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THE PROSPECT OF REFORM.

Arthur Arnold
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THE speeches of the recess have proclaimed the strength of the Government and the effacement of the Opposition. At the beginning of the fourth Session of its power the second Administration of Mr. Gladstone holds greater authority than at any previous time. The Prime Minister's ascendancy has absorbed and assimilated Liberalism of every kind. He has boundless influence in the constituencies, and is regarded with loyalty by his colleagues of the Cabinet and by the party of which he is supreme chief. The procedure of the House of Commons has been reformed according to his design, except in one point—the amendment of Rule 2—upon which, unwisely and unwillingly, he surrendered his judgment to that of some of his followers. One of the troubles of this coming Session will be the forty-member power of determining the order of the day. Never had a Government, to all superficial appearance, a fairer or a larger opportunity for the business of domestic reform. If the Government could accomplish all that the Prime Minister desires, we should need only to examine Mr. Gladstone's speeches, and to follow the fulfilment of his promises. But the reality is far different. The prospect of reform in this Parliament is as yet very uncertain. No really great measure of reform has distinguished its career. The Irish Land Bill was of greater complexity and difficulty than the Bill dealing with the Irish Church, but in the page of history its mark will be slight compared with that of the Act of 1869. The harvest of reform in this Parliament must needs be late; it will therefore be precarious. In an unusual degree it will be dependent upon political weather outside the Cabinet; within, there may be storms; but, so long as Mr. Gladstone holds his place, such internal tempests will serve only to exhibit, as lightning does at night, the towering elevation of the conductor by which all danger is carried harmlessly away.

It is because I believe the prospect of reform to be somewhat delusive; because I am convinced that inert confidence in a Government weakens the power of the administration to effect reform; because I feel that at no time were greater efforts and a closer vigilance needful on the part of those who desire to secure this harvest, that I propose to submit some considerations such as Ministers are, by their responsibility, disabled from suggesting. The most patent fact is the disorder of the Opposition. It seems to me, after three years' constant attendance in Parliament, that one of the greatest advantages which a politician derives from being in the House of Commons,

is that he gains esteem and respect for his adversaries. There is a saying in Ireland that "the devil you know is better than the devil you don't know." I confess that my short experience has produced a desire to moderate expressions of political hostility, a clearer appreciation of the views represented by various sections of the House, and much personal regard for those to whom I am opposed. In all sincerity I wish the Opposition displayed more cohesion and greater power. It would better the prospect of reform. The responsibilities of a disciplined force are successfully evaded by lawless bands. If Mr. Gladstone were encountered from the other side of the table with a greater equality of power, he would be less tormented by the mosquitoes of Opposition. The tactics of the Opposition this year must be dilatory, and it seems likely that circumstances will give them a great opportunity. The President of the Local Government Board told his constituents that the Government programme would open with the Corrupt Practices Bill, a necessary and urgent measure, bristling with points for discussion and amendment. An Opposition desiring to bring a Government to face the penultimate Session of their triumphant Parliament with a heap of unredeemed pledges, could hardly desire a better chance. 'The Bill will pass; but so it would if it were brought in on the first of June, with the intention of prolonging the Session, if necessary, until it was disposed of. The aim of the Conservative party will be to prevent the passing of the County Boards Bill, and the Government will be indirectly aiding them if they defer its introduction till after Easter. A difference between a Ministerial programme and a menu is that in the former it is well to serve the piece de resistance early. Mr. Chaplin would prefer a County Government Bill of Mr. Sclater Booth's manufacture to one of Sir Charles Dilke's, and if Ministers begin the Session with an understanding that the Committee on the County Bill will not open till after Whitsuntide, he and his friends will naturally feel jubilant.

The second Bill is to be for the reform of London government.

That is a great and good work, which will add to Sir William Harcourt's high reputation. It is evident that his opponents will not carry weapons of precision. No dangerous combatant has appeared on the side of "unreform." Mr. Mill's Bill, providing separate municipalities, was altered to the supposed form of the Government scheme mainly on consideration of the excellent results which a similar system has produced in Manchester—to which I refer as the best example of local government in England. It might be said that this opinion was coloured by my connection with an adjacent borough, if I did not add that I expressed the same view to Mr. Mill and those who acted with him. The federation of four large townships with that of Manchester, each having a Town Hall, each being governed by a Committee of its own representatives in the General Council, and each having a separate but subordinate staff for the execution of local works, is a model upon which the reform of London government may safely proceed. We have now thirty-nine governments in

