

circumstances—nor at all except as a secondary reform which thrusts itself in front of a primary one,—neither are we willing to oppose it.

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In prohibitory legislation under prevailing economic conditions, we see three elements of usefulness.

For one thing, it might save some of the over-rich and many of the over-poor from degradation, while more fundamental but slower and more legitimate social efforts are in progress.

For another thing, we believe that in our efforts for social progress, our natural friends and allies of the future are those who now hope to do good by repressive legislation, rather than those whose conceptions of liberty begin in a distillery or a brewery and end in a barrel house or a civic-corrupting saloon.

Our third consideration is that in full operation, prohibition would demonstrate the fallacy of the now absorbing popular thought that intemperance is the cause of poverty, and thereby clear the path to social reforms under which prohibitory laws would become obsolete because unnecessary.

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We relate these views not to the temperance question alone, but similarly to those other great agitations of our time which honestly, even if mistakenly, aim at social progress.

If they are in the right general direction, we must assist them or be useless chatterers; for no worthy goal can be reached at a bound, and head winds are not to be met head on.

If they go backward from ignorance as to method and not from wickedness as to purpose, we may sometimes find our account, and a good one, in going with them far enough to get a hearing on methods.

Meanwhile they may serve for ameliorations of individual suffering, which is no small thing incidentally in a program of progress that may require many generations for development.

Shall we have no child labor laws until privilege is so far extinct that parents will no longer sacrifice their babies to industrial exploitation? Shall there be no laws limiting the destructive exploitation of women in factories and stores for long hours until we have modified privilege so far as to enable women to contract in real freedom and not under jug-handled competition? Shall there be no food-inspection laws until we are all so free, and so enlightened in our freedom, that we will patronize only honest and competent purveyors in buying our food? Shall there be no mining nor

factory laws until privilege has been so far abolished that workmen in mine and factory will be independent enough to refuse employment unless every safeguard is provided? Shall we ignore the manifest evils of intoxicants—whether liquors or drugs,—and bear with the saloon and its deadly and deadening civic influences until we have extended freedom far enough to enable men to discriminate between what good there may be in them and the bad? Shall we have no tenement house regulation until land monopoly has been so far eliminated as to loosen up economic conditions sufficiently to enable the exploited masses to bargain in full freedom for their homes as well as for their work and their food?

To do so would, in our opinion, be neither wise nor serviceable, nor yet consistent with sound principle in any other than that literal way which lifts the letter above the spirit. We do not thereby lose sight of our idea of the right goal or the true method. On the contrary, we keep both in constant view. But we keep also in view those changing circumstances of everyday life under which that idea must be promoted if promoted at all.

EDITORIAL CORRESPONDENCE

HOW THE VETO OF THE HOUSE OF LORDS MAY BE ABROGATED.

Liverpool, England, Jan. 6, 1910.

"Another story" about the peculiarities of British politics* remains to tell. It is the story, imbedded in English history, of how the abrogation of the legislative power of the House of Lords may be accomplished against their will, if the Liberals win at the election now pending over here.

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This story has its large beginnings in the English Revolution of 1668, when the doctrine of "divine right" in England was put into the scrap heap of politics, and William and Mary were placed upon the throne by Parliament as constitutional monarchs. With that revolution the actual powers of government began to pass from the throne to the House of Commons.

Although William and Mary were nominally invested with the attributes of sovereignty, there was a clause in the Bill of Rights, under which their title to the crown was established by Parliament, which operated automatically to place the leverage of power in the possession of the Commons instead of the Monarch. This was the clause that gave to the Commons the sole right to levy taxes. It became what in modern slang would be called "a cinch" when the Commons established the practice of granting supplies to the King for only a year at a time.

The annual grant is the financial bill. In practice

*See "British Democracy" in the Public of December 24, pp. 1228-1230.

It is always preceded by a budget, in which the financial officer explains the needs of government and how the ministry wishes the Commons to meet them. Since the provision which the Commons thereupon makes lasts only for the year, the King would soon be utterly without funds, and without any means for raising funds, if he dissolved Parliament, or suspended its sittings, or otherwise so far interfered with the independence of the House of Commons as to make it stubborn.

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The power over the King which that arrangement gave to the Commons is obvious, but at the first it was not absolute. The King continued to appoint whom he pleased as his ministers, and to remove them as he pleased; and they were regarded, and regarded themselves, in fact as well as name, as the servants of the King and not of the Commons.

