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**LIBERALISM AND THE
HOUSE OF LORDS**

LIBERALISM
AND
THE HOUSE OF LORDS

THE STORY OF THE VETO BATTLE
1832-1911

BY

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**LIBERALISM AND THE
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CHAPTER I

INTRODUCTORY

THE Session of 1911 will always be memorable in our parliamentary annals. It saw the close of a struggle between the House of Lords and the House of Commons which had been waged intermittently since 1832. From that struggle the House of Commons has emerged victorious, and with the signs of renewed strength upon its form. The Parliament Act, in which the fruits of the popular victory are enshrined, will stand out boldly as a great constitutional landmark in the political history of this country. By that measure the House of Lords has been relegated to a rôle of definite subordination, and the supremacy of the House of Commons, in legislation no less than in finance, has been securely established.

The Parliament Act does little more than give statutory form to constitutional understandings and conventions which had long regulated the practice of Parliament. For two centuries the House of Lords had ceased to exercise co-ordinate authority with the House of Commons. But though as a legislative assembly the House of Lords played a subordinate part, yet the aristocracy, through its control over the unreformed House of Commons, exercised, until 1832, a potent

influence over legislation. Aristocratic predominance had been a marked feature of the British parliamentary system since the Revolution of 1688. It was not a harsh predominance. The great nobles who took the lead in the overthrow of the Stuart despotism had a genuine feeling for liberty. A Whig oligarchy ruled England for many generations, but it wore the emblems and used the language of freedom. Thus, to vary a phrase of Burke, oligarchical rule lost half its evil by losing all its grossness. Decay of the representative system prolonged the aristocratic regime. The Whigs gloried in the House of Commons, but in the eighteenth century the House of Commons had ceased to be a true reflection of the British people. As a representative assembly it had become a simulacrum and a sham. It represented not the people, but the Court and the aristocracy. Between the two Houses of Parliament there was thus a substantial identity of interest. The industrial revolution undermined this imposing fabric of a not ungraceful feudalism. From the countryside the centre of gravity was shifting to the towns. Merchants and manufacturers were acquiring a new importance. Conscious of their strength, the commercial classes demanded a voice in the management of the nation's affairs, through a reform in the representative system. The outbreak of the French Revolution and the repressive era that followed in this country checked the advance of liberal ideas, and a reform which had been contemplated by Pitt in 1785 was delayed for nearly half a century. The Reform Act of 1832 was the first legislative sign of the change that was transforming England and Wales from a society predominantly rural to a society predominantly industrial. It was also the first decisive step in modern times in a democratic direction. Mr. Disraeli's "leap in the dark" in 1867, enfranchising the urban artisans as the Act of 1832 had enfranchised the middle classes, marked the next stage

in the process ; and the gift of the vote to the agricultural labourers by Mr. Gladstone in 1884 completed the enfranchisement of male householders in town and country.

Inevitably the gradual transference of power from a privileged caste to the masses of the people involved conflict between the aristocracy entrenched in its feudal stronghold, the House of Lords, and a House of Commons, no longer dominated by the Court or the nobles, but become the organ of a free people. With occasional interludes the struggle had gone on since 1832, and the final campaign was waged without intermission from 1906 to 1911, culminating last August in a victory for the Democracy.

In this closing campaign one man, the present Prime Minister, stood out pre-eminent in distinction. Mr. Asquith was the life and soul of the democratic party in its last fight with the House of Lords. He it was who inspired and led the conquering force. He displayed consummate gifts of generalship in the battlefield, high qualities of statesmanship in council, power and eloquence in the House of Commons. His conduct of the two General Elections of January, 1910, and December, 1910, his concentration on one dominant purpose to the exclusion of all minor objects, his insight into the realities of a political situation often undergoing superficial change, and sometimes confused and bewildering, his unflagging energy and inspiring oratory, and finally his superb management of the Parliament Bill in the House of Commons—all these things make up an achievement seldom equalled in the history of political campaigning. From the moment when Mr. Lloyd George's Budget of 1909 was rejected by the House of Lords, Mr. Asquith, as Leader of the Liberal Party, applied himself with unwavering resolution to the task of beating back the encroachment of an hereditary assembly on the domain

of free government. He brought to bear on that task all the gifts of a strong character, all the zeal of a constitutional statesman passionately devoted to the representative principle, and inspired by loyalty to the noblest traditions of the House of Commons. When Mr. Austen Chamberlain on one occasion made a contemptuous allusion to the pedantry of the constitutional arguments employed by the Prime Minister, Mr. Asquith replied, "It was pedants like Pym who made and saved the liberties of England." The conviction that he, in turn, was defending English liberties, the belief that he was championing the rights of a free people, sustained Mr. Asquith throughout the long and hard campaign. Fidelity to the people and loyalty to the Crown—these were the high motives that animated him. They found eloquent expression in the speech delivered by the Prime Minister in the House of Commons on 7 August, 1911, on the very eve of the popular victory, at a time when he was being vilified as a "traitor" by Conservative speakers and writers.

"I am accustomed, as Lord Grey in his day was accustomed, to be accused of breach of the Constitution, and even of treachery to the Crown. I confess that I am not in the least sensitive to this cheap and ill-informed form of vituperation. It has been my privilege, almost now I think unique, to serve in close and confidential relations three successive British Sovereigns. My conscience tells me that in that capacity, many and great as have been my failures and shortcomings, I have consistently striven to uphold the dignity and just privileges of the Crown. But I hold my office not only by favour of the Crown, but by the confidence of the people, and I should be guilty indeed of treason if in this, supreme moment of a great struggle I were to betray their trust."

These words evoked a great demonstration of enthusiasm. They breathe the authentic spirit of the House of

Commons. Pym or Pitt or Fox or Gladstone might have uttered them. As an individual achievement there are few greater things in our parliamentary history than Mr. Asquith's superb leadership of the popular side in the last battle between Lords and Commons. His name is sure of a place among that rare and choice company of great Commoners who have enlarged the domain of British liberty and made "the bounds of freedom wider yet."

CHAPTER II

THE PRECEDENT OF 1832

THE Parliament Act completes the era of constitutional change begun by the Reform Act of 1832. Just as the Bill of Rights and the Act of Settlement set limits to the power of an hereditary monarchy, so the Parliament Act sets a limit to the power of an hereditary aristocracy. The veto of the Crown on legislation lapsed by desuetude as a natural consequence of the Revolution of 1688, the gradual evolution of the Cabinet system and the development of the principle of ministerial responsibility. The British people have long since abjured the theory of the Divine right of kings, though by a curious transformation the old fiction of ancient despotism that "the king can do no wrong" has become the new truth of modern constitutionalism. At one time it appeared that the veto of the House of Lords on legislation would, like the veto of the Commons, lapse by disuse. But since the rejection of the Home Rule Bill in 1893, an altered spirit had actuated the Peers; and the efforts of the House of Lords to frustrate the objects and break down the power of the immense Liberal majority of 1906 created a new situation. The events of 1906-9 proved conclusively that unless Liberalism was to perish as an organized political force, the new pretensions of the House of Lords must be resisted, and its powers be defined and circumscribed by law.

It is the fashion to describe the Parliament Act as a

revolution. The phrase is neither happy nor exact. In reality the Parliament Act is little more than the complement of the Reform Act of 1832. In a sense, its provisions were implicit in that earlier measure. The Parliament Act makes the veto of the Lords on legislation suspensory instead of absolute, but the Lords themselves, though claiming an absolute veto, had, in fact, only exercised a suspensory one since 1832. What the Parliament Act does is to make the letter of the constitution in this respect conform to its spirit. It crystallizes in a statute a convention of the Constitution that has been recognized by every constitutional writer of authority. The Parliament Act is not revolutionary: it is evolutionary. It represents no rupture with the past. With us "freedom slowly broadens down from precedent to precedent." The Parliament Act follows precedent. It is absolutely in line with the free and ordered development of our constitutional liberties.

The supremacy of the House of Commons has for centuries been the distinguishing feature of the British Constitution. Beginning with control over finance the representative House had gradually drawn unto itself by an irresistible attraction all the effective governing power. Although the Revolution of 1688 restored the waning prestige of the aristocracy after the shattering effect of the Long Parliament, the House of Commons grew steadily in authority throughout the eighteenth century. "My Lord Bath," said Sir Robert Walpole, after he became a peer, to a man who had been an active opponent of his policy when they both sat in the House of Commons, "you and I have now become two of the most insignificant fellows in England." "A hospital for invalids," was Pulteney's contemptuous description of the House of Lords. The acquiescence of the peers in the predominance of the House of Commons is largely explained by the power they possessed over it.

Every great nobleman had half a dozen rotten boroughs among his possessions. In the last half of the eighteenth century Lord Hardwicke had four of his sons sitting at the same time in the House of Commons ; and Lord Hertford, as Sir George Trevelyan tells us in his *Early History of Charles James Fox*, was a disappointed man because he could only find seats in the House for five of his sons. That sagacious student of the British Constitution, Walter Bagehot, has described the relations of the two Houses of Parliament in those days with his usual felicity :—

“The House of Lords was a second-rate force even when the peers were a first-rate force, because the greatest peers, those who had the greatest social importance, did not care for their own House, or like it, but gained great part of their political power by a hidden, but potent, influence in the competing House. A rural potentate, who half returned two county members and wholly returned two borough members—who perhaps gave seats to members of the Government, who possibly seated the Leader of the Opposition—became a much greater man than by sitting on his own bench in his own House hearing a Chancellor talk.”

With the influence of the territorial aristocracy so powerful in the House of Commons, there was no reason why the House of Lords should view with jealous eyes the concentration of the whole governing power in the hands of the representative assembly. The occasions when the two Houses came into conflict were few and far between. “Danger of discordance was obviated by a latent unity.” That unity was impaired by the Reform Bill of 1832, which gave representation to commercial and industrial centres like Manchester, Birmingham, Leeds, and Sheffield, and took away from derelict villages and obscure hamlets the right to return members to Parliament.

The evils of a representative system which had ceased to be representative had long cried out for redress. Most of the English boroughs might be roughly divided into those which were sold by their patrons, the great territorial magnates, and those which sold themselves to the highest bidder! "The county constituencies of forty-shilling freeholders, although limited and unequal, were less corrupt and more independent than the voters in boroughs, but they were practically at the disposal of the great nobles and local landowners." In 1793, when the members of the House of Commons numbered 558, no fewer than 354 were nominally returned by less than 15,000 electors, but, in reality, on the nomination of the Government and 197 private patrons. The Union with Ireland in 1801 added 100 members to the House, of whom 71 were nominated by 56 individuals. In 1816, of 658 members of the House, 487 were returned by the nomination of the Government and 267 private patrons. Of these patrons, 144 were peers. "The glaring defects of the representative system—the decayed and rotten boroughs the private property of noblemen, the close corporations openly selling the seats at their disposal to members who, in turn, sold their own parliamentary votes, and the existence of great manufacturing cities distinguished by their wealth, industry, and intelligence, and yet possessing no right of sending representatives to Parliament—led Lord Chatham, then Mr. Pitt, as early as 1766, to advocate Parliamentary Reform" (Taswell-Langmead's *Constitutional History*). In the House of Commons, Pitt denounced the borough representation as "the rotten part of our constitution. It cannot continue the century; if it does not drop, it must be amputated." Twenty years later, the younger Pitt made unsuccessful efforts to deal with the evil, but the outbreak of the French Revolution, with its sequel, the Napoleonic Wars, threw back the cause of Reform

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for half a century. At last the question was taken up in earnest by the Whig Ministry of Earl Grey, formed in November, 1830.

Lord John Russell's Bill for the Reform of Parliament was introduced in March, 1831, and, after many vicissitudes, was finally passed into law on 7 June, 1832, the resistance of the House of Lords to the measure only being abandoned on a threat to create peers by King William IV. By the Act of 1832, 56 rotten boroughs with less than 2000 inhabitants and returning 111 members were swept away. Other boroughs returning two members were deprived of one of their representatives. By these means 143 seats were obtained for distribution among unrepresented towns and among counties that deserved additional representation. In the boroughs the vote was given to the £10 householder, and in the counties the franchise was enlarged by the addition to the old forty-shilling freeholders of copyholders and leaseholders for terms of years, and tenants at will paying a rent of £50 per annum.

The Act of 1832 conferred the right of citizenship on 500,000 persons; these new voters belonged for the most part to the middle classes. It was not the number of citizens that it enfranchised, but its ancillary consequences that made the Act of 1832 so momentous. With the disappearance of the rotten boroughs, the old power of the aristocracy over the House of Commons was destroyed. From this time began those divergencies between the two Houses of Parliament, which culminated in the great struggle of 1906-11.

The battle between Lords and Commons in 1832 was memorable because it drew into operation the reserve power of the Constitution. It was only the threat that the Crown would overbear their resistance by the creation of new peers that induced the Lords to abandon their opposition to the Reform Bill. This peer-making

prerogative has been aptly compared to a safety valve. It is the sole means known to the British Constitution of resolving a deadlock between the two Houses of Parliament when neither will give way. The threatened creation of peers in 1832 was denounced by the Tories as an unconstitutional exercise of the prerogative. To this argument a powerful reply was made in the House of Lords by Earl Grey :—

“ I ask what would be the consequences if we were to suppose that such a prerogative did not exist, or could not be constitutionally exercised? The Commons have a control over the power of the Crown, by the privilege, in extreme cases, of refusing the supplies; and the Crown has, by means of its power to dissolve the House of Commons, a control upon any violent and rash proceeding on the part of the Commons; but, if a majority in this House is to have the power, whenever they please, of opposing the declared and decided wishes both of the Crown and the people, without any means of modifying that power—then this country is placed entirely under the influence of an uncontrollable oligarchy. I say that, if a majority in this House should have the power of acting adversely to the Crown and the Commons, and was determined to exercise that power, without being liable to check or control, the Constitution is completely altered, and the government of this country is not a limited monarchy: it is no longer, my lords, the Crown, the Lords, and the Commons, but a House of Lords—a separate oligarchy—governing absolutely the others.”

Nothing could demonstrate more clearly than these words of Lord Grey, the important part played in the working of the Constitution by the prerogative of creating peers. Once only has this emergency power of the Constitution been actually exercised. That was in 1712, when Queen Anne, at the instigation of Harley, a Tory Minister, created twelve peers in order to overcome the

Whig majority in the House of Lords and to smooth the way for the passage of the Treaty of Utrecht. Defending his action against criticism from his assailants, Harley claimed that the creation of peers "flowed entirely from the beneficial and gracious influence of the Crown." Such a plea was of doubtful value even at that time. But there was no means of bringing home to a Minister his responsibility for the acts of the executive until his continuance in office came to depend on the support of a majority in the House of Commons. Already the Constitution was developing in that direction, and the growth of the Cabinet system in the next half-century established on firm foundations the doctrine of ministerial responsibility. Men are sometimes unable to see the significance of changes taking place under their very eyes, and in 1741 we find the House of Lords making it a cause of complaint against Sir Robert Walpole that he had acquired the exclusive confidence of the King and had arrogated to himself the right to act as "a Prime Minister." Having individually a constitutional right of access to the Sovereign—a right which they still retain—the peers regarded the Privy Council, of which they were members *de jure*, as a permanent Council of the King's advisers. They did not comprehend that all real power had imperceptibly passed from the Privy Council to a committee of it called the Cabinet Council, with a Minister at its head responsible to the King and dependent for his continuance in office on the support of a majority in the House of Commons. For the peer-making prerogative, as for other acts of the Sovereign, it was the Prime Minister who was now actually as well as nominally responsible. "Prerogative," said the younger Pitt, "has justly been called a part of the rights of the people." While Harley, in 1712, argued that the peer-making prerogative was a personal privilege of the Sovereign, Pitt, in 1789, said emphatically that "it was not the

individual right of the King, but the especial prerogative of the Crown," and insisted that it is a power "essential to the existence of a good government." So swiftly had events moved in seventy-five years.

It was on these precedents and principles that Earl Grey founded himself in 1832 when he invoked the Royal Prerogative to ensure the passage of the Reform Bill. Between the situation in 1911 and that of 1832 there were so many points of resemblance that it is worth while recalling the circumstances under which the Reform Bill passed into law. Lord John Russell's Bill for the Reform of Parliament was read a second time in the House of Commons on 22 March, 1831. The motion for second reading was only carried by a majority of one, and in April, after an adverse vote, Ministers resigned. The King declined to accept their resignation and dissolved Parliament. Public feeling was strongly in favour of reform, and a large majority of the new House was returned in support of "the Bill, the whole Bill, and nothing but the Bill." On the reassembling of Parliament, Lord John Russell at once reintroduced his Reform Bill. After prolonged debates its third reading was carried in the Commons in the month of September by a majority of 349 to 236. The Bill then went up to the House of Lords, where it was thrown out on 8 October on the motion for second reading by 199 votes to 158. Parliament was immediately prorogued, and the Speech from the Throne contained a promise that a new Reform Bill would be brought in when the Houses reassembled for the new Session. Intense popular excitement followed, with serious riots in Bristol, Derby, and Nottingham. The Bill was reintroduced in December, 1831, and passed the House of Commons on 19 March, 1832, by 355 votes against 239. In the House of Lords it was read a second time on 13 April by 184 votes to 175, but on 7 May, in committee, the Ministry were defeated on Lord

Lyndhurst's proposal to postpone the clauses disfranchising old constituencies. Thereupon the Cabinet decided to ask King William IV to sanction a large creation of peers to ensure the passage of the Bill un-mutilated into law.

In pursuance of this purpose, the day after the hostile vote in the House of Lords, Lord Grey and the Lord Chancellor (Brougham) went down to Windsor and proposed to the King that fifty new peers should be made forthwith. His Majesty said he wanted time to consider the demand, whereupon the Whig Ministry resigned. Then the King turned to the Duke of Wellington, the refuge of every monarch in a difficulty, and asked if he could form a Government. Much as he disliked the Reform Bill the Duke recognized that its passage was inevitable. To his friend, Lord Stanhope, he said, "I don't mean that we shan't be obliged to swallow it, but it is a monstrous gulp." His one desire now was to soften the shock to the institutions of the country. With that high sense of public duty that never failed him, and with a sincere desire to extricate the Sovereign from a perplexing situation, Wellington did his utmost to form a Ministry. He was even prepared to bring in himself a Reform Bill, watered down in some of its provisions. For a full fortnight he laboured hard in the attempt to create an Administration. Meanwhile violent temper had been exhibited by the House of Commons in a debate on a petition from the City of London—then a stronghold of Liberalism—praying that the House would refuse supplies until the Reform Bill had been carried. The Duke of Wellington, having failed in his well-meant efforts, advised the King to recall his former Ministers. His Majesty then wrote to Earl Grey, but urged him, if possible, to forgo the claim for the creation of peers and to introduce such amendments into the Bill as would conciliate moderate opponents.

Lord Grey assured the King that he would do what he could, but declined to abandon the demand for a contingent creation of peers, and said it would be impossible to deviate from any leading principle of the measure. The Whig Ministers, therefore, came back to office masters of the situation. For some months a section of Conservative peers, led by Lords Harrowby and Wharncliffe, had been quietly working behind the scenes to prevent the necessity of creating peers. Their desire was to co-operate to a limited extent with the Whig Government. At first the Duke of Wellington was not very sympathetic to these "Waverers," as they were called, but after the return of Lord Grey to office, seeing that the creation of peers was now unavoidable if the Lords persisted in opposing the Reform Bill, the Duke threw all his influence on the side of the conciliators. His view was that the House of Lords must at all hazards be saved by taking away from the Prime Minister every kind of pretext for swamping it by a new creation of peers. Accordingly, the Duke told the King that he would offer no further opposition to the progress of the Bill, and that he would cease to attend in his place in Parliament until after the Bill had been passed into law. A similar pledge was given by the ex-Lord Chancellor, Lyndhurst.

Lord Grey now renewed his communications with the Sovereign. Accompanied by Brougham, he had an audience of the King on 17 May, when the Monarch, though not concealing his displeasure, yielded, giving Brougham, in writing, the following promise:—

"The King grants permission to Earl Grey and to his Chancellor, Lord Brougham, to create such a number of peers as will be sufficient to ensure the passing of the Reform Bill, first calling up peers' eldest sons."

This power was never exercised. Sir Herbert Taylor, His Majesty's private secretary, who was present at

the interview between Grey and Brougham and the King, conveyed an intimation to the peers opposed to the Bill of what had happened at Windsor. Powerful influences were brought to bear on some of the most violent opponents of the Reform Bill with the object of preventing them from proceeding to extremities, and unknown to Ministers, the following circular letter was addressed by the King's Private Secretary to all the Opposition peers :—

“ *17th May, 1832*

“ MY DEAR LORD,

“ I am honoured with His Majesty's commands to acquaint your lordship that all difficulties to the arrangements in progress will be obviated by a declaration in the House to-night from a sufficient number of peers, that in consequence of the present state of affairs, they have come to the resolution of dropping their further opposition to the Reform Bill so that it may pass without delay and as nearly as possible in its present shape.

“ I have the honour to be, etc.,

“ HERBERT TAYLOR ”

This appeal was effective. Over one hundred peers, including the Duke of Wellington, decided not to take part in any further proceedings on the Reform Bill, and the measure finally passed on 4 June. Dealing with these incidents, Sir Erskine May wrote: “ This interference of the King with the independent deliberations of the House of Lords was, in truth, an act not less unconstitutional than a creation of peers, the one being an irregular interference of the Crown with the freedom of Parliament, the other an extreme exercise of an undoubted prerogative. But it was resorted to—not to extend the authority of the Crown or to overawe Parliament—but to restore harmonious action to those powers

of the State which had been brought into dangerous opposition and conflict. In singular contrast to the history of past times, this greatest extension of the liberties of the people was now obtained in the last resort by the personal influence of the Crown."

It may be noted as a singular coincidence that in 1911, as in 1832, the Private Secretary of the Monarch played a part in harmonizing the disturbed relations between Lords and Commons. That wise and venerable servant of the Crown, Lord Knollys, was ubiquitous and active in the House of Lords on the last two days of the debate on the Parliament Bill in August, 1911.

Lord Lansdowne, grandfather of the present Opposition Leader in the House of Lords, was a member of Lord Grey's "Reform Cabinet." Another member of that historic Cabinet was the Earl of Durham, "Radical Jack," Lord Grey's son-in-law, so memorably associated, a few years later, with the pacification of Canada. Greville records the following in his diary under date 6 March, 1832:—

"While Lord Grey is negotiating with Harrowby for the express purpose of avoiding the necessity of making peers, Durham, his colleague and son-in-law, in conjunction with Down, is going about with a paper for signature by peers, being a request to Grey to make new peers."

It may be noted that in the summer of 1911 Lord Durham's descendant, the present Earl, though a Unionist, voted in the final stages of the Parliament Bill steadily with the Government. Among the little band of stalwart Tories who resisted the passage of the Reform Bill of 1832 to the last was Lord Willoughby de Broke, ancestor of the present peer of that name, who organized the "die-hards" last July against the Parliament Bill. Toryism, like Whiggism, is bred in the bone.

The "leading case" of 1832 revealed the enormous

value of the emergency powers of the Constitution. Threat to resort to the peer-making power solved a grave deadlock between the two Houses of Parliament and prevented a cataclysm in the country. By this means was peacefully effected what the Duke of Wellington called "the greatest revolution that has ever occurred without bloodshed in this country." The British people suddenly realized as they had never done before the value to the nation of the peer-making prerogative. In old days prerogative was an instrument of oppression. In the natural and wholesome development of our constitutional liberties it had been transformed into a weapon of freedom. The prerogatives of the Crown had become the privileges of the people.

CHAPTER III

SUBORDINATION OF THE HOUSE OF LORDS

AFTER the passing of the Reform Bill, the House of Lords continued to show a strong Conservative bias. Measures of a Liberal tendency were flung out without compunction by the Second Chamber. "Essentially a Tory body," was Greville's description of it. Writing in 1835, that clear-sighted observer said: "The House of Lords hardly fulfils the conditions of a great independent legislative assembly, but presents the appearance of a dominant party-faction, which is too numerous to be affected by any constitutional process, and too obstinate to be turned from its fixed purpose of opposing all the measures which have a tendency to diminish the influence of the Conservative Party in the country. . . . It is, I think, exceedingly probable that the majority of those who return members to Parliament, and in whom collectively the supreme power really resides, though they may be content to retain the House of Lords if it could be made to act in harmony with, and therefore necessarily in subordination to, the House of Commons, would not hesitate for an instant to decree its downfall if it became clear that there was no other way of crushing the Tory faction which now rules triumphant in that House. At all events, the Lords are playing a desperate game. If it succeeds, they who direct the energies of the party are great and wise men; but what if it fail?" (Greville, Vol. III, p. 289). This prescient passage would have

been equally appropriate as a description of the position of the Lords in relation to the Commons in the 1906-9 Parliament. An observer of a very different calibre from Greville was equally impressed with the unteachableness of the Second Chamber. James Mill, disciple of Jeremy Bentham and father of John Stuart Mill, published in the *London Review* for January, 1836, an essay entitled "Aristocracy." In this he treated at some length of the House of Lords, whose resistance to progressive legislation since the Reform Act had roused the bitter hostility of the reformers. Mill pointed out that nearly one-half of the legislative power in this country "is placed in the hands of men who, by the tenure on which they hold it, are, of necessity, converted into a body of enemies." "The great object of their dread is every approach to good government." That a clear-sighted and resolute people would always endure the tyranny of the Upper House Mill did not fear: "But how long it may contrive to carry on its work, by fair words and by little concessions well timed, it is not easy to foresee." To overcome the resistance of the House of Lords to progressive measures, Mill proposed that a Bill passed in three successive Sessions by the House of Commons should become law, regardless of the wishes of the House of Lords. This singularly accurate anticipation of the Parliament Bill of 1911 has a deep historical interest. Mill had in full measure the boldness which was characteristic of the school of philosophic Radicalism to which he belonged. He had boundless faith in the power of the House of Commons, and wished it to overbear the Lords by the simple native force of its own resolutions, without troubling to invoke the Royal Prerogative. His words were:—

"Let it be enacted that if a Bill which has been passed by the House of Commons and thrown out by the House of Lords is renewed in the House of Commons in the next Session of Parliament and passed, but again thrown out

by the House of Lords, it shall, if passed a third time in the House of Commons, be law without being sent again to the House of Lords."

In the event of the Lords still refusing their consent, Mill recommended the House of Commons to declare boldly by resolution that Bills that were passed by the representative chamber *three* times should have the force of law. "This resolution the people would hail with transport and make the enactments laws by their obedience. From that moment the House of Lords is blotted out." Such was Mill's plan. The article in which it was embodied contained wise reflections on the position of the Crown. Let the King, urged Mill, link his interests to those of the people. It is a blunder for a King to "lean upon a corrupt aristocracy and a corrupt Church." Let him feel that he reigns in the reason and understanding of his people. "The greatness and glory of a King depend upon his people, his interest is theirs." This brave and outspoken article attracted much attention. Roebuck, then doing manful work for Radicalism, and who had himself, in 1835, urged that the veto of the Lords should be restricted to a single Session, had the article reprinted in pamphlet form and widely circulated.

Like Mill and the English Radicals, Macaulay was shocked by the unrelenting animosity shown by the House of Lords to Lord Melbourne's Ministry. Though absent from the country on official duty in India, Macaulay closely watched the course of affairs in England. Writing from Calcutta early in 1838, he said: "I am quite certain that in a few years the House of Lords must go after Old Sarum and Gatton. What is now passing is mere skirmishing and manœuvring between two general actions. It seems to be of little consequence to the final result how these small operations turn out. When the grand battle comes to be fought, I have no doubt about the event." To Lord Lansdowne he addressed a "care-

fully reasoned letter, a State paper in all but the form, urging the imminent perils that threatened a Constitution in which a reformed House of Commons found itself face to face with an unreformed House of Lords, and setting forth in detail a scheme for reconstructing the Upper Chamber on an elective basis. Macaulay's notions were not at all to his old friend's taste, and after a single interchange of opinions, the subject never reappeared in their correspondence" (Trevelyan's *Life and Letters of Lord Macaulay*).

There was good cause for the dismay with which reformers viewed the maleficent activity of the House of Lords in the half-dozen years that followed the passage of the Reform Act. For a quarter of a century longer the Lords stubbornly resisted the advance of Liberal ideas. Every measure for the removal of civil and religious disabilities encountered their hostility. Time after time they denied justice to Nonconformity. Four times did they reject the Bill extending citizen rights to Jews. Nevertheless, in 1846 occurred an event which revealed in a flash the subordination of the Lords to the Commons in legislation. The repeal of the Corn Laws was a testing measure for the pretensions of the peers. That great Bill rent the Tory Party in twain. Sir Robert Peel passed it through the House of Commons in the teeth of envenomed opposition from his own party, and only by the aid of Liberal votes. To the landed interest, powerfully entrenched in the House of Lords, the repeal of the Corn Laws wore an aspect both confiscatory and revolutionary. There was hardly a rural rent-roll in the country that would not be adversely affected by Free Trade in corn. For all that, the Tory peers dared not resist a measure which they loathed, which was bitterly opposed by the bulk of the Tory Party, which they knew would be injurious to their own interests, and which they believed would be detrimental to the interests of the country.

Nothing could mark more decisively the conscious subordination of the House of Lords to the Representative Assembly. The sullen acquiescence of the Tory peers in the repeal of the Corn Laws was due chiefly to the influence of the great Duke of Wellington. While the Bill was still in the Commons Lord Stanley, "the Rupert of Debate" (afterwards Earl Derby), wrote to the Duke a remarkable letter, which drew a still more remarkable reply. Writing from "St. James' Square," 18 February, 1846, Lord Stanley said :—

"We cannot disguise from ourselves that the unfortunate measure now under consideration has, for the time at least, completely dislocated and shattered the great Conservative party in both Houses, and that the sacrifice of your own private opinion, which you and others have made for the purpose of keeping it together, has failed, as I feared it would, to effect your object. You may remember my appealing to Sir Robert Peel himself in the Cabinet to confirm my statement that if his measure were carried, it would be by the aid of the whole body of his opponents, and the lukewarm support of a few of his friends, against the angry opposition of the great mass of the Conservative party. It is evident that these anticipations have been realized to the fullest extent, and I think it very doubtful whether even your great name and influence will induce the Lords to sanction the Bill, especially if the majority in the House of Commons be not far greater than seems now to be anticipated."

The illustrious old soldier replied with the prompt decision that was characteristic of him. In a long letter bearing date the following day, 19 February, Wellington gave advice to Lord Stanley as to the course he ought to follow, and explained the principles that had guided him (the Duke) in the management of the House of Lords.

"You are aware," wrote the Duke of Wellington, "how

anxious I have been throughout these discussions, commencing in October last [1845], to preserve and maintain the administration of Sir Robert Peel, for the sake of the Queen's ease ; knowing what he had performed : the restoration of the finance of the country ; the settlement of the banking system ; the revival of commerce ; the settlement of this very corn question and his defence of what had been settled ; the success in Ireland in putting down the monster meetings ; the universal tranquillity prevailing throughout Great Britain ; the confidence which then was felt in his Government abroad, and even in the United States. To this, add the confidence in him and respect for him in the great manufacturing and commercial towns of the country, such as Manchester, Liverpool, Bristol, etc.

“ I am very much afraid that the confidence of Parliament has vanished, and that there is no chance of its revival. On the contrary, I am convinced that if his opponents in either House were to move a vote of want of confidence in him, it would pass in the Commons by a large majority, and would be opposed in the House of Lords only by you and myself, and his and my colleagues, a few in the Queen's household, and very few personal friends of his and relations and personal friends of mine.

“ This is a sad change, and I am very apprehensive that there is no prospect of an improvement. That which I look for, therefore, is the holding together in other hands the great and, at this moment, powerful Conservative party ; and this for the sake of the Queen, of the religious and other ancient institutions of the country, of its resources, influence, and power ; all necessary for its prosperity and the contentment and happiness of the people. It is quite obvious that I am not the person who can pretend to undertake, with any chance of success, to perform this task. It is not easy to account for my being in the situation which I have so long filled in the House

of Lords. Its commencement was merely accidental. I was Commander-in-Chief of the Army and Master-General of the Ordnance when Lord Liverpool was struck by palsy ; and although I had not, I believe, once spoken in Parliament for twenty years, I at once succeeded to the influence and power which he had for many years exercised in the House of Lords, always in high office ; which, however unworthily, I have held ever since, whether in or out of office. . . .

“ For many years, indeed from the year 1830, when I retired from office, I have endeavoured to manage the House of Lords upon the principle on which I conceive that the institution exists in the Constitution of the country, that of Conservatism. I have invariably objected to all violent and extreme measures, which is not exactly the mode of acquiring influence in a political party in England, particularly one in opposition to Government. I have invariably supported Government in Parliament upon important occasions, and have always exercised my personal influence to prevent the mischief of anything like a difference or division between the two Houses, of which there are some remarkable instances, to which I will advert here, as they will tend to show you the nature of my management, and possibly, in some degree, account for the extraordinary power which I have for so many years exercised, without any apparent claim to it.

“ Upon finding the difficulties in which the late King William was involved by a promise made to create peers, the number, I believe, indefinite, I determined myself, and I prevailed upon others, the number very large, to be absent from the House in the discussion of the last stages of the Reform Bill, after the negotiations had failed for the formation of a new Administration. This course gave at the time great dissatisfaction to the party, notwithstanding that I believe it saved the existence of the

House of Lords at the time, and the Constitution of the country.

“ Subsequently, throughout the period from 1835 to 1841, I prevailed upon the House of Lords to depart from many principles and systems which they as well as I had adopted and voted ; on Irish tithes, Irish corporations, and other measures, much to the vexation and annoyance of many. But I recollect one particular measure, the union of the provinces of Upper and Lower Canada, in the early stages of which I had spoken in opposition to the measure, and had protested against it ; and in the last stages of it I prevailed upon the House to agree to, and pass it, in order to avoid the injury to the public interests of a dispute between the Houses upon a question of such importance. Then I supported the measures of the Government, and protected the servant of the Government, Captain Elliot, in China. All of which tended to weaken my influence with some of the party ; others, possibly a majority, might have approved of the course which I took. It was at the same time well known that from the commencement at least of Lord Melbourne’s Government, I was in constant communication with it, upon all military matters, whether occurring at home or abroad, at all events ; but likewise upon many others.

“ All this tended, of course, to diminish my influence in the Conservative party, while it tended essentially to the ease and satisfaction of the Sovereign, and to the maintenance of good order. At length came the resignation of the Government by Sir Robert Peel, in the month of December last, and the Queen desired Lord John Russell to form an Administration. On 12 December the Queen wrote to me the letter of which I enclose the copy, and the copy of my answer of the same date, of which it appears that you have never seen copies, although I communicated them immediately to Sir Robert Peel.

It was impossible for me to act otherwise than is indicated in my letter to the Queen. I am the servant of the Crown and the people. I have been paid and rewarded, and I consider myself retained, and that I cannot do otherwise than serve as required, when I can do so without dishonour, that is to say, as long as I have health and strength to enable me to serve. But it is obvious that there is, and there must be, an end of all connection and counsel between party and me. I might with consistency, and some think that I ought to, have declined to belong to Sir Robert Peel's Cabinet on the night of 20 December. But my opinion is, that if I had, Sir Robert Peel's Government would not have been framed ; that we should have had — and — in office next morning.

“ But at all events, it is quite obvious that when that arrangement comes, which sooner or later must come, there will be an end to all influence on my part over the Conservative party, if I should be so indiscreet as to attempt to exercise any. You will see, therefore, that the stage is quite clear for you, and that you need not apprehend the consequences of differing in opinion from me when you will enter upon it ; as in truth I have, by my letter to the Queen of 12 December, put an end to the connection between the party and me, when the party will be in opposition to Her Majesty's Government.

“ My opinion is, that the great object of all is that you should assume the station, and exercise the influence, which I have so long exercised in the House of Lords : the question is, how is that object to be attained ? By guiding their opinion and decision, or by following it ? You will see that I have endeavoured to guide their opinion, and have succeeded upon some most remarkable occasions, but it has been by a good deal of management.

“ Upon the important occasion and question now before the House, I propose to endeavour to induce them to

avoid to involve the country in the additional difficulties of a difference of opinion, possibly a dispute between the Houses, on a question in the decision of which it has been frequently asserted that their lordships had a personal interest ; which assertion, however false as affecting each of them personally, could not be denied as affecting the proprietors of land in general.

“ I am aware of the difficulty, but I don't despair of carrying the Bill through. You must be the best judge of the course which you ought to take, and of the course most likely to conciliate the confidence of the House of Lords. My opinion is, that you should advise the House to vote that which would tend most to public order, and would be most beneficial to the immediate interests of the country. . . .

“ Protection to agriculture is out of the question. I have considered the Corn Law of 1841 and 1842 at an end since the day on which Sir Robert Peel resigned his office, and recommended to the Queen to form another Government. He never could return into Parliament and retain that law, and I did not, and do not, see in the House persons capable of retaining it.”

The sagacious counsel of the Duke of Wellington had its effect, and the Bill for the repeal of the Corn Laws went through the House of Lords without opposition. From that day the supremacy of the House of Commons in legislation was established on a more secure foundation. Power to reject Bills still lay with the Lords, and they exercised it for years afterwards with impunity, but their inferiority in the legislative function was now self-confessed, and their veto on Bills was virtually only a veto of delay. The veto had ceased to be absolute, it had become suspensory.

