world of high politics, as one born to the business. No recognition of the workman is possible in Mr. Ramsay MacDonald's case, and this fact is greatly in his favour with the multitudes who still hold that England should be ruled by "gentlemen."

The Right Hon. D. Lloyd George is a striking figure in our new democracy, and his character and position are to be noted. It was not as a labour representative but as the chosen mouthpiece of the working middle class, enthusiastic for Welsh nationalism, that Mr. Lloyd George entered Parliament in 1890, at the age of twenty-seven. With his entry into the Cabinet, in company with Mr. John Burns, at the Liberal revival in 1905, government by aristocracy was ended; and when Mr. Lloyd George went from the Board of Trade to the Chancellorship of the Exchequer, startling changes were predicted in national finance. These predictions were held to have been fulfilled in the Budget of 1909. The House of Lords considered the financial proposals of the Budget so revolutionary that it took the unprecedented course of rejecting the Bill, and thus precipitated the dispute between the two Houses of Parliament, which was brought to a satisfactory end by the Parliament Act of 1911. Romantic and idealist from the first, and with unconcealed ambition and considerable courage, Mr. Lloyd George, with the strong backing of his Welsh compatriots, fought his way into the front rank of the Liberal Party during the ten years (1895-1905) of opposition. More than once Mr. George pitted himself against Mr. Joseph Chamberlain in the days of the Conservative ascendancy and the South African War, and his powers as a Parliamentary debater won general acknowledgment. In youth Mr. Lloyd George, full of the fervour of Mazzini's democratic teaching, dreamed of Wales as a nation, a republic, with himself, perhaps, as its first president. Welsh nationalism could not breed a Home Rule Party as Irish nationalism has done, and Mr. Lloyd George has found greater scope for his talents in the Liberal Party. The Welsh "question" has dwindled into a campaign for the Disestablishment of the Church in Wales, a warfare of Dissenters and Churchmen, and to Mr. Lloyd George there were bigger issues at stake than the position of the Welsh Church.



**THE RIGHT HON. D. LLOYD GEORGE, M.P.**

*Photo: Reginald Haines, Southampton Row, W.C.*

Already Mr. Lloyd George's Budget and his speeches in support of the Budget have made the name of the Chancellor of the Exchequer familiar to the people of Great Britain; and now, in the eager discussion on his Bill for National Insurance, that name is still more loudly spoken. Hated

by opponents and praised by admirers, denounced and extolled, Mr. Lloyd George enjoys the tumult he arouses. His passionate speeches for the poor provoke the sympathy of the working class; his denunciations of the rich stir the anger of all who fear social revolution. Hostile critics deny any constructive statesmanship in Mr. Lloyd George's plans and orations, and prophesy a short-lived tenure of office. Radical supporters hail him as a saviour of society, and are confident that under his leadership democracy will enter the promised land of peace and prosperity for all. Neutral minds doubt whether Mr. Lloyd George is sufficiently well-balanced for the responsibilities of high office, and express misgivings lest the era of social reform be inaugurated too rapidly. The obvious danger of a fall always confronts ambition in politics, but the danger is only obvious to the onlooker. Pressing forward the legislative measures he has set his heart upon, and impatient to carry out the policy that seems to him of first importance to the State, Mr. Lloyd George pays little heed to the criticism of friends or foes. A supreme self-confidence carries him along, and the spur of ambition is constantly pricking. Political co-operation is difficult for such a man, and an indifference to reforms that are not of his initiation, and a willingness to wreck legislation that cannot bear his name, are a weakness in Mr. Lloyd George that may easily produce a fall. Only a very strong man can afford to say that a reform shall be carried in his way, or not at all, in cheerful disregard of the wishes of colleagues and followers. Mr. Lloyd George's attitude on the question of Women's Suffrage is characteristic. Professing a strong belief in the justice of women's enfranchisement, he assumes that he can safely oppose all Women's Suffrage Bills that are not of his framing, even when these Bills are the work of ardent Liberals. He would have the measure postponed until he himself can bring in a Reform Bill, to the end that the enfranchisement of women may be associated with his name for all time.

It is dangerous to the statesman, the ambition that finds satisfaction less in the success of a party or the triumph of a cause, than in the personal victory. Dangerous, because it brings with it an isolation from friends and colleagues. These come to stand coldly aloof, and then, if a slip occurs or a mistake is made, and there comes a fall, no hands are stretched out to repair the damage or restore the fallen. The statesman who is suspected of "playing for his own hand" may laugh at the murmurs of discontent amongst his followers while all goes well for him, but when he falls he falls beyond recovery. No one can foretell the end of Mr. Lloyd George's career, but his popularity with the multitude will not make up to him for the want of support in Parliament should an error of judgment undo him. The pages of political history are strewn with the stories of high careers wrecked in a feverish haste for fame, that overlooked dangers close at hand; of eminent politicians broken in the full course of active life by the mere forgetfulness of the existence of other persons. A simple miscalculation of forces, and from lofty station a minister tumbles into the void.

The stability of the working-class leaders makes their future a matter of fairly safe conjecture. Mr. Lloyd George, romantic in temperament, covetous of honour, confident of popularity, but heedless of good-will alienated and of positive ill-will created, has reached the Chancellorship of the Exchequer. Will he climb still higher in office, or will he pass to the limbo peopled by those who were and are not? Time alone can tell. But in this year of grace 1911 Mr. Lloyd George, incarnation of the hard-working middle class, is a very distinct personality in the government of the country, and his presence in the Cabinet a fact in the history of democracy.

#### **THE PRESENT POSITION OF THE HOUSE OF LORDS**

More than once since 1831 the House of Lords has come into conflict with the House of Commons when a Liberal Government has been in power. A compromise was effected between the two Houses over the Disestablishment of the Irish Church in 1869, the Lords, on the whole, giving way. When the Lords proposed to "amend" the Army Reform Bill (for abolishing the purchase of commissions) in 1871, Gladstone overpowered their opposition by advising the Crown to cancel the Royal Warrant which made purchase legal, and to issue a new warrant ending the sale of commissions. This device completely worsted the House of Lords, for a refusal to pass the Bill under the circumstances merely deprived the holders of commissions of the compensation awarded in the Bill. The Army Reform Bill became law, but strong objection was taken by many Liberals to the sudden exercise of the Royal Prerogative. In 1884 the Lords refused to pass the Bill for the enfranchisement of the rural labourer unless a Bill was brought in at the same time for a redistribution of seats. After some discussion Gladstone yielded, the Redistribution Bill was drawn up, and passed the Commons simultaneously with the Franchise Bill in the Lords.

Several Bills have been rejected or "amended" by the Lords since the Liberals came into power in 1906, and the crisis came when the Budget was rejected in 1909. In June, 1907, the following resolution was passed by the House of Commons by 432 to 147 votes: "That in order to give effect to the will of the people, as expressed by their elected representatives, it is necessary that the power of the other House to alter or reject Bills passed by this House should be so restricted by law as to secure that within the limits of a single Parliament the final decision of the Commons shall prevail." This resolution was embodied in the Parliament Bill of 1911. Between 1907 and 1911 came (1) the rejection of the Budget, November, 1909; (2) the General Election of January, 1910, and the return of a majority of 124 (Liberal, Labour, and Irish Nationalist) in support of the Government; (3) the passing of resolutions (majority, 105) for limiting the Veto of the Lords; (4) the failure of a joint Conference between leading Liberals and Conservatives on the Veto question, followed by (5) the General Election of December, 1910, and the return of the Liberals with a united majority of 126.



The Parliament Bill declared that every Money Bill sent up by the Commons, if not passed unamended by the Lords within a month, should receive the Royal assent and become an Act of Parliament notwithstanding, and that every Bill sent up for three successive sessions shall in the third session become an Act of Parliament without the assent of the Lords.