Here were all the conditions for deadlocks, and the Commons and the King were consequently in constant conflict. Although either could obstruct the other, neither was able to coerce the other. Through its control of the purse strings, the Commons had a negative control over the King and his ministers, but it could depose a minister only by impeachment; and if it did this it had no means whatever of compelling the appointment of a friendly one in his place. The King, on the other hand, could defy the Commons in his choice of ministers; but with that there was an end, for the Commons could cut off his supplies.

Fortunately, this situation was as objectionable to the King as to the Commons; and fortunately also he had for confidential adviser a veritable statesman, one who had learned his trade at the courts of Charles II and James II. This was Robert, Earl of Sunderland. He suggested to King William a way out of the difficulty which not only served its purpose then, but has given form and potency to one of the most democratic characteristics of the British Constitution. "Choose your ministers," said he to the King, "exclusively from the strongest party in the House of Commons." His advice was taken and the remedy proved effectual.

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With some exceptions during the long transition period, only leaders of the dominant party in the House of Commons have since that time been the King's ministers.

He asks a member of the Commons to form a ministry, and the person so selected is prime minister if he can command the support of his party in the Commons as its leader. Since the ministers are leaders in the Commons, and are nominally the King's servants (though actually his political master), they bring King and Commons into practical agreement. While that agreement lasts, the government moves on; when the agreement ceases, if the King can find no willing leader able to form a workable ministry out of a majority composed of mixed elements, his only recourse is to dissolve Parliament and order elections. No revenue could be got for public purposes otherwise. And even this the King cannot do except upon the advice of ministers responsible to the Commons.

Should the new House be like the one dissolved,

the King must yield to the "advice" of the ministry he selects from the controlling elements in the new one. If he did not, they would resign their offices and leave King and Commons at a deadlock.

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Until early in the 18th century this system was no more than a custom; but in the Act of Settlement by which Parliament vested the Crown of England in the Hanover family, its two principles (1) that the King acts only through his ministers, and (2) that they are responsible to Parliament, were definitely asserted; and under its development the ministers, though still the King's servants in name, are not his servants at all in any other sense. They are simply an executive committee representing the will of the majority of the House of Commons, and helpless as soon as they cease to represent that will.

If this majority continues through seven years, then the Parliament may last that long but no longer. But if, through the coming up of new questions, or any other cause, a majority grows up against the ministers, or the ministers think it an opportune moment to seek popular approval, or for other reason arising out of the constitution of the House itself, Parliament may be dissolved by the King at any time, whereupon new elections are called.

The only king since William and Mary's time to attack this principle of ministerial responsibility to the Commons instead of the Crown, was George III, and his success was far from brilliant.

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The development of the system has strengthened the power of the throne in many respects, by bringing it nearer to the people, but it has had the effect of divesting the King altogether of legislative power.

A veto upon legislation had been one of his prerogatives. Nominally it is yet, but actually it has become obsolete. In consultation with the ministry, the King may advise against legislation objectionable to him, and the ministry may yield; but if it does not yield, and is sustained by a majority of the House of Commons, and the Lords do not veto, the King himself would have to do the yielding.

The King's veto died hard. William, of the William and Mary reign, used it freely even after he had yielded the control of his ministers to the Commons; and the reactionary George III obviated the necessity for its use by governing over the head of Parliament. Even William IV asserted both the right to dismiss ministers at pleasure and to exercise the veto power. But all this passed away with the accession of Queen Victoria.

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The House of Lords, however, an appointive and hereditary body, retain their veto power though the King has relinquished his. Until now this power of the Lords has not often been strongly questioned with reference to general legislation; but with reference to revenue legislation it has been persistently asserted that the Lords have no right, either of amendment or veto, since the exercise of such a right would be inconsistent with the Bill of Rights, which vests revenue legislation in the Commons.

It was the interference by the Lords with the revenue legislation of the present year—Lloyd

George's budget—that brought on the crisis which has precipitated the momentous parliamentary elections about to take place in England, Scotland, Ireland and Wales.

Somewhat similar action was taken by the House of Lords nearly fifty years ago, when the Gladstone budget, containing clauses repealing the duties on print paper, went up from the Commons. It was opposed by the Interests affected by it—the paper manufacturers and the established high-priced newspapers,—and was carried in the Commons by a majority of only 9 votes. This narrow majority is supposed to have encouraged the House of Lords to defeat the measure, for a narrow majority in the Commons for the Ministry is regarded as a political defeat. Whether so encouraged or not, the Lords did defeat the free paper measure.

In their behalf it was argued that the Lords had as good a right to reject the measure as to approve it; and against them, that if the Commons have repealed a tax, the Lords reimpose it by voting against the repeal, and thereby assert a taxing power equal to that of the Commons.