London. The weak spot in Sir William Harcourt's Bill will probably appear in an effort to conciliate these obscure bodies. He may draw a powerful argument from the fact that, by avoiding the levy and collection of separate rates in five townships, the Corporation of Manchester saves .£3,000 a year. Although perhaps there are few Members of Parliament in whom turtle has not been transmuted into tissue, the unreformed Corporation will find few defenders. The Bill will pass, and the great exception to the Act of 1835 will be expunged. Sir Charles Dilke said the County Bill was ready for introduction. If that be so, must we understand that neither Lord Derby nor the President of the Local Government Board has any opinion on the subject; for the Bill has not been considered by the Cabinet since their accession? These distinguished Ministers have, however, contributed a definite suggestion upon two points, either of which may be vital to the Government Bill. Last year, when Sir Wilfrid Lawson pressed his claim, founded on the double acceptance of his motion concerning "local option," Mr. Gladstone pledged the Government to the introduction of licensing provisions in the County Bill. I suppose that the Bill contains provisions transferring the licensing authority from the justices to County Boards, such as those which, in Clause 62 of the Municipal Corporations Bill of 1835, Lords Russell and Palmerston, with the assent of the House of Commons, proposed as to Town Councils, and which the House of Lords rejected against the speeches of Lords Melbourne, Brougham, and Lansdowne. But Lord Derby—in that which in a less sedate person might be called his last shriek of freedom as an unofficial statesman—declared that in his opinion the licensing question should not be dealt with until the agricultural population was directly represented in Parliament. Lord Derby may well reconsider this opinion, if it should appear upon

examination that the Bill is drawn upon lines manifestly in the mind of Sir Charles Dilke, when he said he had no reason to suppose that the views of the Government tended to any separate representation of owners upon the County Boards. Reformers would probably agree that an extension of the municipal franchise should form the basis for all elections direct or indirect to the County Boards. If that be the view of the Government—and if it be not, they will give serious displeasure to a large section of their supporters—Lord Derby would probably see that his plea for delay may be withdrawn. If the electorate of the County Boards, or of the bodies which are to nominate the County Boards, is co-extensive with, or even larger, as in the case of municipal voters, than the extension of the Parliamentary franchise, which Lord Derby frankly supports, then the argument for delay, which otherwise would be one of great power, falls to the ground. It cannot escape observation that such a plea, if good on one point, is valid throughout. The Tory party, whose direst misfortune it is that landowning in this country is the business of an oligarchy, and not, as it should be, that of the most powerful class in the country, could hardly adopt that line of argument; and if the Government take the widest franchise in their Bill, this argument

will be disarmed. I hope—I do not feel great confidence—that the harvest of reform in 1883 will include County Government. The chief legislative battle of the Session will probably be to defeat, by delay, the passing of this Bill. If, by weakness in its provisions, the Government make any considerable number of their supporters careless, the Bill will surely be found among the failures of the Session.

But let us pass to even greater matters. The special mission of this Parliament was to reform the laws relating to **Land** and to the Representation of the People. Its past career, its future promise, are alike disappointing as to Land Law Reform. The Irish Bill, justified in its peculiar provisions by the Reports of the Devon and Bessborough Commissions, is a great award of arbitration in a case of widely disputed rights of property; it can be no settlement of the land question for Ireland. Cobden declared thirty-five years ago that, if he had absolute power, he would instantly issue an edict, applying the law of succession as it exists in France to the land of Ireland. That is one way, and I think not the best, of "multiplying men of property."* Towards that end, which throughout the whole of the United Kingdom we are commanded to approach by every economic and political inducement, this Parliament has made, and I fear will make, no substantial progress. The opportunity was great, and it has been lost.

Mr. Gladstone's utterances were encouraging. "As to the law of entail and settlement," he said at Dalkeith, "I am in favour of the abolition of that law. I disapprove it on economical grounds, and I disapprove it on social and moral grounds." Yet the legislation of this Parliament has been such as to extend and to rivet this law and practice. Mr. Gladstone has always steered clear of the erroneous conception that land and personal property demanded identical treatment. I rejoice that Lord Derby has joined the Administration, because I have implicit confidence in his respect for economic truth. When, therefore, Lord Derby said at the Manchester Reform Club, that "land monopoly is a phrase rather than a reality," so accomplished an economist must have been aware that in scientific language the truth is directly opposed to his statement. The question of Land Law Reform centres on this point. If the ownership of land be not a monopoly, the statesman can make no just claim that it should be dealt with otherwise than as personalty. Mr. Gladstone is as clear as Lord Sherbrooke on this essential matter. He said at West Calder in 1879 :—

"Those persons who possess large portions of the space of the earth, are not altogether in the same position as possessors of mere personalty; for personalty does not impose the same limitations on the action and industry and the well-being of the community in the same ratio as does the possession of land."