“ From the Reform Act,” wrote Bagehot in 1872, “ the function of the House of Lords has been altered in English history. Before that Act it was, if not a

directing Chamber, at least a Chamber of Directors. The leading nobles, who had most influence in the Commons, and swayed the Commons, sat there. Aristocratic influence was so powerful in the House of Commons that there never was any serious breach of unity. When the Houses quarrelled, it was, as in the great Aylesbury case, about their respective privileges, and not about the national policy. The influence of the nobility was then so potent that it was not necessary to exert it. The English Constitution, though then on this point very different from what it now is, did not even then contain the blunder of the Victorian or of the Swiss Constitution. It had not two Houses of distinct origin; it had two Houses of common origin—two Houses in which the predominant element was the same. The danger of discordance was obviated by a latent unity. Since the Reform Act the House of Lords has become a revising and suspending House. It can alter Bills; it can reject Bills on which the House of Commons is not yet thoroughly in earnest—upon which the nation is not yet determined. Their veto is a sort of hypothetical veto. They say, 'We reject your Bill for this once or these twice, or even these thrice; but if you keep on sending it up, at last we won't reject it.' The House has ceased to be one of latent directors, and has become one of temporary rejectors and palpable alterers." In short the House of Lords had become "a chamber with (in most cases) a veto of delay; with (in most cases) a power of revision, but with no other rights or powers."

CHAPTER IV

THE LORDS AND FINANCE

“This privilege which they have now invaded is a known and avowed right inherent in this House as the representatives of the People. For what do the Lords say when they attempt to invade this privilege? Why, they plainly say to us and to the people: ‘You shall no longer tax or remit taxation yourselves.’ Can liberty exist if we allow them to lay their sacrilegious hands upon this Holy of Holies, this palladium of the Constitution?”—BURKE.

FROM time to time the House of Lords asserted its claim to veto legislation which it disliked, but it had never disputed the supremacy of the House of Commons in finance. Suddenly, in 1860, the peers challenged the representative chamber in the very heart and centre of its authority. Fortunately, Mr. Gladstone was then Chancellor of the Exchequer, and we owe it to his intrepid spirit and power of swift decision that the Lords were promptly driven out of the forbidden domain into which they had trespassed of set purpose. Mr. Gladstone’s achievement was the more remarkable because the victory which he won for the Commons was won in the teeth of the indifference, if not the positive hostility, of the Prime Minister. Warmly sympathetic with the cause of freedom abroad, Lord Palmerston was curiously indifferent to popular rights at home. He was quite willing to remain passive under the intrusion of the Lords into the domain of finance. It was only Gladstone’s passion for the constitutional rights of the House of Commons that saved a vital position in the popular citadel which Palmerston would have surrendered with light-hearted levity.

Between the Prime Minister and his Chancellor of the Exchequer there was very little in common. Their mutual distrust had been intensified by profound differences of opinion on public questions. In 1859 there was almost a rupture between them over the question of borrowing money for a large expenditure on the fortification of the British coasts. In that year dread of French designs caused one of those invasion scares to which the British people are liable—or shall we say were liable until they had learnt to repose faith in the Navy, and realized all that was meant by command of the sea? Under the influence of a nightmare of apprehension Palmerston wanted to spend large sums on land fortifications. Some of these worthless fortifications still stand, mute but significant memorials of a foolish scare. Though a loan would have eased his financial task, Gladstone loathed the notion of borrowing money to be squandered on fortifications, and fought his chief's policy tenaciously in the Cabinet. If the money must be spent, let it come from revenue—that was the view of the Chancellor of the Exchequer. It was not the view of the Prime Minister. "It would be better to lose Gladstone than to run the risk of losing Portsmouth or Plymouth," wrote Palmerston in his jaunty way to Queen Victoria. Gladstone was not very malleable to the influences brought to bear upon him. "My mind is made up," he wrote, "and to propose a loan for fortifications would be on my part, with the views I entertain, a betrayal of public duty." Eventually a compromise was arranged, Palmerston and Gladstone making mutual concessions. The influence of this invasion scare was seen in the Budget of 1860. Gladstone's financial proposals in that year were marked by breadth and courage. He had laboured hard in the autumn of 1859 with Cobden to negotiate a commercial treaty with France. "A French panic prevailed,"

he wrote, "as strong as any of the other panics that have done so much discredit to this country. For this panic the treaty of commerce with France was the only sedative. It was, in fact, a counter-irritant; and it aroused the sense of commercial interest to counteract the war passion." The treaty was successfully negotiated, and out of it, in Lord Morley's words, "grew the whole of the great financial scheme of 1860." Mr. Gladstone's proposals were heartily approved by the House of Commons and the nation. He provided in his Budget, among other things, for the abolition of the excise duty on paper, one of the odious taxes on knowledge against which reformers had long been waging war. This tax was equivalent to a duty of 30 per cent on the price of a daily newspaper. It brought in a revenue exceeding £1,400,000 per annum. When the Budget scheme reached the House of Lords the Paper Duty Repeal Bill was thrown out, at the instance of Lord Monteagle, formerly Mr. Spring Rice, M.P., who had had official experience at the Treasury. Lord Derby, Tory Leader in the Upper House, argued that no embarrassment could result to the executive from the rejection of the Bill, for in fact its rejection "preserved a large sum of money (nearly £1,500,000) to the Exchequer." The Whig peers strongly opposed the rash policy to which Lord Derby had lent the sanction of his authority. Lord Granville, Leader of the House, spoke with great persuasiveness in support of the financial rights of the House of Commons. In a speech delivered on 21 May, 1860, Lord Granville said:—

"I know no precedent for the rejection by this House of a Bill remitting taxation, or even revising taxation, which formed part of the whole financial scheme approved by the House of Commons.

"The principle has always been to limit to the smallest possible space the inconvenience arising from any change

in our system of taxation affecting the commercial and industrial world. As soon as the House of Commons have declared their opinion in favour of the remission of any Customs duty, it ceases at once. And your lordships, in agreeing with the noble lord, will now be disturbing all confidence in the decisions of the House of Commons, and it will be impossible for the Government to propose the most beneficent improvements in taxation without our whole merchants, manufacturers, and tradesmen being kept in a state of anxiety and suspense. With regard to revenue, is it perfectly wise to put yourselves in opposition to the House of Commons ?

“ It was, I think, Mr. Burke who said that one of the most critical and invidious functions which the House of Commons had to discharge was to originate the whole weight of taxation, inasmuch as its hand was felt and seen in every burden that pressed upon the people. This system has, however, hitherto worked well, connecting, as it does, taxation with representation. Would it be wise for your lordships to introduce a new system and to have your hand, instead of that of the House of Commons, felt in every burden which presses upon the people, thus virtually severing taxation from representation ? ”

In the same debate the Duke of Argyll told the peers with his uncompromising directness : “ You are striking at the very root of the constitutional usage which has hitherto regulated the relations between the two Houses.”

These protests were unavailing, and the Paper Duties Bill was rejected, on the motion for second reading, by 193 to 104.

In those days the annual Budget consisted of a number of separate Bills, and the Lords, by rejecting one of them, ran no risk of jeopardizing the whole provision made by the Chancellor of the Exchequer for the finance of the

year. This absence of untoward results on the national finances encouraged the Gallo-like indifference of Palmerston. He had never liked the repeal of the paper duties. When Gladstone submitted his proposal for their abolition to the Cabinet in the first instance Palmerston spoke against it for three-quarters of an hour. Not only did he speak against it in Cabinet, as he had a right to do, but, as Lord Morley tells us in his *Life of Gladstone*, Palmerston actually wrote to the Queen that he was bound in duty to say that if the Lords threw out the Bill "they would perform a public service." Clearly the Prime Minister in his heart approved of the action taken by the Lords, and the Cabinet was quite prepared to sit calmly down under the rebuff that had been offered to the Government, untroubled by any thought of the historic rights and privileges of the House of Commons, which had been so ruthlessly invaded. Gladstone was a man of different mettle. The rejection of the Bill by the Lords filled him with righteous indignation. He regarded it as an act of sacrilege. The peers, he held, had been guilty of a gigantic innovation in the Constitution. Their action "amounted to the establishment of a revising power over the House of Commons in its most vital function." Gladstone was as jealous of the rights of the House of Commons as he was of his own honour. In a letter to the Duke of Argyll he wrote: "To have been the occasion of the blow to the House of Commons, or, as I call it, this gigantic innovation, will be a grief to me as long as I live. If by wildness or rashness I have been its cause, it will be a much greater grief." Overcoming Lord Palmerston's hostility and the apathy of the Cabinet, Mr. Gladstone insisted on the appointment of a Select Committee of the Commons to investigate the precedents. The labours of that Committee led up to the adoption by the House of the famous resolutions of 5 July, 1860, with their bold

assertion of the supremacy of the House of Commons in finance.

Important facts were elicited by the Committee. The peers contended that while they could not amend Money Bills, they had under the Constitution a right of bare rejection. Their strict legal right to reject was indisputable, but it was one of those theoretical rights that cannot easily be put into practical operation. A striking fact discovered by the Select Committee was that none of the Money Bills thrown out by the Lords in bygone years was solely concerned with the raising of taxes. Every one had some subsidiary purpose, and it was this subsidiary purpose that was the cause of the rejection.

A distinguished member of the Select Committee appointed in 1860 was Mr. Robert Collier, Liberal member for Plymouth, afterwards Lord Monkswell, whose rapid advancement to the Judicial Committee of the Privy Council caused some embarrassment to Mr. Gladstone's administration in 1871. In his speech in the House of Commons during the debate on the resolutions, Mr. Collier, who had minutely examined all the precedents in which the House of Lords had amended or rejected Money Bills, said :—

“ There are far more precedents in favour of amending than for rejecting Money Bills. There are thirty-four cases of the rejection of Bills, repealing or altering a tax ; in not a single one of these cases did the Lords reject a Bill repealing or altering a tax on purely financial grounds.”

In other words, some ancillary purpose, generally protective in its character, marked the Bills thus rejected.

In the debate in the House of Lords in May of the same year the venerable Lord Lyndhurst said :—

“ I don't dispute—nor can it be for a moment disputed—that we have no right whatsoever to amend

what is called a Money Bill. We have, moreover, no right whatsoever to originate a Bill of that nature. But I take leave to say that there is not an instance to be found in which the House of Commons has controverted our right to reject Money Bills."

Even this bare right claimed by Lord Lyndhurst had been rarely exercised, and then only when matter foreign to a Money Bill had been "tacked" on to it, or when there was some question of the protection of a particular industry or the disturbance of a trade involved.

A Bill of Supply is a Money Bill, but all Money Bills are not Supply Bills. It is necessary to distinguish between a Money Bill pure and simple and a Bill of Supply—that is, a Bill providing money for the service of the Crown. On the testimony of the Duke of Argyll, the Lords had never in their history thrown out a Bill of Supply before 1860. The grave inconveniences that would follow the rejection of a Bill of Supply were pointed out by Mr. Collier.

"If," he said, "the Budget is not to be considered as settled when it passes the House of Commons, and it has to go through a new ordeal in the House of Lords, many grave and most important results must ensue. It will create a disturbance in our commercial relations of which we cannot foresee the consequences. The exclusive right of taxation is the life-blood of the House of Commons. The principle of taxation being co-ordinate with representation is the most vital element of the Constitution."

But in debate, as in the Cabinet, it was Mr. Gladstone who was the life and soul of the resistance to the encroachments of the peers in finance. He saw more clearly than any one all that was involved in the claim put forth by the House of Lords. If not repelled, he was apprehensive of what the consequence might be both to liberty and to wise financial administration. He

denounced the Lords as authors of a gigantic innovation, "the most gigantic and the most dangerous that has been attempted in our time." The resolutions, he declared, "were a most mild and temperate declaration of the rights of the House of Commons." Not content with the resolutions, he wanted the House "to vindicate and establish its rights by action." As for the precedents cited by the peers and their champions, "not one of them," declared Mr. Gladstone, "affords a rag or a shred of covering for the recent proceeding of the House of Lords." Mr. Gladstone foresaw the danger that would arise from making taxation dependent upon the caprice of popular passion. If the Lords establish a right to veto Budget proposals, then, in that case, the Commons, in dealing with financial projects, "must hereafter look, not only to their merits, but to their probable popularity. They must recollect that there are those lying in ambush for them who will be ready to interfere at the proper moment. If it chance that, in considering the schemes of various taxes for reduction, they make that choice which, according to their judgment and conscience, they believe to be for the good of the country, rather than that which will probably meet the popular view, they must bear in mind that there are those who will take advantage of their having acted on their conscientious convictions."

Mr. Gladstone recalled that the Lords early in the century asked for a copy of the estimates, a request that Pitt contemptuously refused. In 1839 the Lords, for the first time in their history, succeeded in obtaining a copy of the estimates, with the help of a compliant Chancellor of the Exchequer (Mr. Spring Rice). "Much good it did them," was Mr. Gladstone's comment. He went on: "I regard the whole rights of the House of Commons as they have been handed down to us, as constituting a sacred inheritance upon which I, for my part, will never permit any intrusion or plunder to be

made. Sir, I think that the very first of our duties, anterior to the duty of dealing with any legislative measure, and higher and more sacred than any such duties, high and sacred though they may be, is to maintain intact that precious deposit" (5 July, 1860).

The resolutions protesting against the encroachment of the Lords in finance were carried by a practically unanimous House of Commons. John Bright was of opinion that the resolutions ought to have been swiftly followed up by action on the part of the Government. Speaking in the House on 10 August, 1860, he asked Lord Palmerston what the Government proposed to do. Bright said :—

"I am so tender of the rights of the House of Commons that I know of no greater calamity that could happen to the country than that we should impair the confidence which the people should have in us, and that we should lessen our power over the great and constantly increasing great questions which affect the finance and the taxation of the country."

Sometimes, he went on, treason may be honourable and produce good :—

"There is another kind of treason—it is treason against a people—which may be committed by a Minister of the Crown, by a consenting Cabinet, and by a compliant legislative body. That is a treason which is all evil, which has no good whatever in it. It covers no man, or body of men, with renown, but it covers them with contempt and infamy, decreed, I believe, by the just judgment of posterity."

The action which Bright desired was taken in the following year by Gladstone, who in the Budget of 1861 embodied all his financial proposals, repeal of the paper duties included, in one comprehensive Bill, which the Lords could not reject without disorganizing the national finances and deranging the machinery of taxation. In

incorporating all his financial proposals in one Bill, Mr. Gladstone was reverting to a practice followed by the younger Pitt. Lord Robert Cecil (afterwards Lord Salisbury, the Conservative Prime Minister) was, in his own words, "absolutely aghast" at Mr. Gladstone's audacity. "It has been the practice hitherto," he said, "to divide all measures of finance into separate Bills, and to send them up separately to the House of Lords. But now for a special political object, to avenge a special political defeat, to gratify a special pique, and to gain the doubtful votes of a special political section, it is proposed to vary the practice of half a century." When the omnibus Bill, embodying the Budget of 1861, reached the House of Lords, the Earl of Derby argued that it was within the power of the Lords to divide the Bill, but he did not counsel this course. Some noble lords were quite ready to resume the battle. Lord Derby, however, dissuaded them. He was "too wise, or at any rate in too responsible a position," wrote Spencer Walpole, "to venture on a course which would have deprived the Crown of the supplies which it required for the conduct of the government of the country. Under his advice the Duke of Rutland consented to withdraw his amendment, and the Lords accepted a measure which they disliked, but dared not oppose. Some of them later on enjoyed the barren privilege of recording in writing their protest against a Bill they had not ventured to reject." Thus the Budget of 1861 passed unscathed through the House of Lords. Mr. Gladstone's comment on this sequence of events was characteristic: "The House of Lords for its misconduct was deservedly extinguished, in effect, in all matters of finance." Recalling this struggle in a speech delivered in Midlothian in March, 1880, Mr. Gladstone said:—

"The House of Lords took little benefit thereby (rejection of the Paper Duty Repeal Bill), for in the very

next session we in the House of Commons brought in a measure which provided that the whole of the changes affecting Supply and Ways and Means from year to year should be sent up to the Lords in one single measure which we knew the Lords would not dare to throw out ; and the consequence has been that from that time onwards the House of Lords has, I may say, never opened its mouth on the finance and taxation of the country."

CHAPTER V

THE POWER OF THE PURSE

THE resolutions of 1860 mark an important stage in the history of the long struggle between the Lords and Commons. They were in harmony with the traditions of the House of Commons. From the beginnings of our parliamentary system the representatives of the people realized the value of the power of the purse. Originally the territorial magnates in the House of Lords taxed themselves, and the clergy in Convocation retained the right of self-taxation until 1664. But the exclusive power over general taxation which the Commons had successfully established had given them a commanding power in the State even in the days of Elizabeth. "The great rebellion and the abolition of the feudal tenures immediately after the Restoration effected, in theory at any rate, a complete revolution in the relation of the great landholders to the State. Their obligation to provide a national army had ceased, and they constituted but a comparatively small portion of the population. Everything that was necessary for the public service had now to be raised by taxation in some form, and members of the House of Commons represented almost the whole of the persons who were taxed" (Pike's *Constitutional History of the House of Lords*). As the sphere of government widened, as population and wealth increased, and as the taxable resources of the community had to be enlarged to meet

new and diverse needs, so the power of the Commons grew.

Nothing is more striking in our parliamentary history than the unvarying persistence of the House of Commons in asserting its exclusive supremacy over finance. From the time of the Plantagenets down to the Parliament Act of 1911 the chain of precedents is unbroken. The exclusive right of the House of Commons to tax the people of England was coeval with its existence. In the reigns of Edward II, Richard II, and Henry IV the Commons asserted again and again their right to the exclusive taxation of the commonalty. Very early in their history the Commons made their money grants conditional upon the redress of grievances. Writing of the "Good Parliament," which met in April, 1376, and whose most distinguished member was Sir Peter de la Mare, Mr. Arthur Irwin Dasent, in his *Speakers of the House of Commons*, says:—

"After protracted debates, both by themselves and in conjunction with the Lords, the Commons appeared in full Parliament with de la Mare at their head. His first duty was to answer the usual demand for money, made to the Lower House on this occasion by the Chancellor, Sir John Knyvet. Not only did de la Mare take upon himself to refuse supplies until the grievances of the nation were redressed, but he adopted the financial position as the text for a sermon on the required reforms."

This was in the reign of Edward III. In the reign of his unfortunate grandson, Richard II, the Commons refused to grant a supply except upon the condition that the King would pardon the insurgents. On this point a controversy arose between the King and Commons, and the King eventually gave way (Hallam's *Middle Ages*).

Even in Tudor days, when the monarchical power in

England was at its greatest height, the rights of the Commons in taxation were preserved intact. From time to time encroachments were attempted by the Crown, but neither Henry VIII nor Elizabeth disputed the rights of the Commons to the extent that they were disputed by James I and Charles I. The Petition of Right, 1628, and the Bill of Rights, 1688, have established for all time the principle that money for the service of the Crown can only be voted by Parliament, and can be levied by no other authority. The Commons jealously preserved their rights over finance from encroachment whether by the Crown or the House of Lords.

“One of the most ancient and valued rights of the Commons is that of voting money and granting taxes to the Crown for the public service. From the earliest times they have made this right the means of extorting concessions from the Crown and advancing the liberties of the people. They upheld it with a bold spirit against the most arbitrary kings; and the Bill of Rights crowned their final triumph over prerogative. They upheld it with equal firmness against the Lords. For centuries they resented any ‘meddling’ of the other House ‘with matter of supply’; and in the reign of Charles II they successfully maintained their exclusive right to determine as to the matter, the measure, and the time of every tax imposed upon the people” (Erskine May’s *Constitutional History*).

It is remarkable that the most effective blow against the financial pretensions of the House of Lords should have been delivered by the servile Parliament which sat from 1661 to 1678—the Parliament which is described as having been in its earliest sessions “more zealous for Monarchy than the King, more zealous for Episcopacy than the Bishops.” Yet, to quote the words of Professor Richard Lodge, “it was this Parliament which shackled the monarchy by insisting on the appropriation of

supplies, the audit of accounts, and the responsibility of Ministers ; and it was this Parliament which struck the great blow against the financial powers of the House of Lords."

The following table of events will show how persistent all through the centuries has been the claim of the Commons to predominance in finance :—

1309. Reign of Edward II. The Commons grant a subsidy "upon this condition—that the King should take advice and grant redress upon certain articles in which their grievances were set forth."

1327-77. Edward III. Grant of supplies made conditional upon the redress of grievances ; all taxation without the consent of Parliament illegal.

1353. First instance of appropriation of supplies ; a subsidy on wool being granted to be applied solely for the purposes of a war.

1380. Reign of Richard II. Commons demanded a schedule of exact sums needed by the Crown, and the purposes for which they were required. Right to examine public accounts, and appropriate the supplies voted, firmly established ; also right to impeach the King's Ministers for misconduct.

1404. Henry IV. Commons voted subsidies subject to condition that the money raised should be received by Treasurers, in order that Parliament should have confidence that the supply should not be misappropriated.

1407. Henry IV. Commons, by the Declaration of Gloucester, laid down that money grants must not be hampered by the personal intervention of the Crown in Council, that the Commons have a precedence in finance, and that all grants and aids are made by the Commons and only assented to by the Lords.

1483. Richard III. Benevolences declared by statute to be for ever illegal.

1509. Henry VIII. Tonnage and poundage granted to the King for life with a proviso: "That these grants be not taken in example to the Kings of England in time to come."

1601. Elizabeth. Monopolies abolished.

1614. James I. Unanimous vote by the Commons protesting against all imposition of taxes by the King without consent of Parliament.

1628. Charles I. Petition of Right. Lords and Commons unite in protest against illegal exactions and other arbitrary acts.

1640. Charles I. Short Parliament. On 24 April "the King himself came to the House of Lords, and without his robes made a speech to the Lords in which he urged their Lordships: 'My necessities are so urgent that there can be no delay.' The Lords immediately take this speech into consideration, and in obedience to His Majesty's declaration resolve:

"(1) That the supply shall have precedency, and be resolved upon before any other matter whatsoever.

"(2) That there shall be a Conference desired with the House of Commons to dispose them thereunto."

"On 28 April the Commons resolved that the privileges of the House are violated, and that their Lordships' voting and propounding and declaring touching matters of supply before it is moved from this House is a breach of the privilege of this House." (Address sent to the Lords by Mr. Pym.)

New preamble to Money Bills, leaving out all mention of the House of Lords: "Most gracious Sovereign, we, your Majesty's most faithful Commons, have given and granted to your Majesty, etc. . . ."

A Conference of the two Houses. Lords suggested a compromise, that neither Lords nor Commons be mentioned in the preamble of Money Bills, but that the grant should be "as from the High Court of Parliament."

This compromise the Commons declined. Lords reluctantly acquiesced.

Declaration of the Lords, entered in the Journals of the House of Lords. "My Lords would not meddle with matters of subsidy, which belonged properly and naturally to you, no, not so much as even to give you advice therein, but have utterly declined it."

1641. Long Parliament. Ship Money abolished, and all proceedings in Hampden's case declared void. No duty, subsidy, impost, or other charge whatsoever to be imposed without common consent of Parliament.

1671. Charles II. Bill for an imposition on foreign commodities. Lords sought to vary rates. The Commons, replying to resolutions of the House of Lords justifying the Lords' action in this matter, say:—

"The best rule for deciding questions of right between the two Houses is the law and usage of Parliament, and the best evidence of that usage and custom of Parliament are the most frequent and authentic precedents. All these precedents prove: (1) that all aids must begin with the Commons, and (2) that when they are begun the Lords can neither add nor diminish."

A long recital follows of grants by the Commons:—

"All grants these of the Commons, yet none of those Bills were ever varied by your Lordships or your predecessors, which, if there had been such a right, would some time or other have been exercised, though in very small values, purposely to preserve that right.

"Thus an uninterrupted possession of this privilege ever since 9 Henry IV confirmed by a multitude of precedents both before and after, not shaken by one precedent for these 300 years, is now required to be delivered up or an end put to all further discourse; which opinion, if it be adhered to, is as much as in your Lordships lies to put an end to all further transactions between the two Houses in matters of money, which

we pray your Lordships consider. Your Lordships have a negative of the whole."

1673. Charles II. On 11 February, 1673, the King having, in a speech from the Throne, recommended to the Commons the consideration of the means of providing a naval force, the Lords on the same day sent down a note of thanks for His Majesty's speech, to which they desired the concurrence of the Commons, but the Commons answered: "That there being something in His Majesty's speech which particularly relates to the House of Commons, it makes their concurrence with their Lordships on this occasion not so proper."

1678. Resolution of the Commons: "All aids and supplies are the sole gifts of the Commons, and all Bills for granting such aids and supplies are to begin with the Commons; and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords."

1689. Statement of Committee of the House of Commons on Crown supplies: the Lords "are to pass all or reject all without diminution or alteration."

1691. Resolution of the House of Commons on Bill passed for appointing Commissioners to examine the Public Accounts of the Kingdom: "That in aids and supplies and grants the Commons only do judge the necessities of the Crown."

1692. Resolution by Commons: "That the right of granting supplies to the Crown is in the Commons alone as an effectual part of their constitution, and the limitation of such grants as to matter, manner, measure, and time is only in them, which is so well known to be fundamentally settled in them that to give reasons for it has been esteemed by our ancestors to be a weakening of that right."

1699. Resolution of the House of Commons on the question of duties on vellum and parchment :—

“ It is an undoubted right and privilege of the Commons that such aids are to be raised by such methods and with such provisions as the Commons only shall think proper, and that your Lordships, by the ancient law and constitution of Parliament, are not to alter any such gift or grant or the methods or provision for collecting, raising, or enforcing the same.”

1700. Land Tax Bill passed by the House of Commons and sent to the Lords, who made alterations in the Bill.

Conference of the two Houses held. Instructions of the Commons to their representatives :—

“ *Monday, 8 April, 1700.*

“ That the Upper House had no right to alter a Money Bill, that the point had long been settled and was too clear for argument ; that they should leave the Bill with the Lords, that they should leave with the Lords also the responsibility of stopping the supplies which were necessary for the public service.”

“ *Wednesday, 10 April.*

“ The Bill passed the Lords without amendments.”

While the House of Lords had been practically banished from the sphere of finance, the power of effective protest against “ tacking ” remained to them. Their contentions on this subject have been effectively sustained down to modern times. They are expressed in the resolution adopted by the Lords in 1699, in the following terms :—

1699. Resolution by the Lords :

“ The joining together in a Money Bill things so totally foreign to the methods of raising money and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous

to the privileges of the Lords, and to the prerogatives of the Crown. For by this means things of the last ill-consequence to the nation may be brought into Money Bills, and yet neither the Lords nor the Crown be able to give their negative to them without hazarding the public peace and security."

On 9 December, 1702, the Lords made the following Declaration, which was added to their Standing Orders:—

"That the annexing any clause or clauses to a Bill of aid or supply, the matter of which is foreign to and different from the said Bill of aid or supply, is unparliamentary, and tends to the destruction of a constituent of the Government."

1702. Resolution of the Commons: "The granting and disposing of all public moneys is the undoubted right of the Commons alone, and an essential part of their constitution."

1708. Commons disagree to an amendment made by the Lords to a Bill for covering St. Paul's cupola with copper, which the Lords proposed should be covered with lead. Among other reasons the Commons allege "that the money for building the said cathedral was granted by the Commons, and therefore the application thereof does belong to them." The Lords gave way.

1709. The Lords amended a Bill for building a lighthouse on the Eddystone Rock by inserting a clause limiting the duration of the Act. The Commons report "that this amendment for shortening the time for the collection of certain duties, being an alteration of the Commons' disposition of the money arising by those duties, doth entrench upon the ancient rights and privileges of the House of Commons, from which they can never depart." The Lords gave way.

1719. Resolution by the Commons *re* clause introduced by the Lords which, in effect, would have imposed a new subsidy not granted by the Commons: "It is the

undoubted and sole right of the Commons to grant, and from which they will never depart."

1860. Resolutions by the Commons :—

"That the right of granting aids and supplies to the Crown is in the Commons alone, as an essential part of their constitution, and the limitation of all such grants as to matter, manner, measure, and time.

"That although the Lords have exercised the power of rejecting Bills of several descriptions relative to taxation by negating the whole, yet the exercise of that power by them has not been frequent, and is justly regarded by this House with peculiar jealousy, as affecting the right of the Commons to grant the supplies and to provide the Ways and Means for the service of the year.

"That to guard for the future against an undue exercise of that power by the Lords and to secure to the Commons their rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes and to frame Bills of Supply that the right of the Commons as to the matter, manner, measure, and time may be maintained inviolate."

A high constitutional authority, Sir William Anson, expressed the opinion that the resolutions of 1860 were a declaration that the Commons had it always in their power so to frame Money Bills as to make the right of rejection by the Lords nugatory.

The jealous solicitude of the Commons for their financial privileges is illustrated by the distinction which is drawn between Supply Bills and other legislative measures in the different methods of procedure adopted when they are ready for passage into law. I quote the following from Hatsell, a learned authority on parliamentary usage, for long years a clerk at the table of the Commons, who wrote over a hundred years ago :—

"The uniform practice with respect to the returning Bills of Supply from the Lords, in order that they may

be presented by the Speaker to the Throne, has long been not to send them back by the Masters in Chancery, but for the Clerk of the House of Lords to deliver them privately to one of the Clerks belonging to the House of Commons, and if there is any doubt which are and which are not Bills proper for the Speaker to present, the Clerk of the House of Lords, in delivering the list of the Bills ready for the Royal Assent, desires that the Speaker would mark in that list which of them appear to him to be Bills of Supply, and these Bills are immediately sent down to the House of Commons. This practice of the House of Commons of insisting that Bills of aid to the Crown should be presented by the Speaker in the name of the Commons of Great Britain, which appears above 200 years ago [Hatsell was writing over a century ago] to have been considered no trifling or indifferent privilege, naturally arises out of that principle of the Constitution which is expressed in the resolution of 3 July, 1678. And in the preamble of these Bills this principle is expressed by the words with which they always begin: 'Most Gracious Sovereign, We, your Majesty's most faithful Commons, have given and granted to your Majesty, etc.' Again, when the Crown has occasion to demand supplies or to give thanks for supplies that have been granted, it is to the House of Commons alone that this part of the Speech is addressed."

The peculiarities of procedure in the House of Lords with regard to Supply Bills are made clear in the *Companion to the Standing Orders of the House of Lords on Public Business*, compiled by Sir Henry Graham, the present Clerk of the Parliaments. From this it appears that all Bills, except Supply Bills, passed by the House of Lords, remain in the custody of the Clerk of Parliaments. A Supply Bill, after it is passed by the House of Lords, is at once sent down to the House of Commons, and remains in the custody of that House and of the

Speaker until such time as the Royal Assent is to be signified to it. The Clerk of Parliaments draws up the list of Bills to which the King's Assent is to be signified, the Supply Bill (in other words, the Budget) being placed first in the list, and on the day appointed he has all the Bills in his custody except the Supply or Finance Bill. When the Commons are summoned to the House of Lords, the Speaker has in his custody the Finance Bill. The Clerk of the House of Commons, who brings the Bill with him, when the Commons are come to the bar of the House of Lords, hands it to the Speaker. Then the Clerk of Parliaments, instead of remaining at the table, goes to the bar of the House and receives the Bill from the hand of the Speaker and brings it to the table, bowing. The Royal Assent is signified to a Finance Bill in these words, "Le Roi remercie ses bon sujets, accepte leur benevolence, et ainsi le veult," instead of in the shorter form, "Le Roi le veult," in which Assent is given to other public Bills:

CHAPTER VI

GLADSTONE AND THE LORDS

OF all the great statesmen in British history, it was Mr. Gladstone who most often came into conflict with the House of Lords. Yet Gladstone was one of the most constitutionally minded statesmen who have ever served the Empire. The windows of his mind were always open to the light of new ideas. He was always ready to move forward, but he loved to travel along the well-worn ways. No statesman before or since can compare with him in the union of caution and courage, of boldness with prudence. We have seen how decisively he acted in 1860 and 1861 over finance. When he became Prime Minister it was his fate to come into sharp conflict with the peers in regard to legislation. He triumphed over their opposition in every encounter. Looking back at the record of the great Administration of 1868-74, it is wonderful that so much was accomplished by a Liberal Government that had to carry its principal measures in the teeth of a hostile Second Chamber.

Gladstone's first struggle with the Lords, like his last, concerned Ireland. Fresh from his victory at the polls, Mr. Gladstone in 1869 brought in the first of his great remedial measures dealing with Ireland. The third reading of the Bill for the Disestablishment and Disendowment of the Church of England in Ireland was carried through the Commons in May by a majority of 114. Then, in Lord Morley's words, "the contest was removed from the constituencies and their representatives in

Parliament to the citadel of privilege." The issue was no longer single, and the struggle for religious equality in Ireland was henceforth merged before the public eye in a conflict for the supremacy of the Commons in England. The Queen, having heard that the House of Lords was likely to throw out the Irish Church Bill on the motion for second reading, exercised powerful influence behind the scenes in favour of peace. Her counsels were aided by the Archbishop of Canterbury (Tait), a man eminent for his wisdom and moderation. The Queen had no liking for the Bill, and in a letter to Mr. Gladstone, written on 3 June, 1869, Her Majesty refers to the apprehensions she had always held as to the possible consequences of the measure. In this letter occurred the following passage :—

" These apprehensions Her Majesty is bound to say still exist in full force ; but, considering the circumstances under which the measure has come to the House of Lords, the Queen cannot regard without the greatest alarm the probable effect of its absolute rejection in that House. Carried as it has been by an overwhelming and steady majority through a House of Commons chosen expressly to speak the feeling of the country on the question, there seems no reason to believe that any fresh appeal to the people would lead to a different result. The rejection of the Bill, therefore, on the second reading, would only serve to bring the two Houses into collision, and to prolong a dangerous agitation on the subject."

The conciliatory tone of Gladstone in his communication with the Archbishop of Canterbury, and the Queen's action in writing direct to the Earl of Derby, dwelling on the danger of a collision with the Commons, were effectual. At 3 a.m. on 19 June the motion for second reading was carried by a majority of 33, the second time in twenty years in which the Conservatives had been beaten in the House of Lords. The two Archbishops abstained from voting ; one Bishop, Thirlwall, of St. David's, a scholarly

and an eloquent man, voted for the second reading, as also did thirty-six Conservative peers, including the late Lord Salisbury. In Committee trouble arose. "The amendments," said Mr. Gladstone, "seem to mean war to the knife." In mid-July the Bill came back to the Commons, overladen with obnoxious amendments. At the invitation of the Prime Minister the Commons made short work of these amendments, and on 16 July the Bill, restored substantially to its first shape, was back in the Lords. Again the Lords were obdurate, and, as Lord Morley phrases it, "shipwreck seemed to be inevitable." Ensued *pour-parlers* between Gladstone and Granville and the Tory leaders, Lord Cairns and Lord Salisbury. After much anxious deliberation an agreement was reached. As Sir Robert Phillimore, a devoted friend of Gladstone, recorded in his diary: "There was a well-grounded alarm on the part of Cairns and his immediate supporters in the Lords, that their order was in imminent danger. Bluster disappeared, and a retreat as decent as well could be expected was made from a situation known to be untenable." The Bill for the Disestablishment and Disendowment of the Irish Church then swiftly passed into law.

In the following year, 1870, another struggle with the Lords—this time over the abolition of the purchase of commissions in the Army—was solved by bold action on the part of Mr. Gladstone, who used the sharp weapon of the Royal Prerogative to cut the Gordian knot.

"An Act of George III abolished selling of offices in other departments, but gave to the Crown the discretion of retaining the practice in the Army if so it should seem fit. This discretion had been exercised by the issue of a warrant sanctioning and regulating that practice. Commissions in the Army were bought and sold for large sums of money, far in excess of the sums fixed by the Royal Warrant, and vested interests on a large scale grew up in

consequence. The substitution, instead of this abusive system, of promotion by selection was one of the first steps in Army Reform. No effective reorganization was possible without it. . . . The first question before Parliament depended upon the Commons voting the money to compensate officers who had acquired vested interests. If that were secure there was nothing to hinder the Crown in the discretion committed to it by the statute from cancelling the old warrant. Instead of this, Ministers determined to abolish the purchase by Bill " (Morley's *Gladstone*).

The military caste loathed the Bill. Its progress through the House of Commons was stubbornly resisted, and when it reached the Lords it was met by a dilatory resolution. The Cabinet effectively countered this by decision to drop the Bill and to cancel the old warrant regulating purchase by a new Royal Warrant abolishing purchase. When Mr. Gladstone announced this decision to the House of Commons, Mr. Disraeli taunted the Government with resorting to the prerogative of the Crown to get out of a difficulty of their own creation. Some Radicals, Professor Fawcett prominent among them, attacked Mr. Gladstone for an act which they feared would exalt the Crown at the expense of the rights of Parliament. It was a strange argument for Radicals to employ. They did not realize that the prerogative of the Crown had become the privilege of the people.

In 1871 the Lords threw out the Ballot Bill. "It was novel," they said; "it was dangerous; it had not been considered by the country or Parliament; it was incoherent and contradictory; and to enact vote by ballot was inevitably to overthrow the monarchy." Such were the arguments, with much more to the same purpose. By 97 votes to 48 the Bill was rejected. Speaking in the autumn at Whitby, Mr. Gladstone said the people's Bill had been passed by the people's House, and when it was

next presented at the door of the House of Lords it would be with an authoritative knock. He told Lord Houghton (father of the Marquis of Crewe) that he was sorry to see the agitation apparently rising against the House of Lords, though he had a strong opinion about the imprudence of its conduct on the Army Bill, and especially on the Ballot Bill. "There is no Duke of Wellington in these days," he wrote; "his reputation as a domestic statesman seems to me to rest almost entirely on his leadership of the peers between 1832 and 1841." The Ballot Bill was again passed through the House of Commons in 1872. This time it was agreed to by the House of Lords. Mr. Gladstone had no more trouble with the hereditary chamber during his great administration.