The Lords passed this Bill with amendments which the Commons refused to accept, and the Parliament Bill was returned to the Lords in August. But, as in 1832, the Prime Minister announced that he had received guarantees from the Crown that peers should be created to secure the passage of the Bill if it was again rejected; and to avoid the making of some three or four hundred Liberal peers, Lord Lansdowne—following the example of the Duke of Wellington—advised the Conservatives in the House of Lords to refrain from opposition. The result of this abstention was that the Lords' amendments were not persisted in, and the Bill passed the Lords on August 10th, 1911, by 131 to 114 votes.

By this Parliament Act the Lords' veto is now strictly limited. The Lords may reject a Bill for two sessions, but if the Commons persist, then the Bill passes into law, whether the Lords approve or disapprove.

The real grievance against the House of Lords, from the democratic standpoint, has been that its veto was only used when a Liberal government was in power. There is not even a pretence by the Upper House of revising the measures sent from the Commons by a Conservative ministry; yet over and over again, and especially in the last five years, Liberal measures have been rejected, or "amended" against the will of the Commons, by the Lords after the electors have returned the Liberals to power. The permanent and overwhelming Conservative majority in the Lords acts on the assumption that a Liberal ministry does not represent the will of the people, an assumption at variance with the present theory of democratic government, and in contradiction to the constitutional practice of the Crown. The great size of the House of Lords makes the difficulty of dealing with this majority so acute. In 1831 the creation of forty peerages would have been sufficient to meet the Tory opposition to the Reform Bill; to-day it is said that about four hundred are required to give the Liberals a working majority in the Lords. The rapid making of peers began under George III., but from 1830 to the present day Prime Minister after Prime Minister has added to the membership of the House of Lords with generous hand. Satire, savage and contemptuous, has been directed against the new peers by critics of various opinions, but still the work of adding to the House of hereditary legislators goes gaily on, and Liberal Prime Ministers have been as active as their Tory opponents in adding to the permanent Conservative majority in the Lords; for only a small minority of Liberal peers retain their allegiance to the Liberal Party.

Thackeray gave us his view of the making of peers in the years when Lord Melbourne and his Whig successors were steadily adding to the Upper House. (Between 1835 and 1841 Melbourne made forty-four new peers, and twenty-eight more were added by 1856.)

"A man becomes enormously rich, or he jobs successfully in the aid of a Minister, or he wins a great battle, or executes a treaty, or is a clever lawyer who makes a multitude of fees and ascends the bench; and the country rewards him for ever with a gold coronet (with more or less balls or leaves) and a title, and a rank as legislator. 'Your merits are so great,' says the nation, 'that your children shall be allowed to reign over us, in a manner. It does not in the least matter that your eldest son is a fool; we think your services so remarkable that he shall have the reversion of your honours when death vacates your noble shoes.'"

J.H. Bernard, in his "Theory of the Constitution" (1835), was no less emphatic:—

"As the affair is managed now, the peerage, though sometimes bestowed as the reward of merit, on men who have adorned particular professions, is yet much more frequently—nine times out of ten—employed by the minister of the day as his instrument to serve particular views of public policy; and is often given to actual demerit—to men who hire themselves out to do his commands through thick and thin. The peerage is now full of persons who have obtained possession of it by disreputable means."

But in spite of satire and hostile criticism members of the House of Lords have always enjoyed a considerable social popularity. They are widely esteemed for their titles, even by those who denounce hereditary legislators and desire to abolish the Second Chamber.

Disraeli created six new peers in 1867-8, and seventeen more from 1875 to 1880, in addition to conferring the earldom of Beaconsfield on himself. Yet Disraeli had written in "Coningsby" (1844):—

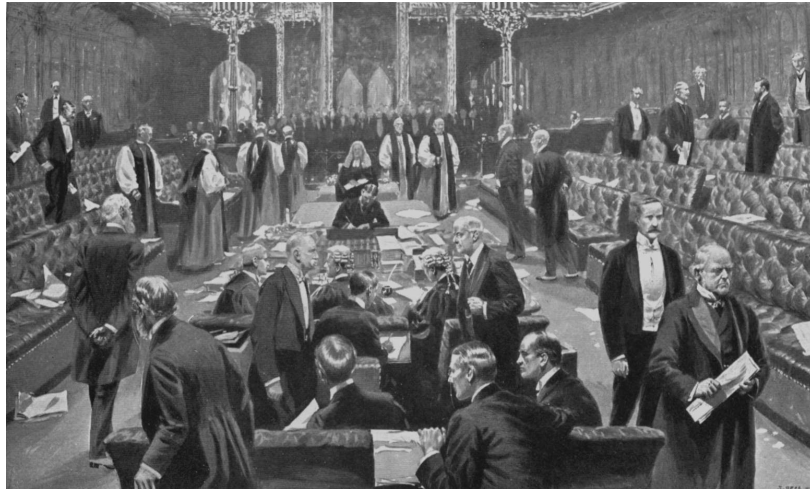
"We owe the English peerage to three sources: the spoliation of the Church, the open and flagrant sale of its honours by the elder Stuarts, and the borough-mongering of our own times. Those are the three main sources of the existing peerage of England, and, in my opinion, disgraceful ones."

Gladstone made fifty peers in his four premierships, and Mr. Herbert Paul, the Liberal historian of "Modern England," makes the following comments:—

"No minister since Pitt had done so much as Mr. Gladstone to enlarge and thereby to strengthen the House of Lords.

"Mr. Gladstone was lavish in his distribution of peerages, and rich men who were politically active, either in the House of Commons or behind the scenes, might hope to be rewarded with

safe seats elsewhere."



#### THE PASSING OF THE PARLIAMENT BILL IN THE HOUSE OF LORDS

*From the Drawing by S. Begg.*

Sir Henry Campbell-Bannerman exceeded all previous records of the last century by making twenty new peers in less than two years—1905 to 1907—and Mr. Asquith maintained this vigorous policy by thirteen new creations in the first year of his premiership. Already many of these peers, whose titles are not more than six years old, vote with the Conservatives. Great Britain is now the only country in the world that combines a democratic form of government with a second chamber of hereditary legislators, and many proposals are on foot for the reform of the House of Lords. While the Conservatives are more anxious to change the constitution of the Upper House, and to make it a stronger and more representative assembly, the Liberals prefer that its power of veto should be abolished. No Act of Parliament was required to abolish the veto of the Crown on Acts of Parliament, but the growth of a democratic public opinion did not prove strong enough to end the veto of the Lords on the Bills passed by a Liberal majority in the Commons, and therefore the Parliament Act was passed.

#### THE POPULARITY OF THE CROWN

The popularity of the Crown has become increasingly wider and more general in the years that have seen the British people steadily taking up the work of self-government. The fear of a hostile demonstration by the inhabitants of London kept William IV. from visiting the Mansion House in 1830, and the death of that monarch in 1837 evoked no national mourning. Queen Victoria, unknown to the people on her accession, had the very great advantage of Lord Melbourne's political advice in the early years of her reign. Her marriage, in 1840, with the Prince Consort—who himself learnt much from Melbourne—brought a wise counsellor to the assistance of the throne. "I study the politics of the day with great industry," wrote the Prince Consort. "I speak quite openly to the Ministers on all subjects, and endeavour quietly to be of as much use to Victoria as I can." The Prince Consort saw quickly that "if monarchy was to rise in popularity, it could only be by the sovereign leading a good life, and keeping quite aloof from party." The days of a profligate court and of "the King's friends" in politics were past and gone; the royal *influence* was to succeed the royal *prerogative*.<sup>[87]</sup>

The aloofness from political partisanship has been faithfully maintained by the successors of Queen Victoria, and great as the royal influence may be in the social life of the wealthier classes, it is certain that no such influence operates in the casting of votes by the people at Parliamentary elections. No one suspects the King of desiring the return of Liberals over Tories, or of favouring the Tory programme rather than the Liberal; and this neutrality is the surest guarantee of the continued popularity of the Crown.