Although the Ministry of that time did not make this a crisis question, they did carry through the Commons a series of resolutions to the effect that in order "to secure to the Commons their rightful control over taxation and supply" the House of Commons reaffirmed its right to impose and remit taxes and to frame revenue bills. When asked his meaning in advising those resolutions, the Liberal Prime Minister of the time is reported to have said of the Lords: "I mean to tell them that it was a very good joke for once, but they must not give it to us again."

They did "give it" to the Liberals again, however—though not on a financial bill—when in 1893 Mr. Gladstone carried his Irish Home Rule measure through the Commons by 301 to 267, and the Lords rejected it by 418 to 49.

One of the most notable vetoes by the House of Lords, other than of a financial measure, was in the early thirties of the last century, when the first reform bill came before Parliament. A most outrageous electoral system then prevailed. The present one is bad enough, but that one was infinitely worse. Large boroughs like Manchester and Birmingham had no representation at all in Parliament, while little boroughs and boroughs that had disappeared sent members to the House of Commons under the patronage of land-owning families. In those days the Lords controlled their own House and the House of Commons too. A bill to reform this state of affairs was defeated in the Commons in 1831 and the ministry appealed to the country. They were sustained, even under that rotten electoral system, by a large majority in the new House of Commons, which at once passed the reform bill. The House of Lords rejected it. But this was a delicate matter and they "weakened" when the bill was sent back to them. The majority whose votes had defeated it before, refrained from voting now, and thereby allowed the minority to give to the bill the sanction of the House of Lords.

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All this interference of the Lords with legislation for the common good has now culminated in their

rejection of the Lloyd George Budget. Like other budgets, it provided for the revenues of the year. But its offense to the Lords was its opening up of a long neglected source of public revenues—the increasing value of land.

During two centuries, to conciliate the land-owning classes, the land of England—not long before the sole source of public revenues—had been repeatedly, and more and more, exempted from taxation. This, in its beginnings, was part of the price of Walpole's popularity.

Meanwhile, enclosures of common lands by the great land owners had gone on at such a rate that from 1710 to 1867 more than 7,500,000 acres of people's land had thus been stolen by privileged classes, and added to their own domains. It was equal to about one-third of the cultivable land of England.

What with those inclosures of common lands, and the reductions of land taxes during the past two hundred years, a great impoverishment of the working class had been made, along with the financial elevation of a class of untaxed land owners. As Lloyd George has put it, "Ten thousand own the soil of England, and all the rest of us are trespassers in the land of our birth,"—the ten thousand being, as he might truly have said, so completely exempt from taxation on their land, that the general land tax yields only a trifle to the imperial exchequer. Local taxes are imposed upon land, but only upon the rent actually paid, and this is imposed upon the tenant. Unoccupied real estate is not taxed at all.

To subject land values to taxation and to an increasing rate of taxation with the increase of what John Stuart Mill called "unearned increment," derived from public improvement and growth, was the most important feature of the Lloyd George Budget. It was the feature also which aroused the opposition of the House of Lords.

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When the Budget came from the Commons to the Lords, the Conservative leader in the latter body moved (vol. xii, p. 1160) that in the judgment of the House of Lords it "is not justified in giving its assent to this bill until it has been submitted to the judgment of the country."

This is regarded as a mere subterfuge for rejecting the measure without seeming to usurp power. It would be a remarkably democratic proposition, considering its source, if it really meant anything democratic. But as there is no referendum law in Great Britain, this device, if acquiesced in, would leave the House of Lords as free to reject the bill after a Liberal victory as after a Conservative one, and they would besides have added a precedent to strengthen their claim of constitutional right to amend or veto financial bills. For, as a campaign speaker here has said, the British constitution is constructed upon the principle that if a man hits you and you let him, his right to continue doing it is established.

This resolution, adopted by the Lords on the 30th of last November by 350 to 75, is somewhat like the backwoodsman's rifle, which was so marvelously adjusted that when its owner aimed it at an animal which he could not quite distinguish, it would hit the animal if it was a deer and miss it if it was a calf. And very serviceable to the Lords would their referendum be, no matter which way the election might

go on the Budget question alone. If the people approved the Budget, the Lords could acquiesce as to this Budget, and thereafter claim the right to force a dissolution of Parliament and a popular vote on every annual budget offered by a party opposed to the privileged interests.