The Liberal Party was happy in having as Leader of the House of Lords during these eventful years a man so capable as Earl Granville, whose courtesy, suavity, and silken grace of manner masked a firm character and a very resolute spirit. Liberals do not always recognize the delicacy and difficulty of the task that falls to the Leader of the permanent Liberal minority in the House of Lords. The position of such a Leader is sympathetically described in his *Life of Lord Granville* by Lord Fitzmaurice. Lord Granville, in the Parliament of 1868-74, at a time of Liberal predominance in the country, found himself "surrounded on the benches of the Upper House by a huge array of hostile peers, aided by prelates who recalled the observation of Lord Grey that the pulse of ambition could beat as strong under a lawn sleeve as under the cuff of a cloth coat."

"To this assembly, hostile to the recognition of the smallest approach to religious equality in school and college alike, Lord Granville had to recommend an Education Bill and the abolition of University Tests. He had to persuade the same audience to accept the disestablishment and disendowment of the Established

Church in Ireland. He had to ask a House the great majority of which still believed that, in the words of Lord Palmerston, 'tenant right spelt landlord wrong'—to submit to the provisions of the Irish Land Act of 1870. Against the opposition of a formidable array of social prejudice, which considered the military forces of the Crown to be the natural preserve of the upper classes, he and his colleagues had to carry through a great scheme of Army Reform, and, perhaps the most difficult task of all, before a tribunal which could show at the moment an array of legal talent greater even than that usually to be found there, he had to justify the abolition of purchase by Royal Warrant, when Parliament had been asked and had refused to abolish it by statute. Soon afterwards he had to recommend for acceptance a Bill for the introduction of secret voting, another to give a legal status to trade unions, and another for the complete alteration of the Supreme Judicature of the Empire. Collisions between the two Houses were constantly to be feared, even when they did not actually take place; and if one grave crisis at least occurred, others were but with difficulty averted."

This passage, with slight alteration, might stand as a description of the position of Lord Crewe as Leader of the House of Lords in our own time.

The Gladstone Government went out of office in 1874. By that time the subordination of the House of Lords to the House of Commons in legislation as well as in finance had become axiomatic. All effective power had departed from the House of Lords. The supremacy of the Commons in finance had long been established, but the incidents of 1860-1 had reduced to a nullity even the bare right which the Lords still possessed of rejecting a Finance Bill, for Mr. Gladstone had so contrived that any such rejection must entail consequences so grave that the Second Chamber would not lightly incur them. To its

supremacy in finance the House of Commons had now added an unquestioned supremacy in legislation. The peers retained the power of vetoing Bills, but in practice, as we have seen in the instance of the Ballot Bill, the veto was only a suspensory one. In short, by a natural process of evolution, we had arrived at the constitutional understanding whereby "the Lords are expected in every serious political controversy to give way at some point or other to the will of the House of Commons as expressing the deliberate resolve of the nation" (Dicey, *Law of the Constitution*). In the words of Sir William Anson (*Law and Custom of the Constitution*) a convention had come into existence to the effect that "when the country has emphatically pronounced in favour of a measure, and when that measure has been formulated in the House of Commons, and sent up to the House of Lords, that House will acquiesce although the measure is one of which the majority of the peers may disapprove."

In all the great functions of government the House of Lords had become almost a negligible quantity. The peers' privilege in ancient times of advising the Sovereign had passed to a Committee of the Privy Council made up of Cabinet Ministers, these Ministers being responsible not to the House of Lords, but to the House of Commons. Their old duty of furnishing armed forces for the service of the Crown had vanished with the extinction of the old feudal tenures and the establishment of a standing army. The growth of the country in wealth and population, and the extension of governmental activities, involved a large national expenditure, and the revenue to meet it had to be found not as in old days by contributions from the Nobles, the Clergy, and the Burgesses, but by a system of national taxation. An inevitable effect of this change was to depress the Nobles and exalt the authority of the Commons. The Lords, however, remained the final Court of Appeal in matters of law, thus retaining a

remnant of the extensive powers wielded until the seventeenth century by the King in Council. But while in theory the House of Lords was the Supreme Court of Appeal, in fact its appellate jurisdiction was exercised only by a few chosen members of its body who had had a distinguished legal career. The Law Lords, owing their office to their own eminence in a learned profession, are life peers, attached by instinct and association to the general body of the nation rather than to an hereditary aristocracy.

The House of Lords had no power of influencing domestic or foreign policy. It had no voice in making war or in concluding peace. India and the Crown Colonies could be governed without reference to it. Over Navy and Army it had not the slightest control. Education, agriculture, industry, commerce, public health, were all outside its sphere. The only residue of all its ancient authority was a veto on legislation, and this as we have seen had become suspensory. Such was the position of the House of Lords when the great Administration of 1868-74 came to the end of its career. So it remained for a generation, and in 1886 we find the late Lord Salisbury, in a letter to Mr. Alfred Austin, Poet Laureate, lamenting the impotence of the House of Lords, and deploring that "the position of a peer is so helpless politically."

CHAPTER VII

THE REFORM BILL OF 1884

TRUE to its characteristics, the House of Lords slumbered during the Conservative Administration, 1874-80. With the return of Mr. Gladstone to power in 1880 it resumed the activity it had always displayed against a Liberal Government. Ireland was seething with agrarian discontent, and one of the first acts of the new Government was to bring in a Bill providing, in certain conditions, for payment of compensation to an evicted tenant turned out of his holding. To this generation, accustomed to much more drastic measures dealing with Irish land, the Compensation for Disturbance Bill appeared a very mild palliative for the distressing evils then prevalent in Ireland.

It was, however, too strong for an assembly of landowners, and the House of Lords, by 282 to 51, rejected the Bill on second reading. Of this, Mr. Gladstone, writing in later years, said :—

“Late in the session came the decisive and disastrous rejection by the House of Lords of the Bill by means of which the Government had hoped to arrest the progress of disorder and avert the necessity for measures in the direction of coercion. The rapid and vast extension of agrarian disturbances followed, as was to be expected, this wild excess of Landlordism, and the Irish Government proceeded to warn the Cabinet that coercive legislation would be necessary.”

"I remember," wrote Mr. Justin MacCarthy, a distinguished member of the Irish Nationalist Party, "speaking in the House of Commons, and declaring my conviction that the action of the House of Lords, in rejecting the Compensation for Disturbance Bill, was the fountain and origin of all the agrarian trouble then going on in Ireland. I shall never forget how Mr. Gladstone, seated on the Treasury Bench, leaning across the table, with flashing eyes and earnest gestures, called 'Hear! Hear! Hear!' to my declaration."

Heralded by this lamentable action of the House of Lords began the stormiest years of the Irish Land War. A year later trouble was again anticipated from the House of Lords over Mr. Gladstone's Irish Land Bill of 1881, which established the three "F's"—fixity of tenure, fair rents, and free sale. It seemed at one time that the Lords would devitalize the Bill, but their alarm at the grave condition of Ireland overcame their repugnance to Mr. Gladstone's measure. Lord Selborne, for once, stood to his guns, and his authority, strengthened eventually by the prudent timidity of Lord Salisbury, secured the passing of the third reading. Mr. Gladstone wrote a grateful letter to the Lord Chancellor—"the most demonstrative," said Lord Selborne, "which I ever received from him" (Wemyss Reid's *Life of Gladstone*).

There was no other encounter between the Government and the House of Lords until 1884. In that year Mr. Gladstone brought in a Reform Bill extending to householders in the counties the parliamentary franchise conferred in 1867 on householders in the towns. One result of the Bill would be the enfranchisement of the agricultural labourer. In 1884 there were in round numbers 3,000,000 parliamentary voters in the United Kingdom. The new Bill would add 2,000,000 more to the electoral roll, nearly twice as many as were added by Mr. Disraeli's Bill in 1867, and more than four times as many as were added by the

Reform Bill of 1832. The second reading was carried in the Commons by 340 against 210. "On the third reading the Opposition disappeared from the House, and on Mr. Gladstone's prompt initiative it was placed on record in the journals that the Bill had been carried by a unanimous verdict." The House of Lords met the Franchise Bill with a resolution urging that it ought not to be carried unless accompanied by a measure providing for a redistribution of seats. "What the Tories, with different degrees of sincerity, professed to dread was that the election might take place on the new franchise, but with an unaltered disposition of parliamentary seats. At heart the bulk of them were as little friendly to a lowered franchise in the counties as they had been in the case of the towns before Mr. Disraeli educated them. But this was a secret dangerous to let out, for the enfranchised workers in the towns would never understand why workers in the villages should not have a vote."

The action of the Lords in stopping progress with the Bill led to a formidable agitation in the autumn against the hereditary chamber. Mr. Chamberlain took the lead in this; and conducted a veritable pilgrimage of passion up and down the land. Whigs and Radicals united in the agitation. One of the greatest demonstrations against the Lords took place in the Pomona Gardens, in Manchester, when a vast audience was addressed by John Bright, the Marquis of Hartington, and Sir Henry James. Always a restraining force, when popular passion was aroused, Mr. Gladstone exerted all his influence to quell the storm. In August he submitted to the Queen a memorandum on the political situation. Of this Lord Morley says: "It is a masterly statement of the case, starting from the assumption, for the sake of argument, that the Tories were right and the Liberals wrong as to the two Bills; then proceeding on the basis of a strongly expressed desire to keep back a movement for organic

change (in the composition and powers of the House of Lords) ; next urging the signs that such a movement would go forward with irresistible force if the Bill were again rejected ; and concluding thus :—

“ I may say in conclusion that there is no personal act, if it be compatible with personal honour and likely to contribute to an end which I hold very dear, that I would not gladly do for the purpose of helping to close the present controversy, and in closing it to prevent the growth of one probably more complex and more formidable.”

To all suggestions of a dissolution on the case in issue, Mr. Gladstone replied :—

“ Never will I be a party to dissolving in order to determine whether the Lords or the Commons were right upon the Franchise Bill. If I have anything to do with Dissolution, it will be a dissolution upon organic change in the House of Lords. Should this Bill be again rejected in a definite manner, there will only be two courses open to me, one to cut out of public life, which I shall infinitely prefer, the other to become a supporter of organic change in the House of Lords, which I hate, and which I am making all this fuss in order to avoid. We have a few weeks before us to try and avert the mischief. After a second rejection it will be too late.

“ There is perhaps the alternative of advising a large creation of peers, but to this there are great objections, even if the Queen were willing. I am not at present sure that I could bring myself to be a party to the adoption of a plan like that of 1832.”

Eventually an agreement was reached in the month of November between the Government and the Tory leaders. Under this compact the Franchise Bill was allowed to pass, on the understanding that the Redistribution Bill should promptly follow, the scope and nature of the latter Bill to be first disclosed to the Conservative leaders, Lord Salisbury and Sir Stafford Northcote. Lord Morley justly

says that it was Mr. Gladstone's statesmanship that brought this pacification into sight and within reach. He it was who put the damper on the fierce fires of the anti-Lords' agitation, which had been kindled by Mr. Chamberlain's ardent oratory.

CHAPTER VIII

BRIGHT, CHAMBERLAIN, AND THE LORDS

OF the assailants of the House of Lords in 1884 and 1885, the most formidable and unrelenting was Mr. Joseph Chamberlain. His great colleague in the representation of Birmingham, Mr. John Bright, though he took a less active part in the popular campaign, yet spoke with all the power of his matchless eloquence against the Lords at two great meetings, one in Manchester and the other in Birmingham. The Birmingham speech, delivered on 4 August, 1884, is notable for its disclosure of a plan to limit the veto of the House of Lords—a plan which anticipated with remarkable fidelity the Parliament Bill passed last summer. It has, in fact, been said that the real author of the Parliament Bill is John Bright. But Bright himself, as has been shown, had been anticipated in this matter by James Mill, the philosophical Radical, now best remembered not for his own achievements, considerable as these were, but as the father of John Stuart Mill.

After an interval of nearly half a century James Mill's plan was resurrected by John Bright. Having discussed various methods that had been suggested for solving a deadlock between Lords and Commons, Bright, in this Birmingham speech, proceeded to indicate the remedy. His suggestion was that the Lords should only have the right to reject a Bill once, not twice as Mill suggested. Below is a quotation from Bright's speech :—

“ What we have before us is this fact, that the Lords

do now what the despotic monarchs did formerly ; and the question which I put to you, and from this platform to all the people of the United Kingdom, is this : Shall we submit ? (No.) Shall we submit, or curb them—curb the nobles—as our fathers curbed our kings ? (Loud cheers.) Now, I may assure you that the veto of the monarch was as legal in those days, and was as much cherished by the monarch, as any despotic power could be. It was given up and abolished, but the Crown was not overturned. The Throne remained, and the Throne remained with an unimpaired dignity, and from that time to this has been held in great and just reverence by the great mass of the people of this country. (Cheers.) Well, now, how should we curb them ? (Cries of ‘ Turn them out.’) At present you know that within their own walls they are, in a sense, omnipotent. (Laughter.) They can, if they like, I believe, turn out any one of their own members in the same way that the House of Commons has turned out one of its members. (‘ Shame,’ and cries of ‘ Three cheers for Bradlaugh,’ the cheers being heartily given.) They can reject a Bill sent up from the House of Commons, as they rejected the Bill for the Repeal of the Paper Duty in 1860, and as they have rejected the Franchise Bill now. Now, the proposition that I should make would be this—that they should have, unimpaired, all the power they have now with regard to any Bill that has passed the House of Commons for the first time during the session in which the Lords are called upon to deal with it. That is, in the case of this Bill they would be at liberty to amend it, and send it back to the Commons. If the Commons did not like the amendments, and would not accept them, the Bill would go back to the Lords, and if the Lords chose they might reject it. But in a second session, if practically the same Bill was sent up to the Lords, they would then also have a right to debate and to amend ; but when the Bill came down to the House of

Commons in this second session, and the Commons would not agree to the amendments of the Lords, then the Lords should be bound to accept the Bill. (Cheers.)

“ Now, what would remain to the peerage? There would this remain—the peerage and its titles. There would be, as now, members of the House of Lords. (A Voice: ‘ You are too lenient.’) But you have not heard it all. There would remain dukes, and marquises, and earls and viscounts, and barons, as now. They would be members of the House of Lords; but I venture to suggest, and I am sure I am correct in the opinion, that the change which I have proposed would entirely and most beneficially change the character and the conduct of the House of Lords. (‘ Hear, hear,’ and cheers.)”

Such was John Bright’s proposal. Bright’s oratory on the Lords’ question paled its ineffectual fires before the blaze of his junior colleague’s rhetoric. The speeches of Mr. Chamberlain in 1884 vibrated with passionate resentment, and were marked by a rasping invective. Never had the House of Lords been more ruthlessly assailed. “ It has denied justice and delayed reform,” said Mr. Chamberlain. “ It is irresponsible without independence, obstinate without courage, arbitrary without judgment, arrogant without knowledge.” “ The cup is nearly full; the career of high-handed wrong is coming to an end.” In a speech at Hanley, 7 October, 1884, Mr. Chamberlain said:—

“ Lord Carnarvon told his hearers on one occasion the old fable of the bees, and he compared the House of Lords to a hive which it would be dangerous to meddle with. . . . Gentlemen, it was impossible for him to have chosen a more unfortunate illustration. Mr. Firth (late M.P. for Chelsea) tells me that the community of bees in a hive are like the British Constitution. First, there is the queen, who is honoured and respected by all her subjects. Then there are the drones (loud laughter), and

then there are the working bees. (Cheers.) The drones lead an idle life ; ‘ they toil not, neither do they spin ’ ; they feed on the produce of others’ labour, and I have no doubt they think themselves the best and the wisest and most patriotic of insects. But there is a tragic ending to the pleasant dream. About this time of year the working bees prepare for winter. They become impatient of these lazy parasites, and with a swift and implacable resolution they stop the supply. They drive the drones from the hive (loud cheers), and the drones perish miserably from the violent pressure of their indignant fellow-subjects. . . .

“ Let the prime condition be that the Franchise Bill shall pass. . . . It is said that the peers will not give way. Then I say neither will the people submit. We grudge the Lords nothing that rightly belongs to them, nothing they can enjoy without injury to others, their rank and title, their stars and garters, any influence which their personal qualities can gain for them ; any power that they may procure by long prescription and high station ; but their claim to dictate the laws which we shall make, the way in which we shall govern ourselves, to spoil, to delay, even reject, measures demanded by the popular voice is a claim contrary to reason, opposed to justice, and which we shall resist to the death.”

At an overflow meeting Mr. Chamberlain said :—

“ The House of Lords is permanently in opposition to a Liberal House of Commons. . . . It is sometimes described as an independent House of Legislature, but it is not independent. The House of Lords has become, so far as its majority is concerned, a mere branch of the Tory caucus, a mere instrument of the Tory organization, and the House of Lords does what the wire-pullers of the Tory party suggest.”

In the course of a powerful speech delivered at Denbigh, North Wales, on 20 October, 1884, Mr. Chamberlain said :—

“ Are the Lords to dictate to us, the people of England? (Loud cries of ‘ No ! No ! ’) Are the Lords to dictate to us the laws which we shall make, and the way in which we shall bring them in ? Are you going to be governed by yourselves—or will you submit to an oligarchy which is a mere accident of birth ? Your ancestors resisted kings and abated the pride of monarchs, and it is inconceivable that you should be so careless of your great heritage as now to submit your liberties to this miserable minority of individuals, who rest their claims upon privilege and upon accident. . . . I have always thought that the House of Lords is a very picturesque institution, attractive from its connection with the history of our country. I have no desire to see a dull uniformity of social life, and I am rather thankful than otherwise to gentlemen who will take the trouble to wear robes and coronets, and who will keep up a certain state of splendour which is very pleasant to look upon. They are ancient monuments, and I should be very sorry to deface them. But, gentlemen, I don’t admit that we can build upon these interesting ruins the foundations of our Government. I cannot allow that these antiquities (loud laughter) should control the destinies of a free Empire ; and when they press their claims without discretion and without moderation, when they press them to an extreme which their predecessors never contemplated, I say they provoke inquiry and controversy which cannot but end in their humiliation.

“ We are told that the object of the Second Chamber is to stay the gusts of popular agitation, and to give the nation time for reflection. I defy any student of history to point to one single case in which the House of Lords has ever stayed a gust of popular passion, or checked a popular impulse. . . . I am going to ask you to follow me into an examination of the baneful influences that this assembly exercises upon the great interests of the Empire,

and I will call your attention more particularly to two. . . . With regard to Ireland you know that the condition of that country is the constant preoccupation and anxiety of English statesmen. After centuries of a hollow Union the people are still discontented. We only hold our own in the nineteenth century as we did in the seventeenth, by an overwhelming display of military force. We have been unable to rest ourselves upon the affections of the people. This state of things, so discreditable to a free country, is due mainly, if not entirely, to the action of the House of Lords, that club of Tory landlords, which in its gilded chamber has disposed of the welfare of the people with almost exclusive regard to the interests of a class. The House of Lords refused Catholic Emancipation until it was extorted from them by the dread of revolution. They maintained, as long as they dared, the iniquitous penal laws by which the life of every Irishman was at the mercy of the meanest of the dominant class. They have at all times rejected or delayed every measure intended to secure a more popular and effective representation of the wishes of the people, and they have mangled or postponed or thrown out from first to last, from the time of the Union to the present day, every Bill which was intended to secure to the Irish tenant his fair interest in the land which he tilled, and to give him some guarantee for the product of his industry and thrift. Again and again conciliation has been delayed until it has been too late. And when at last demands which could not be resisted have been tardily conceded, it has been of no avail. No gratitude has been earned because none has been deserved.

“Wales has been, and is now, and I hope ever will be, the home of a vigorous, self-respecting, and independent religious work. The people of Wales have their own ministers and teachers whom they have learnt to revere and respect, and under whose influence they have attained a simplicity of life, and a standard of morality,

which cannot be exceeded in any other part of the United Kingdom. How has the House of Peers treated the Non-conformists of Wales and of the rest of the Kingdom? In old days it persecuted you, then insulted you. The days of heavy oppression are removed, but the slights and insults still remain, and you are far from the equality which is your due. The time, I hope, is in our view when the last shred of inequality and inferiority shall be removed, and the last badge of sufferance torn from your shoulders. The treatment by the House of Lords of the Dissenters has exceeded in injustice almost anything that can be brought against it in reference to any part of its proceedings. The House of Lords maintained until 1828 the Test and Corporation Acts by which Dissenters were precluded from serving their country in any office of profit or honour. In 1834 they refused to repeal a Bill which made a licence of the bishop of the diocese necessary before twenty men could meet together for common worship. In 1836 they insulted the Dissenters by requiring that their banns of marriage should be read before the Board of Guardians. In 1839 they refused the education grant because the Dissenters were to share in it. Five times in their history they rejected Bills for abolishing the iniquitous Church rate. Three times they refused Bills which would have given to Dissenters the consolation of the presence of their own ministers at the graves of those whom they had loved and lost. Gentlemen, at this moment you are interested, and it is greatly to your credit, in the higher education of the Principality. You are anticipating much from your colleges which are being so vigorously promoted; but you will owe very little to the House of Peers for the higher education and culture of the Dissenters. As long as they could they did everything in their power to prevent it, and four times from 1834 to 1870 they have rejected Bills for the abolition of the tests which deprived Nonconformists of the prizes of

the national universities, except at the sacrifice of their conscientious scruples. No, gentlemen, I have no spite against the House of Lords, but, as a Dissenter (loud and prolonged cheers), as a Dissenter, I have an account to settle with them, and I promise you I will not forget the reckoning. I boast a descent of which I am as proud as any baron may be of the title which he owes to the smiles of a king, or to the favour of a king's mistress, for I can claim descent from one of the two thousand ejected ministers who, in the time of the Stuarts, left home and work and profit rather than accept the State-made creed which it was sought to force upon them; and for that reason, if for no other, I share your (Welsh Nonconformity's) hopes and your aspirations, and I resent the insults, the injuries, and the injustice from which you have suffered so long at the hands of a privileged assembly. But the cup is nearly full. The career of high-handed wrong is coming to an end. (Prolonged cheers.) The House of Lords have alienated Ireland, they have oppressed the Dissenters, and they now oppose the enfranchisement of the people. We have been too long a peer-ridden nation, and I hope you will say to them that, if they will not bow to the mandate of the people, they shall lose for ever the authority which they have so long abused." (Prolonged cheers.) Denbigh, 20 October, 1884.

Though it has no strict relevance to the subject, interest attaches to another quotation from a speech delivered by Mr. Chamberlain in the following year, 1885, a speech which has a pathetic interest as being almost his last public utterance as a Radical, and which touches on the necessity for a devolution of powers from the Imperial Parliament to subordinate national assemblies.

"What are the great problems of the future? We have to deal with the obstruction in the House of Commons. We have to deal with the system under which the greatest

legislative assemblage in the world has begun to lose its usefulness, and in consequence lose its influence. And that result can never be accomplished so long as the Imperial Parliament is burdened with an ever-increasing amount of petty detail with which it is incompetent to deal, and which ought to be referred to other bodies. We have also to recognize and to satisfy the national sentiment, which is in itself a praiseworthy and a patriotic and an inspiring feeling, and which both in Scotland and Ireland has led to a demand for the control of purely domestic affairs. And these objects can only be secured, I believe, by some great measure of devolution, by which the Imperial Parliament shall maintain its supremacy, but shall nevertheless relegate to subordinate authorities the control and administration of their local business.

“ I believe that in this way only is there any chance of our being able to remove the deeply rooted discontent which follows as a natural consequence from the attempt of one nation to control and interfere with the domestic and the social economy of another, whose genius it does not understand, whose pressing necessities it is not in a position to appreciate, whose business it has not time to attend to, and whose prejudices and whose preferences it is impossible, even with the very best intentions, to avoid sometimes ignoring or offending. I look forward with confidence to the opportunity which will be afforded in the new Parliament for the consideration of this most momentous question, and I believe that in the successful accomplishment of its solution lies the only hope of the pacification of Ireland, and of the maintenance of the strength and integrity of the empire, which are in danger, which are gravely compromised so long as an integral portion of Her Majesty’s dominions can only be governed by exceptional legislation, and so long as it, in consequence continues to be discontented and estranged.” (Speech to the Cobden Club, 13 June, 1885.)

Nothing said on the Liberal side in the angry controversies with the House of Lords since 1906 matched the bitterness and the vehemence of the language applied by Mr. Chamberlain to the Lords in 1884. Little did anybody in those days imagine that the time was fast approaching when the most powerful of all the foes of the House of Lords would be transformed into its champion. A quarter of a century later this fearless, unabashed Radical, who had attacked the Lords with unequalled vigour, counselled the very assembly he had assailed to reject the Budget of 1909—inciting them to an act which was the most violent exercise of arbitrary power of which the House of Lords has ever been guilty. Since the days of Thomas Wentworth, Earl of Strafford, that man of splendid talents, who, from being the pride and glory of the Parliamentary party, became the chief instrument of Charles I's despotism, there has been no such startling reversal of rôles in our political history. Radicals sorrow to this day over the defection of their "Lost Leader."

We that had loved him so, followed him, honoured him,
 Lived in his mild and magnificent eye,
 Learned his great language, caught his clear accents,
 Made him our pattern to live and to die !
 Shakespeare was of us, Milton was for us,
 Burns, Shelley, were with us : they watch from their graves !
 He alone breaks from the van and the freemen,
 He alone sinks to the rear and the slaves.

We shall march prospering—not thro' his presence ;
 Songs may excite us—not from his lyre ;
 Deeds will be done—while he boasts his quiescence,
 Still bidding crouch whom the rest bade aspire.

CHAPTER IX

THE HOME RULE SCHISM AND AFTER

DEFEAT overtook Mr. Gladstone's Government in June, 1885. The decision of his Cabinet to continue coercive measures in Ireland had angered the Irish Nationalists, and Mr. Parnell, their leader, was waiting his opportunity to strike. It had been arranged that the new Crimes Bill should be introduced on 10 June. But as a result of a secret compact negotiated with Parnell by Lord Randolph Churchill, then the rising hope of Tory Democracy, Conservatives and Nationalists joined forces, and on 8 June, two days before the date for introducing the Coercion Bill, the Government was defeated by a majority of twelve. The fatal division took place on the motion for the second reading of the Budget Bill, to which Sir Michael Hicks-Beach (now Lord St. Aldwyn) moved an amendment condemning the increase in the beer and spirit duties. Mr. Barry O'Brien, in his *Life of Parnell*, records that "when the figures 264-252 were handed in, a wild cheer of triumph and vengeance mingled with cries of 'Remember Coercion!' broke from the Irish benches." Lord Salisbury then formed his stop-gap Government—an Administration called into being by the Nationalist party, and dependent on Irish support for its continuance in office. Lord Carnarvon, a peer who had served the Crown in the Colonies and who was attracted by the noble ideal of Imperial Federation, became Lord-Lieutenant of Ireland. The Tory Government did not

scruple to fling away instantly the weapon of coercion. Earl Spencer, who had ruled Ireland with dauntless courage through dark and troublous years, was deeply impressed by this cynical abandonment by the Conservatives of the policy which Dublin Castle regarded as one of law and order. Coercion is "inexpedient," said the new Irish Viceroy, Lord Carnarvon; and the Prime Minister spoke lightly of boycotting. "It depends," said Lord Salisbury, "upon the passing humour of the population. I doubt whether in any community law has been able to provide a satisfactory remedy." With his customary directness, Lord Randolph Churchill made frank admission that the Tory Government meant to effect a complete change in the system of Irish Administration. "Undoubtedly," he said, "we do intend to inaugurate a change of policy in Ireland"; and he accused Mr. Gladstone's Government of having "maddened and irritated an imaginative and warm-hearted race." In July, 1885, came the secret interview at a house in Grosvenor Square, between Parnell and Lord Carnarvon. Mr. Parnell has left on record an account of that famous interview:

"In reply to an inquiry as to a proposal which had been made to build up a central legislative body on the foundation of county boards, I told him that I thought that this would be working in a wrong direction, and would not be accepted as a settlement by Ireland; that the central legislative body should be a Parliament in name and in fact, that to it should be left the consideration of whatever system of local government for the counties might be found necessary. Lord Carnarvon then assured me that that was his own view also; that he strongly appreciated the importance of giving due weight to the sentiments of the Irish in this matter. He then inquired whether, in my judgment, some plan of constituting a Parliament in Dublin short of a Repeal

of the Union might not be devised and prove acceptable to Ireland ; and he made certain suggestions to this end, taking the colonial model as a basis, which struck me as being the result of much thought and knowledge of the subject. Then came the reference to Protection. We were discussing the general outline of a plan for constituting a Legislature for Ireland on the colonial model, when I took occasion to remark that some Protection for certain Irish industries against English and foreign competition would be absolutely necessary ; upon which Lord Carnarvon said, ‘ I entirely agree with you, but what a row there will be about it in England ! ’ At the conclusion of the conversation, which lasted more than an hour, and to which Lord Carnarvon was very much the larger contributor, I left him believing that I was in complete accord with him regarding the main outlines of a settlement conferring a Legislature upon Ireland.”

That Lord Carnarvon, whose Toryism had been modified as the result of experience in the over-sea Britains, was a Home Ruler of sorts is indisputable. Some of his colleagues in the Cabinet were almost persuaded to Home Rule, and, at any rate, were ready for a new departure in Irish policy. During the general election campaign in the autumn, Lord Salisbury, in a speech at Newport, Monmouthshire (October, 1885), made a significant allusion to the advantages of a national assembly. “ A large central assembly,” he said, “ in which the wisdom of several parts of the country will correct the folly and the mistakes of one,” was to be preferred to the setting up of a system of local government.

Mr. Gladstone, in his manifesto to the electors of Midlothian, gave prominence to the Irish question. “ History,” he said, “ will consign to disgrace the name of every man who, having it in his power, does not aid,

or prevents, or retards an equitable settlement between Ireland and Great Britain." Mr. Barry O'Brien, who had an interview with Mr. Gladstone a couple of months before the general election, carried away from that interview two clear ideas: (1) That Mr. Gladstone's mind was full of Ireland; (2) That Mr. Gladstone foresaw the revolution which the Franchise Act of 1884 would make in the Irish representation. Parnell in public speech pressed Gladstone to come out boldly in favour of Irish autonomy. Gladstone replied that it was not for him to usurp the functions of a Government. Moreover, nothing could be done until Ireland had declared her wishes at the polls. Parnell knew full well that Ireland had most to hope from Mr. Gladstone, but he was bent on preventing the return of the Liberals to power in a position which would make them independent of the Irish Nationalists. He calculated that owing to the support of the newly enfranchised agricultural labourers the Liberals would gain in the counties. So he resolved to utilize the Irish vote in Great Britain to encompass the defeat of the Liberals in the towns. Accordingly, orders were issued for the Irish vote to be cast in favour of the Conservatives, and the Nationalist junta issued a manifesto denouncing the Liberals in furious terms. "Ireland," said Parnell, in one of his election speeches, "has been knocking at the English door long enough with kid gloves. I tell the English people to beware and be wise in time. Ireland will soon throw off the kid gloves, and she will knock with a mailed hand."

The Liberals lost heavily in the boroughs, largely through the influence of the Irish vote, but there were compensating gains in the counties, where the vast majority of the newly enfranchised electors voted on the Liberal side. In the end the Liberals had a majority of 86 over the Conservatives, but the Nationalists, who came back in greatly increased numbers, were able

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to neutralize the Liberal majority. The effect of the Franchise Act of 1884 in Ireland was seen in the increase of the Nationalist members from 60, the number elected to the 1880 Parliament, to 86. Ireland was now demanding self-government with an emphasis that could not be ignored. The new House of Commons was composed of :—

Liberals	335
Conservatives	249
	<hr/>
Liberal majority	86
Irish Nationalists	86

Lord Salisbury was still in office, though not in power. His transient Administration fell after an adverse vote in the new House of Commons on a motion by Mr. Jesse Collings in January, 1886. Mr. Gladstone then formed his third Administration. It had a very brief life. From its birth the shadow of the Home Rule schism was over it. The Marquis of Hartington, deeply distrustful of Mr. Gladstone's Irish policy, had declined office, and on 26 March Mr. Chamberlain, Mr. George Trevelyan, Mr. Jesse Collings, and Mr. Heneage resigned their positions in the Ministry. Mr. Gladstone introduced the Home Rule Bill on 8 April, and on 16 April brought in, as supplement to it, the Irish Land Bill, which contained provisions for the buying out of the Irish landlords and the creation of a peasant proprietary—an anticipation of the Wyndham Bill passed by Mr. Balfour's Government in 1903. The new Irish policy produced a formidable secession from the Liberal ranks. At one o'clock in the morning of 8 June, on the motion for the second reading of the Home Rule Bill, the Government was defeated by a majority of 30, the figures being : For 313, Against 343. In the ensuing general election, the Unionists, as the Conservatives and their dissentient

Liberal allies were now compendiously described, were triumphant. Home Rule, accompanied by a vast scheme for the expropriation of the Irish landlords with moneys advanced from the British Treasury, proved too much for the cautious English temper. The result of the general election was to leave the Home Rule supporters in a minority of 118 :—

Tories	316
Dissentient Liberals	78
	<hr/>
Unionist total	394
Liberals	191
Irish Nationalists	85
	<hr/>
Home Rule total	276
	<hr/>
Unionist majority	118
	<hr/>

One day shortly after the first meeting of the new House of Commons, Parnell was standing in the Lobby when Mr. Chamberlain passed by. "There goes the man," said Parnell, "who killed the Home Rule Bill." In the six years of Unionist Government that followed, the House of Lords was very quiescent, true to its manner during the lifetime of a Conservative Administration. The influence of their Liberal-Unionist allies in mitigating the spirit of old Toryism was seen in the passage in 1891 of the Free Education Act—a measure largely due to the inspiration of Mr. Chamberlain, who, though outside the Ministry, had a potent influence in its councils. In the old days of the Birmingham Education League, Mr. Chamberlain had been the most vigorous champion of the principle that education should be compulsory, secular, and free. To the Lords the Free Education Bill was thoroughly odious, but they offered

no opposition to it. Did it not come to them with the imprimatur of a Tory Government on its face?

Meanwhile, Mr. Gladstone was leading the forces of Liberalism with an unconquerable energy and all the resources of his stirring eloquence, his supreme gifts of generalship, and magnetic personality. All the signs were that the Home Rule cause was marching steadily to victory when its progress was suddenly stayed by the catastrophe of the O'Shea-Parnell divorce suit. As a melancholy sequel to that moral and political disaster came a fratricidal strife in the Nationalist ranks, Parnellite and anti-Parnellite arrayed against each other in deadly feud; and finally, in October, 1891, the death of Parnell, broken-hearted at the ruin of the cause which he had brought to the verge of victory. These tragic events had a blighting effect on the cause of Ireland, and the tide of the Liberal revival was stemmed. In the summer of 1892 came the general election, and the return of the Liberals to office. "Until the Irish schism arose," said Mr. Gladstone, "we had every prospect of a majority approaching those of 1868 and 1880." His actual majority, with the Irish members included, was only forty over the Conservatives. Lord Salisbury's Government was still in office when the new House of Commons met. It was overthrown in August, 1892, as the result of a vote of want of confidence moved by Mr. Herbert Henry Asquith, a rising barrister, who had distinguished himself at the Parnell Commission, and who now stood out as a man of brilliant promise on the Liberal side. In Mr. Gladstone's fourth Administration, Mr. Asquith became Home Secretary, advancing to Cabinet rank without any previous service in the Ministerial hierarchy. During its three years of office, the work of this Government was grievously hampered by the hostility of the House of Lords. The Home Rule Bill was rejected by the Peers. They also killed Mr.