For some years in the late 'seventies and early 'eighties of the nineteenth century Republicanism was the creed of many ardent working-class Radicals in England. Charles Bradlaugh was its chief exponent, and both Mr. Joseph Chamberlain and the late Sir Charles Dilke were regarded as Republicans before they entered Gladstone's Ministry in 1880. The Republican movement waned before Bradlaugh's death. He himself was "led to feel that agitation for an ideal form of government was less directly fruitful than agitation against the abuses of class privilege; and in the last dozen years of his life, his political work went mainly to reforms within the lines of the Constitution."<sup>[88]</sup>

With the rise of the Socialist movement in England in 1884-5, and the celebration of the Queen's Jubilee in 1887, Republicanism became utterly moribund, and nothing save an attempt on the part of the sovereign to take a definite side in party politics, or a notorious lapse from the morals required of persons in office of State, could revive it.

The interest in Socialism was fatal to the Republican movement, because it turned the

enthusiasm of the active spirits in democratic politics from the desire for radical changes in the *form* of government, to the crusade for economic changes, and the belief in a coming social revolution. The existence of monarchy seemed a small and comparatively unimportant affair to men and women who were hoping to get poverty abolished, and the landlords and capitalists expropriated either by direct revolution, or by the act of a House of Commons, dominated by working men with Socialist convictions.

The national celebrations at the Queen's Jubilee in 1887 marked the beginning of the popular revival in pageantry and official ceremonial. In the Church of England this revival began some forty years earlier, and it has, in our day, changed the whole conduct of public worship. The revival of Roman Catholicism in England with its processions and solemn ritual has been equally significant. By gratifying the common human instinct for spectacle and drama the monarchy has gained the popular affections.

The Whigs scoffed at pageants and symbols; the earlier Puritans had proscribed ceremonial as savouring of idolatry, and feared any manifestation of beauty as a snare of the devil. In the latter half of the nineteenth century, England began to throw off the shackles of Puritanism, and to lose all interest in Whiggery. The new democracy was neither coldly Deist, nor austere Republican. It has shown no inclination to inaugurate a reign of "pure reason" in religion or politics, but has boldly and cheerfully adopted symbolism and pageantry. Friendly societies and trade unions have their badges, banners, and buttons. The Roman Catholic Church grows in popularity with the working class, and in many towns and cities the Church of England and the Salvation Army are distinctly popular. On the other hand, the Nonconformist churches confess annually to a decreasing membership, and Secularist and Ethical societies have but the smallest following.

The royal processions and the pageantry of monarchy have provided a spectacular display that average human nature enjoys. The symbols and trappings of monarchy must be shown if the sovereign is to be popular; they add to the gaiety of life, and people are grateful for the warmth of colour they impart to our grey streets. The sovereign in encouraging the renewed and growing love for pageants and ceremonial has discerned the signs of the times. Modern democracy does not desire that kings or priests shall rule; but it does require that they shall on State occasions and in the performance of their office, be clad in kingly and priestly robes, and by their proceedings enrich the dignity of public life, and the beauty of public worship.

#### **THE DEMOCRATIC IDEALS: SOCIALISM AND SOCIAL REFORM**

The rise of Socialism in the 'eighties not only diverted the attention of working-class leaders from political reform, but it substituted for the destruction of monarchy and the House of Lords a reconstruction of society as the goal of democracy; and the Socialist teaching has been of enduring and penetrating influence.

Fifty years earlier in the nineteenth century, Robert Owen had preached a Socialist crusade with strenuous persuasion—but, ignoring politics, he outlived the temporary success of his cause. The utopian Socialism of Owen flourished and died, as Chartism, under different treatment, flourished and died.

The "scientific" Socialism of Karl Marx was planned on stronger foundations. It brought a message of hope; it revealed how the change was to be wrought that would "emancipate the workers of the world from the slavery of wage service"; and it insisted that this change was inevitable. On the Continent, and more particularly in Germany, the Social Democratic Party has gained an enormous working-class support, and every election adds to its strength.

In England the Social Democratic Federation—now the Social Democratic Party—was founded in 1884 by Mr. H.M. Hyndman; but in spite of its untiring efforts, it has never won the sympathy of the trade unions, nor the confidence of the working-class electorate. Its Parliamentary candidatures rarely attract attention, and it is not a force in Labour politics. Nevertheless, indirectly, the influence of the Social Democratic Party has been very considerable. Mr. John Burns, and many another Labour leader, have passed through its ranks, and a social conscience has been made sensitive to the miseries of the poor, largely by the voices—that will not be silenced—of this comparatively small company.

The Fabian Society also began its work of educating public opinion to Socialism in 1884, but, unlike the Social Democratic Federation, it made no proposals for the creation of a Socialist Party or the organisation of the working class into a separate political party. Mainly, its influence can be seen in the increase of statistical knowledge and of State interference in the conditions of life and labour in the working class.

The Independent Labour Party was not formed till 1892, and while professing Socialism, it has aimed rather at securing the return of labour members to Parliament, and to local governing councils than at the conversion of the working class to a dogmatic social democracy. Often frankly opportunist and experimental, the Independent Labour Party and its offspring, the Labour Party in the House of Commons, have followed the national custom in politics of attacking and redressing evident evils, and have done this with considerable success.

But while the Socialists have compelled the attention of all classes to existing social ills, and have made social reform the chief concern of all politicians, the idea of a social democracy steadily recedes from the political vision, and the conscious movement to Socialism falters. Socialist workmen in Parliament or on city councils soon find themselves absorbed in the practical work of

legislation or administration, and learn that there is neither leisure nor outlet for revolutionary propaganda. The engrossing character of public work destroys the old inclination to break up the existing order, for the Socialist member of Parliament, or city councillor interested in his work, has become part of the machinery responsible for the existing order, and without losing his sympathy for the labouring people is content that the amelioration of society shall come, as it now seems to him it must come, by slow and orderly stages and without violence. The very return of so many Labour members to Parliament and to local councils has damped down the fires of Socialism, by placing in positions of authority and responsibility, and thereby withdrawing them from the army of disaffection, the ablest leaders of the working-class movement. The Labour member who cannot settle down to legislative or administrative work, but attempts to play the agitator's part in the House of Commons or the council chamber, is generally doomed to banishment from official public life, and is allowed to remain an agitator.

Mr. John Burns may be denounced as a renegade by Socialist critics, but a working-class electorate returns him to Parliament. Mr. Cunninghame Graham and Mr. Victor Grayson may be applauded for their consistency by Socialist audiences, but working-class constituencies are loth to return such representatives to the House of Commons.

As Socialism quietly passes out of the vision of the political world, and from a definite inspiration to democracy becomes a dim and remote possibility of the future, Social Reform takes its place. Not only in Great Britain, but throughout Europe, the social reformers or "revisionists" are gaining the mastery over the scientific Marxian Socialists in democratic politics. In Great Britain where "practical," or experimental, politics have always prevailed over political theory, the passing of positive Socialist dogma is naturally more obvious. Social Reform is now the cry of Liberals and Conservatives alike. The old Liberal doctrines of *laissez faire*, unrestricted competition, and the personal liberty of the subject are as dead as the Stuart doctrine of the divine right of kings. The old Liberal hostility to State interference in trade or commerce, and to compulsory social legislation has melted away at the awakened social conscience. It still has its adherents—Lord Cromer and Mr. Harold Cox repeat the ancient watch-words of Victorian Liberalism, and they are regarded with a respect mingled with curiosity, as strange survivals of a far-off age—but no popular echo follows their utterances. Pensions for the aged, better provision for the sick and the infirm, a more careful attention to the well-being of children, national health, some cure for destitution, and some remedy for unemployment—these are the matters that a Liberal Government is concerned about to-day. And the Conservatives are no less sincere in their willingness to help in these matters. Legislative proposals for social reform are treated as non-party questions, and the chief item in the Conservative programme, Tariff Reform, was adopted and is advocated mainly as a social reform, a cure for industrial evils, and the misery of unemployment.

Socialism proposed the abolition of poverty, and the common ownership and control of the land and the means of production, distribution, and exchange as the solution of economic questions.