"Land," wrote Mr. Lowe in the Fortnightly Review, in 1877, "is a kind of property in which the public must from its very nature have a kind of dormant joint interest with

the proprietor." It is only because the ownership of land is always, under any actual or conceivable conditions of law, a monopoly, that the claim for the abolition of the existing system is well founded. The course of this Parliament might have been different had a Bill been prepared in anticipation of the failure of the Royal Commission on Agriculture to deal with the subject, and of the passing of the Settled Land Bill. As it is, we see Mr. Gladstone expressing his dislike for that Bill in 1881, and the Attorney-General urging it forward in 1882 as a magnificent reform. The Lord Chancellor—who earned the gratitude of reformers last Session by promoting the Married Women's Property Bill—would neither subscribe to the opinion of Mr. Gladstone, nor admit the sufficiency of Lord Cairns' Bill, of which he said, "The provisions must be materially modified if any comprehensive measure dealing with the subject of land transfer and the modification of the law of settlement were to be brought under the notice of Parliament." Lord Cairns' Act is framed, like all British land laws, from the point of view of the tenant for life, not from that of the people at large. The area of settled land will increase because the arguments for settlement are strengthened. Lord Derby says, "We must wait and see what the Act will produce." I quite agree that further legislation cannot come in the present Parliament. When the time does arrive, the splendid energy, the reforming zeal of the Prime Minister will have sought repose. I do not expect that when the legislation of this Parliament is complete, the Government will be able to take credit for more than the Scotch Entail Bill—a short step in the direction of reform, which owes much of its small force to an amendment pressed by Mr. Arthur Elliot, member for Roxburghshire.

i Morley's "Life of Cobden," vol. ii. p. 28. VOL. XLili. s

I think the old and ill-informed theory, that land "is a luxury," is dying fast. Competition, and the danger of their isolation, are carrying into the minds of landowners that which economic teaching failed to inculcate. Land is now begging for tenants and for purchasers. The words of the greatest conveyancer of our time must be rung in the ears of embarrassed landlords:—"I do not think that the registration of titles will succeed unless you please to abolish settlement altogether." The landowners, if they were wise, would give enthusiastic support to such ideas as those of Mr. Gladstone, as their deliverance not only from the ruin impending over so many from the declining price of land, but also as standing between the menacing demand of tenants and schemes of confiscation. Some of them are suffering severely, but they are forcing still greater losses on the country. Agriculture is declining. In ten years, since 1872, in this island alone 2,000,000 acres have passed out of cultivation. This implies a large diminution in the production of food. But what is the landowner to do?

There is the labour difficulty upon large farms, the insufficiency of capital, and the impossibility of sale at adequate price. Against the interest of the people he turns unsuitable land into miserable pasture. How otherwise can he meet the charges on his property? The encumbrances on agricultural land in England are certainly not less than £250,000,000.

It is by their own fault that landlords are losing power and place in the State. Had they encouraged the policy of free land when it was urged by Mr. Cobden, they would by this time have raised up an army of small proprietors throughout the country. Perhaps it would not be possible, at present, to form a Cabinet which would agree to a sufficient measure of reform. It is strange that we should have to make this confession with regard to a policy of which the first consequence would probably be to add £300,000,000 to the value of the landowners' interest in the soil. Mr. Gladstone has hinted that opposition might be overcome by adding to a peerage the peculiar distinction of an entail and power of settlement. That means releasing three-fifths of the country, and retaining one-fifth under disabilities as an act of homage to the House of Lords. If I could purchase reform at that price to-day, I would gladly do so, and would trust to the attraction of free land. Such a mode of "greasing the wheels" would be quite in accordance with British traditions. But I would insist that their Lordships should accept the establishment of a Landed Estates Court for the compulsory disposal of encumbered settled property, and that insolvency should imply the loss of rights of peerage. To-day will not, however, always be to-day. The people of England, like all islanders, have a deep-seated regard for ancient institutions. I believe that the House of Lords will occupy the most illustrious place in the history of nonelected Legislative Chambers. But all the odium which it has ever incurred would be but as a ripple of a pool compared to a stormwave of the ocean, if it should appear when the enfranchised people demand reform that four-fifths of the land must remain in bondage to make a basis for the House of Lords.