Asquith's Employers' Liability Bill by insistence on a contracting-out amendment. Mr. H. H. Fowler's Parish Councils Bill escaped execution, but it was badly mangled by the hereditary chamber. In rejecting the Home Rule Bill, the House of Lords did more than destroy the chief work of the Government. They helped to rehabilitate their faded prestige as a legislative assembly. The Home Rule Bill was conducted through the House of Commons in the Session of 1893 with superb skill by Mr. Gladstone, then in his eighty-fourth year. Never had the Grand Old Man been more imposing than in this his last campaign, when he strove heroically to settle the Irish question and crown the labours of a long life by effecting a permanent reconciliation between Ireland and England. The hero of a hundred fights seemed to gather up all his moral and mental gifts, all the resources of his eloquence, and all the arts of Parliamentary management for this crowning effort of his wonderful career. Despite the infirmities of age, there was no waning of his intellectual powers. Never had he spoken with more fire. "Age could not wither nor custom stale his infinite variety." He was like a man inspired. As a feat of physical endurance by a man over fourscore years, the conduct of the Home Rule Bill through all its stages by Mr. Gladstone was an achievement without parallel in our Parliamentary history. On 1 September, 1893, after having occupied eighty-three Parliamentary days, the Bill was read a third time by 301 against 267, a Government majority of 34. The rejection of the Bill was moved in the House of Lords by the Duke of Devonshire, long associated with Mr. Gladstone as Marquis of Hartington, and after four days' debate the motion that it be read a second time was defeated by 419 to 41, majority 378. London was not in love with Home Rule, and the popular acclamation which greeted the Peers in Palace Yard on that memor-

able night encouraged them in the belief that they were the saviours of the country. The Government's submissiveness under this tremendous rebuff weakened its prestige. Mr. Gladstone was for dissolving and fighting the Peers, but he could not carry his Cabinet with him in that militant policy. Early in the following year Mr. Gladstone moved to discharge the Employers' Liability Bill, a measure that had been devitalized by the House of Lords. Finally, on St. David's Day, 1 March, 1894, came Mr. Gladstone's last speech in the House of Commons, though not more than a score of those who heard it realized at the time that it was the last utterance of the mighty orator who had been for so long the glory of the House. Speaking on the Lords' amendments to the Parish Councils Bill, the veteran statesman devoted his last speech to a protest against the encroachments of the House of Lords. He said :—

“We feel that this Bill is a Bill of such value that, upon the whole, great as we admit the objections to be to the acceptance of these amendments, the objections are still greater and weightier to a course which would lead to the rejection of the Bill. We are compelled to accompany that acceptance with a sorrowful declaration that the differences, not of a temporary or casual nature merely, but differences of conviction, differences of prepossession, differences of mental habit, and differences of fundamental tendency between the House of Lords and the House of Commons appear to have reached a development in the present year such as to create a state of things of which we are compelled to say that, in our judgment, it cannot continue. (Loud and continued cheers.) Sir, I do not wish to use hard words, which are easily employed and as easily retorted. It is a game that two can play at—but, without using hard words, without presuming to judge of motives, without desiring or venturing to allege imputations, I have felt it a duty to

state what appear to me to be indisputable facts. The issue which is raised between a deliberative Assembly elected by the votes of more than six millions of people, and a deliberative Assembly occupied by many men of virtue, by many men of talent, of course with considerable diversities and varieties, is a controversy which, when once raised, must go forward to its issue. (Loud cheers.) The issue has been postponed, long postponed, I rejoice to say. It has been postponed in many cases to a considerable degree by that discretion, circumspection and reserve in the use of enormous privileges which the House of Lords, on various occasions in my recollection, in the time of the Duke of Wellington and Lord Aberdeen and other periods, has shown. But I am afraid, sir, that the epoch, the age of that reserve and circumspection may have gone by. I will not abandon all hope of it, but I must say of the present—I do not like to say that the situation is intolerable, because that is a hard and may seem a dictatorial word; but I think hon. gentlemen opposite must feel, as I feel, that in some way or other a solution will have to be found for this tremendous contrariety and incessant conflict upon matters of high principle and profound importance between the representatives of the people and those who fill a nominated Chamber. (Cheers.) It is not with the House of Commons to pronounce a judgment on this subject. The House of Commons is itself a party in the case. I have no difficulty in pronouncing a judgment on behalf of the Ministry in the issues that have been raised throughout this year between the two Houses. We take frankly, fully, and finally the side of the House of Commons. The House of Commons could not be a judge in its own case, and I am by no means anxious to precipitate proceedings of that kind, however they might be invited by an impatience most natural in the circumstances of the case. No doubt, sir, there is a higher

authority than the House of Commons. It is the authority of the nation which must in the last resort decide."

These were the words with which Gladstone quitted the famous arena in which for more than half a century he had been a shining and inspiring figure.

CHAPTER X

THE ROSEBERY-HARCOURT GOVERNMENT

THE tide of Liberal feeling against the House of Lords was now rising strong and menacing. At a special meeting of the National Liberal Federation, held in Leeds in June, 1894, the following resolution was unanimously adopted on the motion of a veteran North-country Liberal, Dr. Spence Watson :—

“ That this meeting calls upon the Government to introduce, as soon as practicable during the present Parliament, a measure for the abolition of the House of Lords’ veto, by providing that whenever a Bill passed by the House of Commons shall be altered or rejected in the House of Lords, such Bill may be reaffirmed by the House of Commons at any time in the same session or the same Parliament, with or without such alteration, and, subject only to the Royal Assent, shall thereupon become law.”

Summoned by Queen Victoria when Mr. Gladstone resigned, Lord Rosebery succeeded him as Prime Minister. The new Premier threw himself with zest into the agitation against the Lords’ veto, but he received no help from his colleagues. This was not surprising, for the Cabinet was torn with dissensions. Some Ministers and many members of the Liberal Party felt that Sir William Harcourt (with whom, when he was at the Home Office in the 1880–5 Parliament, Lord Rosebery had served as Under-Secretary) had fairly earned the succession to Mr. Gladstone. Sir W. Harcourt’s services to Liberalism

were incomparably greater than those of the new Prime Minister, but many Liberals had been captivated by the charm of Lord Rosebery's personality and the glamour of the reputation he had won as first chairman of the London County Council. From the Rosebery-Harcourt feud the Liberal Government and also the Liberal Party suffered grievously. One of its effects was seen in the fact that Lord Rosebery was left to plough a lonely furrow in his campaign against the veto of the House of Lords. Long before he became Prime Minister he had endeavoured to persuade the House of Lords to reform itself. His first speech on this subject was made on 20 June, 1884, when he moved for the appointment of a Select Committee to consider the best means of promoting the efficiency of the House of Lords. His motion was defeated—67 to 38. In 1888 he again appealed for reform, but again the motion for a committee of inquiry was defeated—97 to 50. His speech on this occasion contained the following sentence: "One party in power enjoys a practical omnipotence; the other party is never absolutely in power. Whether in or out of office it is galled by a perpetual barrier, a constant stumbling-block, an endless disability. The divisions in this House represent rather the passions of a party and a class than the deliberate reasoning of a Senate." In the same speech Lord Rosebery said the chief weakness of the Lords was "the indiscriminate and untempered application of the hereditary principle." He advocated the principles of delegation and election.

As Prime Minister in 1894, Lord Rosebery proposed reform from without rather than from within. The speeches he delivered during that year in Glasgow, Bradford, and Devonport contain a masterly statement of the Liberal case. He argued that what was needed was to restrict the veto of the House of Lords, not to reform its composition. His proposals anticipated those of Mr. Asquith with singular exactitude. Speaking at

Bradford, then represented by Mr. Shaw-Lefevre (now Lord Eversley), Lord Rosebery said :—

“ In this great contest there lies behind you to inspire you all those great reforms, those great aspirations and great measures upon which you have set your hearts. Before you lie all the forces of prejudice and privilege ; before you lie the sullen ramparts behind which are concealed the enemies whom you long to fight, and so long have fought ; and I would ask you, if you are prepared to go into this fight, to fight as your old Puritan forefathers fought, to fight with their stubborn, persistent, indomitable will, fight as they fought in Yorkshire, as those old Ironsides fought in Yorkshire, never knowing when they were beaten, and determined not to be beaten ; to fight, as they would have said themselves, not with the arm of the flesh, but with the arm of the spirit ; to fight by the means of educating your fellow-men—not as to the object, for in that, I maintain, you are clear already—but as to the proper means of attaining that object. And if you believe that we of the Government are earnest in this matter, and are capable of dealing with the matter, you will give us your support. We fling down the gauntlet ; it is for you to back us up. . . .

“ The next election will be fought on none of these questions, but on one which includes and represents them all—I mean the House of Lords. Suppose at the next election you were to send back only 100 Liberals to the House of Commons, there would be 30 Liberal peers ; suppose you were to send 200 back to the House of Commons, there would be 30 Liberal peers ; suppose you were to send 300 back, there would be 30 Liberal peers ; suppose you were to send 400 back, there would be 30 Liberal peers ; suppose you were to send 500 back, there would be 30 Liberal peers ; suppose you were to send 600 back—(a Voice : “ We’ll do that ”)—I am sure the gentleman would do it if he could ; but still, even if he

succeeded, there would be only 30 Liberal peers ; and if you sent the whole House of Commons back Liberal, there would be only 30 Liberal peers. Gentleman, what a mockery is this ! We boast of our free institutions, we swell as we walk abroad and see other countries ; we make broad our phylacteries of freedom upon our foreheads ; we thank God that we are not as other less-favoured men are ; and all the time we endure this mockery of freedom. You are bound hand and foot. You may vote and vote till you are black in the face. It will not change the aspect of matters at all. Still the House of Lords will control at its will the measures of your representatives. It has practically come to this, that we, knowing that the House of Lords is a party body of one complexion, cannot any longer introduce the Bills that we think fit, unless we mean to waste the time of the House of Commons on an absolutely bootless and fruitless process, or else we must simply introduce the Bills into the House of Commons which we think have some possible chance of passing the Tory Party in the House of Lords.

“ I know well that before we deal with this, the greatest of all Constitutional questions—if we wish to deal with it successfully—we must bring into play the greatest of all Constitutional forces that we possess. What is that greatest Constitutional force ? In the first place, it is the House of Commons. No lesser force than the House of Commons can confront the House of Lords ; no lesser force than the House of Commons is competent to insist upon the position and privileges of the House of Commons ; no lesser body than the House of Commons is able to lay down in clear and unmistakable terms the shifting in the balance of the Constitution, which has been produced by the great Reform Bills of 1832, of 1867, and of 1884. It is quite clear that our first step, if we propose to deal with the House of Lords—and we do pro-

pose to deal with the House of Lords—is to bring the House of Commons into play. And how are we to bring the House of Commons into action? The House of Commons, in my opinion after long consideration of this most difficult of subjects, can only proceed, in the first place, as it has always proceeded in its contests with the House of Lords, by resolution. In regard to the powers of the House of Lords over finance, they were restricted once, twice, and thrice by resolutions of the House of Commons. As regards the powers of the House of Lords to interfere in elections for the House of Commons, those have been equally restricted by resolution of the House of Commons. But the great resolution, which I suppose we shall have in our mind in framing the resolution which will assert the privileges of the House of Commons as against the irresponsible control of the House of Lords, would be the resolution of 1678, as I think it is, which asserts the free and uncontrolled right of the House of Commons to represent the people in matters of finance. I suppose—of course, I do not pledge myself to the exact form of resolution—I take it that resolution would declare in clear and unmistakable terms what I have once before said in a phrase which I have often heard since, that the House of Commons in the partnership with the House of Lords is unmistakably the predominant partner.

“ You may say, ‘ The House of Lords may snap their fingers at your resolution.’ They may say, ‘ We have had resolutions of this kind before, and we don’t care a fig for your resolution.’ Well, I admit that, in my judgment, the resolution will not be enough. Powerful as the House of Commons is, for such a purpose as this it must call in a power even greater than itself. That power can only be given, that strength can only be conferred—that inspiration which I have been derided for asking can only be afforded—by the people of Great

Britain and Ireland. To that august tribunal we will appeal. We will ask you to give us strength and authority, a majority and a mandate, to deal with that question, and to come back empowered to deal in your name with the question of Constitutional revision. The Government, then, will put these forces into motion. At the proper time it will ask the House of Commons to pass such a resolution as I have indicated, and at the proper time it will endeavour to appeal to the country on such a resolution."

In a speech delivered at Devonport on 11 December, 1894, Lord Rosebery said :—

"I say confidently that no such act of insanity as our proposing reform of the House of Lords has ever for an instant occurred to us. I hear all sorts of arguments between single-chamber men and second-chamber men and men who differ on that point. I do not say it is not a very interesting and suggestive topic of discussion, but I think if the ' fifth-Monarchy men ' were to begin again their interminable discussions about an ideal State we should be engaged in about as profitable a discussion as we are in discussing the respective merits of a first and second Chamber. As a matter of fact, we have no power whatever to put an end to a second Chamber in this country except by the consent of that second Chamber. I say, then, that the whole question of a second Chamber, or the existence of a second Chamber alone, is one of those abstract discussions which, like the propriety of the execution of Charles I, may engage the attention of the debating societies of our rural centres, but are not matters for practical politicians to engage in at this moment.

"We have nothing to do with the present constitution of the House of Lords. We take the House of Lords as it stands. In our opinion the time has come when the right of the House of Lords to an absolute veto upon the

wishes or legislation of the House of Commons should for ever cease. We propose to effect this in a direct and constitutional way. We propose to ask for a mandate from the country to deal with that question, by passing a resolution through the House of Commons which shall declare and give effect to what I have said is our policy in this matter."

Lord Rosebery's speeches in 1894 supplied in advance a complete justification of the policy pursued by the Liberal Governments in 1907, 1910, and 1911.

Enlightened Conservative opinion was by no means satisfied with the position of the House of Lords despite the successful efforts of the peers in mutilating and rejecting Liberal Bills. Ambitious young heirs to the peerage, eager for an active political career, began to rail against the inexorable destiny that would in the course of nature take them away from the living and throbbing House of Commons to the sepulchral shades of the House of Lords. In April, 1894, three eldest sons, Lord Wolmer (now Earl Selborne), Mr. Brodrick, and Mr. Curzon, delivered their souls in the *Nineteenth Century* against the "irrational and merciless sentence of ostracism which sends a man to the House of Lords when he succeeds to a peerage." They proposed that a peer, on succeeding to the title, shall have the right of electing whether he would sit in the House of Lords or continue to be eligible for a seat in the House of Commons. These three heirs to peerages did not conceal their disapproval of the attitude of the Lords on many questions. "Nor is it possible," they wrote, "to veil the fact that the record of the House of Lords, certainly for the last two centuries, has been one of indiscriminating resistance, in the interest, or at least under the influence, of privilege, to changes of every kind, to changes demanded by an enlightened jurisprudence and even humanity, as well as to political

reforms." The revolt fizzled out and is only interesting as a sign of dissatisfaction within the Tory camp.

While the House of Lords in the Parliament of 1892-5 asserted boldly extreme claims in the sphere of legislation, it acknowledged at the same time the supremacy of the House of Commons in finance. Sir William Harcourt's great Budget of 1894, with its proposals for a graduation of the death duties, the scale rising with the value of the estate, set up a new principle of taxation in this country. Graduation was intensely unpopular with the landed interest, and during the progress of the Budget through the Commons there were many threats of what might happen in the House of Lords. The third reading of the Finance Bill was carried in the House of Commons by the exiguous majority of twenty. Leaving out the Irish members, there was actually a majority in Great Britain against the Budget. Yet the Lords, much as they detested the Budget proposals, allowed them to pass with a malediction. The Duke of Devonshire strongly counselled acceptance on the ground that grave inconvenience to the national finances would ensue upon their rejection. Lord Salisbury dwelt upon the same consequences. In his speech on the third reading of that Bill on 30 July, 1894, Lord Salisbury made use of memorable words:—

"I draw a very strong distinction, as strong as it is possible to draw, between the legal powers of this House and the House of Commons, and the practice which considerations of obvious convenience in the interest of the public welfare may induce the two Houses to adopt. It is perfectly obvious that this House in point of fact has not for many years past interfered by amendment with the finance of the year. The reason why this House cannot do so is that it has not the power of changing the Executive Government; and to reject a Finance Bill and leave the same Executive Government in its place

means to create a deadlock from which there is no escape. If the House of Commons had rejected this Finance Bill during the present month there would no doubt have been considerable inconvenience, but at least another Executive Government would have been provided whose duty it would have been to have suggested an alternative for making provision for the year. But if this House were to reject a Finance Bill or to amend it so that the House of Commons would reject it, as the same Executive Government would remain in office there would be obviously the greatest inconvenience in dealing with the public finance."

Besides, Lord Salisbury consoled himself with the reflection that a Budget was a transient affair. "Budgets come and Budgets go." No more decisive proof could be desired of the subordination of the House of Lords in finance than the surly acquiescence of the territorial magnates in the passage of the detested Budget of 1894.

Defeated on the cordite motion of Mr. Brodrick, the Government resigned office, and in July, 1895, there was a general election. The result was a great Conservative victory, the Unionists having a majority of 152 over Liberals and Nationalists combined. The composition of the new House of Commons was :—

Conservatives . . .	340	} 411
Liberal Unionists . . .	71	
Liberals . . .	177	} 259
Nationalists . . .	70	
Parnellites . . .	12	
Total Unionist Majority		<hr/> 152 <hr/>

To the smashing defeat of the Liberals many causes had contributed, not least the notorious feud between Lord Rosebery and Sir William Harcourt, which sapped

the vitality of the fighting legions of Liberalism, and the passing of Mr. Gladstone, whose withdrawal from public life altered the whole political landscape like a convulsion of nature. Local veto, which occupied a conspicuous place in the Liberal programme, was also a source of electoral weakness. The Unionists made great and profitable use during the general-election campaign of a promise of old-age pensions, but they chose to attribute their victory chiefly to the nation's dislike of Home Rule. Apologists for the House of Lords claimed that the verdict of the people was an emphatic endorsement of the action of that assembly in throwing out the Home Rule Bill; and, encouraged by what they were pleased to regard as this popular approbation, the Lords, after long eclipse, acquired a new sense of their importance and responsibility in the Constitution.

CHAPTER XI

THE ECLIPSE OF LIBERALISM

A STRONG Government was formed by the Marquis of Salisbury in 1895. The old attachments which had prevented Liberal Unionists from joining the Administration of 1886 had weakened with time, and in the new Government the Duke of Devonshire, Mr. Chamberlain, and Sir Henry James, and other quondam disciples of Mr. Gladstone took office. The Unionist coalition remained in power from 1895 to 1905. Its term of office was abruptly terminated by its own act in 1900, in which year Mr. Chamberlain, anxious to profit by the patriotic emotions excited by the South African War, plunged the country into a general election, and obtained by that means a new lease of power. From 1895 to July, 1902, Lord Salisbury was Prime Minister, but the outstanding figure in the Government was Mr. Chamberlain. His energy and strong, clear purpose were very marked in the work of the Government in the years 1896-8. The Conservatives were borne forward on a tide of reforming enthusiasm. Sops were thrown to the old Tories in the shape of the Agricultural Rating Act, 1896, and to the Church in the new aid grant to the denominational schools; but in 1897 came a valuable measure of social reform, the Workmen's Compensation Act, and in 1898 the Irish Local Government Act. For this latter measure it was Mr. Gerald Balfour, Chief Secretary for Ireland, who was responsible. The Marquis of Londonderry observed, with truth, that "measures have been passed through Parliament by the

Conservative leaders which, if introduced by the Radical party, would have received the most strenuous opposition, and not have been permitted to pass into law." Speaking in the House of Lords on 20 July, 1897, Lord Londonderry said: "I agree with Mr. Asquith that if the party to which he belonged had introduced the Workmen's Compensation Bill, it would not receive forty-eight hours' consideration from your Lordships." It will be remembered that Mr. Asquith's Employers' Liability Bill, which had the same objects, though its scope was not so wide as the Workmen's Compensation Bill of Mr. Chamberlain, was destroyed by the Lords in 1893.

Meantime dejection prevailed in the Liberal ranks. Lord Rosebery had resigned the leadership in 1896 because of his want of sympathy with the passionate feelings aroused in the Liberal party by the Armenian atrocities. Sir William Harcourt was now unquestioned leader of the party of progress, but the influence of old feuds and animosities, arising out of the Rosebery-Harcourt quarrel, survived, and in December, 1898, in a highly characteristic letter to Mr. John Morley, Sir William resigned the post of leader. "A disputed leadership beset by distracted sections and conflicting interests is an impossible situation." Mr. Morley's reply was not calculated to bring harmony out of these discords. "There is, to my mind," he wrote to Sir William Harcourt, "something odious in telling a man who has strenuously faced all this, who has stuck manfully to the ship instead of keeping snug in harbour because seas were rough and the skies dark, that his position in his party is to be incessantly made matter of personal interest and personal challenge." The thankless burden of the leadership of a party torn with dissensions was cheerfully assumed in the spring of 1899 by Mr. Henry Campbell-Bannerman, whose fortitude and good temper were soon to be seriously tried by a fresh schism in

Liberalism, caused by the South African War. Never had the Liberal party been so demoralized as at the time when the khaki election was sprung upon the country in the autumn of 1900. The result of the election was to confirm the Unionists in power, though with a smaller majority, 134, the new House of Commons being constituted thus :—

Unionists	402
Liberals and Labour	186
Nationalists	82
Majority	134

During the general election campaign, both Mr. Balfour and Mr. Chamberlain appealed to the nation to subordinate all questions of domestic controversy to the one paramount question of the successful prosecution of the war. A truce of God on the ordinary issues of party controversy was suggested by the Unionist leaders. Mr. Balfour explicitly asked the electors to "dismiss all smaller issues." Mr. Chamberlain, in more than one speech during the campaign, spoke in the same sense. Speaking at Lichfield, a mining constituency, on 8 October, 1900, Mr. Chamberlain said: "A great many of the elections have already been held, and the most extraordinary feature of them was the great turnover of the mining vote. In the North of England thousands and thousands of miners who had never voted Unionist before, who still called themselves Liberals and Radicals, had on this occasion supported the Unionist candidate." What was true of the miners was true of other Radicals. There can be no shadow of doubt that at this khaki election a very large number of Liberal voters supported the Government on patriotic grounds. This fact must be borne in mind when the record of the Unionist administration 1900-5 is examined. The Education Bill of 1902 and the Licensing Bill of 1904 were acutely controversial,

and from the Liberal point of view it seemed as if the Government, in passing these Bills, had deliberately tricked the people, having used power obtained by appeals to the sentiment of common patriotism for the purpose of promoting partisan legislation of a highly objectionable character. On its introduction Mr. Balfour's Education Bill was greeted with a storm of disapprobation from the Nonconformists. This was not surprising, as the Bill quartered on the public funds all denominational schools, and yet provided that their control should remain in denominational hands. That public control should accompany public expenditure was a venerated maxim of British policy. Its violation in the Education Bill of 1902 deeply offended a large body of opinion outside the Nonconformist community. It was an offence against the canons of good citizenship to throw the whole expense of the denominational schools on the rates and taxes, and yet to leave their control, including the appointment of teachers paid out of public funds, in the hands of committees on which the representatives of the public were in a permanent minority. Though the teachers became public servants, yet, so far as the Church schools were concerned, their appointment was dependent on a religious test. A clerically controlled committee appointed the teacher; the public paid his, or her, salary. Widespread hostility was excited by the Bill. At the by-elections the tide of popular feeling flowed strongly against the Government. We know from Mr. Bernard Holland's *Life of the Duke of Devonshire* how repugnant the Education Bill was to Mr. Chamberlain. Its provisions were also distasteful to many of the Government's supporters in the House of Commons. But the Bill was rammed through the House by Mr. Balfour, in spite of a formidable revolt on his own side. The opposition to some of its chief clauses shown by the Liberal-Unionist and the moderate Conservatives was neutralized in the

division lobbies by the Irish Nationalists, who, out of solicitude for the Roman Catholic schools in England and Wales, voted steadily with the Government at every stage. It is just to recognize that the Nationalists evinced an earnest desire to assist the Liberals in remedying the Nonconformist grievance in the single school areas. They supported Mr. Dillon's proposal that the committees of management of denominational schools should be equally representative of the three interests concerned, viz. 2 members nominated by the local education authority, 2 by the trustees of the school, and 2 elected by the parents of the children attending the school. Mr. Balfour's Bill gave the trustees 4 and the local education authority 2 representatives on the committee of managers. Mr. Dillon's amendment—a step in the direction of public control—was defeated, and Mr. Balfour succeeded in ensuring that the clerical interests should be predominant on the committees, though he cast on the public authority the responsibility of providing all the funds necessary for the denominational schools.

Had the House of Lords fulfilled impartially the functions of a Second Chamber it would have delayed or amended a Bill against which public opinion had so decisively declared itself. On the contrary, it swiftly passed the Education Bill with all its imperfections on its head. Indeed, it aggravated its injustice by accepting from the Bishop of Manchester an amendment making the local education authority liable for the cost of all repairs to the denominational school buildings. This new "wear-and-tear" clause introduced into the Bill by the Lords was a violation of the privileges of the Commons, since its effect was to throw an additional charge on the rates. In order to avoid the rock of privilege, the Lords, at the invitation of the Duke of Norfolk, added to their new clause the words "this obligation on the local

education authority shall throw no additional charge on any public fund." Obviously this addendum made nonsense of the clause. This was realized by the officials of the House of Lords, who actually added to the amended Bill in a parenthesis after the addendum the following words: "Proposed to be omitted by the House of Commons." Thus the Lords violated the privileges of the Commons by a monetary amendment, then added words which made the amendment unmeaning, and virtually commanded the Commons to strike out the nonsensical words in order to facilitate an invasion of the Commons' own domain. The device succeeded through the compliance of Mr. Balfour and a weak ruling by Mr. Speaker Gully.

As with Mr. Balfour's Education Bill, so with his Licensing Bill, which the Lords passed with alacrity, though it marked an entirely new departure in our licensing laws. Its effect was to transform the publican's expectation of an annual renewal of his licence into a certainty, and to secure to him compensation for the loss of the licence, even though its refusal might be necessary in the public interest. These things sank deep into the public mind, and helped to fix the popular conviction that the House of Lords was not in any true sense a Second Chamber, but only a pliant instrument of Toryism.

Mr. Chamberlain never uttered a word in the House of Commons during the debates on the Education Bill. His dislike of the measure is revealed in a letter written to the late Duke of Devonshire on 22 September, 1902, in which he said:

"The political future seems to me—an optimist by profession—most gloomy. I told you that your Education Bill would destroy your own party. It has done so. Our best friends are leaving us by scores and hundreds, and they will not come back." The Duke of Devonshire, who

could not understand sacerdotalism, and to whom ecclesiasticism, even in its simplest form, was disagreeable, never had any sympathy with the denominational view of education. Mr. Bernard Holland, in his life of the Duke, writes : " The Duke himself, like nine Englishmen out of ten, would have been perfectly content, and indeed better pleased, with the simplest and most undenominational teaching." He had a correspondence in 1900 with Lord Cranborne (the present Marquis of Salisbury), who quite unsuccessfully endeavoured to explain to him the Church view. The Duke said in one of these letters : " I am afraid that there is some defect in my intelligence which renders me incapable even of understanding the apprehensions of the advocates of denominational education." It was a hard political necessity which compelled the Duke, with his Erastian views, to become responsible in the House of Lords for the Education Bill of 1902.

Meantime, in July, 1902, Mr. Balfour had succeeded his uncle, Lord Salisbury, as Prime Minister. From that moment the star of Toryism began to wane. In November, 1902, Mr. Chamberlain went to South Africa for a tour of investigation, to study on the spot the post-war conditions. He returned in the spring of 1903, his mind fermenting with the conception of Colonial preference. His first public reference to the new idea that had captivated his imagination was in a speech delivered in Birmingham on 15 May, 1903. A fortnight later came a speech in the House of Commons in which occurred the phrase, destined to become notorious : " You must put a tax on food." The glamour of Colonial preference was soon lost in the recrudescence of the old crude Protectionism, with its unenlightened selfishness and its vulgar appeal to hatred of the foreigner. Upon the solidarity of the Unionist Party the preaching of the Protectionist gospel had the shattering effect of an explosion of dynamite. Mr. Chamberlain resigned the office of Colonial Secretary in September,

1903, and withdrew from the Cabinet in order to be able to pursue his agitation for Tariff Reform (an American Free Trade term pressed into service here as an euphemism for Protection) with less embarrassment to the Unionist party. Mr. Ritchie having simultaneously resigned the Chancellorship of the Exchequer because of his Free Trade convictions, the way was clear for the promotion of Mr. Austen Chamberlain to that high office. Chamberlain *père* went out and Chamberlain *fils* went up. Mr. Joseph Chamberlain's withdrawal from the Government was accompanied by a singular benediction from Mr. Balfour: "The loss to the Government is great indeed; but the gain to the cause you have at heart may be greater still. If so, what can I do but acquiesce?" The expulsion of the Free Trade members from the Cabinet was undoubtedly part of a deal between Mr. Balfour and Mr. Chamberlain, one of the conditions of the secret compact being that if and when the latter retired his son was to be moved higher up in the Ministerial hierarchy. Mr. Balfour had succeeded in compelling the resignation of his Free Trade colleagues in the Cabinet—Mr. Ritchie, Lord George Hamilton, and Lord Balfour of Burleigh—who retired as a protest against the Chamberlain policy, little suspecting that Mr. Chamberlain's own resignation was already in Mr. Balfour's hands. The fact that Mr. Chamberlain had resigned was deliberately withheld from them by Mr. Balfour, but was communicated by him to the Duke of Devonshire, whom the Tory leader wanted to retain in his Cabinet, realizing the value of his massive personality and the confidence he inspired in the country. These not very scrupulous Balfourian manœuvres failed, though they succeeded in deferring the Duke's resignation for a few weeks. When at last, early in October, the Duke determined to withdraw from the Government, he was reproached by Mr. Balfour in a shrill epistle that revealed a baffled man, but was a poor requital for the

magnificent services rendered to the Unionist cause by His Grace of Devonshire.

After these events the Balfour Government moved swiftly downhill. Popular resentment against the proposed tax on food was wide and deep. Great commercial interests were terrified at the possible effects of Protection on British trading and industrial supremacy. The Non-conformists were furious because of the Education Act of 1902. A wave of indignation swept over the country in consequence of the introduction of Chinese labour into the Transvaal mines. The Government was staggering to its doom.

CHAPTER XII

THE LORDS AND THE LIBERAL REVIVAL

BY all sorts of shifts and devices in tactics, by sophistries and subtleties in debate, Mr. Balfour managed somehow to hang on to office until 1905. At the end of November in that year, when Parliament was not in session, he resigned, to the immense relief of a disgusted nation. Sir Henry Campbell-Bannerman promptly formed a strong Liberal Administration. Mr. Balfour had still a large nominal majority in the House of Commons, but he never met the House again as Prime Minister. In January, 1906, came the general election, as a result of which the Liberals were returned to power with a majority unexampled in the political annals of the country. The Unionists were smitten from Dan to Beersheba. But Birmingham, pathetically faithful to Mr. Chamberlain, remained a little island of Unionism untouched by the spring-tide of Liberalism that flowed resistless all over the kingdom. Toryism in Lancashire was almost entirely submerged. Mr. Balfour lost the seat he had held for many years in Manchester. Nearly all his colleagues in the Cabinet were also defeated. There was a net Liberal gain of 213 seats. The position of parties at the end of the election was :—

Liberals . . .	} 429
Labour . . .	
Nationalist . . .	
	83
	— 512
Unionists . . .	158
Majority . . .	<u>354</u>

The Liberals had a large majority over all possible combinations. After long sojourn in the wilderness they had returned to power with a Government rich in able men and supported by a magnificent majority. All the indications were that there was before the new Government the prospect of years of useful and beneficent activity. The high hopes and expectations with which it began its career were swiftly dashed to the ground. From the outset the House of Lords displayed a malignant desire to hamper and harass the work of Sir Henry Campbell-Bannerman's Administration. In the first session of the new Parliament the Lords threw out the Plural Voting Bill and suffocated the Education Bill under a load of hostile amendments. No Government ever came into office with a more distinct mandate than that which the Liberal Ministry of 1906 obtained for a reform of the Education Act of 1902. To the fulfilment of that mandate the Government first addressed its energies. The Bill was in charge of Mr. Augustine Birrell, a man of catholic sympathies and large tolerance, whose genial wit and sunny temper made him a universal favourite in the House of Commons. In its final form, Mr. Birrell's Bill provided the basis for a fair and durable settlement of a very vexed and difficult question. It established the principle of public control over public expenditure, abolished religious tests for teachers, and yet safeguarded the interests of genuinely denominational schools and ensured their continuance in our system of national education. To the consternation of the Liberals and the amazement of the country, the House of Lords adopted a hostile attitude to the Education Bill. It was sent back to the House of Commons with amendments which had turned it inside out. On 12 December the Lords' amendments were rejected in the Commons by 418 to 109, Government majority 309, the Nationalists and the Labour members voting with the Liberals.

Undismayed by this overwhelming majority, the Lords by 132 to 52 insisted on their amendments and killed the Bill. Thus in the first year of the new Parliament the chief Bill of the session, passed after heavy labours by a huge majority fresh from contact with the people, was destroyed by a second Chamber that was non-representative and irresponsible.

The circumstances under which this arrogant defiance of the popular will took place aggravated the offence. Two important measures were carried through the House of Commons in the session of 1906—the Education Bill and the Trade Disputes Bill. The latter measure, with its immunities for Trade Unions, was intensely obnoxious to Conservatives. Mr. Balfour, however, indicated in the House of Commons that it ought to be passed and the Education Bill rejected. The Lords submissively carried out his instructions. Lord Halsbury furiously raged against the Trade Disputes Bill in the Upper House, and was only restrained from moving its rejection by the earnest entreaties of the Opposition leader, Lord Lansdowne. The Bill went through the House of Lords unscathed. Thus, of two great Bills which they disliked, the Lords in the same session, indeed, in the same month, passed one because they feared Labour and rejected the other because they despised Nonconformity. There was no pretence that in either case they were acting in the public interest. They were thinking only of the interests of their order in the acceptance of the one Bill, only of the interests of their party in the rejection of the other. We must choose "favourable ground," said Lord Lansdowne. It was "favourable ground" to defy the peaceful chapels; it was unfavourable ground to challenge the truculent trade unions. Speaking on the Trade Disputes Bill in the House of Lords on 4 December, 1906, Lord Lansdowne said: "We are passing through a period when it is necessary for the House of Lords to move with

great caution. Conflicts and controversies may be inevitable. Let your lordships, as far as you are able, be sure that if you are to join issue you do so upon ground which is as favourable as possible to yourselves. In this case the ground is unfavourable." The effect on public opinion of the spectacle of the Lords cowering before Labour and flouting Nonconformity was profound. Nothing did more to destroy faith in the House of Lords as a Second Chamber. Lord Lansdowne, by his cynical tactics in connection with these two Bills, dealt the prestige of the House of Lords a blow from which it never recovered.

Mr. Balfour is commonly credited with the responsibility for the destruction of the Education Bill. But for him there would have been a settlement. The Duke of Devonshire, when the Bill was before the House of Lords, strongly pleaded for peace and supported the Government in every critical division. Earnest appeals for a settlement on the basis of the Birrell Bill were made by the *Times*, the *Spectator*, and other powerful Unionist journals. Neither the counsel of the Duke of Devonshire nor the fair-minded appeals of the Unionist Press produced any effect. Mr. Balfour's fiat had gone forth that the Bill must not pass. Author of the Act of 1902, the attacks on that measure wounded his philoprogenitive pride, and throughout the education controversy he showed utter want of comprehension of the Nonconformist attitude. Wounded pride and the belief that it would be to the disadvantage of the Liberals to keep the education question unsettled were the motives that inspired Mr. Balfour. The Cecil influence, which was and is intensely ecclesiastical, encouraged him in the line he was taking. A few days before the end, while the fate of Mr. Birrell's Bill was still hanging in the balance, a conference of the Unionist leaders in both Houses was held in Mr. Balfour's room in the House of Commons.

Care was taken to prevent any invitation being sent to the Duke of Devonshire. Though that great Whig was absent, other influential colleagues of Mr. Balfour ingeminated peace. Mr. Balfour was obdurate. A singular story is told of this secret conclave. "Suppose the Government dissolve?" asked one of the counsellors of peace. "Ah!" was Mr. Balfour's reply, "that's just what they won't do." He was right. He knew that this Government, with its immense progressive majority (including many men of modest means), all aflame with zeal for social reform, would not dissolve eleven months after its election. This knowledge explains his bold but not very scrupulous strategy in the closing months of 1906. The spirit which animated the wreckers of the Education Bill was expressed by Lord Hugh Cecil, who in a letter published in the *Times* on 1 December, 1906, boasted that "the bloom is already off the present majority." It was all very well for ecclesiastically minded Tories to rejoice, but the more moderate members of the Conservative party did not conceal their dismay. Mr. Henry Chaplin, a veteran representative of rural Toryism, lamented the loss of the Bill. So did an active urban Conservative, Mr. Leverton Harris, who, writing in the *Times* 2 January, 1907, said:—

"Uncompromising dogma has doubtless gained a precious victory, for which Lord Hugh Cecil and his circle of extremists can claim the laurels. Politically, I assert the Conservative party has made a profound tactical blunder which is both recognized and regretted by the majority of its followers. The important concessions which Lord Crewe offered afforded to the vast majority of moderate and peace-loving Churchmen a solution which could have been accepted."

A sure-footed Nemesis pursues and punishes injustice. The Nonconformists were trampled underfoot in December, 1906. A Liberal Government with an immense

majority fresh from the polls was prevented from fulfilling one of its main purposes by the action of the House of Lords instigated by the leader of a mere remnant in the House of Commons. Mr. Balfour and the Lords triumphed signally for the moment, but it was a triumph that in the end cost them dear.

The destruction of the Education Bill produced feelings of exasperation and anger in the Liberal party. Speaking at Tiverton early in 1907, Lord Crewe complained that the House of Lords "had been used as an instrument by the Conservative minority in the country and in the House of Commons." Scotland was not directly interested in the education question, as the Education Bill only applied to England and Wales; but Scottish Liberals were deeply stirred by the controversy and were alive to the necessity of combating the pretensions of the peers in politics and the claims of the sacerdotalists in education. A speech delivered in Edinburgh in January, 1907, by the then Lord Advocate, Mr. Thomas Shaw, now Lord Shaw, attracted considerable attention by its disclosure of a plan to limit the veto of the Lords in legislation to a single session. Mr. Shaw advocated proceeding in the first instance by resolution and then by Bill. Reduction of the veto of the Lords to a single session would, he pointed out, still leave to them "all their functions as a revising and advisory body," and every service which the position and experience of the peers enabled them to give to the State would still be afforded.

Consciousness that the Lords' question had advanced into the forefront of the political stage was shown by the peers themselves; and a debate took place in the House of Lords in May on a Bill brought in by Lord Newton for a reform in the constitution of the Second Chamber. The chief feature of that Bill was a proposal that the possession of a peerage by descent should not of itself

give any right to a seat in the House of Lords. Sir Henry Campbell-Bannerman, in a speech in Manchester in May, denounced the aggression of the peers.