Social Reform proposes to mitigate the hardships of life for the multitude, and, while leaving land and capital in private hands, to compel by taxation provision for the wants of the people. Its aim is the abolition of destitution by State assistance to voluntary effort, and the gradual raising of the standard of life. It does not propose to remove the cause of poverty.

Socialism would place the democracy in possession of the means of wealth. Social Reform requires the State to tax wealth and provide for the people. It promises a living wage, decent housing accommodation, an insurance against unemployment, and security in old age, and leaves the question of national ownership or private ownership to be settled by posterity.

### LAND REFORM AND THE SINGLE TAX

Apart from the ideals of Socialism, the democratic ideal of a community owning the full value of its land was presented by Henry George, an American economist, in 1879, and his book "Progress and Poverty," was at once received with enthusiasm by certain reformers in England and America. George visited England in 1881, 1884, and 1889, and his visits resulted in a strong movement for the taxation of land values. This movement has been inspired by an ideal of a democratic community as definite as the Socialist ideal, and it has grown steadily in popular favour as the justice of a tax on land values has been recognised. "Progress and Poverty" is the bible of the Land Reformers, as Marx's "Capital" is (or was) the bible of Socialists. It is claimed that a tax on land values is the true remedy of social and economic ills, and that democracy can eradicate the root-cause of poverty by such a tax. In this belief the followers of Henry George have preached the Single Tax, as it is called, with unquenchable fervour, and the Liberal Party has been gradually won over—if not to the Single Tax, at least to a tax on land values. Many Conservatives, too, favour the taxation of land values in cities, and all the principal municipalities have petitioned Parliament in favour of this method of taxation. But it is the democratic ideals of Henry George that have been the life of the movement for the Single Tax, and but for these ideals the movement would never have become a living influence towards democracy, or inspired a social enthusiasm.

The charm about the Single Tax propaganda is that its ideals of democracy do not discourage the practical politician and the average citizen from supporting what seems a necessary and reasonable proposal. Without committing themselves at all to Henry George's full scheme for the total abolition of land monopoly by a tax of twenty shillings in the pound on all land values, and

without abandoning the common British suspicion of the doctrinaire and the political idealist, the ordinary shopkeeper and householder are quite of opinion that urban values in land can be taxed legitimately for the benefit of the community, and that democracy would do well to decree some moderate tax on land values for the relief of the overtaxed non-landowner.

So the taxation of land values is presented by its advocates as a social reform more radical and democratic than all other social reforms, as a reform that in fact would make democracy master of its own land, and the people free from the curse of poverty; and it is accepted by the great mass of working people as a just and useful method of raising revenue for local and imperial needs.

Socialism, social reform, the Single Tax—various are the ideals of a democratic people at work at the business of government, and various are the means proposed to establish the democracy in economic freedom.

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## CHAPTER IX

### THE WORLD-WIDE MOVEMENT: ITS STRENGTH AND WEAKNESS

#### EAST AND WEST

The movement towards democracy is world-wide to-day, and the political constitutions of the West are desired with fervour in the East.

For generations there has been agitation in Russia for representative government, and men and women—in countless numbers—have sacrificed wealth, reputation, liberty, and life itself in the cause of political freedom. On the establishment in 1906 of the Duma, a national chamber of elected members, there was general rejoicing, because it seemed that, at length, autocracy was to give place to representative government. But the hopes of the political reformers were short lived. The Duma still exists, but its powers were closely restricted in 1907, and the franchise has been narrowed, to secure an overwhelming preponderance of the wealthy, so that it is altogether misleading to regard it as a popular assembly.

In Egypt and in India the Nationalist movements are directed to self-government, and are led by men who have, in most cases, spent some years at an English University, or have been trained at the English Bar. Residence in England, and a close study of British politics make the educated Indian anxious for political rights in his own country, similar to those that are given to him in Great Britain. In England the Indian has all the political rights of a British subject. He can vote for a member of Parliament, he can even be a member of the House of Commons. On two occasions in recent years, an Indian has been elected to Parliament: Mr. Dadabhai Naoroji sat as Liberal M.P. for Finsbury, 1892-5; Sir M.M. Bhowndegree as a Conservative for Bethnal Green, 1895-1906. Back in his native land, the Indian finds that he belongs to a subject race, and that the British garrison will neither admit him to social equality, nor permit him the right of legislation. Hence with eyes directed to Western forms of government, the Indian is discontented with the bureaucracy that rules his land, and disaffected from the Imperial power. But so many are the nations in India, and so poverty-stricken is the great multitude of its peasantry that the Nationalist movement can touch but the fringe of the population, and the millions of India live patiently and contentedly under the British Crown. Nevertheless, the national movement grows steadily in numbers and in influence, for it is difficult for those who, politically minded, have once known political freedom, to resign themselves to political subjection.

In Egypt the Nationalist movement is naturally smaller and more concentrated than in India and the racial divisions hinder its unity. Egypt is nominally under the suzerainty of Turkey, though occupied by Great Britain, and now that Turkey has set up a Constitution and a Parliament, patriotic Egyptian politicians are impatient at the blocking out by the British authorities of every proposal for self-government.

As in India, so in Egypt: it is the men of education who are responsible for the Nationalist movement. And in both countries it is the desire to experiment in representative government, to test the constitutional forms in common use in the West, and to practise the responsibilities of citizenship, that stimulates the movement. The unwillingness of the British Government to gratify this desire explains the hostility to British rule in India and Egypt.

Japan received a Constitution from the Emperor in 1890, and in 1891 its Diet was formally opened with great national enthusiasm. It is a two-chamber Parliament—a Council of nobles, and a popularly elected assembly—and only in the last few years have the business men given their attention to it. Although the Cabinet is influenced by Japanese public opinion, it is not directly responsible to the Diet, but is the Ministry of the Mikado. The resolution of the Japanese statesmen of forty years ago to make Japan a world-power made Constitutional Government, in their eyes, a necessity for the nation.

In Europe, Norway, Sweden, and Denmark all possess democratic constitutions, and only the removal of sex disabilities in the latter two is needed to achieve complete adult suffrage. Finland established complete democracy nine years ago, and, with equal electoral districts, complete

adult suffrage, and the free election of women equally with men to its Diet, is a model democratic state. But the liberties of Finland are gravely threatened by the Russian Government, and there is no security for the Finns that their excellent self-government will be preserved. In Germany, with universal manhood suffrage, the struggle is to make the Government responsible to the elected Reichstag.

The British self-governing Colonies show a tendency of democracy to federate. The Australian Colonies are federated into a Commonwealth, and their example has been followed by the South African Colonies. New Zealand and Australia are at one in their franchise, which allows no barrier of sex; but South Africa still restricts the vote to males. In Australia the working class are in power, and the Commonwealth Prime Minister is a Labour representative. There is no willingness to grant political rights to those who are not of European race, either in South Africa or in Australia; and the universal republic dreamed of by eighteenth century democrats, a republic which should know no racial or "colour" bar, is not in the vision of the modern colonial statesmen of democracy, who are frankly exclusive. Only in New Zealand does a native race elect its own members to Parliament—and four Maori M.P.'s are returned.

### **TYRANNY UNDER DEMOCRATIC FORMS**

Experience has proved that democratic and republican forms of government are no guarantee that the nation possesses political liberty.

Mexico, nominally a republic under President Diaz, was in reality a military autocracy of the severest kind. The South American Republics are merely unstable monarchies, at the mercy of men who can manipulate the political machinery and get control of the army.

It is too early yet to decide whether the constitutional form of government set up in Turkey in 1908, or the republic created on the abolition of monarchy in Portugal in 1910, mark national movements to democracy. In neither country is there evidence that general political freedom has been the goal of the successful revolutionist, or that the people have obtained any considerable measure of political power or civil liberty. Ambitious and unscrupulous men can make full use of republican and democratic forms to gain political mastery over their less cunning fellows, and no machinery of government has ever yet been devised that will safeguard the weak and the foolish from the authority of the strong and the capable.