Land, therefore, gives place to Parliamentary Reform, which will probably be the death-song of this Parliament. What is the prospect of Parliamentary Reform? It will brighten the more it is worn by the tongue of the people. Who would have thought that Sir Henry James—whom professional and parliamentary circumstances have rendered backward in Land Law Reform—would be the first member of the Government to advocate abolition of the property franchise, and of the privilege of certain Universities? That is one of the fruits of discussion which should be pressed in every possible direction. It is the habit of the people of this country to think that when they have made a Minister, they have secured the adoption of his policy. That will

more often be the case when our Parliament is representative of the people. I will not discuss the introduction of a Franchise Bill by the Government in the ensuing Session. There has never appeared any probability of such an intention. I hope Sir Charles Dilke will obtain returns, giving the best official estimate of the various classes of electors, and of the number which uniformity of franchise over the whole of the United Kingdom, upon the principle adopted in English and Scotch boroughs where there are no freemen electors, will add to the register. I believe that the increase would be 2,000,000. There are now in the counties, cities, and boroughs of England and Wales 2,524,311 electors; about one in ten of the population. In the 198 Parliamentary boroughs of England and Wales there are 2,098,892 inhabited houses, but of electors there are only 1,591,451, showing an excess of more than 25 per cent. of inhabited houses above the number of voters. Fifteen per cent. of that excess is represented by women householders. In the counties, excluding Parliamentary cities and boroughs, there are 2,724,952 inhabited houses, and 932,860 electors. Allowing the same proportion as in boroughs, it would seem that in England and Wales uniformity of franchise would add 1,344,069 electors. In Ireland, if the proportion were the same, the number of electors would be raised from 229,461 to 730,714. In Scotland, about 150,000 would be added; making in all about 2,000,000—a far larger addition than was made by the Act of 1867. In the above figures I set off the decrease resulting from abolition of the freehold franchise with the increase from the lodger franchise. At present every freeholder of the value of 40*.; every copyholder or leaseholder, either for the life of one person or for a period of years not less than sixty, of the annual value of £5, is entitled to vote in counties. There are some boroughs which have freemen voters, and there are eleven boroughs which are counties corporate, in which non-resident freeholders exercise the borough franchise. Mr. Brand, one of the fairest and most acute critics of measures affecting property in land, proposes that when the owner is liable for half the rates, he should when non-resident be entitled to vote. Not only would this defeat uniformity by conferring plurality of votes, but Mr. Brand's scheme would give no fair representation of property; the absentee owner of ten perches and the owner of 10,000 acres in the same district would obtain identity of voting power. The most equitable reform is to make the residential franchise the only and the universal suffrage.

Equality of franchise is not a proposal unknown to the Conservative party. In 1859, Mr. Disraeli proposed equalization of the county occupiers' qualification with that of occupiers in boroughs. Mr. Walpole and Mr. Henley then resigned their places in Lord Derby's Cabinet, because, as the former said, "the reduction of the county franchise to a level with that which exists in boroughs is utterly contrary to every principle which

the Conservatives as a party have always maintained." The Conservative party will now probably advance to equality of franchise; it is upon the question of uniformity that division will arise. Efforts will be made to retain the property qualification, and even in the Liberal ranks a certain amount of what Mr. Disraeli termed "education" will be needed. Mr. Disraeli proposed to cut out the owners of property in boroughs from the county register, alleging that we ought to take out of the counties all those who do not follow agriculture. Mr. Disraeli sought to diminish the urban element in county constituencies. It is useful to note his tactics, because they will form the lines of coming conflict. He had three ideas in combination applicable to the prospect we have in view. The first was one of assent to the principle of equality; the second was the separation of the property qualification in boroughs from that in counties. He would have provided that in all boroughs the property qualification should be exercised, as it is now in those eleven boroughs which are counties corporate. Thirdly, it was his policy to eliminate all congregated populations from the county constituencies. The fight will be upon these lines. It will be urged that the owner has an irrefragable claim to a separate vote, especially when the incidence of all rates is divided, as in Ireland and Scotland, and it will be proposed that the property votes in boroughs shall be for the boroughs and no longer for the counties. The objection to this is

simple. The purpose of the franchise is the representation of the people; there is no more equitable mode of representing property than by a uniform residential franchise. The property franchise is the most inequitable representation of property that could be devised; for it gives to a rent-charger of 40s. upon a cottage in a town a vote equivalent to that of the owner, it may be, of the whole remainder of that Parliamentary district. The Liberal party, with those of any party who desire a settlement giving hope of equity and permanence, will have to contend for simple uniformity by the extension of the residential house and lodger franchise. This will disfranchise those who are qualified only as absentee proprietors, as freemen, and as graduates of six of the Universities. Those who champion the claim of the Universities against uniformity of franchise must answer the claim of the newer Universities and of those which are to come.