“The present House of Commons,” he said, “was not elected to pass only such Bills as commend themselves to the House of Lords. None of His Majesty’s Ministers appealed for support on the ground that the programme they laid before the country was subject to whatever discount might be placed on it in another House. This is a Liberal Government and a Liberal House of Commons, elected by an overwhelming Liberal and Progressive majority to pass Liberal measures, and we should be unworthy of the confidence placed in us if, in the desire to pass legislation of some sort, we allowed ourselves to forget who placed us where we are, and whence we derive the authority, the sanction, and the impetus for our proposals. We do not intend to be a Government on sufferance, or to act as caretakers in the house of a party which the country has rejected. We protest against the doctrine that we are to be stultified by the leader of a small and discredited minority who has only to beckon to his legions in the House of Peers and our work is undone, and the votes of the electors are treated as though they had never been recorded. We know by bitter experience that the education question and the franchise question will never be solved as long as the majority of the Commons can be turned into a minority by the Lords, and we have taken our measures for ending this state of things, and in due time, which shall be the time of our own choice, we will produce them.” (May 9, 1907.)

The Government decided to proceed first by the traditional method of resolution, and accordingly, on 24 June, Sir Henry Campbell-Bannerman proposed:—

“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." In moving the resolution the Prime Minister said he was inviting the House to "follow the notable precedent of the famous resolutions of 1678 and 1860." How the destruction of the Education Bill rankled in the minds of Liberals is revealed by a passage in Sir Henry's speech. Referring to Mr. Balfour, he said: "The situation has been aggravated by the part taken by the right honourable gentleman opposite. He speaks for a comparatively small minority here, and he has affected to dispose of the other House for the purpose of dominating us in a manner that I venture to say is without precedent. I cannot conceive of Sir Robert Peel or Mr. Disraeli treating the House of Commons as the right honourable gentleman has treated it. Nor do I think there is any instance in which, as leaders of the Opposition, they committed what I can only call the treachery of openly calling in the other House to override this House. Those great statesmen were House of Commons men. I venture to say that if Bills were mutilated and rejected elsewhere when Sir Robert Peel sat upon that Bench, it was not done at his instance. The right honourable gentleman's course has, however, had one indisputable effect. It has left no room for doubt, if it had ever existed before, that the Second Chamber was being utilized as a mere annexe of the Unionist party. . . . One begins to doubt—in fact I certainly doubt—whether he or his party have ever fully accepted representative institutions."

The debate lasted for three days. Mr. Balfour laid down the proposition: "You must have within the limits of the constitution some authority which shall be able not to resist the will of the people, but to see that the will of the people is obeyed—what I may call the consistent and persistent will of the people, not the will of

the people as exhibited at a particular moment and in a particular place, because we are all agreed that the people make mistakes." Lord Robert Cecil argued that the decisions of the House of Commons did not express the will of the people. To say that they do was, in his judgment, "an astounding proposition."

The President of the Board of Trade, Mr. Lloyd George, now rapidly advancing in reputation and authority, spoke in the debate with trenchant power. He described the House of Lords as Mr. Balfour's "poodle." "It fetched and carried for him, barked at and bit anybody he set it on to. That was the great revising Chamber, the safeguard of the country's liberties! Of all the mockeries and shams was there ever such a sham as that?"

Sir Henry Campbell-Bannerman's resolution was carried by 434 to 149, a Government majority of 285. An amendment by Mr. Arthur Henderson, leader of the Labour party, calling for the abolition of the House of Lords on the ground that it was "representative only of interests opposed to the general well-being" and a "hindrance to national progress," had been previously defeated by 317 to 102. To carry out the purposes of the resolution, the Prime Minister proposed the following plan to meet cases of disagreement between the two Houses:—

First stage. A conference to take place between a small number of nominated representatives of the two Houses. Conference to sit in private; its object to find some "common measure of agreement." If agreement were reached the Bill would be saved unless it had been thrown out by the Lords on second reading. In the latter case it would have to be reintroduced in the next session.

Second stage. If the conference failed to agree, the Bill would be lost for a time, but only for a limited time.

For the Government might reintroduce it, with or without amendment, after a "substantial interval"—period of at least six months. The reintroduced Bill would be quickly passed through the Commons "under limitations of time adapted to the circumstances of the case," that is, under the closure, except in so far as the second edition of the Bill differs from the first. If, when the Bill went to the Lords, they again refused to pass it in the form in which the Commons sent it up, and the Commons refused to accept the Lords' amendments, to which the Lords decided to adhere, a second conference of the same kind to take place.

Third stage. Should this second conference fail to secure agreement, the Bill to be reintroduced once more in the Commons (making the third time) and passed swiftly through all its stages. It would then go to the Lords with the intimation that unless they passed it it would be carried over their heads. Even at this stage there would be opportunity for a third conference, and only on failure to agree would the Bill become law without the assent of the Lords.

This plan is notable as containing the germ of the Parliament Bill, 1911. Nothing came of the resolution or the plan at the time, the Government evincing no desire to come to grips with the Second Chamber. Appetite comes with feeding, and the destructive energy of the Lords was now very evident. Emboldened by their success over the Education Bill, the Lords in 1907 wrecked the Scottish Small Land Holders Bill, rejected the Scottish Land Values Bill, and eviscerated the Irish Evicted Tenants Bill.

Fortunately for the Empire the Lords were powerless to mar or disfigure the Bills brought in by the Government in 1907 giving full rights of self-government to the Transvaal and the Orange Free State, the two Colonies added to the British Empire as the result of the South African War. The Lords were impotent because

the bestowal of these free Constitutions was an executive act, and over the executive they had no control. In the pacification of South Africa the Government were able to use the prerogative of the Crown and to proceed by Letters Patent. To-day it is universally admitted that the gift of free institutions to the white inhabitants of the old Boer Republics was a magnificent act of Imperial statesmanship. It healed the wounds of war ; it brought to South Africa a peace based not on conquest, but on liberty ; it prepared the way for that South African Union in the upbuilding of which Boer and Briton have participated with emulous zeal and equal honour. Its effect on foreign opinion, too, was profound. Professor Brentano, the eminent political economist, told the author of this book at Munich : " It has rehabilitated the moral authority of England in the sight of mankind. It is a noble act of reparation of which no other country would be capable." Had the Lords the power they might have wrecked, they would certainly have imperilled, this blessed work of reconciliation and appeasement. The Conservatives in the House of Commons opposed the Bills bestowing responsible government on the Transvaal and the Orange River Colony, and Mr. Balfour solemnly washed his hands of all responsibility for them. Two years before, in 1905, the South African policy of the Conservatives was disclosed in the halting and faltering Lyttelton constitutions. Never was bold and wise statesmanship more necessary than in South Africa after the war. The Tory policy was neither bold nor wise. Timorous and hesitating, it was penetrated through and through by a deep and ill-concealed distrust of the Dutch population. That Lord Milner himself was deeply infected by this mood was proved by his actions in South Africa during the closing stages of the war, and by the bitter spirit and hard temper of his speeches

in the House of Lords when the post-war settlement was being discussed. Lord Kitchener showed himself a wiser Imperialist than Lord Milner at a critical period in South African history. The soldier wanted peace through a settlement by consent; the statesman wanted the unconditional surrender of the Boers. Mr. Erskine Childers (in the chapter "South Africa and Ireland"), in his book on Home Rule, justly says that Lord Kitchener was "a truer judge of human nature and a better Imperialist at heart in realizing that the self-respect of the Boers was a precious asset, not a dangerous menace to the Empire, and that the whole fate of South Africa depended on a racial reconciliation on the basis of equal political rights, which would be for ever precluded by compelling the Boers to pass under the Caudine Forks." Equally Sir Henry Campbell-Bannerman, in the gift of freedom to the Transvaal and the Orange River Colony, showed himself a better Imperialist and a wiser statesman than Mr. Balfour. It was a happy circumstance that the Liberal victory at the general election of 1906 enabled a new Government to fling the Lyttelton constitutions into the limbo of abortive schemes, and to substitute a South African policy based on confidence for a policy based on distrust. It was, too, a signal piece of good fortune for the British Empire that the House of Lords was unable either to withhold or to mar the gift of full responsible self-government. The constitutions were the gift of the Crown and the Bills introduced into Parliament were only necessary to clothe the grant with the form of law. Incidentally their passage served to bring home to the nation the powerlessness of the House of Lords over the wide domain of Imperial policy.

The power of the Lords to impede progress in domestic affairs remained unchecked, and it was exhibited in striking fashion over the Licensing Bill in the session of 1908. On 5 April of that year Sir Henry Campbell-

Bannerman, whose health had been failing for some months, resigned the Premiership and was succeeded by Mr. Asquith, whose place as Chancellor of the Exchequer was taken by Mr. Lloyd George. The ex-Prime Minister died on 22 April, and one of Mr. Asquith's earliest duties as head of the Government was to pronounce a fine eulogium on his predecessor, a man who had been steadfast to the Liberal cause in the low valley of defeat and disaster and had risen with it to the topmost height of victory. Notwithstanding the changes at the Exchequer, Mr. Asquith himself, on 7 May, introduced the Budget, a natural proceeding, for it was his own handiwork. This Budget laid the foundation of a national non-contributory scheme of State pensions for aged men and women, five shillings weekly to be payable as from 1 January, 1909, to persons in indigent circumstances who had attained the age of 70 years. It was left to Mr. Lloyd George in the succeeding year to finance old-age pensions, but nothing can rob Mr. Asquith of the credit for the authorship of this beneficent scheme of social reform, which has brought sunshine into the grey lives of so many of the aged veterans of industry. Mr. Asquith went to the Exchequer with two ambitions—one to effect a large reduction of the National Debt; the other to establish a system of old-age pensions on a non-contributory basis. He was able to realize both objects before he resigned the Chancellorship. The Budget of 1908 was also notable for a reduction in the sugar duty from 4s. 2d. to 1s. 10d. per cwt. This meant a loss of revenue to the extent of nearly £3,500,000. As sugar is both a food commodity and a raw material, the reduction in duty was warmly welcomed by Free Traders. But this voluntary sacrifice of revenue in the actual circumstances was improvident, and proved a great embarrassment to Mr. Lloyd George in the following year. Ancillary to the Budget of 1908 was the

Old Age Pensions Bill, which prescribed the conditions for the grant of a pension and set up the necessary machinery. Mr. Lloyd George guided this Bill through the House of Commons with tact and ability. The House of Lords did not disguise its dislike of the Pensions Bill, and endeavoured to amend its provisions and limit its duration. In so doing it infringed the privileges of the House of Commons in finance, and on that ground the obnoxious amendments introduced by the peers were all expunged by the Speaker. "Never," said Lord Lansdowne, "has privilege been asserted in so aggressive a form as it has been in connexion with this Bill." With this protest the peers acquiesced in the Speaker's ruling. During the progress of the Bill through the House of Lords its proposals were adversely criticized by two cross-bench peers, Lord Cromer, the pro-consul who did so much for the regeneration of modern Egypt, and Lord Rosebery, both of whom wanted a contributory system of pensions. Lord Lansdowne denounced the Pensions Bill. "It will," he said, "cost the nation as much as a great war would cost. There will be this difference, that you can pay off your war debt by making sacrifices in order to do so. But this is a liability from which I don't believe that the country will ever be able to emancipate itself. There is this further difference, that a war, terrible as are its consequences, has at any rate the effect of raising the moral fibre of the country, whereas this measure, I am much afraid, is one which will weaken the moral fibre of the nation and diminish the self-respect of our people."

The Unionist record on old-age pensions had been none too happy, and this infelicitous utterance by the Unionist Leader in the House of Lords made the democratic Tories furious. In the same session (1908) Lord Lansdowne committed an error of judgment in summoning a party meeting at Lansdowne House to decide the fate of the Licensing

Bill. Many Conservatives deplored the want of respect for the decent forms and usages of the Constitution shown by the action of this party conclave, which, meeting "in a famous house in a famous square," decreed the doom of a great legislative proposal. On 27 November, 1908, on the motion for second reading, the Licensing Bill was thrown out in the House of Lords by 272 to 96. Foreseeing the defeat of the Bill, the Lord Chancellor, in a brave speech just before the division was taken, said: "It will be the triumph of a trade over the community, a victory of wrong over right." In the minority with the Government voted several Unionist and Independent peers, among them the Marquis of Bute, Lord Rosebery, Lord Balfour of Burleigh, Lord Esher, Lord Kinnaid, Lord Knollys, Lord Lytton, Lord Milner, Lord Peel, Lord Ritchie, Lord De La Warr, and Lord Dundonald. The Bill was supported by the two Archbishops and by fifteen Bishops.

By rejecting the Licensing Bill the House of Lords swept away at a stroke the result of long months of weary labour in the House of Commons. Every session since the Liberals had come back to office had seen one or more of the chief measures of the Government destroyed or mutilated by the House of Lords. It was now obvious to all observers that social progress was impossible as long as a hostile Second Chamber straddled like Apollyon, vast, sinister, and menacing, across the path along which the Liberal party was seeking to advance. Temperance reform, electoral reform, land reform, the remedy of education grievances, the abolition of plural voting—all these things were barred to the Liberal party by the antagonism of a hostile Second Chamber. Either Liberalism must perish as an organized political force—and if it perished the only effective bulwark in this country against revolutionary ideas would be destroyed—or the House of Lords must be subdued. The year 1909 opened

auspiciously for the Lords. Having successfully baffled the Government time after time, they had now reduced it almost to impotence. Nothing has a more depressing effect on a party than the powerlessness of its Ministers. The successive blows dealt by the House of Lords at Liberal projects of legislation, and the apparent submissiveness of Ministers under these rebuffs and humiliations, had seriously damaged the Government's prestige. Ministers were disheartened ; the loyal majority in the House of Commons was dismayed ; the Liberal party in the country was dispirited. Writing in 1876, Sir George Trevelyan said :—

“ Those who have joined in the idle jubilation over the impotence and helplessness of the House of Lords with which, in our own day, triumphant partisans celebrated the downfall of the Irish Church and the abolition of purchase in the Army, would do well to study the history of the decline and fall of Lord Melbourne's Administration. There they would learn how substantial and how formidable is the power of Conservative statesmen, who, surveying the field of action from the secure stronghold of an assembly devoted to their interests, can discern through all the dust and clamour of a popular movement the exact strength and attitude of the hostile forces. An Upper Chamber which will accept from Ministers whom it detests no measure that has not behind it an irresistible mass of excited public opinion has, sooner or later, the fate of those Ministers in its hands. For, on the one hand, the friction generated by the process of forcing a Bill through a reluctant House of Lords annoys and scandalizes a nation which soon grows tired of having a revolution once a twelvemonth ; and, on the other hand, the inability of a Cabinet to conduct through both Houses that continuous flow of legislation which the ever-changing necessities of a country like ours demand, alienates those among its ardent supporters who

take little account of its difficulties and see only that it is unable to turn its Bills into Acts."

Here in these words was an exact description of the political situation as it presented itself to the eyes of the country at the close of 1908. Liberal discontent in the constituencies was extreme. "We put you in office with an immense majority," said the Liberal militants, "yet you allow the Lords to prevent you doing your work." Thus the year 1909 opened with the House of Lords exultant, the Liberal party discouraged, the Conservatives full of hope. A hostile Second Chamber had worn down the strength of the greatest majority the House of Commons had ever known. More than that, it had succeeded in taking the heart out of the Liberal party in the country.

CHAPTER XIII

ARRIVAL OF MR. LLOYD GEORGE

A NEW figure, small, slight, alert, debonair, now advances into the foreground with cheerful composure and bright-eyed hopefulness. It was that of a man destined to be the hero of an exciting political year. Before the summer of 1909, Mr. Lloyd George had succeeded in transforming the political situation. The blast of his horn roused the martial spirit of a discouraged army. He enheartened the Liberal party, fired them with a new zeal, and led them forth exulting out of the valley of humiliation.

Mr. Lloyd George had won his spurs in opposition during the ten years of Tory ascendancy. A quick-witted Welshman, with a musical voice, a fluent tongue, a gift of spontaneous eloquence as fresh and natural as a mountain rivulet, he had made his reputation by his ability and courage as an Independent Radical. He first made his mark on Welsh questions, and Wales retains an unalterable place in his heart. Mr. Silvester Horne once described him as "the uncrowned Prince of Wales." That was not an empty compliment. No Welsh leader since the days of Owen Glendower has inspired so much enthusiasm among his countrymen. It was the South African War that made Mr. Lloyd George's name a household word outside the Principality. Popular feeling in favour of that war ran like a tidal wave, sweeping almost everything before it. Mr. Lloyd George was one of the few politicians who breasted that

tide of popular passion. He fought it like a strong swimmer, and almost sank beneath the tumultuous waves. Honestly persuaded that the war might have been avoided, he staked his career on his conscience. The British people are not resentful, and they admire courage in their public men. To a man who is honest and fearless they will forgive much. And so, when the war fever subsided, Mr. Lloyd George was generally accepted as a politician with a future.

In the 1900-5 Parliament he increased his reputation. The Liberals were dispirited and disunited, and the Front Bench was often ineffective in criticism. Opposition was only kept alive by some of the ardent spirits below the gangway. Conspicuous among these was the young member for Carnarvon. From his corner seat Mr. Lloyd George frequently poured lively fusillades into the Unionist camp. Mr. Balfour and Mr. Chamberlain often winced under the slings and arrows hurled by this clever and redoubtable Radical. In the long debates on the Education Bill of 1902, Mr. Lloyd George distinguished himself by the persistency and pungency of his criticisms. The measure was repugnant to his notions of citizenship as well as to his Nonconformity, and he fought it at every stage. Mr. Balfour handsomely acknowledged his skill. Throughout that Parliament Mr. Lloyd George was a dauntless free-lance. He had new opportunities for the exercise of his gifts on the adoption by Mr. Chamberlain of a Protectionist policy and Mr. Balfour's consequent game of hide-and-seek in the House of Commons. By this time he had become a force in the country.

Sir Henry Campbell-Bannerman, when forming his Ministry in December, 1905, offered Mr. Lloyd George the choice between two offices—Postmaster-General or President of the Board of Trade. The member for Carnarvon chose the latter. He thus began his Minis-

terial career in the same office as Mr. Chamberlain did. It was an appointment that caused some surprise. People who call themselves "safe and prudent" gravely shook their heads. The idea of entrusting British trade and commerce to the oversight of this fiery young Welshman! Mr. Lloyd George had not been long in office before he allayed all these fears. People saw with amazement the audacious political gladiator transformed into a calm, prudent, and sagacious Minister—the dashing free-lance ripened into a wise and patient administrator.

No more forceful personality, none richer in dynamic energy, had been at the head of the Board of Trade since Mr. Chamberlain's day. Unlike Mr. Chamberlain, whose quarrel with Professor Tyndall was only one of several incidents that marred the harmony of his career at the Board of Trade, Mr. Lloyd George had tact and persuasiveness. His sweet reasonableness in negotiation and his charm of manner conquered antagonisms. Still more valuable were the qualities of initiative and constructive ability that he displayed. Three valuable measures—the Merchant Shipping Act, the Patents Act, and the Port of London Act—stand as enduring monuments of his work at the Board of Trade. In addition to infusing life into a great public department, he displayed remarkable arts of parliamentary management in getting his measures through the House of Commons. Two years at the Board of Trade had won for him the unreserved confidence of the business community. It is well known, too, that his magnetic personality, his accessibility to new ideas, and his freedom from bondage to formulas greatly impressed the statesmen from the British Dominions who participated in the Imperial Conference of 1907. In the autumn of that year he won the gratitude of the nation by averting the menace of a national railway strike. His prestige now

was second to that of no other member in the Cabinet, and on the reconstitution of the Government on the retirement of Sir Henry Campbell-Bannerman in the spring of 1908, he succeeded Mr. Asquith as Chancellor of the Exchequer.

Thus at forty-five this talented Welshman, sprung from a peasant stock, had reached the second place in the Government. Twenty years before he became Chancellor of the Exchequer, Mr. Lloyd George was a solicitor with a modest practice in a sequestered little town in North Wales. There is not an instance in our political history of a rise from obscurity to eminence so swift and dramatic. Pitt had attained a greater position at a still earlier age, but Pitt was the son of a Prime Minister, and had been reared in the atmosphere of great affairs. Disraeli's rise was romantic, but, though he had won dazzling success in literature before he was thirty, he arrived slowly in politics. The complete conquest of the British aristocracy by that Israelite of genius was an achievement the wonder of which will never fade. But neither Pitt nor Disraeli started with the odds so heavily against him as did David Lloyd George, who was reared in a cottage home where the pinch of poverty was sometimes felt, and who received his whole education at the Church of England elementary school in a remote Welsh village. The son of a schoolmaster who died when the future Chancellor of the Exchequer was a child, Mr. Lloyd George with his brother and sister were reared by a bachelor uncle, a man with a Puritan outlook on life, who is a shoemaker on weekdays and a preacher for the Welsh Baptists on Sunday—he has preached for half a century without fee or reward. A noble old character is this Richard Lloyd, with his fine stature, strong features, and patriarchal air—a character such as George Eliot would have loved to portray. To him Mr. Lloyd George owes more than

to anyone else. Uncle and nephew toiled together through the Latin Grammar ; it was he who encouraged the bright, high-spirited boy to qualify for the legal profession ; who revealed to him the treasures of the humble, and taught him to appreciate the priceless value of simplicity in life. Such was Mr. Lloyd George's up-bringing,—not a very propitious start for a Cabinet Minister. Yet this cottage home, far away amid the Welsh mountains, with its severe plainness, its hard life, simple joys, and Puritan atmosphere was a fine school for a training in manhood. Richard Lloyd himself is an inspiring personality, a Puritan untouched by the modern spirit of scepticism and materialism, whose mind, to borrow Macaulay's words, "had derived a peculiar character from the daily contemplation of superior beings and eternal interests," and who "habitually ascribed every event to the Will of the Great Being, for whose power nothing was too vast, for whose inspection nothing was too minute." Mr. Lloyd George and this grim and pious uncle are united by the bonds of a beautiful affection. In all the preoccupations and anxieties of a busy life, the Chancellor of the Exchequer has never failed to communicate daily with the old man, usually by letter, but when the press of work forbids the writing of a letter, by telegram. On the day when Mr. Lloyd George unfolded his first Budget, a tall, gaunt, white-bearded man of venerable aspect, clad in homespun, occupied a seat in the Distinguished Strangers' Gallery. It was Richard Lloyd, of Criccieth, who had made one of his very rare journeys to London to listen to the first Budget speech of the nephew whose youthful steps he had guided, and whose boyish enthusiasms he had kindled.

A politician dowered with all the advantages of birth, education, and wealth finds it no easy task to force his way into that inner Ministerial circle whose portals have

long been jealously guarded by a governing caste. In these days, when the plebeian's toe kibes the courtier's heel, the great offices of State are not, it is true, monopolized by the aristocracy. But our governing classes are still chiefly recruited from men who, if not of aristocratic birth, have either wealth or academical distinction to reinforce the power of their natural talents. Sir Henry Campbell-Bannerman, Mr. Chamberlain, and Mr. Asquith were not of aristocratic origin, but Sir Henry had always been opulent and had assimilated the culture of two great universities; Mr. Chamberlain was a rich man before he was forty, and came into parliamentary life with the prestige of a great municipal reputation; while in Mr. Asquith was seen the fine flower of Oxford culture.

Compared with these statesmen Mr. Lloyd George was heavily handicapped. He owes nothing whatever to adventitious aids. He has risen to the seats of the mighty by the native force of his own unaided gifts. What is the explanation of his success? Is it in his oratory? No; he is an accomplished speaker with a voice of singular sweetness; but mere charm of speech, though it assisted him in making a name, could not by itself have achieved for him his reputation. Not in his oratory must we seek the secret, but in his character, so strong and simple and shrewd. He has dauntless courage, and true courage is a very rare quality in parliamentary life. He is at once fearless and sincere. Temperamentally he has kinship with the zealot, but he has one quality that zealots usually lack. He is always able to distinguish clearly between the non-essential and the essential. On non-essentials he will concede anything; though for the essential thing he will fight with fierce tenacity. Like many of his countrymen, he has great intellectual nimbleness. He has all the imaginativeness and quickness and intuitions of

the Celt. His mental processes are lightning-like in their rapidity. A magnetic personality, alive in every fibre, and a silvery voice help to explain the success of his oratory. These qualities cannot be transferred to the printed page. His speeches are better heard than read. Their distinguishing characteristic is a warm humanity. Their literary quality is not high, though now and again there are eloquent passages in which fine ideas are expressed in graceful language. If for the most part the stuff of the speeches is homespun, yet it is a homespun gleaming with golden threads. Mr. Lloyd George has the poetry and the imagination of his race. A son of the mountains, he has, too, an intense love of liberty. He has not read widely or deeply. He very seldom makes a quotation. If he does it is usually from a Welsh poet. He has not the copious vocabulary and the rush of noble ideas of a Gladstone; he cannot use the English language as did John Bright, with whom it became an instrument through which he blew divinest music. Of our modern speakers he most resembles Mr. Chamberlain. His political outlook, his ideas, and his language curiously resemble those of Mr. Chamberlain in his Radical days. Like Mr. Chamberlain, his style is simple, terse, and forcible. Mr. Chamberlain's speeches ring with a more virile note, but Mr. Lloyd George has a livelier wit, and the poetic glow that always lights up his oratory is more winning than the hard and metallic glitter of Birmingham. Concerned more about ends than about principles, he is not rigidly bound by formularies or by creeds. He is as little of a political philosopher as Mr. Chamberlain. Like him, he is proud of being a practical man. His idealism is subtly mingled with a cunning practicality. Inborn tact and much experience of the world have made him adept in the art of managing men. In private life he is a man of winning qualities, with a charm of manner to whose magical spell his

political opponents are not irresponsible. His nature is large and spacious, entirely free from bitterness and pettiness.

Mr. Lloyd George is a democrat from the crown of his head to the soles of his feet. There has never been a Cabinet Minister more sympathetic to the needs and claims of those whom Carlyle called "the dim millions." His sympathies flow out to the toilers in the field, the factory, the mine. His heart is full of compassion for the poor and needy; the vision of the wounded, worn, and broken soldiers of industry is ever before his eyes. The nation, said John Bright, lives in its cottages. Brought up in a cottage himself, Mr. Lloyd George is proud of his identity in experience, knowledge, and feeling with the mass of the people. He once said:—

"I cannot boast, like Mr. Hyndman, the Socialist, that I belong to a different class from the audience I address. I am a man of the people, bred amongst them, and it has been the greatest joy of my life to have had some part in fighting the battles of the class from whom I am proud to have sprung."

It was as a son of the people that he drew that pathetic picture of the old workman who has to "find his way to the gates of the tomb, bleeding and footsore, through the brambles and thorns of poverty." It was as a man of the people he pleaded in these words for the unemployed workman:—

"During years of prosperity the workman has helped to create these enormous resources of wealth which have accumulated in the country since the last period of depression. Hundreds of millions are added to the national wealth during the cycle of plenty. Surely a few of these millions might be spared to preserve from hunger and from torturing anxiety the workmen who have helped to make that great wealth?"

His knowledge of the simple joys and harassing anxieties

of the labouring classes is a source of strength to Mr. Lloyd George as a statesman. It has enlarged his sympathies and given simplicity and directness to his outlook. To his credit, be it said, he is quite unspoilt by his marvellous political success. He lives as simply as Cabinet Minister as he did as an obscure Welsh member.

Society and "the City" still exert powerful influences in the political world. Mr. Lloyd George is wholly unaffected by them. He does not care for Society, or for Society's opinion; he is utterly indifferent to the City. Even Mr. Gladstone, who feared no man, stood in awe of the mandarins of high finance in the City of London. He was afraid to appoint Mr. Chamberlain Chancellor of the Exchequer in 1885, because he thought the City would take umbrage at the appointment, Mr. Chamberlain's unauthorized programme having aroused the anger of many vested interests. But the attacks of financiers, brewers, and landowners leave Mr. Lloyd George smiling and unperturbed. In spite of foolish detraction he is no enemy of Capital. Labour and Capital, he holds, have reciprocal obligations. He is not a mere visionary. His passion of pity is harnessed to strong common sense. He is no believer in a class war. He has always advocated a progressive Liberalism, and has eloquently enforced the moral to be drawn from the failure of continental Liberalism, which perished of inanition because it had ceased to be receptive to new ideas. Let the Liberal party do its duty and keep abreast of the new needs of the time, and we shall have nothing to fear from Socialism. "Let Liberalism proceed with its glorious work of building up the temple of liberty in this country, but let it also bear in mind that the worshippers at that shrine have to live."

Mr. Lloyd George has himself helped to enlarge the boundaries of Liberalism. No man has done more to fire the Liberal party with zeal for social reform.

Such was the man who, in 1908, was called to be custodian of the national finances. He had given no sign of special aptitude for finance, and had not displayed any particular interest in economics. But he was very receptive, he had genius, he had courage.

CHAPTER XIV

BATTLE OF THE BUDGET

SELDOM has a new Chancellor of Exchequer found confronting him so formidable a task as that which faced Mr. Lloyd George in the spring of 1909. A gaping deficit yawned before him, the bridging of which would have imposed a severe strain on the resourcefulness of a practised financier. The main causes of the deficit were old-age pensions and a large increase in the Navy Estimates. Old-age pensions had been originally estimated to cost £6,500,000 for the first year. This estimate was largely exceeded. Under the Act of 1908 pensions became payable as from 1 January, 1909. As the financial year runs from April to April, Mr. Lloyd George had thus three months' actual experience to guide him as to the provision that would be necessary for the full year. Instead of £6,500,000, he found he would have to raise for pensions £8,000,000—a great excess over the original estimate, due chiefly to the unexpectedly large number of pensioners in Ireland, where the statisticians had omitted to allow for the fact that whereas Ireland's population in 1909 was 4,000,000, they had to deal with the aged residue of what in 1840 was a population of 8,000,000. It was unfortunate that the maturing of the Bill for old-age pensions coincided with a huge increase in the Navy Estimates, viz. £3,000,000. Here in these two extra items was a new burden of £11,000,000. The loss of revenue on the sugar duty swelled the deficit. Mr. Asquith in his last Budget had reduced the tax on

imported sugar from 4s. 2d. to 1s. 10d. per cwt. Only one quarter of the previous financial year had been affected by the reduction in the sugar duty, but now for the full year 1909-10 Mr. Lloyd George found that the reduced sugar duty meant an addition of £3,250,000 to his deficit. Altogether he had to find £15,762,000 of new revenue, in order to balance the year's accounts. In the winter of 1908-9 Mr. Lloyd George gave anxious attention to the preparation of the Budget. He determined to seize the occasion for a bold advance. The very magnitude of the deficit inspired him with daring. By firmly grasping the nettle Danger he plucked the flower Safety. On April 29, 1909, before a crowded House of Commons roused to the highest pitch of expectancy, the Chancellor of the Exchequer unfolded his Budget. Its bold sweep astonished the audience, but astonishment quickly gave way to admiration. Free Traders were enthusiastic over a Budget which raised a huge revenue without transgressing a single canon of Free Trade finance, which imposed not a single farthing of new taxation on the necessaries of life, and which laid no burden on industry. Radicals who had grown grey in the public service rejoiced to see old Radical ideas about taxation of land figuring in a Budget. Temperance reformers, still cherishing in their hearts resentment against the House of Lords for the rejection of the Licensing Bill, were delighted by the scheme of high license duties. "To adapt the burden to the broadest back"; "to tax luxuries, not necessaries"—these were the principles that guided Mr. Lloyd George in framing his Budget. The working classes must pay their share to the national needs, but their contribution would come not through a tax on food, but through taxes on beer, spirits, and tobacco. Wealth and the monopolies of land and liquor must pay in direct taxation. The Chancellor found his new sources of revenue in (1) an increase of 2d., that is from 1s. to 1s. 2d., in the £ on the general rate of

income tax, but the rates on earned incomes up to £2000 to remain at 9d., and between £2000 and £3000 at 1s. ; (2) a super-tax of 6d. in the £ on incomes above £5000 a year, the super-tax only to be payable on the amount by which the income exceeds £3000 ; (3) increases in the death duties ; estates above £1,000,000 to pay 15 per cent ; (4) the duty on tobacco to be raised from 3s. to 3s. 8d. per lb. ; (5) an additional duty of 3s. 9d. per gallon on spirits ; (6) tax on motor-cars, and 3d. per gallon on petrol or motor-spirit ; (7) instead of the old registration duty on brewers, a tax of 3d. per barrel on beer brewed ; (8) a new system of high license duties on public-houses, working out at about one-half the annual value of the licensed premises ; (9) new land taxes.

The most novel features of the Budget were the land taxes, and these soon became the centre of controversy. Any one who takes the trouble to read the speeches in which, during the years 1883-4-5, Mr. Chamberlain, then the rising hope of Liberalism, expounded his "unauthorized programme," will be impressed by the emphasis which is laid in them on the necessity of taxing "unearned increment." The urbanization of England and Wales in the past sixty years has enriched beyond the dreams of avarice many owners of land in industrial districts. Unlike the rural landowners, who realize that property has its duties as well as its rights, the urban landowners seldom recognized their obligations to the busy communities which created their wealth. This was the class Mr. Chamberlain had in mind when he inveighed against those "who toil not, neither do they spin." Mr. Lloyd George shared Mr. Chamberlain's views on this subject, and also agreed with him that property owed a "ransom" to society. To the delight of Radicals he now translated some of the ideas of the "unauthorized programme" into the sphere of taxation. The taxes imposed by the Budget on the owners of land were :—

(1) Increment Value Duty.—A tax of 20 per cent on all future increments in the value of land which are not due to the enterprise or the expenditure of the owner.

(2) Reversion Duty.—A tax of 10 per cent on the value accruing to a lessor on the determination of a lease.

(3) Undeveloped Land Duty.—A tax of $\frac{1}{2}$ d. in the £ on the capital value of undeveloped land, that is, land suitable for building, but which has not yet been built upon; the intention of the tax being to force building-land into the market, and to deter owners from withholding it in order to enhance its price.

(4) Mineral Rights Duty.—A tax of 1s. in the £ on royalties and wayleaves.

A chorus of approval welcomed the proposed increment duty and the reversion duty. From the economic point of view objections were raised to (3) and (4). It was argued that the increment duty rendered the tax on undeveloped land unnecessary, since if land is deliberately withheld from the market for the purpose of forcing up its price, its owner will have to pay additional increment duty in respect of its enhanced value. It was urged, too, that an owner of land may be eager to sell or lease, and yet fail to find a purchaser or lessee. His land may therefore be simply a source of annual loss to him. Was it right to tax a man on a loss? With regard to (4) it was contended that this was virtually a new income tax on royalty owners, that is, on one species of property. The voice of criticism on these points was drowned in the loud chorus of popular approbation. It was the increment duty and the reversion duty that attracted most attention, and these had the sanction of every reputable authority on taxation and economics. They were both taxes on wind-falls. For the increment duty Mr. Lloyd George could invoke the high authority of John Stuart Mill. In Mill's *Principles of Political Economy* will be found the following passage :—

“ Suppose that there is a kind of income which constantly tends to increase, without any exertion or sacrifice on the part of the owners ; those owners constituting a class in the community whom the natural course of things progressively enriches, consistently with complete passiveness on their own part. In such a case it would be no violation of the principles on which private property is grounded, if the State should appropriate this increase of wealth, or part of it, as it arises. This would not properly be taking anything from anybody ; it would merely be applying an accession of wealth, created by circumstances, to the benefit of society, instead of allowing it to become an unearned appendage to the riches of a particular class.

“ Now this is actually the case with rent. The ordinary progress of a society which increases in wealth is at all times tending to augment the incomes of landlords ; to give them both a greater amount and a greater proportion of the wealth of the community, independently of any trouble or outlay incurred by themselves. They grow richer, as it were in their sleep, without working, risking, or economizing. What claim have they, on the general principle of social justice, to this accession of riches ? In what would they have been wronged if society had, from the beginning, reserved the right of taxing the spontaneous increase of rent, to the highest amount required by financial exigencies ? I admit that it would be unjust to come upon each individual estate, and lay hold of the increase which might be found to have taken place in its rental ; because there would be no means of distinguishing, in individual cases, between an increase owing solely to the general circumstances of society, and one which was the effect of skill and expenditure on the part of the proprietor. The only admissible mode of proceeding would be by a general measure. *The first step should be a valuation of all the land in the country.* The present value of all land should be exempt from the tax.

But after an interval had elapsed, during which society had increased in population and capital, a rough estimate might be made of the spontaneous increase which had accrued to rent since the valuation was made."

The courage shown by Mr. Lloyd George in including these new land taxes in his Budget was the more laudable for the reason that they could not possibly assist him in meeting the deficit. From their very nature these taxes could not bring much grist to the Treasury mill in the early years of their imposition. A condition-precedent was a valuation of all the land in the United Kingdom, and the compilation of this new Domesday Book was a gigantic operation that could not be completed for years. In years to come the new land taxes would bring in a rich revenue, but at the outset their contribution to the Treasury must necessarily be negligible. The Chancellor of the Exchequer was entitled to credit for looking in his first Budget beyond the needs of the moment and his own immediate necessities. He carried the land taxes in the face of bitter opposition, though he knew full well that it was not his own Budgets that would benefit from them.

The landowning classes and the licensing trade joined in outcry against the Budget proposals, and the clamour was loud and deep. In the House the Conservative Opposition fought them tenaciously but not fiercely. Mr. Austen Chamberlain, son of the author of the doctrine of "ransom," was the ablest critic of the Budget. Two other Conservatives, Mr. Pretymann on the land taxes, and Mr., now Sir George, Younger on the liquor and licensing duties, won their spurs in this long battle. The Chancellor of the Exchequer showed patience, courtesy, and adroitness in conducting his voluminous Budget through the House.