This time the action of the Lords was not allowed to pass with only protesting resolutions. On the very next night, December 1st, the Prime Minister offered to the Commons a concise assertion of constitutional principle in these words—a sort of joinder of issue with the Lords in the forum of the people: "That the action of the House of Lords in refusing to pass into law the financial provision made by this House for the service of the year is a breach of the Constitution and a usurpation of the rights of the Commons."

Mr. Asquith followed his resolution with a plain speech on December 2, when his resolution was adopted by the Commons. In this speech he denounced what he called the "false balances and loaded dice" of the Conservatives, which made the House of Commons omnipotent when the Conservatives controlled it, and the House of Lords omnipotent when the Conservatives were out of power in the Commons. At the same time he declared that the Lords had now opened up a wider controversy than that of finance, announced the King's assent to an early dissolution, and asked the people by their votes to proclaim that their "organ and voice" should be the "elected representatives of the nation." All of which meant that new elections would be speedily held for members of the House of Commons, at which the people would be urged by the Liberals to return a majority in favor of abrogating beyond all dispute the asserted right of the Lords to amend or veto measures adopted by the Commons.



And now the same question remains that remained in The Public's editorial on this subject (vol. xii, p. 1230) in the issue of December 24. How can the abrogation of any legislative powers of the House of Lords be accomplished against their will, no matter how strong the Liberals and their coadjutors on this question in the Labor and the Irish parties, may be when the new House of Commons assembles?

Bearing in mind the constitutional history I have outlined in this letter, especially in its relation to the transfer of power from the King to the Commons, and also that the Constitution of Great Britain is not a written document but a web of parliamentary enactment and practice, the question may be easily answered.

If the Liberals come back to power through the pending elections, any stubborn refusal of the present majority in the House of Lords to acknowledge the sovereignty of the House of Commons in legislation, could be met by "swamping" the present majority in the Lords through the elevation of Liberals to the peerage.

The constitutional precedent for this course was made in 1712, in order to secure the Lords' approval of the treaty of Utrecht. There was then a Whig majority in the House of Lords, which stood by Marlborough in opposition to the treaty. But the Commons favored the treaty, and in order to overcome

the opposition of the Lords, Queen Anne was called upon by the Ministry, responsible to the Commons, to appoint twelve Tory peers, and she did so. If Queen Anne could appoint twelve Tory peers in 1712 to overcome a Whig majority in the House of Lords in order to secure its approval of a policy of the Commons then, why may not King Edward appoint some hundreds of Liberal peers in 1910 to overcome a Tory majority in the House of Lords in order to secure its approval of a policy of the Commons now?

Nor is that precedent without deliberate confirmation by the Commons itself. An attempt was made in the Commons in 1720, having reference to the episode of 1712, to guard against the "swamping" of majorities in the future by providing that appointments to the peerage could be made only when vacancies occur. The bill was defeated. With reference to that bill Mr. Green makes these sensible observations in his "Short History of the English People" (in chapter ix): "It would in fact have rendered representative government impossible. For representative government was now coming day by day more completely to mean government by the will of the House of Commons, carried out by a ministry which served as the mouthpiece of that will. But it was only through the prerogative of the Crown, as exercised under the advice of such a ministry, that the peers could be forced to bow to the will of the lower House in matters where their opinion was adverse to it."

There seems to be no doubt that the King may appoint peers without limit, and that he may do this only with the assent, and must do it upon the advice of the ministry, on pain of a refusal by the Commons to vote supplies. As Green shows, this is one of the necessary conditions of representative government where there are peers claiming legislative powers.

The prediction is therefore reasonable that if the Liberals are returned to power at the approaching elections, the Lloyd George Budget, unchanged, will be sent back to the House of Lords; that a bill substituting for the absolute veto which the Lords assert, a suspensory or advisory veto which the House of Commons may acquiesce in or disregard at its own pleasure, will be sent to the House of Lords, whether they adopt the Budget or not; that if the Lords reject either, the King will be advised by the Liberal Ministry to appoint Liberal peers in sufficient numbers to "swamp" the Conservative majority in the Lords; and that the King will follow this advice, since a Liberal majority in the new House of Commons would admonish him that the advice comes not only through the ministry from the Commons but through both from the people themselves. To refuse to do it would be to invite a deadlock between the King and the Commons.



In the existing circumstances, it is not at all improbable that if the Liberal party wins at the elections, the Lloyd George Budget, with its land clauses of radical tendency, will soon be adopted by both Houses, and that the legislative pretensions of the House of Lords will be finally "squashed." The principal "if" in this look into the future will probably be settled, and be known by cable in the United States almost as soon as this letter reaches its readers. It may be settled and cabled sooner. For the

elections take place in some of the constituencies on the 15th of the present month, in others on the 17th and 18th, in others a little later, and so on through the month; and it may be that the earlier elections will be so emphatic, one way or the other, as to indicate far in advance of the final voting, which way the country is going.