Mr. Gladstone is committed by his declaration in 1866 to the policy of dealing with the franchise in a separate measure, and the balance of argument appears largely in favour of that course. Some of his colleagues have held a different opinion. But Lord Derby, whose views on this matter of franchise in 1866 will be recalled, did no more than express a desire for some guarantee that the Parliament which granted the

franchise should also deal with the redistribution of political power. The extension of the franchise into uniformity would be just and beneficial upon any distribution. Symmetry in legislation demands separate treatment of the two subjects. Party jealousy declares that they should be tied together. "Party," said Burke, "is a body of men united for promoting, by their joint endeavours, the national interest, upon some particular principle upon which they are all agreed." That definition excludes the hope of working for the national interest in such matters with more than such unanimity. I trust Mr. Gladstone will introduce a Franchise Bill in 1884, acknowledging, as he did in 1866, that "it is convenient, advantageous, and desirable that the two questions should be dealt with by the same Parliament." No Minister can, however, insure that, except by a simultaneous treatment of the two subjects in one Bill, and a measure so composed must needs receive less thorough treatment. The prospect is that if Mr. Gladstone introduced a Franchise Bill in 1884, it would be met by a demand, as in 1866, for "the whole scheme of the Government." The Ministerial majority against that proposition would be seriously reduced, if some twenty of their own supporters and the Irish members voted against the Government. The consequent fortune of such a measure in the House of Lords it is not difficult to forecast. Longer experience and larger responsibility than mine would in that case have to determine whether, before the Franchise Bill left the House of Commons, the Redistribution of Seats Bill should be presented; whether, if the Franchise Bill were rejected in the House of Lords, an immediate appeal should be made to the country; or thirdly, whether following upon that failure, the two subjects, in separate Bills, or in a single measure, should be introduced immediately upon the commencement of the Session of 1885. It is easy to talk of waste of time. But if the next Reform Bill were passed after being the chief matter of two Sessions, there would, indeed, be much reason for congratulation. It is my earnest hope that the Government will not appeal to the country until they have at least exhibited their scheme as a whole. If the people are to fight for Parliamentary Reform in 1885, I hope they will be in full possession of the programme of the Liberal party, and that it may be worthy of their courage and their confidence. Then I should have no fear of the result, or of the passing of the Bills, whether divided or united. Upon one point all parties are agreed—they want no peddling measures. I have found much concurrence, not in one party exclusively, upon the subject of uniformity of franchise. With regard to redistribution, I have both in North and South, found much support for proposals which I will briefly restate. My proposal is that no constituency should contain fewer than 50,000 population, and that constituencies above that number should not be subdivided, but should return members in something like the proportion of one for every 50,000 population.

The first act of redistribution must be to do justice to the counties. In England and Wales there are 299 borough seats, and 185 county seats. But the population of the counties is nearly 14,000,000, while that of the enfranchised towns is under 12,500,000. The smaller boroughs are, however, for the most part purely agricultural, and really belong to the counties, from which it is a great social error to cut them off. There are 139 Parliamentary boroughs each containing fewer than 50,000 people. I suggest that these boroughs should be enlarged into county districts, which, in many cases, would bear their names, so that hereafter we should have a member for the Canterbury division of Kent, another for the Salisbury division of Wiltshire, another for the Guildford division of Surrey, and so on. In this way, the work of redistribution would not be very difficult, and provision might be made for readjustment of boundary, if any constituency was shown, upon the publication of a new Census, to have fallen considerably below 50,000. This plan promises the advantage of preserving variety in the constituencies, for some would include six or seven times the population of others. In place of the unmeaning division of counties by the points of the compass, historic continuity would be preserved by the names of rural towns; and I should hope this arrangement would get rid for ever of the question of suspending a writ, or of disfranchising a constituency. The punishment for bribery and corruption would then be individual not territorial, which would be a gain both in justice and purity.