Meanwhile, the anti-Budget agitation outside had continued without pause or check. The possessing classes, conspicuous among them the Dukes, carried their woes

into the public places, and shouted their lamentations and maledictions from the house-tops. So vehement was the outcry of the rich against the new taxation that at last it produced a recoil. Ordinary men became impatient of the selfishness that lay behind most of these protests that were being raised by the richest members of the community. A change in public feeling soon made itself evident. A Budget League, superbly organized by Sir Henry Norman, helped to focus public opinion in favour of the Budget, and Mr. Lloyd George used his unique powers of popular appeal in a speech to an East End audience at Limehouse on 30 July. He made great play in this speech with the opposition to taxation of those rich classes who had been clamouring for heavy expenditure on the Navy. Here is a quotation from the Limehouse speech :—

“ They are now protesting against paying their fair share of the taxation of the land, and they are doing so by saying, ‘ You are burdening the community ; you are putting burdens on the people which they cannot bear.’ Ah ! they are not thinking of themselves. Noble souls ! It is not the great dukes they are feeling for, it is the market gardener, it is the builder, and it was, until recently, the smallholder. . . . Why should I put burdens on the people ? I am one of the children of the people ; I was brought up amongst them. I know their trials, and God forbid that I should add one grain of trouble to the anxiety which they bear with such patience and fortitude. When the Prime Minister did me the honour of inviting me to take charge of the National Exchequer, at a time of great difficulty, I made up my mind in framing the Budget which was in front of me, that at any rate no cupboard should be bared, no lot would be harder to bear. By that test I challenge them to judge the Budget.”

In the Limehouse speech the Chancellor of the Exchequer denounced as “ blackmail ” the system of fines and exactions imposed by urban landlords on lessees

desiring to renew a lease. This denunciation added fuel to the already blazing fire of anger which the Budget had kindled among the landowning classes. Mr. Lloyd George was denounced in every mood and tense. As against the fierce denunciation of the Budget by the vested interests, the Chancellor could point with satisfaction to the support which it was winning among the masses, and with pride to the emphatic verdict of approval pronounced upon it by our greatest living political economist, Professor Marshall, who described it as "a Budget of social welfare." It soon became evident that the agitation against the Budget had overreached itself by its very vehemence. On 4 August *The Times* referred to the change in the popular mood. "The Government," it said, "feel themselves to be in a stronger position to-day than two months ago," and it noted a decided alteration in the political atmosphere, "that curious sense of change which may be felt by those sensitive to impressions, a change comparable only to the turn of the tide upon an estuary, when the moored boat swings slowly round." The tide had indeed turned, and *The Times* on the following day came out with a dignified protest against the action of those persons who go about proclaiming that "they will reduce their expenditure on wages or their charities, to get even with the Government." None the less, the agitation against the Budget continued, though it was now counteracted by a strong popular movement in its favour.

Late in the summer it was rumoured that the House of Lords, very sensitive to the fears of the landed interests and the pull of the liquor trade, meant to reject the Finance Bill in which the Budget proposals were embodied. At first, responsible politicians could hardly credit that the peers would be guilty of so reckless an irruption into the domain of finance. But the rumour grew, and it derived support from a statement that Mr. Chamberlain, the old enemy of the House of Lords, was

strongly in favour of the Lords rejecting the Budget, so as to force a dissolution and give Tariff Reform a chance at the polls. Owing to a breakdown in health early in 1907, Mr. Chamberlain had withdrawn for a couple of years from active participation in political life, but from his sick-room he followed the progress of political events with undiminished zest. To him, in his Birmingham retreat, his Tariff Reform lieutenants often repaired for counsel, and from Highbury they often returned with renewed zeal. Mr. Chamberlain's interests were now all concentrated on one political end. That was the success of the Tariff Reform policy on which he had staked his political fortunes in the last stage of his very diversified career. At a Unionist meeting in Birmingham addressed by Mr. Balfour, on 22 September, a letter was read from Mr. Chamberlain, in which the veteran political warrior said, with characteristic bluntness: "I hope the House of Lords will see their way to force an election." The desire of the Tariff Reformers for the rejection of the Budget was quite natural. They had been proclaiming in season and out of season that Free Trade finance was played out, and that the simple needs of revenue must compel resort to the taxation of imports. Mr. Lloyd George, in his first Budget, had confuted these prophets by showing that it was possible to raise a vast additional revenue without inflicting any burden on industry, or imposing any tax on the necessaries of life. In their chagrin at this revelation, the Tariff Reformers were eager to wreck a Budget whose passage, they feared, would give Protection the *coup de grâce*. Probably neither Mr. Balfour nor Lord Lansdowne was at the outset favourable to the rejection of the Finance Bill. They were supposed to share the sentiments expressed by the late Lord Salisbury, when he said, in 1894, that "Budgets come, and Budgets go." But the fact that both Mr. Balfour and Lord Lansdowne were Laodicean on the

subject of Tariff Reform, weakened their influence with their party, which was now thoroughly Protectionist in spirit. When therefore Mr. Chamberlain issued his instructions Tariff Reformers were enheartened, and the waverers were overborne. Land, liquor, Tariff Reform—a formidable triplication of interests—represented powerful forces in the Tory party, and their combined pressure proved irresistible. The Lords, too, were encouraged by reports from the Conservative organizers that, if a General Election were precipitated, it would end either in a Conservative victory, or in leaving the Liberals dependent on the Irish party. In either event the Lords stood to gain, as the Liberals could not possibly repeat their amazing triumph of 1906. Some diminution in their majority was inevitable. Miracles don't recur, and the election of 1906 was in the nature of a miracle.

In the meantime the Budget was moving gallantly forward through its stages in the House of Commons, Mr. Lloyd George, firm and conciliatory, guiding it through committee with consummate skill. Throughout the long fight in the Commons, the Government supporters showed a splendid spirit of devotion. In the final division on the motion for third reading, which took place on 4 November, the majority reached the highly satisfactory figure of 230, despite the abstention of the Irish members, the figures being :—

For the Budget	.	.	.	379
Against „	.	.	.	149
				—
Government majority	.	.	.	230

During the long battle important concessions had been made by the Chancellor of the Exchequer. The most important of these was the entire exemption of agricultural land from the new land taxes. Valuable concessions had also been made to the licensing trade,

especially in Ireland, where the prevalence of the mixed business—the sale of intoxicants being often a side line in a general store—established a case for differential treatment. These concessions, however, did not touch the whisky tax, and it was the fear of the effect of this tax on Irish opinion that was responsible for the decision of the Nationalists to abstain from the division on the third reading.

The last day's debate on the third reading of the Finance Bill was enriched by several speeches of high quality. Mr. Balfour, as always, was easily first on his own side, with Mr. Austen Chamberlain, who had added greatly to his reputation during the Budget battle, a good second. On the other side Mr. Asquith was massive, trenchant, convincing; Mr. Lloyd George dashing and sweet-tempered. But these speeches, great as they were, did not eclipse the triumph won on the preceding night by Mr. Ure, Lord Advocate, who brilliantly vindicated his personal honour, and severely castigated Mr. Balfour who had assailed it. Mr. Ure's speech with its scorn of scorn and its burning and passionate sentences was an oratorical effort that profoundly stirred and touched the House of Commons, and will live in the memory of all who heard it. Three other speeches which stand out in the debate were those of Mr. McKenna, Mr. Harold Cox, and Mr. Snowden, the last a little gem of eloquence, shining with sympathy for the poor.

Rising to make his final speech in the House of Commons on the Budget, Mr. Lloyd George was greeted by an encouraging cheer. He bore no traces of fatigue after his gigantic labours through all these weary months. He came up fresh and fit and smiling for the last round in the ring. He began in gentlest accents. A claim that no Budget had ever been so carefully examined before and since its presentation to the House; a tribute to the ability and fairness with which Mr. Austen Chamberlain

had fought the Budget; some pleasantry on the changes which it had undergone, and its enlarged bulk, due to the "forcible feeding" to which it had been subjected. The numerous concessions made he described as "sops to Cerberus." "But I am told there is still considerable doubt as to whether my poor Bill will get out of Hades." (Roars of laughter.)

He passed on to a review of the causes of the increased national expenditure. The increase is to continue next year, as he made abundantly plain—for more money would be wanted for the Navy, for extending old-age pensions to aged paupers, for insurance against unemployment and invalidity, for the development fund. The deficit of £16,000,000 this year would swell to £20,000,000 next year. It was with an eye to these vast sums that Mr. Lloyd George had to frame his first Budget. What was the contribution of the Opposition to this problem? A vague suggestion of taxing the foreigner—a proposal which the Chancellor characterized as "most futile and fatuous."

He proceeded to vindicate the new taxes on licences and on land, dwelling lightly on the former and at some length on the latter, for, as he truly said, the real challenge of the Opposition was on the land taxes. First as to the tax of $\frac{1}{2}$ d. in the £ on the capital value of undeveloped land. This, he contended, was a much more moderate proposal than that embodied in Mr. Trevelyan's Land Values Bill, which was supported by many Conservatives, including four ex-Ministers. How inconsistent of Lancashire Tories like Mr. F. E. Smith and Mr. Watson Rutherford to oppose this tax, when they are committed neck-deep to the rating of vacant urban land! The increment tax was justified by an appeal to the authority of John Stuart Mill, and by telling object-lessons from the growth of Sheffield and the industrial expansion of Briton Ferry, in South Wales. Than this increment duty, "I cannot

conceive a more just tax; I cannot conceive a more shabby opposition." (Loud Liberal cheers.)

A remarkable citation followed, and the Chancellor used it with dramatic effect. He quoted from a *Conservative Campaign Guide*, issued in 1904, certain "hints to Unionist speakers." The passage quoted was a whole-hearted advocacy of the rating of vacant urban land. "No policy could be more fatuous," says this official Unionist handbook, "than to meet these aspirations (more room to live, more air and sunshine, some relief from the burden of local rates and house rent) with a blank *non possumus* or the cry of robbery." Liberal and Labour members greeted this officially inspired Conservative statement with shouts of laughter.

"It is certainly not robbery," went on the passage, "to require the owner of vacant land to make contribution to the revenues of the community—(Ministerial cheers)—on whose growth and prosperity he relies for the enhanced value." Here Mr. Lloyd George stopped in the quotation to remark: "That sounds like a passage from the Limehouse speech." (Much laughter.) The quotation proceeded to say that the effects of rating vacant urban land would be to bring revenue to the rates, to bring building land into the market on reasonable terms, to encourage building, check overcrowding, and lower rents. "They have all got the points," interjected the Chancellor. Talk of robbery! His Bill was only petty larceny in comparison with the counsel of this Unionist handbook!

Turning to Mr. Walter Long, the Chancellor invited him, as head of the Anti-Budget League, to burn his "spoliation" and "robbery" leaflets, and to circulate instead these passages from the guide, philosopher, and friend of the Unionist candidates who survived the debacle of 1906.

No quotation was ever more skilfully used. The Conservatives sat crestfallen, a strange contrast to the

exultant Liberals. Mr. Lloyd George made his points deftly and with sparkling wit. Each point was punctuated by an outburst of delighted cheering. Crash upon crash they came like so many salvos of artillery.

Mr. Balfour rose at 10.10 in a crowded House. Not a seat was vacant. He was welcomed by his followers with a resonant cheer. He complained that Liberal speakers had devoted most of their time to criticism of a hypothetical Tariff Reform Budget. Tariff Reform, he said, is not the subject. Mr. Balfour always glides swiftly over the thin ice of Tariff Reform, and he quitted the topic with obvious relief. Then he launched forth into an ingenious defence of the men of great possessions. The nominal owner often gets small enjoyment out of a large estate. The Budget may not be Socialism, but it strikes at the security of property. That is why it is supported by the Socialists. On the question of unearned increment Mr. Balfour was ingenious and casuistical. He refused to recognize any differences between unearned increment in land and in other forms of property. To seek to establish such a distinction is "perfect madness."

A mighty cheer greeted the Prime Minister when he rose at 10.55. His speech was exactly attuned to the mood of the House. When he said that the Budget would soon receive, by an overwhelming majority, the approval of the only authority in this country which has any constitutional competence to deal with or regulate our finance, there rose from the Liberal and Labour benches an outburst of passionate cheering, sustained for some moments. Mr. Asquith contrasted the real with the fictitious Budget, which does duty for the Conservatives outside. In a few perfectly chiselled sentences, he defended the equity of the increased duty on licences and the new taxes on land values. Every economist of repute had recognized the differentia which distinguish land from other forms of property. He

appealed to Mill, a great Individualist, against those opponents of the Budget who call it "socialistic" and "confiscatory."

Mr. Asquith was at the top of his form. He was alternately grave and gay. His badinage of Mr. Balfour on the subject of Tariff Reform was delightful. Sooner or later, he said, Mr. Balfour will have to show his hand, and it will be a hand that must please the Tariff Reformers. There are two ways of meeting the nation's financial needs—by the taxation of monopolies and accumulated wealth, as in this Budget, or by taking a toll on the prime necessities of life and surrounding our markets with a tariff wall.

Mr. Asquith's final passage was in the nature of a warning to the House of Lords. If to the alternative of the Budget or Tariff Reform is to be added another—which Mr. Asquith declined to believe—viz. the choice between the maintenance and the abandonment by this House of its ancient constitutional supremacy over all matters of national finance, "there is not a man who sits here who is not ready to join the issue."

This bold and defiant note was acclaimed by such a volume of applause as has seldom been heard in the House of Commons. Loud, long-sustained, and passionate, these cheers were a presage of the coming battle.

CHAPTER XV

THE LORDS AND THE BUDGET

“The Lords are not very wise, but there is sometimes profit to the people in their unwisdom.”—JOHN BRIGHT, 1869.

AS soon as it was realized that the House of Lords meant to reject the Budget, an animated controversy was conducted in the Press and on the platform as to the relative powers of the two Houses of Parliament in finance. For the Lords, it was argued that they had an incontestable right to reject even a Finance Bill; that non-user had not deprived them of their right, and that they were still entitled to use it in a grave emergency. To this it was replied that, while the House of Lords had a legal right of rejection, that right had been rendered nugatory by the act of Mr. Gladstone in 1861 in combining all the financial proposals of the year in one comprehensive Bill. That precedent had since been followed by Chancellors of the Exchequer of both political parties, and a Budget could not be rejected without plunging the national finances into confusion. On the Liberal side great use was made of the declaration by Lord Salisbury on the Harcourt Budget in 1894, namely: “This House has not the power of changing the executive government; and to reject a Finance Bill, and leave the same executive government in its place, means to create a deadlock from which there is no escape.” Many prominent Unionists publicly protested against the impolicy of rejecting a Budget, but, in the whirlwind of

prejudice and passion that had now been aroused, the peers could not hear the still small voice of reason. And so, on 16 November, Lord Lansdowne formally gave notice of the intention of the Tory peers to refuse to pass the Budget. He announced that, when the motion was made on the following Monday for the second reading of the Finance Bill, he would move the following amendment :—

“ That this House is not justified in giving its consent to this Bill until it has been submitted to the judgment of the country.”

Couched in this form, the resolution was intended to convey the idea that the Lords were not really rejecting the Budget, but only referring it for arbitrament to the people. The debate on the second reading had been fixed for 22 November. Two days before that Lord Courtney, a stern Independent and an authority on constitutional practice and law, set forth in *The Times* powerful reasons against the course on which Lord Lansdowne was inviting the House of Lords to embark. Appended is an extract from Lord Courtney's letter :—

“ The House of Commons, under the advice of the Ministers of the Crown, have framed a Bill to supply the necessary funds. The Crown asks the representatives of the people to undertake this office and thanks them for having done it. In the Bill itself the most ancient form is followed, and the Commons do ‘ freely and voluntarily ’ give and grant the supplies which the King, Lords, and Commons enact shall become compulsory. So much is common form. What is it that follows as a matter of course? The unbroken usage has been for the House of Lords to read the Bill thus sent up to it a second time, and, suspending its Standing Orders, to pass it through all its stages in the same sitting. We need not cite textbooks or rehearse what this or that Minister of State, Liberal or Conservative,

has said to enhance the significance of this settled procedure. The House of Lords did once, nearly fifty years ago, reject a Bill repealing an existing tax. It has never proposed, it never could propose, a new tax. It has never amended, it has never tried to amend, a Finance Bill. Although its sanction is required to give enacting force to the grants of the Commons, the Commons, and the Commons alone, offer these grants, and if any instance can be cited of hesitation on the part of the Lords to concur in these grants it is so far behind the settled parliamentary life of the nation as to possess no more than an antiquarian interest.

“The Lords may never have abandoned a tittle of their power, but their practice has fallen in with the utmost claim of the Commons to exclusive adjustment of taxation. The doctrine of the authority of the Commons over finance has been inwoven with our political principles so as to become what we describe as constitutional. It finds no express definition in the Statute Book; it finds habitual recognition in practice. A hundred familiar phrases embody it, and will spring to the lips at the suggestion of any attack on the power of the Commons over the purse. This it is which prevents, were it otherwise possible, any appeal to the nation on the character of a Budget. Its merits or demerits will be lost in the larger question of the power of the Lords to interfere. I do not dwell on the fundamental principle to which appeal will be made in this great controversy, but I may point to subsidiary yet important reasons why, in the absence of transcendent disturbing causes, the management of the taxes of the country by the Commons through Ministers whom they support is properly exclusive. From the nature of the case it must within the limits of an annual service be prompt, clear, and decisive. Taxes are raised under resolutions as soon as they are passed, and all financiers

agree that this must be so, though full legal authority is wanting and may sometimes never be acquired. So the annual service of supplies cannot be bandied about between branches of the Legislature and suspended by appeals to the country. The King's Government has to be carried on, and what the King's Ministers ask and the Commons grant for the service of the nation must be endured until in due course a new House of Commons and new Ministers may appear."

Lord Courtney was not the only Unionist who viewed with grave misgiving the Lansdowne policy. But the extremists, spurred on by the Tariff Reformers, had their way.

There was a great muster of peers on 22 November for the debate on the second reading. In normal times the sittings of the House of Lords are very sparsely attended; in fact, it may be said that the ordinary work of the Second Chamber is performed by less than fifty peers. A group of elderly gentlemen meeting together for half an hour or so, and speaking in low subdued tones—such was the normal aspect of a normal sitting of the House of Lords. As has been caustically said, "the cure for admiration of the House of Lords is to go and look at it at work."

But since the Liberal victory of 1906 the nation had grown accustomed to seeing noble Lords from time to time flocking to town in their hundreds in order to vote down Liberal Bills. This recurring spectacle had provoked mordant comment from Liberal speakers. Mr. Lloyd George applied the expression "backwoodsmen" to these peers who emerged ever and anon from their rural solitudes for the purpose of resisting the progress of Liberal legislation. The expression took the popular fancy and passed into political currency. In November, 1909, the "backwoodsmen" came to town in large numbers, some of them redolent of the countryside,

bucolic in aspect, many of them wearing the early Victorian stock, and in their antique dress and old-fashioned manners recalling a bygone generation. The splendid apartment in which the Lords meet for debate was crowded in every part when Lord Lansdowne rose to move his amendment for the rejection of the Budget. He defended the policy which he was inviting the Lords to adopt in an adroit speech. He enlarged upon the danger of an unchecked House of Commons, and argued that his notion was simply asking the people to pronounce upon a Budget of a novel and an unprecedented character. He made it a ground of objection to the Budget that it included a scheme for Land Valuation, which was not germane to the finance of the year. As to the serious financial consequences which would follow from the rejection of the Budget, he dismissed them with an airy nonchalance. "We have considered them, and we are ready to face them. We prefer temporary dislocation, temporary chaos, if you choose to call it so, to the permanent dislocation and permanent chaos which I honestly believe would arise out of the passage of this Bill." As for the consequences to the House of Lords: "You have threatened us before. There was the egregious scheme of the late Prime Minister." Whatever happened, a struggle between the House of Lords and the House of Commons was bound to come. "I would venture," said Lord Lansdowne, "to ask those noble Lords who may doubt whether we are wise in facing it now, shall we stand better or shall we stand worse when the struggle comes, if we shirk our responsibilities now?"

The Lord Chancellor made a powerful reply to the speech of the Leader of the Opposition. His statement of the law and custom of the Constitution was terse and telling. The Crown limited in authority, and its powers tempered by Ministerial responsibility; the

Commons with the supreme control of the purse ; the Lords with the supreme jurisdiction in the administration of justice, and a full share in all legislation save finance—“ such is the ancient and famous balance of powers in our Constitution, the envy of other nations, which your Lordships are now being invited to overthrow.” A deep impression was created by Lord Loreburn’s statement that no Liberal Government will ever again bear the burden of office unless it is secured from the treatment meted out to the measures of the Campbell-Bannerman and Asquith Governments in the past four years by the House of Lords. “ If,” he said, “ we fail in the coming fight, it will only be the beginning of a conflict that can end only in one way. If we succeed, I hope we shall not flinch from what we have to follow. We have not provoked this conflict ”—(loud cries of “ Oh ! Oh ! ” from the Tory peers)—“ we have not provoked this conflict, but we are not afraid of it. My Lords, the action you are about to take is unprecedented, subversive of the traditions of Parliament, impossible in practice. Lawful it may be, but constitutional, emphatically no ! ”

Never had Lord Loreburn spoken with greater earnestness. His voice rang through the chamber like a silver bell.

The debate was continued for six days, and was maintained throughout on a high plane. Two Unionist peers, Lord Balfour of Burleigh and Lord James of Hereford, dissociated themselves from their party. Lord James was the depositary of the political views of the late Duke of Devonshire, and his wise counsel had been a valuable help to the Unionist party for a quarter of a century. He was now eighty-one years of age, and spoke with all the authority of his long experience and high character. He declared that the conclusive balance of authority was against the competence of the action which the House of Lords was about to take. Another

Unionist peer renowned for fairness and moderation of view, Lord Balfour of Burleigh, earnestly dissuaded the peers from the course which was being urged upon them. "The abstract right," he said, "of the House of Lords to reject a Budget I don't deny, but usage, precedent, national convenience are arrayed against its exercise. My Lords, if you win, it will be a fleeting triumph; if you lose, the position and the power of this House will be grievously impaired." One who heard it described Lord Balfour's speech as "an able, manful, nobly sincere utterance, delivered without the least touch of bitterness." At its close gloom hung like a pall over the Tory benches. The views of Lord Balfour and Lord James were known to be shared by Lord St. Aldwyn, the only Conservative ex-Chancellor of the Exchequer in the House of Lords. Lord St. Aldwyn had not concealed his opinion that the rejection of the Budget by the House of Lords would be unwise, but rather than speak openly against his party in the House of Lords, he absented himself from the debates. A distinguished Liberal Unionist, Lord Cromer, the regenerator of Egypt, ranged himself against Lord Lansdowne, as did also a young Conservative peer of promise, the Earl of Lytton.

The newly appointed Archbishop of York, Dr. Lang, made a highly successful first speech in the debate. Speaking with measured deliberation and in grave, earnest tones, he besought their Lordships not to reject the Budget. "Never before," he said, "has this House rejected a Finance Bill sent up by an overwhelming majority in the other House. Never before has it refused supply to the King's Government."

Far and away the most eloquent speech of the debate came from Lord Rosebery. No man had denounced the Budget more vehemently than Lord Rosebery did in a speech which he delivered at Glasgow in September. Averse as he was from the Budget, he begged the Lords

not to reject it, not because of constitutional reasons, but for fear of the consequences that might ensue. The existence of a Second Chamber was at stake. Rather than place that in jeopardy he would pass the Budget, convinced that its operation would work disenchantment. "The Budget in operation," said Lord Rosebery, "would give you a victory which would surprise you. An anti-Socialistic Government would then be called into being, which would put the national finances on a sound basis, and by reforming the constitution of the House of Lords, make it less vulnerable to attack."

The speech was a remarkable oratorical performance. To listen to it was a sheer delight. Lord Rosebery played on the feelings of his audience like a skilled player on a stringed instrument. Now his voice, so rich and flexible, sank to a sepulchral whisper as he spoke of the "awful gravity of the situation, by far the gravest that has occurred in my lifetime." Now it fell upon the ear like the solemn tones of a warning bell sounding over angry waters. Then, with swift alternation of mood, the tension of the audience would be relieved by laughter at an amusing quip or an ironic shaft. Again the voice would rise, loud, clear, menacing, ringing in full diapason through the Chamber. All this to the accompaniment of free and ample gestures, arms now outstretched, eyes flashing, figure extended to a heroic attitude, then in graceful ease negligently resting against the table, or standing stiffly with hands clasping the lapels of the coat, or fist meeting palm in violent impact.

Only a step separates the sublime from the ridiculous. Lord Rosebery took this step when he suggested with all seeming gravity to the Lords who thronged the Opposition benches that they should not all vote in favour of Lord Lansdowne's amendment. His suggestion was that the host of obscure undistinguished peers—the "backwoodsmen," as they were known—should

abstain from voting, leaving the amendment to be carried by, so to speak, the élite of the assembly, say 150 peers, who, carefully selected, Lord Rosebery thought would match any corresponding 150 that could be chosen from the House of Commons. His idea was that the popular resentment against the House of Lords for flinging out the Budget would be minimized if it were seen that the supporters of the Lansdowne amendment included only the *crème de la crème* of the hereditary assembly. Such a suggestion on such an occasion and at such a time was really grotesque. It amazed the House, and produced a buzz of conversation that checked for a moment the progress of the speech.

Lord Rosebery's speech was marred by the vein of exaggeration running through it. Nothing was in measure. The Budget "threatens to sap the sources of national wealth." It has the "unpleasant aspect of being both crude and vindictive." "Never has such a mass of raw material been dumped down at any one time in any one Bill." "It has done incalculable mischief"—not even the Pretorian guard of the Government can deny that. Since its introduction this country is no longer "the strong-box and the safe of Europe," where every man who desired security placed his savings. European capitalists and investors have withdrawn their millions. Millions more of our home wealth are fleeing the country. "Ships going westward are carrying bonds and stock certificates as ballast." There is no confidence anywhere. "Every avenue of commercial enterprise is locked up." Over the whole country there is spreading a great pervading fog or miasma—the disease of want of confidence and want of credit. There was much more to the same purpose, all in the same vein, wild and whirling words.

One sincere moment of emotion affected the audience. Not for the first time Lord Rosebery gave expression

to the fear ever haunting him, that, owing to the lust for armaments, Europe is marching to an inevitable catastrophe. He spoke of the pressure of great armaments which are eating out the heart of civilization—"owing to the insane competition in armaments Europe is hurrying headlong to bankruptcy." The disaster may not come in Lord Rosebery's life, but in his judgment come it surely will.

Lord Rosebery said he was a convert to the referendum. Without the machinery of the referendum we could never arrive at an adjustment of the differences between the two Houses. A referendum is an appeal to the nation on a single issue. "You cannot get a single issue in a general election. Whatever the merits of general elections may be, they are not conducted in the Palace of Truth." Their Lordships should remember that there is "a considerable body of public opinion extremely hostile to this House." Its hereditary constitution lent itself to unjust satire and criticism. "If you had reformed this House you would be able to bear the strain that is now to be placed on its vitality." Lord Rosebery feared the peers had not chosen the best battlefield in which to risk the attributes, perhaps the existence, of the House of Lords. He distrusts the "new type of statesmen." They belong, he said, to a school of opinion eminently revolutionary in essence, if not in fact. Never were the functions of the House of Lords more necessary than in these days of hurried legislation. The methods of to-day are not the wise methods of Mr. Gladstone!

Lord Rosebery was followed by Lord St. Davids, a newly created peer, holding an influential position in the City, and who has extensive interests in Argentina. His indomitable cheerfulness and resolute belief in the present and future of British industries and commerce came as a refreshing tonic after the dismal vaticinations of Lord Rosebery. He gave an emphatic denial to the

charge that British commercial enterprise is at a standstill. Some people, no doubt, are frightened at the Budget. What wonder when they read alarmist speeches like Lord Rosebery's ?

Lord St. Davids boldly asserted the supremacy of the Commons in finance. He told the peers to their face that by their action over the Budget they were grasping at one of the prerogatives of the Crown and striking down the chief privilege of the people. If the Lords succeeded in establishing their new claim, the House of Commons need not waste its time over a Budget. It could leave that duty to the House of Lords, and then everybody will be taxed except the publican and the landlord !

Lord Milner criticized the Budget with a severity that was the greater for the restraint of his language. As Chairman of the Board of Inland Revenue in 1894, he assisted Sir William Harcourt in the preparation of his famous Budget. Big, difficult, and complicated as that measure was, it was, he said, a model of simplicity in comparison with that of Mr. Lloyd George. The Chancellor had endeavoured to compass too much at one time. Lord Milner approved of the increment tax as sound in principle, but the tax on undeveloped land was "wholly bad." He is alarmed at the inroads which the death duties are making into the capital of the country. He did not think that serious financial consequences would follow from the loss of the Budget. This aspect of the question he dismissed very cavalierly. With enviable optimism Lord Milner thought that £13,000,000 could easily be provided by import duties without detriment to business or employment. Thus we came back on every road to the old unescapable antagonism—taxes on monopolies and the superfluities of wealth on the one hand ; or, on the other, taxes on industry and the necessaries of life.

On the Conservative side the best speeches came from Lord Lansdowne, Lord Salisbury, and Lord Curzon. Said Lord Salisbury, "The people are our masters, and your masters too" (pointing at the Government bench); "by their judgment we will abide." Lord Curzon bitterly complained of Lord Rosebery's inaction. "Lord Rosebery," he said, "does not realize the great responsibilities he assumed at Glasgow. He was not a recluse thinking aloud in his study; he was an ex-Prime Minister speaking aloud to his countrymen." Lord Morley of Blackburn, the Nestor of English Liberalism, spoke with incisive eloquence. "What," he asked, "lies beneath Lord Lansdowne's amendment?"

"(1) It arrogates to this House control of the taxing power. (2) It assumes the power of forcing a penal dissolution by refusing supplies. (3) There must be a new Parliament whenever an old Parliament displeases the House of Lords. (4) You are changing the representative supremacy into an oligarchic and non-representative supremacy. (5) You are throwing out of gear the whole financial machinery of the year."

To the cry that the Government had no mandate for the Budget, Lord Morley replied, "The Government have the duty of governing." He had always been opposed to the theory of mandate. "Election *ad hoc*, referendum, plebiscite, mandate—these are opposed to the wholesome usage of this country. Parliament cannot be fettered, finance by plebiscite is impossible. If there is one thing that cannot be wisely submitted to a plebiscite, it is a Budget."

The debate was concluded by Lord Crewe on the night of 30 November. Lord Ridley, a Tariff Reform champion, who wanted the Budget thrown out in order to "make the foreigner pay," was wittily compared by Lord Crewe to Cæsar Augustus, who issued a decree that the whole world should be taxed. The Lords did not relish

the ironical observation of Lord Crewe that they were forming themselves into a Committee of Public Safety to refuse supplies.

Then came the division, and the Budget was rejected by 350 to 75. There was thus a majority of 275 peers against a Bill that had been carried through the Commons by a majority of 230. Lord Rosebery abstained from taking part in the division, but eight Unionists voted in favour of the Government, including the venerable Viscount Peel, ex-Speaker of the House of Commons.

Many of the peers who voted in the majority must have had ringing in their ears, as the dense crowd emerged from the Opposition Lobby, Lord Morley's warning words : " The more triumphant your majority, the more huge the disparity between your numbers and ours, the more flagrant the political scandal, the more flagrant in the public eye the breach in the Constitution." The rejection of the Budget created a profound sensation. Its immediate result was to bring the life of Parliament to a close and to precipitate a general election.

CHAPTER XVI

THE LORDS *v.* CROWN AND COMMONS

THE rejection of the Budget was at once an encroachment on the rights of the Commons and on the privileges of the Crown. One of the few royal prerogatives in the exercise of which the Sovereign still retains a large personal discretion is that of decreeing a Dissolution. By rejecting the Budget and compelling an appeal to the people, the Lords arrogated to themselves a right belonging to the Sovereign. The Crown was affected in another way. Rejection of the Budget was equivalent to a withholding from the Crown of the supplies loyally voted to its service by the "faithful Commons." It was an act without precedent in our history. As far as the House of Commons was concerned the rejection of the Budget was a blow dealt right at the heart of its authority. However its nakedness might be clothed by euphemistical phrases, the Lords' action really amounted to an attempt to get the last word in taxation. Were they to succeed in this, the centre of gravity in the Constitution would inevitably shift from the representative to the non-representative Chamber. Ministries thereafter would hold office at the mercy of the peers; every recurring Liberal Budget would be liable to rejection, and a Government faced with the disagreeable necessity of raising taxation for the revenue of the year might at any moment, by the capricious decree of a non-representative assembly, be driven to face an exasperated electorate swept by a momentary gust of

passion. No one likes to be taxed, and the most flawless Budget from the national and economic point of view might excite unreasonable popular discontent. From grave responsible statesmen in the Council Chamber the last word in taxation would pass to the uninstructed and irresponsible man in the street. Few dangers to which a democratic country is exposed can equal those which reside in a regime of plebiscitary finance.

We may be sure that all these considerations were present to the mind of King Edward VII and his sagacious private counsellors. That His late Majesty viewed the action of the House of Lords with misgiving is generally accepted. Before the rejection of the Budget, while the deed, though notoriously designed, was as yet unaccomplished, King Edward commanded the presence at Balmoral of the chief Opposition peers. It is understood that they informed the King that the Lords did not mean to destroy the Budget. They only claimed the right of referring to the people a Bill introducing novel principles of taxation. The Opposition Leaders gave the King an assurance that if the general election resulted in the return of the Liberals to power the House of Lords would pass the Budget without delay.

There was a certain astuteness in the policy pursued by the Lords in the late autumn of 1909. They had broken the strongest Government that had ever held office in this country. They had driven it to face the country with an enormous deficit. They knew it was impossible that the Government could come back with its tremendous majority unimpaired. They knew that the heavy new taxation imposed in the Budget would excite strong antagonism in many quarters. They counted, too, on the discontent among the Nonconformists, redress of whose grievances the Lords had themselves prevented, but whose resentment would naturally be directed against the Government to whom they had looked for justice.

Then there was the notorious dislike of the Irish people to the Budget. In short, the omens from the Conservative standpoint were by no means unfavourable. The organizers of the Tory party were quite justified in predicting that the general election would result either in a Conservative majority or in such a diminution of the Liberal majority as would leave the Irish Nationalists masters of the situation. "We may win," thought the Lords; "we cannot possibly lose." Encouraged by this comforting reflection they plunged into the tremendous gamble.

The House of Commons met in very combative mood on Thursday, 2 December, to protest against the usurpation of which the House of Lords had been guilty. Seldom had the historic chamber been so densely crowded. Seldom had its members met in a mood of grimmer determination. An indescribable thrill of excitement was in the air. It was perceptible through all the confused murmur of voices at question time. In moments of silence it persisted like a loud heart-beat. It sang through the applause and touched it with an almost poignant emotion. The Prime Minister was greeted on his arrival with a terrific shout of welcome. It was the salutation of warriors to a trusted Leader whom they were eager to follow in the oncoming battle. Mr. Asquith promptly rose to move: "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." As the familiar and dignified figure with the strongly carved face, strangely reminiscent sometimes of Gladstone's, stood at the table, there was an outburst of loud and long-continued applause. Mr. Lloyd George entered after Mr. Asquith had been speaking for five minutes, and took his seat on the Government bench at the very moment when the Prime Minister was de-

claring that the House of Commons would be unworthy of its great traditions if it allowed another day to pass without making it clear that it does not mean to brook the gravest indignity and the most arrogant usurpation to which for more than two centuries it had been asked to submit. Approving cheers greeted this sentiment, and they were continued as a shout of welcome to the Chancellor of the Exchequer. The Prime Minister spoke with passion and eloquence. A master of the art of public speech, his oratory is adequate to every occasion. But it is not every occasion that stirs him. On this memorable day he was genuinely and deeply moved. He is in the apostolical succession of that long line of great Commoners which extends from Pym and Selden down through Walpole, Pitt, Burke, Fox, and the younger Pitt to Canning and Russell and Gladstone. To him the attack made by the House of Lords on the very source and fountain-head of the authority of the House of Commons was an act of sacrilege against the Constitution. The influence of these feelings was discernible in his speech. Some passages in it, declaimed in a voice rich and deep like the note of an organ, sent strong emotions surging through the House.

Mr. Asquith began by announcing that the Government meant to avail themselves of the borrowing powers conferred by the Appropriation Act in order to tide over the embarrassments in the national finance caused by the rejection of the Budget. The Government had decided not to continue to collect the new taxes on the strength of the financial resolutions passed by the House of Commons last May. But persons desiring voluntarily to pay might deposit with the revenue authorities the duties payable under the Finance Bill. Lord Lansdowne's offer to help the Government out of the financial chaos which the loss of the Budget would create was scornfully dismissed by the Prime Minister. It amounted, he said,

to an invitation to the Government to bring in a new Budget trimmed and pruned to suit the prejudices of the House of Lords. In burning accents Mr. Asquith repelled the suggestion of "so gross a humiliation." It would have been "treachery to the House of Commons," he said, "to give it a moment's consideration."

The Prime Minister then passed on to deal with the constitutional arguments. He asked the House to vindicate the first principles of the Constitution, and to assert its immemorial rights. Mr. Austen Chamberlain in a speech in the country had sniffed at the constitutional arguments employed by the Liberals as "mere legal pedantry." "Sir," said Mr. Asquith, "it was legal pedantry of this kind that made and saved the liberties of England." (Prolonged Ministerial cheers.) "It was pedants like Pym and Selden and Somers who rescued this House, largely through the power of the purse, from the domination of the Crown. We need not be ashamed to be called by the same name and to bear the same reproach if in the same spirit and using largely the same weapons we put an end to the usurpation of the House of Lords." This fine passage, breathing the authentic spirit of the House of Commons, evoked a storm of applause.