L. F. P.

INCIDENTAL SUGGESTIONS

OPTIMISM FROM SAN FRANCISCO.

Extracts from a Private Letter Dated January 1.

Honestly, my friend, I think you are too pessimistic about men who don't see all that you see. I'm bad enough, goodness knows, but I think you are worse than I am. Everything in this world is a growth. Even men must grow after they have grown to be men. Yes, I know; we want the single tax, but mankind must evolve into the single tax—must grow into it. To wake up some morning and find the single tax in full operation would be to see a miracle, a violation of natural law; and there never was such a thing since Time began his chores. Omnipotence can't make a two-year old colt in ten minutes because Omniscience won't stand for such a thing. Don't you see that if it were otherwise, we would wake up some morning and find plutocracy substituted for the single tax while we were asleep; that the forces of injustice would work a few miracles for themselves?

Here we've just had an election in San Francisco, to issue bonds to take and rebuild a street car line to be owned and operated by the city. Said a single taxer to me some three weeks ago:

"What yer want to vote those bonds for? Don't you know municipal ownership and operation will increase the value of real estate, and the land-lords will get the whole benefit?"

"Yes," I replied; "I know that; but don't you know that the Cat becomes more visible as the value of land is increased?"

So he voted for the bonds.

Only last week a very prominent man in San Francisco suddenly woke up and made a strong public plea for that issue of bonds. For years he has been opposed to public ownership. He was brought to his near senses when the street car monopoly plastered the billboards with posters advising the people to vote against the bonds.

I know I am too impatient with men who don't see things, as an astronomer would doubtless be impatient with me because the only constellation I ever could see is the Dipper. All the rest of the animals are invisible to me.

I have been hungry for the single tax since 1883, and now, after twenty-six years, I am astonished at the growth of the single tax idea. I became an initiative and referendum crank in 1888; I wanted it "right away and immediately if not sooner." I am amazed when I think of its growth in this country. Moreover, the growth of these things is cumulative, accelerative, like a freight car running down hill. There is no force that can stop the growth of the single tax. We can help the growth,

but we can't create it full-grown. However mature a boy may be at eighteen, he can't jump from eighteen to twenty-one.

There is no more news to come from anywhere until we hear from England. But, think of San Francisco—the Graft City—voting by 3 to 1 to go into public ownership of street railroads! Brace up, friend! Is not that something? Isn't that a step towards the single tax? One better step would be free transportation over the road, because it would boost land-values and rent in a straight line through the city. Cheer up, dear heart, cease your wretched repining—you'll be an angel by-and-by.

NEWS NARRATIVE

To use the reference figures of this Department for obtaining continuous news narratives:

Observe the reference figures in any article; turn back to the page they indicate and find there the next preceding article, on the same subject; observe the reference figures in that article, and turn back as before; continue until you come to the earliest article on the subject; then retrace your course through the indicated pages, reading each article in chronological order, and you will have a continuous news narrative of the subject from its historical beginnings to date.

Week ending Tuesday, January 18, 1910.

The Parliamentary Elections in Great Britain.

As this Public goes to press it is believed that the Liberals, with the co-operation of the Irish Nationalists and the Labor party, will command a majority in the new House of Commons (p. 34). The issues have been four: Support of the Budget with its taxation of land values; the abrogation of all claim to veto power on the part of the House of Lords; and home rule for Ireland, as the Government (Liberal) issues. And the adoption of the principle of protection ("tariff reform") as a method of raising revenue, as the constructive Unionist (Conservative) issue.

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Never in the memory of men now living has an election in Great Britain been so hotly contested. The Chicago Record-Herald tells of three million posters of the German "bogey" having been issued by one newspaper office alone, and two million showing John Bull pushing a duke off his land, by another syndicate. T. P. O'Connor, cabling to the Chicago Tribune on the 16th, said: "Amorphous, cynical, cosmopolitan London remains fairly cool during even this historic election. But it is exceptional. In all other parts of the country the heather is on fire. Everybody realizes the tremendous issues that are at stake, and popular passion is aroused to an extent unknown for a generation—indeed, unprecedented in the life of any living man. It is the challenge of the House of Lords which submerges all other issues. So much is this the case and so advantageous is this line of battle that the Tories are doing their best to avoid the issue. They are