Those who put their trust in theories of popular sovereignty, and urge the referendum and initiative as the surer instruments of democracy than Parliamentary representation, may recall that a popular plebiscite organised by Napoleon in 1802 conferred on him the Consulate for life; that Louis Napoleon was made President of the French Republic in 1848 by a popular vote, obtained a new constitution by a plebiscite in 1851, and a year later arranged another plebiscite which declared him hereditary Emperor, Napoleon III. France, where naturally Rousseau's theories have made the deepest impression, has since the Revolution gloried in the right of the "sovereign people" to overthrow the government, and its elected representatives have been alternately at the mercy of dictators and social revolutionists.

On the whole, the stability of the British Government, rooted in the main on the traditional belief in the representation of the electorate, would seem to make more surely for national progress and wider political liberty than the alternation of revolution and reaction which France has known in the last hundred and twenty years.

England has not been without its popular outbursts against what the American poet called "the never-ending audacity of elected persons," but these outbursts are commonly accepted as manifestations of intolerable conditions; and while the outbursts are repressed means are taken by Government to amend the conditions. When the Government fails to amend things, the House of Commons takes the matter up; and if the Commons neglect to do so, then the electors make it plain that amendment and reform are necessary by returning men to Parliament pledged to change matters, and by rejecting those who have failed to meet the situation.

### **THE OBVIOUS DANGERS**

The dangers that threaten democracy are obvious. Universal adult suffrage, short Parliaments, proportional representation, equal electoral districts, second ballots—none of these things can insure democracy against corruption. For a government which rests on the will of a people—a will expressed by the election of representatives—is inevitably exposed to all the evils attendant on the unruly wills and affections of the average man.

The orator can play upon the feelings of the crowd, and sway multitudes against a better judgment; and he has greater chance of working mischief when a referendum or other direct instrument of democracy is in vogue than he has when government is by elected representatives. For the party system, itself open to plenty of criticism, constantly defeats the orator by the superior power of organisation. Hence it frequently happens at Parliamentary elections that a candidate whose meetings are enthusiastic and well attended fails lamentably at the poll. His followers are a crowd; they are not a party. They do not know each other, and they have not the confidence that comes of membership in a large society.

### **PARTY GOVERNMENT**

If the orator is a menace to the wise decisions of the people by a referendum, the party organiser and political "boss" can easily be a curse to representative government on party lines. By all manner of unholy devices he can secure votes for his candidate and his party, and he has raised (or lowered) the simple business of getting the people to choose their representative into the art of electioneering. The triumph of political principles by the election of persons to carry out those principles becomes of less importance than the successful working of the party machine, when the boss and the organiser are conspicuous. Patronage becomes the method for keeping the party in power, and the promise of rewards and spoils enables an opposition to defeat the Government and obtain office. To be outside the party is to lose all chance of sharing in the spoils, and to take an interest in politics means, under these circumstances, to expect some consideration in the distribution of honours.

The "spoils system" is notorious in America, but in England it has become practically impossible for a man to take any serious part in politics except by becoming part of the machine. An independent attitude means isolation. To belong to a party—Liberal, Unionist, or Labour—and to criticise its policy, or differ from its leaders, is resented as impertinence. The machine is master of the man. A troublesome and dangerous critic is commonly bought or silenced. He is given office in the Government, or rewarded with a legal appointment; perhaps made a peer if his tastes are in that direction. A critic who cannot command a considerable backing among the electorate will probably be driven out of public life. The disinterested activity in politics that puts the commonwealth before party gain is naturally discouraged by the party organisers.

Yet when public interest in national affairs sinks to the merely sporting instinct of "backing your candidate" at elections as a horse is backed at race meetings, and of "shouting for your party" as men shout for their favourite football team, or sinks still lower to the mercenary speculation of personal gain or loss on election results, then another danger comes in—the indifference of the average honest citizen to all politics, and the cynical disbelief in political honesty.

The warnings of John Stuart Mill against leaving politics to the politicians and against the professional position may be quoted:

"Representative institutions are of little value, and may be a mere instrument of tyranny or intrigue when the generality of electors are not sufficiently interested in their own government to give their vote; or, if they vote at all, do not bestow their suffrages on public grounds, but sell them for money, or vote at the beck of some one who has control over them, or whom for private reasons they desire to propitiate. Popular elections as thus practised, instead of a security against misgovernment, are but an additional wheel in its machinery."

Mill himself was a striking example of the entirely disinterested politician, who, caring a great deal more for principles than for party, finds little favour with the electors, and less with the party managers, and retires from politics to the relief of his fellows.

A general lack of interest in politics can prove fatal to democracy. The party managers, without the fear of the electorate before their eyes, will increase the number of salaried officials and strengthen their position by judicious appointments. Nominally, these inspectors and officers will be required for the public service, and the appointments will be justified on patriotic grounds. There will be little criticism in Parliament, because the party not in power will be anxious to create similar "jobs" when its own turn comes. Besides, as the public pays for these officials, there is no drain on the party funds; and this is a matter of congratulation to party managers, who are always anxious not to spend more than they can help on the political machinery.

## BUREAUCRACY

But the horde of officials and inspectors will change democracy into bureaucracy, and the discovery is sometimes made too late that a land is ruled by permanent officials, and not by elected representatives. The elected representatives may sit and pass laws, but the bureaucracy which administers them will be the real authority.

It may be an entirely honest and efficient bureaucracy, as free from political partisanship as our British Civil Service and police-court magistracy are, but if it is admitted to be outside the jurisdiction of the House of Commons, and to be under no obedience to local councils, and if its powers involve a close inquisition into the lives of the people, and include the right to interfere daily with these lives, then bureaucracy and not democracy is the actual government.

A host of salaried political workers—agents, organisers, secretaries, etc.—will make popular representative government a mere matter of political rivalry, an affair of "ins and outs," and by this development of the party system will exclude from active politics all who are not loyal to the "machine," and are not strong enough to break it. But a host of public officers—inspectors, clerks, etc.—paid out of the public funds will do more than pervert representative government: they will make it subordinate to the permanent official class; and bureaucracy, once firmly in the saddle, is harder to get rid of than the absolutism of kings, or the rule of an aristocracy.

Yet a permanent Civil Service is better in every way in a democracy than a Civil Service which lives and dies with a political party, and is changed with the Cabinet.

On the whole, the best thing for democracy is that the paid workers in politics should be as few as possible, and the number of salaried state officials strictly limited. The fewer the paid political workers, the fewer people will be concerned to maintain the efficiency of the political machine,

and the more freely will the electorate act in the choice of its representatives. The fewer the salaried officials of State, the less inspection and restriction, and the less encouragement to habits of submission in the people. Democracy must depend on a healthy, robust sense of personal responsibility in its citizens, and every increase in the inspectorate tends to diminish this personal responsibility, and to breed a "servile state" that will fall a willing prey to tyranny and bureaucracy.

Nevertheless, whilst in self-defence democracy will avoid increasing its officials, it will distinguish between officials and employees. It is bound to add to the number of its employees every year, as its municipal and imperial responsibilities grow steadily larger, and these employees, rightly regarded as public servants, cannot threaten to become our masters.

#### WORKING-CLASS ASCENDANCY

Still one more danger to democracy may be mentioned, and that is the notion that from the working class must necessarily come our best rulers.

"Rulers are not wise by reason of their number or their poverty, or their reception of a weekly wage instead of a monthly salary or yearly income. It is worse and more unpleasant and more dangerous to be ruled by many fools than by one fool, or a few fools. The tyranny of an ignorant and cowardly mob is a worse tyranny than the tyranny of an ignorant and cowardly clique or individual.

"Workers are not respectable or to be considered because they work more with their hands or feet than with their brains, but because the work they do is good. If it is not good work they do, they are as unprofitable as any other wasters. A plumber is not a useful or admirable creature because he plumbs (if he plumbs ignorantly or dishonestly, he is often either a manslayer or a murderer), but because he plumbs well, and saves the community from danger and damp, disease, and fire and water. Makers of useless machine-made ornaments are, however 'horny-handed,' really 'anti-social persons,' baneful to the community as far as their bad work goes; more baneful, possibly, than the consumers of these bad articles, quite as baneful as the *entrepreneurs* who employ them.