The Prime Minister spoke disdainfully of the "new-fangled Cæsarism," which converts the House of Lords into a plebiscitary organ; and as to the claim of the Lords to interpret the will of the people, asked if an hereditary chamber contains within itself an instinct of divination. He spoke bitterly of the unfairness of a system under which, when the Tories are in office, we have an omnipotent House of Commons, and when the Liberals are in office an omnipotent House of Lords. "We are living," he said, "under a system of false balances and loaded dice." The first principles of representative government were at stake, and the

Government asked the House of Commons, by adopting the resolution he had moved, as they would ask the country, to declare that the organ and voice of a free people are to be found in the elected representatives of the nation. Mr. Asquith announced that the Government had advised the Crown to dissolve Parliament at the earliest possible moment.

Mr. Balfour had not an easy task in following the Prime Minister, whose eloquence had stirred the pride of the House of Commons. But he is a dexterous debater, and his cool scepticism brought members swiftly down from the heights to which they had been transported by Mr. Asquith. What a fuss about nothing at all, was the burden of his speech. "You are going to try and persuade the people of this country that they are suffering from some great wrong and indignity by having their opinion asked about the Budget." According to Mr. Balfour, the Prime Minister and his party have a perfect passion for abstract resolutions. "I doubt whether they encourage anybody. I am sure that they do not frighten anybody." "I greatly regret that we should, so to speak, go down to our political graves uttering so gross a misrepresentation. I really think our last act might be more dignified than misrepresenting the whole course of the constitutional history of this country." Thus did Mr. Balfour, from the copious fount of his eloquence, pour a stream of ice-cold water on Liberal ardour.

Mr. Asquith's resolution was carried by 349 to 134; Government majority, 215. The Nationalists took no part in the division. To Liberals this aloofness of the Irish members at a critical moment in the last hours of a Parliament that had done much for Ireland was a keen disappointment.

From Parliament the fight was now transferred to the constituencies. Mr. Lloyd George struck the first blow in the campaign by a trenchant and sparkling speech

at the National Liberal Club on 3 December, in which he said of the Lords: "For all their cunning, their greed has overborne their craft and we have got them at last." Mr. Churchill made an oratorical tour in Lancashire, the delinquencies of the Lords and the virtues of Free Trade providing rich themes for his inspiring eloquence. "A new strength," he said, "has come into political life and has filled it with a reality and a sincerity which departed when Mr. Gladstone died. We have left the clouds of phrases and formulas and cut-and-dried theories, and have broken violently into the world of constructive action."

The lines of Liberal policy were laid down by the Prime Minister at an immense meeting on 10 December in the Albert Hall, London, where representative Liberals from all parts of the country had foregathered. It was in the same hall in December, 1905, that Sir Henry Campbell-Bannerman gave the memorable exposition of Liberal policy which preceded the overwhelming triumph of January, 1906. Now, four years later, the flower of Liberalism was gathered again in the hall, and again it had come to hear from a Liberal Leader a declaration of policy in anticipation of a general election. In the course of a powerful speech Mr. Asquith said:—

"We are suddenly confronted with no less than three constitutional innovations. In the first place, we have the claim of the Upper House not as an archaic legal survival, but as a living and effective right, to control the levying of taxation. In the second place, we have the claim of the same House, a body which cannot itself be dissolved, to compel a dissolution of the popular chamber. And lastly, as a consequence and a corollary of the other two, we have the assertion of its power to make or unmake the executive Government of the Crown.

"We shall demand authority from the electorate to translate ancient usage into an Act of Parliament,

and to place upon the Statute Book the recognition, explicit and complete, of the settled doctrine of our Constitution that it is beyond the province of the House of Lords to meddle in any way, to any degree or for any purpose, with our national finance.

“So far we are on the defensive. But at the same time and by the same action the House of Lords has not indeed raised but has hurried on a larger issue still. I tell you quite plainly, and I tell my fellow-countrymen outside, that neither I nor any other Liberal Minister, supported by a majority of the House of Commons, is going to submit again to the rebuffs and the humiliations of the last four years. We shall not assume office and we shall not hold office unless we can secure the safeguards which experience shows us to be necessary for the legislative utility and honour of the party of progress.

“Here again what has to be done is to be done by Act of Parliament. The time for unwritten convention has unhappily gone by. We are not proposing the abolition of the House of Lords or the setting up of a Single Chamber system, but we do ask, and we are going to ask, the electors to say that the House of Lords shall be confined to the proper functions of a Second Chamber. The absolute veto which it at present possesses must go. The powers which it claims from time to time of, in effect, compelling us to choose between a Dissolution and—so far as legislative projects are concerned—legislative sterility—that power must go also. The people in future, when they elect a new House of Commons, must be able to feel, what they cannot feel now, that they are sending to Westminster men who will have the power not merely of proposing and debating, but of making laws. The will of the people, as deliberately expressed by their elected representatives, must, within the limits of the lifetime of a single Parliament, be made effective.”

The Prime Minister's Albert Hall speech struck the key-note of the campaign.

On the Conservative side the Leaders showed no alacrity in taking the field, but all the powerful forces of reaction and the massed battalions of the interests wounded by the Budget silently drew together, and it was soon evident that Toryism would give a good account of itself at the polls. The only effective declaration on the Tory side before Christmas was Mr. Balfour's manifesto, issued on 10 December. "May there not," he asked in that document, "be occasions on which an appeal to the people on matters of finance is necessary? Is not this one of them? Does any other machinery exist for securing this appeal except that which has been set in motion by the House of Lords?" He declared that the present attack on the House of Lords was the "culmination of a long-drawn-out conspiracy." The Budget gave Ministers "the opportunity of manœuvring the House of Lords into the position of either abandoning its functions as a Second Chamber or of taking action which might give new life and hope to the Single Chamber plot."

As the campaign progressed it was evident that the urban Tories had no zest for a fight on the House of Lords, and they welcomed rapturously the diversion provided by a fantastic naval scare which was industriously worked by the less reputable organs of the Tory party. That scare cost the Liberal party over a dozen seats, including all the naval ports except Pembroke, where the Liberal atmosphere of Wales acted as a prophylactic against mephitic ideas. But even on general issues the Conservatives were not badly placed for the fight. They were able to alarm the timid by suggestions that the Government were aiming at a Single Chamber tyranny, and to cover the aggression of the Lords with the seductive plea that ~~the~~ peers were only seeking to

ascertain the will of the people. It is true the Liberals had in the phrase "Peers *v.* People" the stimulus of a popular cry. As against this the Conservatives had the prestige of a unique achievement to encourage them. They had driven out of office a powerful Government and compelled it to go to the country on a Budget imposing heavy taxation. It was fortunate for Liberalism that the Budget had behind it the support of a great volume of popular opinion. But though the new land taxes were warmly approved in the towns, they were eyed askance in the rural districts. The cry "Tax land, not food" was music in a townsman's ear. It filled the countryman with grave foreboding. Agricultural land was specifically exempted from the new taxation, but the exemption did not allay the misgivings of the agricultural interest.

Never did the territorial magnates exert themselves as they did in this election. Never did the plural voters flock in such numbers to the polls. In the event the towns stood staunchly by the Government, but when the county pollings began to pour in Liberal losses had daily to be registered, and soon there was a long list of seats captured by the Conservatives. When the election was over a broad line of geographical demarcation separated the two parties. The North of England, with its busy hives of industry, was predominantly Liberal; the South of England as decisively Tory. England's workshop was for the Government; England's garden against it. The feudal interests and the county gentlemen had won back in the counties nearly all the positions which they had lost in the great upheaval of 1906. Scotland and Wales demonstrated afresh their unalterable fidelity to the Liberal cause. Ireland remained as Nationalist as the sea is salt. The pollings were over by the end of January. In the result the Conservatives had a net gain of 105 seats, but the Government were

left with a majority of 124, including the Nationalists, the new House of Commons consisting of—

Liberals	275
Labour members	40
Nationalists	82
	<hr/>
	397
Conservatives	273
	<hr/>
Coalition Majority	124

After the battle Mr. Asquith, worn out by labour and anxieties, went to the South of France to recuperate and to meditate upon his future plans. It is no secret that several members of the Cabinet were acutely disappointed with the result of the general election. They had anticipated losses, but hoped for a majority of at least 150. One of the effects of the triumph of 1906 had been to alter the standard of electoral values. Though small in comparison with the record majority of 354 in 1906, a majority of 124 was decidedly above the average majority of British Governments since 1832. Looking at all the attendant circumstances, the victory of January, 1910, must be pronounced a remarkable one. That a Government which went to the country with a proposal to impose upon it an enormous new burden of taxation should have been confirmed in power testified to the depth and strength of feeling against the House of Lords. Ministerial disappointment at the large reduction in the Government majority was, however, keen, and this feeling influenced the action of the Cabinet in the early months of 1910, when its policy was neither bold nor clear.

CHAPTER XVII

PRINCIPALS IN THE DRAMA

IT will be convenient at this stage to describe the principal figures in the parliamentary drama which was now moving swiftly to its culmination. The Liberal party were fortunate in possessing as their Leader in the constitutional struggle a man uniquely fitted for the rôle. The hour had brought the man. In his mental and moral equipment Mr. Asquith was exactly suited to the great part he had to play. A man of intellect rather than a man of feeling, he is seldom carried away in political controversy by any ecstasy of fervour. But there are some questions which move him to the depths of his being. One of these was the conflict between Free Trade and Protection. The moral and economic issues involved in that conflict stirred his emotions and gave to his oratory a fire it often lacked. It was the same with the House of Lords question. The aggression of which the peers had been guilty deeply offended his respect for law and his reverence for the Constitution. He saw in the rejection of the Budget a blow aimed at the heart of the House of Commons, whose fame was as dear to him as life ; and in the general policy of the peers he detected a subtle attempt to undermine the majestic fabric of our free institutions. To vindicate the supremacy of the House of Commons, to preserve the hard-won liberties of England, to repel an audacious encroachment on the domain of representative government : these were the objects which he set out to achieve. The great task

had an inspiring effect upon him. A constitutional frigidity yielded under the compelling influence of a strong and generous emotion. His eloquence began to warm with feeling ; his leadership became more authoritative. He inspired his followers with devotion, and led them forth to battle with the air of a born commander.

Mr. Asquith was reared in the bracing atmosphere of Yorkshire Congregationalism, and he brought into political life the virile spirit, the love of liberty, the keen sense of justice, and the exalted ideals of public duty which have honourably distinguished the Nonconformist middle classes. The culture of Oxford enriched, and the personal influence of Jowett fortified a character naturally austere and direct. Law and practice at the Bar gave precision to his speech, but communicated to it also a *nisi prius* hardness, which only yielded with larger experience of the realities of life. For years Mr. Asquith enjoyed the repute of being a rhetorician without feeling. His native austerity and an innate shyness did not make for popularity with an assembly so human as the House of Commons. He was respected rather than loved. As Prime Minister he ripened and mellowed, but retains a certain aloofness which forbids intimacy between him and his followers. Mr. Asquith has the English reticence and reserve. Only those who, like his colleagues in the Cabinet, have been brought into close touch with him, know the true nobility of his character, the warmth of his affections, his unselfishness and freedom from vanity, his scrupulous sense of honour, the pure flame of patriotism that burns with a steady light in his heart.

Gladstone early discerned the promise of Mr. Asquith. So did Sir Henry James, afterwards Lord James, who encouraged him in his early days at the Bar. It was during the Parnell Commission that Mr. Asquith first earned national distinction. The barrister rapidly developed into the statesman. He seemed to find his native

atmosphere in the House of Commons, and his earliest speeches proved that he was a born Parliamentarian. Home Secretary in the 1892-5 Government, he breathed new life into the Home Office, developed its activities, improved the efficiency of the factory and mines inspectorate, and appointed the first women inspectors of factories. His refusal to release the dynamitards in spite of pressing appeals from the Irish members displayed the stern side of this character. "He closed the gates of mercy with a bang," was the comment of an angry Nationalist. What Mr. Asquith firmly declined to do was promptly done a year later by his more compliant successor at the Home Office, Sir Matthew White Ridley. In the schism caused by the South African War, Mr. Asquith took the Liberal Imperialist view, and was the most conspicuous figure in the group that gathered round Lord Rosebery. But he remained on terms of amity with the Liberals who opposed the war, and acted as a sort of bridge of connexion between the two wings of the party. Throughout those troublous years he maintained the friendliest relations with Sir Henry Campbell-Bannerman, and, unlike some other members of the Liberal Imperialist group, did nothing to add to Sir Henry's embarrassments as leader in a situation of the greatest difficulty. When Mr. Chamberlain started forth on his Tariff Reform crusade, Mr. Asquith threw himself with energy and determination into the defence of Free Trade. He was the most formidable and the most unwearying of all Mr. Chamberlain's opponents. When in 1903 and 1904 Mr. Chamberlain conducted his first oratorical campaign in the constituencies on behalf of his new fiscal policy, Mr. Asquith pursued him from one end of England to the other, and the masterly speeches in which he exposed the sophisms of the new Protection produced a great effect on the electorate. When the Liberals returned to power in 1905, Mr. Asquith became the right-

hand man of the Prime Minister. A warm friendship grew up between him and Sir H. Campbell-Bannerman, and it was strengthened by Mr. Asquith's unfaltering loyalty and delicate personal consideration for his chief when Sir Henry's health began to fail. In his relations with his colleagues, whether as the second or the first man in the Government, Mr. Asquith has always been the soul of honour; no Cabinet has ever had a more loyal chief. Entirely free from the vice of envy, he is ungrudging in his appreciation of the gifts and achievements of his colleagues. As Chancellor of the Exchequer he added greatly to his reputation. He was only responsible for three Budgets, but in three years he paid off over £45,000,000 of the National Debt, abolished the wasteful system of borrowing money for naval and military expenditure, which had been so lavishly practised in the "spacious days of Joseph and Arthur," laid the foundations of a national system of old-age pensions, reduced the taxation on tea and sugar, and by differentiating between earned and unearned incomes brought welcome relief to the vast majority of income-tax payers. When Sir Henry Campbell-Bannerman resigned the office of Prime Minister, Mr. Asquith stepped naturally into the vacant place. His claims were pre-eminent; never was there a succession less disputed or less disputable. One of the most notable things about Mr. Asquith's Premiership has been his success in winning the entire confidence of the advanced Liberals, who once feared that the effect of "C.-B.'s" retirement would be to weaken the Cabinet on its Radical side. That anticipation has been utterly falsified. To-day all sections of the Liberal party join in homage to the Prime Minister, and none more willingly than the Radicals.

Mr. Asquith is an effective platform orator, but his eloquence, though sonorous, often leaves a popular audience cold. He is an argumentative, not a declama-

tory speaker. He is at his best in the House of Commons. The greatest Parliamentarian since Gladstone, like Gladstone he loves the atmosphere and glories in the traditions of that great assembly. If his oratory has not Gladstone's fire and passion, neither has it Gladstone's copiousness and diffuseness. Mr. Asquith is the greatest master of concise statement that the House of Commons has ever known. No man can compress more ideas into fewer words. The style is finished, but never florid. A speech of Mr. Asquith's with its massive argument, smooth structure, and clear-cut phrasing, suggests the cold perfection of chiselled marble—a marble veined and coloured here and there by a faint flush of emotion. His oratory has gained perceptibly in richness since his accession to the Premiership. He has been fortunate in that his leadership synchronized with the dominance of a question on which he feels deeply, and on which he can speak with unmatched authority. Instinctively he is a man of cautious mind and moderate temper;—like many a man of this typically English disposition, slow to anger, but once roused, implacable. On the House of Lords question he was roused effectually. The rejection of the Budget, completing the destructive work of the peers since 1906, convinced him that there could be no peace in the commonwealth, no security for British freedom, until the House of Lords had been subdued. To bring about that subordination became now the supreme object of his political ambition. Animated and sustained by this high purpose, tenacious, inflexible, unperturbed, he led the hosts of Liberalism against the last stronghold of feudalism in much the same spirit that Cromwell led his Ironsides against the despotism of the Stuarts. The popular victory owes more to Mr. Asquith than to any other man.

The Leader of the Conservative party in the constitutional battle was not an unworthy antagonist. If Mr.

Asquith personified the efficiency, the practicality, and the intellectual vigour of the middle classes, in Mr. Balfour was seen the exquisite flower of aristocratic culture. By descent and by interest he belonged to the landowning classes, but his sympathies were intellectual, and he would be more at home in the company of philosophers than in an assembly of country gentlemen. Elegant, fastidious, and refined, his personality exhaled a fragrance that captivated even his political opponents. His gracious manners had almost a feminine softness and charm. Beneath this polished exterior and this flowing courtesy lay a will of iron and a high, proud spirit. Many a time during his political career, notably when he was Chief Secretary for Ireland, Mr. Balfour gave evidence of the possession of great courage. But on not a few occasions he showed that he could be hard and unjust. Two instances may be cited. He took as a personal affront the passionate resentment of the Nonconformists against his Education Act, and peremptorily forbade the redress of their grievances ; and the manner in which he jockeyed out of his Cabinet his Free Trade colleagues in 1903 displayed a callousness that shocked the honest soul of the late Duke of Devonshire.

For the best part of his political career Mr. Balfour was a favoured child of fortune. He ascended to eminence along a primrose path. The resignation of Lord Randolph Churchill in 1886, at the summit of his renown, removed the only man who could dispute Mr. Balfour's claim to the leadership of the Conservative party ; and when Lord Salisbury retired in July, 1902, the nephew stepped naturally into his uncle's place, and became Prime Minister with the warm approval of his party. Then commenced the least happy epoch in his career. He committed himself to reactionary courses, and the legislative achievements by which he is best remembered, the Education Act 1902 and the Licensing Act 1904,

masterly and ingenious though they are, bear on their face the mark of bias for private interest as against public right. These measures seriously affected the popularity of the Government. But it was Mr. Chamberlain's Tariff Reform propaganda that completed the undoing of Mr. Balfour. When a Radical, Mr. Chamberlain caused some embarrassment to Mr. Gladstone in the 'eighties by his "unauthorized programme." That embarrassment was as nothing compared to the difficulties in which he involved Mr. Balfour twenty years later by his second unauthorized programme. Evincing neither fidelity to Free Trade nor zeal for the new Protectionism. Mr. Balfour devoted all his energies to an attempt to preserve a semblance of unity in his distracted party. In this task he exhibited amazing ingenuity in tactics, and a dialectical skill, a power of equivocation and a subtlety in debate which were the despair alike of his friends and his foes. All these manœuvres and stratagems were in vain, and at the General Election of 1906 Mr. Balfour met his Sedan.

His cool courage as leader of a dispirited remnant in the 1906-9 Parliament extorted universal admiration. But Tory prospects did not improve under his leadership. Apart from the Church and the vested interests, which naturally shelter under the banner of Conservatism, the Tory party derived its strength from two main elements. On one side were the country gentlemen, who hated democracy, and who saw in Tariff Reform a means of relief from the growing burden of direct taxation. On the other were the urban Tories, democratic in sympathy, anti-Puritans, with a sort of jolly pagan outlook on life, to whom Tariff Reform, with its animus against the foreigner and its crude promises of work for all and higher wages, made a strong appeal. Mr. Balfour was out of harmony with both elements in his party. Emancipated from the prejudices of the territorial interest, he

had lost the capacity to be its spokesman. In debate in the House of Commons it was pathetic to watch the faces of the honest country gentlemen sitting behind him as Mr. Balfour, spreading his pinions, soared high into the empyrean. The simple squires were bewildered by their leader's speculative philosophy, and confused by his tendency to examine every political proposition in the light of broad principles. Mr. Balfour spoke in a language they comprehended not. Nor had he the bold colouring that the urban Tories loved. He was too remote for them to follow, and from the point of view of popular effect his habit of abstract reasoning ruined many of his platform utterances. In truth, he had none of the arts of popular appeal. Critical, negative, sceptical, and analytic, Mr. Balfour was an ideal exponent of true Conservatism. But mere resistance to change was not enough for Conservatism to live on in a democratic age. Mr. Disraeli perceived this, so did Lord Randolph Churchill, so did Mr. Chamberlain. Not so Mr. Balfour. Lord Randolph, who knew his man, made a characteristic comment in 1891, shortly after Mr. Balfour became Conservative leader in the House of Commons: "So Arthur Balfour is really leader, and Tory Democracy, the genuine article, is at an end!" It was a shrewd and penetrating observation. Mr. Balfour's career illustrates its truth. Mr. Balfour looked on at the Tariff Reform movement with a quizzical detachment. His knowledge of economics and his sense of proportion were offended by the crudities of the preachers of the new Protection. He did not believe that British industries were being led like lambs to the slaughter; he was sure the Empire was in no danger of falling to pieces; he smiled at the ingenuous simplicity of those among his followers who believed we could make the foreigner pay our taxes. Something was to be said in these days of heavy national expenditure, when the pinch of direct taxation was beginning to be acutely

felt, in favour of a revenue duty on imported goods ; and much for some fiscal arrangement which would give preferential treatment to the products of the British Empire. Diluted to this degree, he would accept and even advocate Tariff Reform ; only he would prefer to call it by the colourless phrase "broadening the basis of taxation." This was not the strong meat and the heady wine of the gospel according to Birmingham. Mr. Balfour's innate Conservatism and his sanity of outlook prevented his plunging with Mr. Chamberlain into Protection. All violent change was hateful to him. On the other hand, Mr. Chamberlain, who had never been a Conservative, liked bold innovations. "He has been a revolutionist at every stage of his career," said the Bishop of Hereford of Mr. Chamberlain. Torn by a divided allegiance between Hatfield and Birmingham, the Tory party fell to pieces. It is one of the ironies of politics that in this crisis the majority of the Conservatives chose to follow the ex-Radical in preference to their own natural leader.

While he disliked violent change and was sensitive to the glamour of the past, Mr. Balfour never played the part of the *laudator temporis acti*. The present, with all its defects, is in his judgment better than the past. He had unfaltering faith in the future both of his country and of the British Empire. Time after time he rebuked those who talked about our national decadence. True Conservative as he is, he shares neither the dullness nor the prejudices of the average Tory. When, during the debate on the Parliament Bill, Lord Hugh Cecil bewailed the decline and fall of the House of Commons from its high estate, Mr. Balfour threw over his dogmatic kinsman, and said with emphasis that the House of Commons now is better than he ever remembered it, and he had sat in it for over thirty years.

Nowhere did Mr. Balfour's gifts shine with such

splendour as in the House of Commons. He has the melodious voice of his race, and is able to speak on the spur of the moment on every conceivable topic. But he has a curious incapacity to deal with figures, and blunders over the simplest arithmetical problems. For sheer intellectual enjoyment there is no speaking in the House of Commons so agreeable to listen to as Mr. Balfour's. None is so bold and skilful in attack; so dexterous in defence; so suave in manner, and yet so piercing; so adroit in retiring from an untenable position in a covering cloud of words. Mr. Gladstone himself was not a greater master of every dialectical device. To opponents Mr. Balfour was elaborately courteous. He had the intellectual's delight in a clever speech, even when it was directed against himself. Three able Liberals (two of them are now in the Government), Sir John Simon, Mr. J. M. Robertson, and Mr. Arthur Sherwell, always commanded, even as private members, the respectful attention of Mr. Balfour whenever they spoke. Indeed, any member who had something definite to say, and who added to the common stock of knowledge, was always sure of a sympathetic hearer in Mr. Balfour. A more fascinating personality has never played a part in our political arena. Without distinction of party, the House of Commons was, and is, proud of Mr. Balfour.

In the House of Lords the principal figure was Lord Lansdowne, who had succeeded the Duke of Devonshire as leader of the Upper House in 1903, when, in protest against Mr. Chamberlain's fiscal policy, the Duke quitted Mr. Balfour's Cabinet. Lord Lansdowne himself had been for years a subscriber to the Cobden Club, and has never shown any ardour for Tariff Reform. He is the head of an historic Whig house, being the grandson of that enlightened man and pensive outsider, who, incapacitated by ill-health from active political work, watched, with

eager interest, the unfolding of the political drama in the second quarter of the nineteenth century, and many of whose sage reflections are recorded by Greville in his famous *Memoirs*. Lord Lansdowne commenced his political career at twenty-three in Mr. Gladstone's Government, 1868-74, first as Lord of the Treasury, and afterwards as Under-Secretary for War, with Mr. Cardwell as his chief. In Mr. Gladstone's second administration, Lord Lansdowne was Under-Secretary for India, the Marquis of Hartington at the time being head of the India Office. Like another Whig noble, the Duke of Argyll, Lord Lansdowne resigned in 1881, because he disliked Mr. Gladstone's Irish land policy. Two years later, Mr. Gladstone nominated him Governor-General of Canada. In due time he left Ottawa for Calcutta to become Viceroy of India. Both these great offices he filled with efficiency, if not with distinction. It is singular to note, as indicative of the attachment of men to party labels after they have ceased to signify for them their old meaning, that when in 1886 Lord Lansdowne, then Governor-General of Canada, was, after the Home Rule schism, offered a high post in Lord Salisbury's administration, he could not bring himself to sit in the same Cabinet as Tories. Lord Salisbury had offered him the office of Colonial Secretary. "The temptation," wrote Lord Lansdowne to Lord Hartington, "was great," but he did not wish to give up his work in Canada so soon, nor did he like the idea of sitting among the Conservative peers. In the Unionist Government of 1895 Lord Lansdowne was Secretary of State for War, and shared the odium which fell upon everybody associated with the War Office for the mismanagement of the South African War. He succeeded Lord Salisbury as Foreign Secretary in 1902, and the Duke of Devonshire as Leader of the House of Lords in 1903. Thus the Tory peers had to submit for the second time to be led by a Whig noble.

Without being a commanding personality, Lord Lansdowne is able and accomplished, animated by a pure and an elevated patriotism, with high ideals of personal conduct and public duty. He is an excellent specimen of the best type of English nobleman. There is a strong strain of French blood in his veins ; and his slender and dapper figure, the correctness of his air, the precision and lucidity of his speeches, testify to his French ancestry. He is not an illiberal-minded man, and has no instinctive sympathy with the reactionaries. Yet he is mainly responsible for having precipitated the struggle between an aristocracy, old and weak, and a democracy, new and powerful. He it is who has led the House of Lords through the blunders and disasters of the last five years. Had he followed the guidance of his own intuitions, he would have acted more prudently. But his consciousness that he was suspect on account of his Whiggism weakened his power to resist reactionary counsels. And so this able, upright, fair-minded man allowed his own views to be overborne by considerations of party expediency. But for Mr. Balfour, Lord Lansdowne would have striven for a settlement of the education problem in 1906. But for the counsels of the veiled prophet of Birmingham, he might have resisted the pressure of the interests that were demanding the rejection of the Budget in 1909. Had he played a more courageous part in respect of these two measures, the Parliament Act would not have been necessary. Never has the House of Lords been more partisan than under the leadership of Lord Lansdowne. That is a sinister distinction for a Whig nobleman. It is the measure of the failure of an estimable man when confronted with a great emergency.

Since 1906 the onerous burden of Leader of the House of Lords has fallen on Lord Crewe. Of all the hard tasks in parliamentary life there is none more trying than that of Leader of the diminutive minority of

Liberal peers. A Liberal Leader in the House of Lords, whether in or out of office, is confronted permanently by a large hostile majority, coldly critical of all he does, impervious to all he says, ready always to vote him down without compunction. He must naturally take pride in the House and in the order to which he belongs, yet he has often to take action which has the appearance of want of respect for both. Lord Crewe knew what it was to sit in the House of Lords through the long years of Tory ascendancy. When the Liberals returned to power in 1906 his situation as official Leader of the House became mortifying in the extreme. Lord Crewe had to look on in impotence while the Opposition were mutilating or destroying the Bills of his Government. It speaks much for his gifts of temper and character that he was able to sustain the difficult rôle of Leader in these circumstances in a manner that won the admiration of his followers, and compelled the respect of the embattled legions of the Opposition. Lord Crewe is a polished speaker, with a fine gift of irony, but his delivery is not good. Though his words do not flow freely in a copious stream, they are always admirably chosen. His speeches are salted with epigram, and have an agreeable literary savour. Few speakers in either House excel him in firm grip of the facts of a Bill or of the realities of a situation. Most courteous and urbane, he is withal a most formidable antagonist. A Liberal without phrase, he is not rash in counsel or headlong in action, but is always ready to advance with calm courage.

The Marquis of Crewe is the son of Richard Monckton Milnes, the first Lord Houghton, who is depicted to the life by Disraeli in *Tancred* as the charming and versatile Mr. Vavasour, "travelled, sweet-tempered, good-hearted, with catholic sympathies and an eclectic turn of mind," whose "life was a gyration of energetic curiosity; an insatiable whirl of social celebrity"; who was "every-

where and at everything," "who had gone down in a diving-bell, and had gone up in a balloon, who had dined with Louis Philippe and gave dinners to Louis Blanc."

The weakness of the Government Bench in the House of Lords threw a gigantic burden on Lord Crewe. He had himself to take charge of the chief Government Bills. This involved the necessity of getting up all sorts of subjects, superadded to the task of leading the House and conducting the business of a great department of State. The triple burden proved too much for Lord Crewe's strength, and in the spring of 1911 he had a serious breakdown in health.

Thereafter, and until the battle on the constitutional question had been brought to a close, the leadership of the House of Lords devolved upon Lord Morley of Blackburn, who, as John Morley a quarter of a century before, had, with reference to the assembly of which he is now an ornament, coined the phrase "Mend or end them." Six months earlier, on account of advancing age—he had turned seventy—Lord Morley had resigned the office of Secretary for India, after five years of heroic and signally successful work, which will leave an enduring mark on our Indian Empire. He would have withdrawn from the Cabinet also but for the earnest entreaties of his colleagues, by whom he was persuaded to take the sinecure office of Lord President of the Council. Half a year's respite from the fatiguing labours of the India Office wrought a wondrous change in Lord Morley. His strength was re-established, and his whole nature seemed to be rejuvenated. Hence, when Lord Crewe fell out of action, Lord Morley was ready to take his place both in the India Office and as Leader of the House of Lords. In each capacity he rendered admirable service to the Government. He led the House of Lords through the most stirring six months in its history with superb ability. The Nestor of Liberalism renewed his youth to

perform a last service to the cause of democracy. His rare gifts of intellect and character were seen to perfection in this historic drama on this historic stage. Never have the principles of representative Government been more powerfully vindicated than by Lord Morley during the debates on the Parliament Bill. Never had he spoken with more eloquence than in these memorable sittings. He rose to the full height of a great opportunity, and by his masterly conduct of operations in the House of Lords added new laurels to the chaplet of his fame. He was ably supported by the Lord Chancellor and Lord Haldane, the latter of whom had only recently been translated to the Upper House. Against this triumvirate, who held the bridge as Horatius and his comrades did in the brave days of old, the hosts of Toryism made their onset in vain.

Ever since 1906 the Lord Chancellor had been a tower of strength to Liberalism in the House of Lords. As Sir Robert Reid, peppery and petulant, but a staunch Liberal, he had cut no great figure in the House of Commons. But removed to the House of Lords his whole nature seemed to enlarge and expand. Among other things he became an eloquent and impressive orator. By common consent no man in the last half-century has presided over the House of Lords with more dignity, urbanity, and efficiency. The late Lord James used to say unhesitatingly that Lord Loreburn had never been excelled as Lord Chancellor. Liberals transferred to the House of Lords are often affected by the *genius loci*, and the fibre of their Liberalism is relaxed. This was not the case with Lord Loreburn. He is the same indomitable Liberal to-day that he ever was. He and Lord Morley preserve the pure Gladstonian tradition, and are unfaltering in their allegiance to the ideals of peace, humanity, liberty, and economy which Gladstone always kept before his eyes—ideals to which it is to be feared some modern Liberals

offer only a formal lip-service. The Lord Chancellor has never concealed his convictions from the House of Lords. Time after time he has boldly confronted the Tory peers with unpalatable truths. His speeches on the Education Bill, the Licensing Bill, and the Finance Bill of 1909 stand out like landmarks in the recent records of the Upper House. For all his uncompromising directness and his unflinching Radicalism, Lord Loreburn is exceedingly popular among the peers. They respect an honest opponent, and Lord Loreburn is honesty incarnate. It is mere justice to acknowledge that the peers individually are amiable, tolerant, and fair-minded men. Acting together, by some sinister influence of association, they become unamiable, intolerant, unfair. The House of Commons is said to be wiser than any one in it. Certainly the House of Lords is more unfair than any individual peer.

Lord Rosebery was a prominent figure in the controversy between Lords and Commons. For several years he had occupied a detached position, surveying the world political from the seclusion of his library, or enjoying the irresponsible freedom of the front cross-bench in the House of Lords. A man of dazzling gifts and fascinating personality, he had through some perversity of disposition succeeded in cutting himself away from the direction of affairs. None of his contemporaries could approach him in eloquence. Few of them could match his knowledge of affairs. On questions of foreign policy no one could speak with the same degree of authority since the death of Lord Salisbury. He was a keen student, too, of the problems of domestic policy. Averse from extremes, he always liked to walk in the middle way. In foreign affairs he was mildly sympathetic to the old Liberal traditions of liberty and humanity, but would not allow these generous emotions to influence the course of his policy. In home affairs he was for quiet, peaceable progress on

the lines of the mild Liberalism of 1868, dreading the influence of Labour and leaning for support on the middle classes and Nonconformity.

An Imperialist long before Mr. Chamberlain, his saving moderation prevented him from following Mr. Chamberlain in his headlong descent into Tariff Reform. Lord Rosebery was willing to make sacrifices for the sake of Imperial unity, but he was not prepared to offer up as an oblation at the shrine that system of Free Trade which had made Great Britain the bank and emporium of the world. It was the Irish question that was mainly responsible for Lord Rosebery's separation from the Liberal party. He had been Prime Minister of a Home Rule Cabinet, and had delivered powerful speeches in favour of Home Rule, but his faith in the principle of self-government for Ireland weakened as the years went by. He had always lacked sympathy with national spirit, and the very boldness of Home Rule filled his timid soul with misgiving. Nor did the argument for Home Rule from the Imperial standpoint, which had powerfully influenced great empire-builders like Sir George Grey and Cecil Rhodes, quiet his apprehensions. Caution is a good quality in a statesman, but in Lord Rosebery caution had degenerated into timidity. He grew fearful of the new democratic tendencies in our politics. His imagination was so oppressed by the vague and dire perils it conjured up that he stood still, irresolute, almost petrified, the victim of his own fears. He had become too reflective to be a man of action. A morbid sensitiveness to criticism exaggerated this defect in a fine though not a strong character. The most trivial and contemptible critic could always wound Lord Rosebery. With him, as with the famous "trimmer" Halifax, every scratch festered into a sore. From one cause and another the most eloquent and one of the most accomplished and genuinely patriotic of living men had disabled himself

for active political work. It was a national misfortune that splendid talents which ought to have been employed in the service of the State and the Empire were allowed to run to waste. We have not so many men of pre-eminent ability that we can afford to dispense with the aid in public affairs of so richly dowered a personality as Lord Rosebery.

It is a curious fact that Lord Rosebery's estrangement from Liberalism only dated from the accession to the Premiership of Mr. Asquith, his old comrade and friend of the Liberal League. While Sir Henry Campbell-Bannerman was at the head of the Government, Lord Rosebery, though detached, was not unfriendly, and gave the Government invaluable support on the Education Bill of 1906 and the Licensing Bill of 1908. With the introduction of the Old Age Pensions Bill he adopted a different attitude, and from that time onward began to criticize his old political friends with asperity. It was Mr. Lloyd George's Budget that drove the ex-Prime Minister into open hostility to his old party. In the exciting events of 1910 and 1911 Lord Rosebery was a conspicuous though not always an effectual figure. For twenty-five years he had preached to the House of Lords the necessity of a reform in its composition. His appeals all went unheeded until 1910, when, under the compulsion of fear, the Lords displayed an intense zeal for self-reform, and at Lord Rosebery's initiative resolved that the possession of a peerage should not of itself entitle a man to be a Lord of Parliament. The resolution came too late, and, in any case, it was no remedy for the present discontents. The fault of the House of Lords was not its hereditary composition, but its partisan character. In the House of Lords were many men of high principle and great ability and experience. As a whole it was an average assembly of average Englishmen. The individual peer is an upright, fair-minded

English gentleman. Yet the peers collectively acting in the House of Lords were content to be hewers of wood and drawers of water for the Tory party. That, and not the hereditary character of their House, was the cause of the popular resentment against them in their legislative capacity.

All through the long fight over the Lords' veto the country remained steadfast as a rock in support of the Government. Convinced that the House of Lords had not acted justly by the Liberal party, the nation was determined to put an end to a system that shocked its instinct of fair play.

CHAPTER XVIII

THE SHORT PARLIAMENT

THE new Parliament met for the first time on 21 February, 1910, and was opened in person by King Edward, who was accompanied by Queen Alexandra. The King's Speech, in a passage dealing with the relations between the two Houses of Parliament, contained a significant allusion to the reform of the House of Lords :—

“Recent experience has disclosed serious difficulties due to recurring differences of strong opinion between the two branches of the Legislature. Proposals will be laid before you, with all convenient speed, to define the relations between the Houses of Parliament, so as to secure the undivided authority of the House of Commons over finance and its predominance in legislation. These measures, in the opinion of my advisers, should provide that this House” (meaning the House of Lords) “should be so constituted and empowered as to exercise impartially, in regard to proposed legislation, the functions of initiation, revision, and, subject to proper safeguards, of delay.”