"The only good institutions are those that do good work; the only good work done is that which produces good results, whether they be direct, as the plough-man's, or navy's, or sailor's; or indirect, as the policeman, or the schoolmaster, or the teacher of good art, or the writer of books that are worth reading. A man is no better or wiser than others by reason of his position or lack of position, but by reason of his stronger body, wiser head, better skill, greater endurance, keener courage."<sup>[89]</sup>

There it is. Democracy needs for its counsellors, legislators and ministers, strength, wisdom, skill, endurance and courage, and must get these qualities in whomsoever they are to be found. Democracy can afford the widest range of choice in the election of popular representatives, or it will never reach its full stature.

In the choice of its representatives, a democracy will do well to elect those who know the life of the working people, and who share its toils; just as it will do well to shun the mere talker, and to seek out for itself candidates for election rather than have candidates thrust upon its attention by some caucus in London. But the main thing is that it should first discern men and women of ability and of character and then elect them for its representatives, rejecting those, it may be of more dazzling qualities, who are unstable in mind and consumed with vanity. It would be well if the elected representative were always an inhabitant of the county or the borough, known to his neighbours, and of tested worth. True, the prophet is often without honour in his own country, and a constituency acts wisely in electing a representative of national repute. But to search for a man of wealth who will subsidise every club and charitable institution in the constituency, and to rejoice when such a candidate is procured from some political headquarters, is a wretched proceeding in a democratic state. The member who buys a constituency by his gifts will always feel entitled to sell his constituents should occasion arise.

Again, the delegate theory of representation can be a danger to democracy.

A Parliamentary representative is something better than a mechanical contrivance for registering the opinions of electors on certain subjects. Otherwise all Parliamentary debate is a mockery. A representative he is of the majority of electors, but he must act freely and with initiative. Often enough he may be constrained to vote, not as many of his constituents would prefer, but using his own judgment. Of course when the choice is between obedience to the party whip and the wishes of his constituents, and personal conviction is with the latter, then at all costs the decision should be to stand by his constituents, or popular representation is a delusion.

To-day the pressure is far greater from the party whips than from the constituents, especially when in so many cases election expenses are paid, in part at least, from the party funds. And to overcome this constant danger to popular representation a sure plan would be the payment of all necessary election expenses out of the local rates, and the prohibition by law of all payments by the candidate or by political associations. When members are paid for their attendance in Parliament, far better would it be, too, if such payment were made by the constituents in each case, and not from the national exchequer.<sup>[90]</sup> Worse than the delegate theory is the opinion that a representative of the people is in Parliament chiefly to keep his party in power. Political parties



are inevitable, and they are effective and convenient when principles divide people. But popular representation is older than a party system of government, and when it becomes utterly subordinate to the welfare of parties it is time for a democratic people to realise the possible loss of their instrument of liberty.

Great Britain is not partial to groups, it has always broadly been divided politically into two camps, but a few men of strong independent judgment are invaluable in a popular assembly. There need be no fear lest governments totter and fall at the presence of men who dare to take a line of their own, and to speak out boldly on occasion. The bulk of members of Parliament will always cleave to their party, as the bulk of electors do, and the dread of being thought singular is a potent influence on the average man, in or out of Parliament. Democracy is in danger of losing the counsel of its best men when it insists that its representatives must be merely delegates of the electors, without minds or wills of their own; but it is in greater danger if it allows its representatives to be nothing but the tools of the party in power or in opposition. For when Parliamentary representation is confined to those who are willing to be the mechanical implements of party leaders and managers, the House of Commons becomes an assembly of place-hunters and self-seekers, for whom the profession of politics affords the gratification of vanity or enrichment at the public expense. In such an assembly the self-respecting man with a laudable willingness to serve the State is conspicuous by his absence.

With a Press in the hands of party politicians, and with editors and journalists engaged to write up their party through thick and thin, and to write down every honest effort at political independence of mind, the danger of losing from all political service the few rare minds that can ill be spared is a very real and present danger.

### ON BEHALF OF DEMOCRACY

"The price of liberty is eternal vigilance," and often enough we sleep at our vigils. But when all the dangers and difficulties that beset democracy are enumerated, and all its weak spots are laid bare, we can still hold democracy to be the only suitable form of government for persons possessing free will, and the representation of the people the most satisfactory expression of democracy.

Government by autocrat, by despotism, benevolent or otherwise, by expert officials, or by an oligarchy of superior intelligences is irksome to the average man or woman of reasonable education, and in each case has been intolerable to the British people. They have all been tried and found wanting—royal absolutism, aristocracy, military dictatorship, and only of late have we been threatened by an expert bureaucracy.

Parliamentary representation adapted, by the removal of disabilities of creed and rank and income, to meet the demands of the nation, has been proved by experience a clumsy but useful weapon for checking oppression. Nowadays, we are using it less for defence against oppression, or as an instrument for removing political grievances, and are testing its worth for the provision of positive social reform. More and more it is required of Parliament that means be found for getting rid of the ills around us, for preventing disease and destitution, for promoting health and decency.

And just because legislation is, at the prompting of a social conscience, invading our homes and workshops, penetrating into prisons, workhouses, and hospitals, touching the lives of all of us from the cradle to the grave, the more imperative is it that our legislators should be chosen freely by the widest electorate of men and women. We fall back on the old maxim: "That which touches all shall be approved by all," and can perceive no other way of obtaining that general approbation for the laws than by the popular election of our representatives.

Demagogues may exploit the popular will, the cunning and unscrupulous in power may have us at their mercy, in our folly and indifference the nation may be brought to grave losses; but still there is always the means of recovery for the well-disposed while the vote remains in their hands.

So it is that, in spite of obvious failings and shortcomings, democracy by representative government remains for nations throughout the world that have not yet tried it the goal of their political striving. We are alive to the imperfections of democracy. It is no automatic machine for conferring benefits in return for taxes. It is the creation of mankind, not a revelation from heaven; and it needs, like all good human things, constant attention and can bear many improvements. It has to be adjusted from time to time to suit the growing capacities of mankind—as the popular assembly gave way to the representative assembly—and only on the failure to make the adjustment does it get rusty and out of order. It has to meet the requirements of vast empires and mighty confederations of states, and to fulfil the wants of small republics and parish councils.

What but democracy can answer to the call for political liberty that sounds from so many lands and in so many varying tongues? Did any other form of government devised by the wit of man make such universal appeal?

And when all is said and done—what does this democracy, this government by popular representatives, mean, but government by the consent of the governed—the only form of government tolerable to civilised mankind in the twentieth century?

Given a fairly good standard of common honesty in the ordinary dealings of life, and the honesty

of our public life, whether in Parliament or in the Civil Service, in executive or administration, will serve. If the private and commercial life is corroded with dishonesty, then democracy will be bitten by knaves and rascals. For our chosen rulers have a way of faithfully reflecting the morality of their electors, and are not free to indulge their fancies, as kings of old were.

Politics are not, and never will be, or ought to be, the chief interest and concern of the mass of people in a healthy community where slavery is extinct. And democracy makes no demand that would involve such interest and concern. The choice of honest representatives, persons of goodwill, and reasonable intelligence, is no tremendous task in a community where honesty, goodwill, and intelligence prevail. And if these things do not prevail, if honesty is contemned in business, and goodwill between man and man despised, and intelligence frowned upon, then it is of small importance what the government of such a nation is, for that nation is doomed, and it is well for the world that it should be doomed.

But, on the whole, it seems indisputable that the common people of the great nations do cleave to honesty and goodwill, and that the desire for intelligence is being widely fostered. As long, then, as we can count on honesty, goodwill, and intelligence in our streets and market-places, as we can to-day, mankind does well to elect its representatives to council and Parliament and proclaim democracy—"Government of the people, by the people, for the people"—as the proper government for mankind.

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### Notes.

[1] We cannot be sure about the constitution of the Witenagemot. The evidence is conflicting, and, at best, we can only offer a statement of opinion.

[2] "The parish was the community of the township organised for Church purposes and subject to Church discipline, with a constitution which recognised the rights of the whole body as an aggregate, and the right of every adult member, *whether man or woman*, to a voice in self-government, but at the same time kept the self-governing community under a system of inspection and restraint by a central authority outside the parish boundaries."—Bishop Hobhouse, *Somerset Record Society*, Vol. IV.

"The community had its own assembly—the parish meeting—which was a deliberative assembly. It had its own officers, who might be either men or women, duly elected, sometimes for a year, sometimes for life, but in all cases subject to being dismissed for flagrant offences. The larger number of these officials had well-defined duties to discharge, and were paid for their services out of funds provided by the parishioners."—DR. JESSOPP, *Before the Great Pillage*.

[3] Radmer, *Life of Anselm*. (Rolls Series.)

[4] "The boldness of Anselm's attitude not only broke the tradition of ecclesiastical servitude, but infused through the nation at large a new spirit of independence."—J.R. GREEN, *History of the English People*.

[5] "For as long as any one in all the land was said to hold any power except through him, even in the things of God, it seemed to him that the royal dignity was diminished."—EADMER, *Life of Anselm*.

[6] See Palgrave's *History of Normandy and England*.

[7] "A martyr he clearly was, not merely to the privileges of the Church or to the rights of the See of Canterbury, but to the general cause of law and order as opposed to violence."—FREEMAN, *Historical Essays*.

[8] See Campbell's *Lives of the Chancellors*.

[9] F. York Powell, *England to 1509*.

"Ecclesiastical privileges were not so exclusively priestly privileges as we sometimes fancy. They sheltered not only ordained ministers, but all ecclesiastical officers of every kind; the Church courts also claimed jurisdiction in the causes of widows and orphans. In short, the privileges for which Thomas contended transferred a large part of the people, and that the most helpless part, from the bloody grasp of the King's courts to the milder jurisdiction of the bishop."—FREEMAN, *Historical Essays*.

[10] Walter of Coventry. (Rolls Series.)

[11] Roger of Wendover. (Rolls Series.)

[12] "Clause by clause the rights of the commons are provided for as well as the rights of the nobles; the interest of the freeholder is everywhere coupled with that of the barons and knights; the stock of the merchant and the wainage of the villein are preserved from undue severity of amercement as well as the settled estate of the earldom or barony. The knight is protected against the compulsory exaction of his services, and the horse and cart of the freeman against the irregular requisition even of the sheriff."—STUBBS, *Constitutional History*.

- [13] "Quod Anglicana Ecclesia libera sit."—*Magna Charta*, I.
- [14] "This most important provision may be regarded as a summing-up of the history of Parliament so far as it can be said yet to exist. It probably contains nothing which had not been for a long time in theory a part of the Constitution: the kings had long consulted their council on taxation; that council consisted of the elements that are here specified. But the right had never yet been stated in so clear a form, and the statement thus made seems to have startled even the barons.... It was for the attainment of this right that the struggles of the reign of Henry III. were carried on; and the realisation of the claim was deferred until the reign of his successor. In these clauses the nation had now obtained a comparatively clear definition of the right on which their future political power was to be based."—STUBBS, *Constitutional History*.
- [15] "Ut quod omnes similiter tangit ab omnibus approbetur."
- [16] Stubbs, *Constitutional History*.
- [17] Stubbs, *Ibid*.
- [18] "Analogous examples may be taken from the practice of the ecclesiastical assemblies, in which the representative theory is introduced shortly before it finds its way into parliament."—STUBBS, *Constitutional History*.
- [19] Stubbs, *Constitutional History*.
- [20] Stubbs, *Constitutional History*.
- [21] F. York Powell, *England to 1509*.
- [22] Sir Courtenay Ilbert, *Parliament*.
- [23] Ilbert, *Parliament*.
- [24] Bagehot, *The English Constitution*.
- [25] Bagehot, *Ibid*.
- [26] Stubbs, *Constitutional History*.
- [27] Stubbs, *Constitutional History*.
- [28] Andrew Marvell, the poet, who sat for Hull in the reign of Charles II., was paid by the mayor and aldermen of the borough. In return Marvell wrote letters describing passing events in London. There are stray cases of the payment of members in the early years of the eighteenth century. Four shillings a day, including the journey to and from London, for the knight of the shire, and two shillings a day for the borough member were the wages fixed by law in 1323.
- [29] Stubbs, *Constitutional History*.
- [30] Bagehot, *The English Constitution*.
- [31] See Stopes' *British Freewomen* for a full examination of this matter.
- [32] Stubbs, *Constitutional History*.
- [33] For the last fifty years the political influence of London has been less than that of the manufacturing districts.
- [34] "The project was clearly to set up a new order of things founded on social equality—a theory which in the whole history of the Middle Ages appears for the first time in connection with this movement."—DR. GAIRDNER, *Introduction to Paston Letters*.
- [35] Four centuries later and this doctrine of all men having been born free at the beginning was to be preached again in popular fashion by Rousseau and find expression in American Independence and the French Revolution.
- [36] Froissart seems to be chiefly responsible for the notion, found in the writings of later historians, that this John Tyler was the leader of the revolt, and for the confusion that mistakenly identifies him with Wat Tyler, of Maidstone, the real leader. Three other Tylers are mentioned in the records of the Peasant Revolt—Walter, of Essex, and two of the City of London.
- [37] Hallam, *Middle Ages*.
- [38] This law of Winchester was the statute of Edward I., 1285, which authorised local authorities to appoint constables and preserve the peace. According to a statement made by Jack Straw, Tyler and his lieutenants intended, amongst other things, to get rid of the King's Council, and make each county a self-governing commune.
- [39] There are some grounds for believing that a plot had been made to slay Wat Tyler at Smithfield. See Dr. G. Kriehn *American Review*, 1902.
- [40] F. York Powell, *England to 1509*.

[41] Durrant Cooper, *John Cade's Followers in Kent*.

[42] "These lords found him sober in talk, wise in reasoning, arrogant in heart, and stiff in opinions; one who by no means would dissolve his army, except the King in person would come to him, and assent to the things he would require."—HOLINSHED.

[43] Stow.

[44] "Whereof he (Cade) lost the people's favour and hearts. For it was to be thought if he had not executed that robbery he might have gone far and brought his purpose to good effect."—FABYAN'S *Chronicle*.

"And for this the hearts of the citizens fell from him, and every thrifty man was afraid to be served in likewise, for there was many a man in London that awaited and would fain have seen a common robbery."—STOW.

[45] "During the period, which may be roughly defined as from 1450 to 1550, enclosure meant to a large extent the actual dispossession of the tenants by their manorial lords. This took place either in the form of the violent ousting of the sitting tenant, or of a refusal on the death of one tenant to admit the son, who in earlier centuries would have been treated as his natural successor. Proofs abound."—W.J. ASHLEY, *Economic History*.

[46] See Dr. Jessop, *The Great Pillage*.

[47] "That a populous and wealthy city like Norwich should have been for three weeks in the hands of 20,000 rebels, and should have escaped utter pillage and ruin, speaks highly for the rebel leaders."—W. RYE, *Victoria County History of Norfolk*.

"Robert Ket was not a mere craftsman: he was a man of substance, the owner of several manors; his conduct throughout was marked by considerable generosity; nor can the name of patriot be denied to him who deserted the class to which he might have belonged or aspired, and cast in his lot with the suffering people."—CANON DIXON, *History of the Church of England*.

[48] "There was something in the temper of these celebrated men which secured them against the proverbial inconstancy both of the Court and of individuals.... No Parliament attacked their influence. No mob coupled their names with any odious grievance.... They were, one and all, Protestants. But ... none of them chose to run the smallest personal risk during the reign of Mary. No men observed more accurately the signs of the times.... Their fidelity to the State was incorruptible. No intrigue, no combination of rivals could deprive them of the confidence of their Sovereign."—MACAULAY, *Burleigh, his Times*.

[49] "The Tudor monarchs exercised freely their power of creating boroughs by charter. They used their Parliaments, and had to find means of controlling them. In the creation of 'pocket' or 'rotten' boroughs, Queen Elizabeth was probably the worst offender. She had much influence in her Duchy of Cornwall, and many of the Cornish boroughs which obtained such a scandalous reputation in later times were created by her for the return of those whom the lords of her council would consider 'safe' men."—ILBERT, *Parliament*.

[50] Elizabeth's popularity steadily diminished in her last years. The death of Essex, ecclesiastical persecutions, increased taxation, and the irritations caused by royal expenditure were all responsible for the discontent. James I. failed from the first to secure the goodwill of the people.

[51] Oxford men all three. Sir John Eliot was at Exeter College, 1607; John Hampden at Magdalen, 1609; and John Pym at Broadgate Hall (later called Pembroke), 1599.

[52] Clarendon, *History of the Great Rebellion*.

[53] "The same men who, six months before, were observed to be of very moderate tempers, and to wish that gentle remedies might be applied, talked now in another dialect both of Kings and persons; and said that they must now be of another temper than they were the last Parliament."—CLARENDON, *ibid*.

[54] Macaulay, *Hallam's Constitutional History*.

[55] "The great rule of Cromwell was a series of failures to reconcile the authority of the 'single person' with the authority of Parliament."—ILBERT, *Parliament*.

[56] "A very large number of persons regarded the struggle with indifference.... In one case, the inhabitants of an entire county pledged themselves to remain neutral. Many quietly changed with the times (as people changed with the varying fortunes of York and Lancaster). That this sentiment of neutrality was common to the greater mass of the working classes is obvious from the simultaneous appearance of the club men in different parts of the country with their motto: 'If you take our cattle, we will give you battle.'"—G.P. GOOCH, *History of Democratic Ideas in the Seventeenth Century*.

[57] See *Memorial of English Affairs*.

[58] "By its injudicious treatment of the most popular man in England, Parliament was arraying against itself a force which only awaited an opportunity to sweep it away."—G.P. GOOCH, *History of Democratic Ideas in the Seventeenth Century*.

[59] "So die the Leveller corporals. Strong they, after their sort, for the liberties of England; resolute to the very death."—CARLYLE.

[60] "Then ensued a scene, the like of which had in all probability never been witnessed in an English court of justice, and was never again to be witnessed till the seven bishops were freed by the verdict of a jury from the rage of James II."—S.R. GARDINER, *History of the Commonwealth*.

[61] Professor C.H. Firth, Lilburne in *Dict. Nat. Biography*.

[62] Winstanley's *New Law of Righteousness*, 1649.

[63] Palgrave. Introduction to Erskine May, *Parliamentary Practice*.

[64] Sir John Eliot, 1629.

[65] Edward II., in 1327, and Richard II., in 1399, had not been deposed without the consent of Parliament.

[66] "The monarchical regime which was revived under Charles II. broke down under James II. It was left for the 'glorious Revolution' of 1688, and for the Hanoverian dynasty, to develop the ingenious system of adjustments and compromises which is now known, sometimes as cabinet government, sometimes as parliamentary government."—ILBERT, *Parliament*.

[67] G.P. Gooch, *Annals of Politics and Culture*.

[68] Palmerston's influence in the House of Commons was about as bad in the nineteenth century.—See BAGEHOT, *The English Constitution*.

[69] "Here and there we find an eminent man, whose public services were so notorious that it was impossible to avoid rewarding them; but putting aside those who were in a manner forced upon the Sovereign, it would be idle to deny that the remainder and, of course, the overwhelming majority, were marked by a narrowness and illiberality of sentiment, which, more than anything else, brought the whole order into contempt. No great thinkers, no great writers, no great orators, no great statesman, none of the true nobility of the land, were to be found among those spurious nobles created by George III. Nor were the material interests of the country better represented. Among the most important men in England those engaged in banking and commerce held a high place; since the end of the seventeenth century their influence had rapidly increased.... But in the reign of George III. claims of this sort were little heeded."—BUCKLE, *History of Civilisation*.

[70] "They, the friars, and especially the Franciscans, largely influenced politics. The conception of individual freedom, upon which the life of St. Francis was built, went far to instil the idea of civic freedom into men's minds.... It was the ideas of the friars that found expression in the Baron's War." The Song of the Battle of Lewes "set forth unmistakably the conception of the official position of the King, and affirmed the right of his subjects to remove evil counsellors from his neighbourhood, and to remind him of his duty—ideas due to the political influence of the Franciscans."—CREIGHTON, *Historical Lectures and Addresses*.

[71] The late Lord Acton pointed out that St. Thomas Aquinas was really the first Whig.

[72] See Introduction to Rousseau's *Social Contract*, by H. J. Tozer.

[73] "That which distinguishes the French Revolution from other political movements is that it was directed by men who had adopted certain speculative a priori conceptions with the fanaticism and proselytising fervour of a religious belief, and the Bible of their Creed was the *Contrat Social* of Rousseau."—LECKY, *England in Eighteenth Century*, Vol. V.

"The original contract seized on as a watchword by Rousseau's enthusiasm grew from an arid fiction into a great and dangerous deceit of nations."—Sir F. POLLOCK, *History of the Science of Politics*.

[74] Mr. H.J. Tozer. Introduction to Rousseau's *Social Contract*.

[75] See Conway's *Life of Paine*, Vol. I.

[76] Professor T.F. Tout, *England from 1689*.

[77] Tout, *ibid*.

[78] Tout, *ibid*.

[79] R.G. Gammage, *History of the Chartist Movement*.

[80] "The condition of the labouring classes was the least satisfactory feature of English life in 1846. Politically they were dumb, for they had no parliamentary votes. Socially they were depressed, though their lot had been considerably improved by an increased demand for labour and by the removal of taxes in Peel's great Budget of 1842. That was the year in which the misery of the English proletariat reached its lowest

depth."—HERBERT PAUL, *History of Modern England*.

[81] Justin McCarthy, *Short History of Our Own Times*.

[82] McCarthy, *Ibid*.

[83] Tout, *England since 1689*.

[84] "For a general extension of the franchise, an extension from the occupation franchise to the adult franchise, there does not appear to be any demand, except in connection with the burning question of the franchise for women."—ILBERT, *Parliament*.

[85] "On the mere numerical basis Ireland is much over-represented, but Ireland claims to be treated as a separate entity, and her claims cannot be disregarded."—ILBERT, *Parliament*.

[86] Rt. Hon. A.J. Balfour, M.P., House of Commons, 1910.

[87] "With great tact, and without very much friction, he brought the monarchy into touch with the state of things brought about by the Reform Bill. He did for the Crown what Wellington did for the House of Lords. Just as the Duke saw that the Lords must give up setting themselves against the national will strongly expressed, so did the Prince see that the Crown could no longer exercise those *legal* rights for which George III. had fought so manfully. Like the Lords, the Crown now became a checking and regulating, rather than a moving, force. It remained as the pledge and symbol of the unity and continuity of the national life, and could do good work in tempering the evils of absolute party government. Such of the royal *prerogatives* as were not dead must be carried out by ministers. The royal *influence* continued to run through every branch of the State."—Professor T.F. TOUT, *England from 1689*.

[88] Mr. J.M. Robertson, M.P., *Charles Bradlaugh—A Record of His Life and Work*.

[89] F. York Powell, *Thoughts on Democracy*.

[90] Unfortunately the present House of Commons has just decided, August, 1911, to pay its members a salary of £400 a year from the national revenue. It is to be regretted that the cost has not been laid directly on the electors, and that the time is not more appropriate. With the country torn with strikes of workmen seeking a few extra shillings a week, it was hardly the opportune moment for a House of Commons to vote itself some £250,000 a year. The proposal would have been more palatable to the nation if the Commons had decided that payment should begin with the *next* Parliament.

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