From this it was evident that the Government were contemplating the reform and reconstitution of the House of Lords. At the General Election very little was heard of the reform of the House of Lords; the whole fight was concentrated on the limitation of the Lords' veto. Animated by that common aim, moderate Liberals and Radicals, Labour members and Irish

Nationalists fought with perfect solidarity. The question of the reform of the Second Chamber raised an entirely different problem. On this, the widest diversity of view prevailed among the supporters of the Government. The Labour members and many of the Radicals believed in Single Chamber Government. Not a few Liberals wanted a brand-new Second Chamber on an elective basis. Other Liberals feared that an elective Second Chamber would draw to itself some of the power now possessed by the House of Commons. There were many Liberals who had no objection whatever to the hereditary principle, and who, if the peers were shorn of their power of absolute veto, would be content that the House of Lords should stand, preferring the House of Lords, with a restricted veto, to an assembly of notables chosen by popular election or nominated by the Crown. Alone among Ministers, Sir Edward Grey, the Foreign Secretary, had consistently, in his speeches during the election campaign, given prominence to the question of House of Lords' reform. But, broadly speaking, the election had been fought all along the line on the limitation of the veto of the House of Lords, and not on any proposal for changes in its composition. It was therefore with deep misgiving that the Government supporters found in the King's Speech that prominence was given to the question of reform. The disquietude caused by the King's Speech was, later in the day, intensified by a speech from the Prime Minister. It had been widely assumed in Liberal circles that Ministers would not have taken office without obtaining an assurance from the Crown that they would be empowered to carry their legislative projects into law in spite of the opposition of the House of Lords. "We shall not assume office," said Mr. Asquith in the Albert Hall in the previous December, "and we shall not hold office unless we can secure the safeguards which experience shows us to be

necessary for the legislative utility and honour of the Party of Progress." Taking this declaration *au pied de la lettre*, not a few Liberals inferred from Mr. Asquith's continuance in office after the General Election that he had obtained what were called popularly "the Royal Guarantees." These fond hopes were dashed to the ground on the first day of the Session. Supporters of the Government listened in chilly silence to the following statement by the Prime Minister in the debate on the Address :—

"I see that in some quarters, not at all unfriendly quarters, I am supposed to have intended to convey what I certainly never said, that the Liberal Ministry ought not to meet a new House of Commons unless it had secured in advance some kind of guarantee for the contingent exercise of the Royal Prerogative. I have been engaged now for a good many years in political life, and I do not think that even among gentlemen who sit opposite there is one who will deny that I am a man of my word. If I had given such a pledge as that I should not be standing at this box at this moment. I tell the House quite frankly that I have received no such guarantees, and that I have asked for no such guarantees. In my judgment it is the duty of statesmen and of responsible politicians in this country, as long as possible and as far as possible, to keep the name of the Sovereign and the prerogatives of the Crown outside the domain of party politics. If the occasion should arise, I should not hesitate to tender such advice to the Crown as in the circumstances the exigencies of the situation appear to warrant in the public interests. But to ask in advance for a blank authority for an indefinite exercise of the Royal Prerogative in regard to a measure which has never been submitted to or approved by the House of Commons is a thing which, in my judgment, no constitutional statesman can properly make, and it is a

concession which the Sovereign cannot be expected to grant."

These words fell like a cold douche on the glowing ardour of Liberal expectation. Liberal members wandered about the Lobby and the corridors exclaiming, "He hasn't got the guarantees," and lamenting that a great electoral battle had been fought and won in vain. Chagrin and disappointment were the characteristics that marked the Liberal party in these early days of the new Parliament. The absence of guarantees and the determination of the Cabinet to reform the House of Lords had reduced a victorious party to despair on the very morrow of victory. There were rumours, too, of divided counsels in the Cabinet, and Mr. Asquith's air in the House was certainly not that of a confident commander. As the days went by, thoughtful Liberals became reconciled to the absence of guarantees, feeling the force of Mr. Asquith's argument that the time for demanding them had not arrived. But now it became all the more necessary to concentrate the forces of the Cabinet and the party on the restriction of the Lords' veto, instead of dissipating energy on the baffling problem of a reform of the Second Chamber. In March Sir Edward Grey, speaking in London, declared strongly for House of Lords' reform. He warned the Liberal party that if they did not undertake the task, the Second Chamber would be reformed by their political opponents. "I say that to confine ourselves to a Single Chamber issue, and to leave the policy of reform of the Second Chamber—to leave all that ground unoccupied for the other side—would result for us, politically speaking, in disaster, death, and damnation." While there was force in this reasoning, it was not an argument for putting House of Lords' reform in the foremost place. As the session went forward, Liberals of every shade of opinion realized more and more clearly that the emergent duty of the

Government was to address themselves to the limitation of the veto.

It happened that the Nationalists held the keys of the situation. The 1909 Budget rejected by the Lords had not yet been passed into law. It had to be re-introduced into the House of Commons, and it could not go through that House without the concurrence of the Nationalist members. "No Veto, no Budget," was the policy of the Nationalist Leader. This became crystallized into a formula expressing Liberal no less than Nationalist conviction. Through these early troubled weeks of the new Parliament Mr. John Redmond played a statesmanlike rôle. Amid the shifting sands of doubt and uncertainty, he stood firm as a rock, and became the rallying point for Liberal opinion in and out of Parliament. Mr. Redmond's post-bag in these days was heavy with letters from leading Liberals in all parts of the country expressing grateful appreciation of his steadfast attitude. There can be no doubt that the Nationalist Leader was a powerful factor in modifying the tactics of the Cabinet, and in assisting the concentration of the whole Liberal army on the limitation of the Lords' veto. The cloud of depression that had weighed heavily on the spirits of the Government's supporters vanished on the discovery that the Cabinet and their followers were again in harmony.

On 29 March Mr. Asquith announced that the Government had determined to concentrate in the present session on the veto, leaving to a future year the reform of the constitution of the Second Chamber. After stating that Government resolutions dealing with the Lords' question would shortly be introduced, the Prime Minister said :—

"These resolutions will be both few and simple. They will affirm the necessity of excluding the House of Lords from the domain of finance. They will ask this

House to declare that, in the sphere of legislation, the power of veto at present possessed by the House of Lords shall be so limited in its exercise as to secure the predominance of the deliberate and considered will of this House within the lifetime of a single Parliament. Further, it will be made plain that these constitutional changes are without prejudice to, and contemplate in a subsequent year, the substitution in our Second Chamber of a democratic for an hereditary basis."

Thus, after much uncertainty and hesitation, the Cabinet abandoned the attempt to pursue simultaneously two separate lines of policy which would have meant failure for both. As soon as the decision of Ministers to concentrate on the limitation of the veto became known, a loyal and enthusiastic party at once swung into line behind them.

The veto resolutions were published at the end of March. They were in the following terms :—

Money Bills

(1) That it is expedient that the House of Lords be disabled by law from rejecting or amending a Money Bill, but that any such limitation by law shall not be taken to diminish or qualify the existing rights and privileges of the House of Commons.

For the purpose of this resolution, a Bill shall be considered a Money Bill if in the opinion of the Speaker it contains only provisions dealing with all or any of the following subjects, namely: The imposition, repeal, remission, alteration, or regulation of taxation; charges on the Consolidated Fund or the provision of money by Parliament; Supply; the appropriation, control, or regulation of public money; the raising or guarantee of any loan, or the repayment thereof; or matters incidental to those subjects or any of them.

Bills other than Money Bills

(2) That it is expedient that the powers of the House of Lords, as respects Bills other than Money Bills, be restricted

by law, so that any such Bill which has passed the House of Commons in three successive sessions and, having been sent up to the House of Lords at least one month before the end of the session, has been rejected by that House in each of those sessions, shall become law without the consent of the House of Lords, on the Royal Assent being declared; Provided that at least two years shall have elapsed between the date of the first introduction of the Bill in the House of Commons and the date on which it passes the House of Commons for the third time.

For the purpose of this resolution a Bill shall be treated as rejected by the House of Lords if it has not been passed by the House of Lords either without amendment or with such amendments only as may be agreed upon by both Houses.

Duration of Parliament

(3) That it is expedient to limit the duration of Parliament to five years.

These resolutions differed in two respects from the plan for dealing with the House of Lords adumbrated by Sir Henry Campbell-Bannerman in 1907. That plan provided, in case of disagreement, for a conference between the two Houses before the overriding power came into play. It also provided that a Bill was to become law after passage in three successive sessions of the same Parliament. Mr. Asquith's resolutions laid it down that the three successive sessions need not be sessions of the same Parliament, and they contained no allusion to the proposal of a Conference between the two Houses. It was both a simpler and a more scientific plan than that of Sir Henry Campbell-Bannerman.

On 29 March the Prime Minister moved that the House "immediately resolve itself into a committee to consider the relations between the two Houses of Parliament and the question of the duration of Parliaments."

To this Sir Robert Finlay, on behalf of the Opposition, moved an amendment: "That in the opinion of this House a strong and efficient Second Chamber is necessary; that this House is willing to consider proposals for the reform of the constitution of the existing Second Chamber, but declines to proceed with proposals which would destroy the usefulness of any Second Chamber, however constituted, and would remove the only safeguard against great changes being made by the Government of the day, not only without the consent, but against the wishes of the majority of the electors." On 4 April the amendment was rejected by 357 to 250; Government majority, 107. A striking observation was made during the debate by Mr. Asquith: "The absolute veto of the Lords must follow the veto of the Crown before the road can be cleared for the advent of a full-grown and an unfettered democracy." The first of the veto resolutions was carried on 7 April by 339 to 237, majority 102; the second on 14 April by 351 to 246, majority 105; and the third, also on 14 April, by 334 to 236, majority 98.

Following upon the last division, Mr. Asquith, on the motion for adjournment, pointed out that the three veto resolutions had been approved in principle by the late House of Commons with an enormous majority; had been prominently before the country at the last general election; had been supported in every stage of their progress through the present House of Commons by majorities which had rarely fallen short of 100. "It is for these reasons," he went on, "and on behalf of the Government that I think it not only convenient but necessary to give notice to the House and to the country, now that these resolutions are passing into the control of other people, of our future intentions. If the Lords fail to accept our policy, or decline to consider it when it is formally presented to that House, we shall feel it

our duty immediately to tender advice to the Crown as to the steps which will have to be taken if that policy is to receive statutory effect in this Parliament. What the precise terms of that advice will be it will, of course, not be right for me to say now, but if we do not find ourselves in a position to ensure that statutory effect will be given to this policy in this Parliament, we shall then either resign our offices or recommend a dissolution of Parliament. And let me add this, that in no case would we recommend dissolution except under such conditions as will secure that in the new Parliament the judgment of the people, as expressed in the election, will be carried into law." This declaration was received with loud Liberal cheers. Mr. Balfour's comment on it was, "The Prime Minister has bought the Irish vote for his Budget and has bought it successfully. The price he has paid is the price of the dignity of his office and of all the great traditions which he, of all men, ought to uphold."

Mr. Asquith then introduced the Parliament Bill, which was read a first time amid a great demonstration from the Government supporters. The Bill, which was backed by Mr. Asquith, Mr. Lloyd George, Mr. Churchill, Mr. Haldane, Mr. J. A. Pease, and Mr. Attorney-General (Sir Rufus Isaacs), was in the following terms :—

Whereas it is expedient that provision should be made for regulating the relations between the two Houses of Parliament :

And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation :

And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber, but it is expedient to make such provision as in this Act

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appears for restricting the existing powers of the House of Lords :

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

I. (1) If a Money Bill, having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to the Bill.

(2) A Money Bill means a Bill which, in the opinion of the Speaker of the House of Commons, contains only provisions dealing with all or any of the following subjects, namely: the imposition, repeal, remission, alteration, or regulation of taxation; charges on the Consolidated Fund or the provision of money by Parliament; Supply; the appropriation, control, or regulation of public money; the raising or guarantee of any loan or the repayment thereof; or matters incidental to those subjects or any of them.

(3) When a Bill to which the House of Lords has not consented is presented to His Majesty for assent as a Money Bill, the Bill shall be accompanied by a certificate of the Speaker of the House of Commons that it is a Money Bill.

(4) No amendment shall be allowed to a Money Bill which, in the opinion of the Speaker of the House of Commons, is such as to prevent the Bill retaining the character of a Money Bill.

II. (1) If any Bill other than a Money Bill is passed by the House of Commons in three successive sessions (whether of the same Parliament or not) and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, that Bill shall, on its rejection for the third time by

the House of Lords, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords has not consented to the Bill: Provided that this provision shall not take effect unless two years have elapsed between the date of the first introduction of the Bill in the House of Commons and the date on which it passes the House of Commons for the third time.

(2) A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses.

(3) A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Commons to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent amendments which have been made by the House of Lords in the former Bill in the preceding session.

Provided that the House of Commons may, if they think fit, on the passage of such a Bill through the House in the second or third session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons; but the exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

III. Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.

IV. Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

V. Five years shall be substituted for seven years as the

time fixed for the maximum duration of Parliament under the Septennial Act, 1715.

VI. This Act may be cited as the Parliament Act 1910.

It will be seen from the foregoing text of the Parliament Bill that the question of the reform of the House of Lords had been relegated to the preamble.

While these events had been happening in the Commons the Lords had not been idle. For half a dozen days in March their lordships gave their attention to the following resolutions moved by Lord Rosebery :—

“(1) That a strong and efficient Second Chamber is not merely an integral part of the British Constitution, but is necessary to the well-being of the State and to the balance of Parliament.

“(2) That such a Chamber can best be obtained by the reform and reconstitution of the House of Lords.

“(3) That a necessary preliminary of such reform and reconstitution is the acceptance of the principle that the possession of a peerage should no longer, of itself, give the right to sit and vote in the House of Lords.”

These resolutions were adopted by the peers. It was admitted by all the speakers on the Conservative side that there was urgent need for a reform in the constitution of the House of Lords. “However sincere and impartial we may be,” said Lord Lansdowne, “the country is profoundly unconvinced that we are not impartial.” Lord Crewe said :—

“During all the time that we have been in office, the majority of this House has worked in absolute rhythm with the leaders of the Opposition in another place. Are you going to turn this House into something of which that can in no way be said? . . . Are you going to create a Second Chamber, which, by any conceivable possibility, could deal with a Tariff Reform measure sent up by a large Conservative majority in another place in the same manner as you have dealt with our land

valuation proposals ? ” No answer was given to these pointed questions.

On 28 April, 1910, the 1909 Budget, rejected by the Lords in the preceding November, was accepted by their Lordships without demur and promptly passed into law. All was now ready for the fight on the Parliament Bill.

CHAPTER XIX

THE CONSTITUTIONAL CONFERENCE

BOTH political parties were getting ready for the next stage in the constitutional conflict when, like a thunderbolt descending from a blue, unclouded sky, came the alarming news that King Edward had been stricken with serious illness. His Majesty's death on 6 May, 1910, hushed the noise of political strife. The whole nation was plunged into sorrow by the passing of that gracious and winning personality. That was a solemn and impressive moment on 17 May, when Lords and Commons, united in the bonds of a common sorrow, met together in Westminster Hall to receive the coffin of the late King. It was like a gathering of foes in a temple of reconciliation. King Edward's death and burial profoundly affected the nation. Men of every rank and degree felt that the resumption of violent political strife after these moving events would have jarred on the sensibilities of the nation. There was a universal feeling that a strong effort should be made to arrive at a settlement of the constitutional question by consent. Responsible statesmen on both sides shared to the full the prevailing sentiment. They were patriotically anxious not to trouble the early days of the new reign and embarrass an inexperienced monarch by a sudden renewal of the constitutional quarrel. King George V rightly interpreted the feelings of statesmen and the spirit of the nation when he suggested that representatives of the two political parties should meet together and endeavour

by friendly negotiation to arrive at an accommodation. The royal wish was promptly acted upon, and on 17 June the first meeting of the negotiators took place at the Prime Minister's official residence in Downing Street. The representatives of the two parties at the Conference were :—

<i>Liberal.</i>	<i>Conservative.</i>
Mr. Asquith.	Mr. Balfour.
Lord Crewe.	Lord Lansdowne.
Mr. Lloyd George.	Mr. Austen Chamberlain.
Mr. Birrell.	Lord Cawdor.

Whenever there is talk of compromise and an effort to find a middle way zealots on both sides are always fearful lest their cause should be betrayed in secret conclave. That was the case in this instance. But the presence at the Conference of so unwavering a friend of Ireland as Mr. Birrell served to allay the misgivings of the Nationalists, while Earl Cawdor's participation in the deliberations reassured the extreme Tories. Lord Cawdor, who was in the same house as Mr. Balfour at Eton, had recently come into prominence as Leader of the Tory stalwarts in the House of Lords. He had given evidence of high business capacity as Chairman of the Great Western Railway and as First Lord of the Admiralty. A tenacious and determined man, with opinions that never lingered in the twilight of dubiety, his confident manner and truculent oratorical style delighted the backwoodsmen. As for the Radicals, they did not like the Conference idea, but they had unbounded faith in Mr. Lloyd George, and felt that a Conference of which he was a member would give nothing material away.

Before Parliament rose for the autumn recess twelve sittings of the Conference had been held. The meetings were strictly private. Naturally there was intense

curiosity to know whether there was any hope of a settlement being reached. On 29 July, a few days before Parliament rose, Mr. Asquith made the following announcement in reference to the Conference :—

“The representatives of the Government and the Opposition have held twelve meetings, and have carefully surveyed a large part of the field of controversy. The result is that our discussions have made such progress, although we have not so far reached an agreement, as to render it in the opinion of all of us not only desirable, but necessary, that they should continue. In fact I may go further, and say that we should think it wrong at this stage to break them off. There is no question of their indefinite continuance, and if we find as a result of our further deliberation during the recess that there is no prospect of an agreement that can be announced to Parliament in the course of the present session, we shall bring the Conference to a close.”

This statement was regarded as an indication that the prospect of a settlement by consent was by no means hopeless. In the autumn a sensation was caused by signs within the Unionist party of a new attitude towards Home Rule. Mr. J. L. Garvin, one of the ablest writers in the Conservative Press, powerfully pleaded in the *Observer* for recognition by Unionists of the fact that a new Ireland had arisen in a new world, and that the time had come for re-examination of the facts of the Irish problem. It was pointed out that a settlement of the Irish question would be hailed with rejoicing in our over-sea dominions, and would pave the way to a perpetual pact of peace between this country and the U.S.A. These considerations had an appreciable effect on Conservative opinion. It was evident that if you called Home Rule by the name Devolution, the Unionist party was by no means irreconcilable on the Irish question. At this psychological moment *The Times* gave

prominence to a series of able letters from a correspondent signing himself "Pacificus" which powerfully influenced public opinion. "Pacificus" wrote with imagination and insight and with complete detachment from party prepossessions. In Canada, in Australia, in South Africa, the British people had solved the problem of reconciling local autonomy with national unity. Why could not the same thing be done in the Mother Country? Concede to Ireland self-government as part of a scheme for federalizing the Constitution of the United Kingdom, and instead of making for separation it would make for unity. There are four natural divisions in the United Kingdom: England, Scotland, Ireland, Wales. Why not devolve to each the management of its own distinctively local affairs? These national or provincial Parliaments would be entirely independent of each other, but all would acknowledge the full and absolute sovereignty of the Imperial Parliament at Westminster, which would continue to consist of the two present historical chambers—the House of Commons and the House of Lords, both, however, reduced in numbers. "The Imperial Parliament would be something different from and greater than the Dominion Parliament of Canada, or the Commonwealth of Australia, or the Union Parliament of South Africa, for, in addition to the important powers which it would exercise with regard to the United Kingdom, it would also be charged, as at present, with the whole affairs of the British Empire." The anonymous correspondent of *The Times* was anxious that the constitutional conference should evolve into a great representative convention to meet in the following year (1911), which would be marked by the Coronation of King George and the assembly of the Imperial Conference. "The opportunity of settling the question of Ireland as well as the question of the House of Lords in the year of national rejoicing would appeal to the popular imagination as few other things would.

And it would appeal not only to the hearts of the people at home, but as much and perhaps more to the hearts of our people in the Dominions." Such was the argument of "Pacifcus." Its practicability, its breadth and its elevation sensibly affected thinking men. It failed of its immediate purpose, but the seed sown by "Pacifcus" did not all fall on stony places. Some of it fell into receptive soil and may yet bear rich fruit.

Meanwhile the Constitutional Conference had renewed its labours, having assembled before the end of the Parliamentary Recess. After twenty-one sittings it finally separated without coming to an agreement. On 10 November the following announcement was issued from the Prime Minister's official residence :—

"The Conference which has been sitting to consider the Constitutional question has come to an end without arriving at an agreement.

"It is the opinion of all the members of the Conference that the conditions under which its proceedings have been held preclude any disclosure as to the course of the negotiations or the causes which led to their termination.

"10 DOWNING STREET, WHITEHALL, S.W.

Nov. 10, 1910."

No one, not even King George—to whose initiative this noble effort at conciliation was due—regretted the failure to find a peaceful way out more than the members of the Conference themselves. Every member of it left the Treasury board-room after the final meeting on the morning of 10 November with a feeling of keen disappointment in his heart. The discussions were cordial, courteous, unreserved. Between all the negotiators the happiest personal relations subsisted, and they parted with expressions of sincere mutual regard. On both sides there was a genuine effort to reach a harmonious settle-

ment in the interests not of party, but of the nation and the Empire. In the same spirit on both sides there was a readiness to make concession. Yet, after mutual concessions and compromises, an insuperable difficulty disclosed itself which could not be surmounted without the sacrifice of principles held to be vital.

Thus ended in disappointing fruitlessness one of the most hopeful and persistent efforts made in our political history by rival statesmen to settle amicably a great issue of domestic controversy. The moral of the failure is that the best temper and the most conciliatory spirit cannot obliterate deep-seated divisions of party conviction. Mr. Asquith, for all his desire for peace, could not be recreant to Liberal principles. Mr. Balfour, equally anxious for peace, could not abandon what he believed to be precious Conservative interests.

No statement was issued at the time, nor has any since been made, as to the nature of the protracted negotiations. It is obvious that, when men are negotiating for a peaceful solution of a dispute, there may be a readiness on both sides to give way here or make a concession there. But if, after all, war is to result, all these compromises must necessarily be sponged off the slate. A concession made in order to arrive at peace would only be an embarrassment when there is reversion to a state of war.

The failure of the Conference gave rise to a widespread feeling of disappointment. Nowhere was regret more keen than among the All-Round Home Rulers, who had been looking forward to a convention on non-party lines to work out the details of a plan for federalizing the Constitution.

Responsible statesmen would not have conferred together for nearly six months unless some measure of common agreement had been reached. How nearly the negotiators came to agreement we do not know. One

thing is certain. The Conservatives were willing to acknowledge the financial supremacy of the House of Commons, subject only to precautions against "tacking." Two main proposals dominated the deliberations of the Conference, viz. (1) a joint sitting of Lords and Commons to consider Bills rejected by the House of Lords; (2) an attempt to draw a distinction between organic and ordinary laws. A joint sitting of Lords and Commons would be an assembly of unmanageable dimensions: 640 peers plus 670 Commoners. It was impossible on other grounds. The overwhelming Tory majority in the Upper House—552 out of 640 members—would overbear any Liberal majority in the Commons, even the record majority of 1906. A full joint session was therefore out of the question. The difficulties could be obviated by a large reduction in the number of Lords of Parliament, or if, without any such reduction, the existing peers would consent to delegate their powers to, say, a hundred, or fifty picked men appointed to serve on a Joint Committee of both Houses. Conferences between the two Houses of Parliament, "managers" being appointed to negotiate a settlement in cases of dispute, formed part of the machinery of the Constitution in bygone days. One of the features of Sir H. Campbell-Bannerman's veto proposals in 1907 was a proposal to revive this system of Conferences.

The idea of a Joint Committee of both Houses to consider disputed Bills commanded favour on both sides at the Constitutional Conference. Such a Committee might be composed of one hundred members, fifty chosen by the House of Commons according to the distribution of parties in that House, and fifty members from the House of Lords drawn in equal numbers from the Liberal and the Conservative peers. A Joint Committee of this nature would succeed in effecting a settlement on most disputed Bills. For example, had such a Committee

been convoked in 1906 a settlement would doubtless have been reached on the Birrell Education Bill. The occasions on which a body so composed—the prevailing type of mind of the peer delegates being “cross-bench”—would fail to arrive at agreement would be few and far between.

There was a division of opinion at the Conference as to the representation which should be given to the peers at the Joint Committee. The Conservatives feared to entrust full powers to deal with all Bills to a Joint Committee in which the Government of the day would have a small but effective majority. Hence a proposal that certain Bills should not go to the Joint Committee unless they had been passed through the House of Commons in their last stage by a majority of 100. Not satisfied with this precaution, the Conservatives demanded in addition that large measures of organic change should be excluded entirely from the purview of the Joint Committee. For these Bills of “great gravity” their suggestion was, in case of rejection by the House of Lords, not that they should be referred to the Joint Committee, but that they should be submitted directly to a poll of the people. The Joint Committee for ordinary Bills on which the two Houses were in disagreement and the Referendum for extraordinary Bills—such was the proposal. Obviously it involved the creation of a distinction hitherto unknown in this country, but familiar enough in some European countries, between ordinary and fundamental laws. If large measures of organic change were to be excluded from the Joint Committee, Home Rule for Ireland would come within the prohibitory definition and be made subject to a referendum after rejection by the House of Lords.

It was impossible for the Liberal representatives at the Conference to accept these proposals. Assuming the introduction of the referendum to be desirable, who was

to decide when it should be put into operation? If the House of Lords, then it would be applied only against Liberal Bills. The Lords would subject Home Rule to a referendum, though it has been a leading issue in British politics for a generation. But they would not apply it to Tariff Reform, a new and a more revolutionary policy. Moreover, the suggested distinction between ordinary and fundamental laws was entirely unknown to our Constitution. Together with the referendum it would mean the imposition of a new disability on the Liberal party, besides which the referendum would tend to undermine the principles of representative government. It was on this rock of difficulty that the Conference went to pieces.

The Conference, as we have seen, held its final sitting on 10 November. Some light on its deliberations was shed by the Prime Minister in a speech delivered by him at Hull a fortnight later. On this occasion Mr. Asquith said :—

“ I have always thought, and have more than once said that, given a Second Chamber moderate in size and constituted on popular lines—that is a very important qualification—I would not exclude, certainly would not brush aside, procedure by Conference and joint session as a possible and even hopeful expedient for the avoidance of deadlocks. But the crucial question here is left entirely and purposely untouched in Lord Lansdowne’s proposals. Under what condition is this joint session going to take place? In what relative proportions are the two Houses going to sit in it? And remember, the whole thing only comes into operation when you have a Liberal majority in the House of Commons. When a Tory majority is there the whole machinery falls into abeyance. The whole question is this: it goes to the very root-foundation of the whole scheme. The question I ask is, What kind and what size of Liberal majority

in your scheme is to have an effective voice in legislation? Is it to be a 50, or must it be a 100, or must it be 150? Until this is settled, the proposal for a joint session from our point of view is wholly meaningless and nugatory. It is, in effect, nothing more than an invitation to substitute one set of risks for another when the nation has deliberately decided at the polls to entrust its fortunes and the shaping of its legislation to the party of progress.

“There comes in here a doubt—it is more than a doubt—what is meant by the exception from the operation of joint sessions of ‘questions of great gravity’? They are not to be decided by a joint session, but they are to be submitted by referendum to the people. What are questions of great gravity? Who is going to decide? Obviously neither one House nor the other. What may seem to be grave to the House of Commons may seem to be trivial to the House of Lords, and vice versa. Are you going to call in a judicial tribunal? Are you going to bring in the courts of law? I earnestly trust no one will suggest that. And if not you must condescend to particulars, and you must tell us what is the criterion and what are the categories of questions of ‘great gravity.’ I presume Home Rule is a question of ‘great gravity.’ Is Disestablishment? Well, I do not know—I mean in the opinion of Lord Lansdowne and his friends. Is the abolition of plural voting? Above all, and most important of all, is the question of a tariff?”

“There are three grounds on which I base my protest against the referendum. In the first place, in effect it would, as regards all important legislation—these questions of ‘great gravity’—by statute, give to the House of Lords the power, which it already claims and which we strenuously deny to it, to compel, when it differs from the popular House, what would be to all intents and purposes a dissolution and a general election. Of course, on trivial matters, if you had a referendum, as has

been found in America, in Canada, and in Australia, people would not take the trouble to vote, and the result of such an appeal would be no index to the true state of popular opinion. If you come to really great questions, questions like Home Rule, or the Tariff, does any one suppose that such an appeal would not be attended by all the tumult of a general election? The parliamentary machine would be set at work, members and intending candidates would come down to their constituencies to address meetings; canvassing, placarding, the circulation of literature, all the operations of an electoral campaign such as we are contemplating, some of us with mixed feelings, would be in full swing, and the country would be, to all intents and purposes, involved in all the turmoil of a general election. And then suppose, on a vital question like that, the decision went against the Government of the day. Could the Government continue in office? Clearly not. They must either resign or dissolve. If they resigned and their opponents came into power, they would have to dissolve, and you would have two dissolutions, two general elections, two appeals to the electorate in regard to every vital question of national policy and legislation.

“ But I have an even stronger objection to the use of the referendum as a part of the Constitution than that. It would impair, if it would not entirely destroy, the sense of parliamentary responsibility. You send your members to the House of Commons to give there the best of their judgment and the best of their ability to the transaction of the affairs of the nation, on the lines and within the limits of the opportunities and pledges which they have professed to you, and on which they sought your confidence; but you do not want a member of Parliament to go there, an irresponsible item, to say, ‘ I will vote against this or for that, because my vote does not matter, because the thing has got to go back

to the electorate, and I am here as an irresponsible delegate, and not here to represent, to the best of what I believe to be the considered judgment of the nation.' You are striking a blow at the *venue* of responsibility, which is the very soul of Parliamentary Government.

"At the same time—and this is the third point—you are really destroying the law of government by representation that is the great invention of the modern world. Democracy without representation very soon degenerates literally into anarchy or Cæsarism—one or the other. The only machinery which the genius of man has yet discovered which will enable democratic government to be made into a working concern is the adoption, the amplification and development of that principle of representation. I speak not as a party man for a moment, but as a convinced democrat, and one who wishes to see democratic government made increasingly efficient and capable. When the Tory party are tumbling over one another, helter-skelter, pell-mell, in their zeal and affection for this new-fangled discovery of the referendum, I ask my fellow-countrymen, in the interests not of one party or another, but in the interests of those larger and more permanent concerns which are the common property of us all, to hesitate before, in order to find a plausible way to escape from difficulties which can be otherwise solved, they strike a deadly blow at the very foundation of representative government in this country." (Hull, 25 Nov., 1910.)

Reading between the lines of the Prime Minister's speech, one can see clearly the causes that broke up the Conference. The failure of the Conference was deplored by men of every shade of opinion. A unique opportunity to bring about the settlement by consent of the Irish problem had been lost. What a glory for British statesmanship, what resounding shouts of jubilation would have rung from end to end of the Empire if

the Coronation year could have been marked by the burial, with the consent of both political parties, of the age-long Anglo-Irish feud, and by the uprising of a new Ireland, regenerate, buoyant, loyal, proud of her own freedom, and proud also of her place in a free Empire !

CHAPTER XX

THE LORDS' ALTERNATIVE PLAN

AS soon as the Conference had failed, the Cabinet decided to prepare for a fresh appeal to the constituencies. But first of all there were important negotiations to be transacted with King George. A new election could not be fought without some clear understanding from the Crown that the verdict of the nation would be accepted as decisive. Speaking in the House of Commons on 14 April, Mr. Asquith had said : "In no case would we recommend dissolution except under such conditions as will secure that in the new Parliament the judgment of the people, as expressed in the election, will be carried into law." The first duty of the Prime Minister on the eve of the dissolution was, therefore, to obtain from the Crown the necessary guarantees that the will of the people should be made to prevail in spite of opposition from the House of Lords. Mr. Asquith set about this duty with prompt energy. On Friday, 11 November, the day after the break-up of the Conference, he journeyed to Sandringham to have audience of the King, returning to Downing Street on the Saturday. On the following Monday, Lord Knollys, the trusted friend and counsellor of the late King Edward, called at Downing Street and remained for two hours with the Prime Minister. On Tuesday, Lord Knollys, who arrived at Downing Street while a Cabinet Council was in progress, had two interviews with Mr. Asquith, one in the morning, the other in the afternoon. On

Wednesday the King travelled expressly to London and gave audience to the Prime Minister and Lord Crewe. It was during these fateful days that the necessary assurances were given by the Sovereign that if the election confirmed the Government in power, the Royal Prerogative would be used, should it be necessary, to ensure the passage of the Parliament Bill into law. There can be little doubt that His Majesty stipulated for two things: (1) that the present Parliament should not be dissolved before the House of Lords had an opportunity of pronouncing on the Parliament Bill, which had not yet been submitted for its consideration; (2) that the guarantees must be contingent upon the Government coming back with an "adequate majority."

The Government had intended an immediate appeal to the constituencies, but the negotiations with the Sovereign, supplemented by the Fabian tactics of the House of Lords, delayed the dissolution for nearly a fortnight. As soon as the Government's intention to go to the country was revealed, Lord Lansdowne made a skilful move. He announced in his blindest manner on Tuesday, 15 November, that on the following day he would move a resolution inviting the Government to submit to the House of Lords "without further delay the provisions of the Parliament Bill." There was subtlety in this manœuvre. No one seriously imagined that the Lords were going to accept the Parliament Bill when a more moderate version of it had just been rejected by the Tory representatives in the Conference. But Lord Lansdowne had masked the real character of his manœuvre very dexterously. Superficially it appeared fair and just. The Lords invited the Government to submit to them not the Veto Resolutions, which the House of Commons had passed by large majorities in April, but the Parliament Bill, which the House of Commons had not considered at all! That Bill, moreover, contained in

its preamble a declaration in favour of a reformed Second Chamber—a declaration which recalled the troubled phase of doubt and perplexity through which the Liberal party passed in the spring of 1910. Plainly the Lords meant to do what they could to postpone the election. And if an election came, they were resolved that their alternative plan of reform should be put before the people side by side with the Parliament Bill.

On Tuesday, 15 November, the House of Commons was densely crowded in expectation of an important statement on the dissolution from the Prime Minister. To the surprise of the House, Mr. Asquith was not in his place. The Chancellor of the Exchequer promptly moved that the House should adjourn until Thursday, when, he said, the Prime Minister would make a statement on public business.

Mr. Balfour, welcomed by a loud, prolonged, defiant cheer from his followers, speaking in his most affable manner, reminded the House that he had an engagement in Nottingham on the Thursday in connexion with the annual conference of the National Union of Conservative Associations. Could not the Government postpone the statement until Monday next? It promised to be an historic occasion, and he would like to be there. Mr. Lloyd George, whose manner is sometimes honey-sweet to his political opponents, at once admitted the reasonableness of Mr. Balfour's suggestion, and after conferring with Mr. Haldane and the Master of Elibank, asked if Friday would suit the Opposition. "Yes," was Mr. Balfour's answer. Compliments flitted like butterflies to and fro across the table between Mr. Balfour and Mr. Lloyd George. These pretty politenesses, prelude to a grim political battle, amused the House.

At 4.30 M.P.'s betook themselves to the gilded chamber. Here the peers had assembled in large numbers. Strolling in a few minutes before the half-hour, Lord Rosebery,

on his way to the cross-benches, lingered at the Government bench, where he chatted with Lord Morley. Of necessity in the peculiar circumstances of the hour, Lord Crewe was unable to make any statement as to public business. He was rallied by Lord Lansdowne on his complete inability to throw light on the situation, and then the Opposition Leader gave notice of his intention to move on the following day his motion requesting the Government to submit to the House of Lords the provisions of their Parliament Bill.

Speaking in his crisp, emphatic way, Lord Lansdowne went on to refer to the Conference and to statements made in reference to its secret deliberations. He defended the "absolute secrecy" to which the Council of Eight had bound themselves as a "wise decision," and added with emphasis that it was the more necessary to preserve silence because "other Conferences may be held in the future, and may be more successful." The one condition that opens out promise of good results from them is that such Conferences should be "under the seal of absolute secrecy." After this exordium Lord Lansdowne gave emphatic denial to a statement that the recent Conference had broken down because the Unionist peers, refusing to allow Mr. Balfour to accept a compromise, took the line: "If we are to be deprived of our powers, let it be done by the constituencies, and not by any Conference." His contradiction of this statement was categorical and absolute.

When Wednesday came Lord Lansdowne moved the resolution of which he had given notice. "Bring in your Parliament Bill," he said; "let us show you how ready we are to reform ourselves. Let us discuss it at leisure; let the House of Commons then discuss it at its leisure; the Conference has failed, it is true, but let us have an opportunity of discovering in public debate what measure of agreement there is between us." And

so on, with the air of sweet reasonableness which on occasion Lord Lansdowne adopts so skilfully. He found unsuspected virtues in the Government proposals as embodied in the Parliament Bill ; in fact, his speech was that of a man "almost persuaded" to give it a second reading. A visitor from Mars or some other planet, with no previous knowledge of the facts, would have thought that Lord Lansdowne was pronouncing a cordial blessing on a great and promising measure of statesmanship. Yet these specious words masked in reality a double design : (1) to entrap the Government in the meshes of a reform scheme, and (2) to delay the general election in the interests of Toryism.

Lord Crewe made handsome acknowledgment of the conciliatory tone of Lord Lansdowne's speech, but would on no account be lured by his wiles. These professions come too late ; we cannot be parties to any purposeless waste of time. We must choose our time for battle, not yours. The Conference has shown it is hopeless to settle this question by agreement between the two political parties. One party must have the general shaping of the outlines. A long debate at this stage with an impotent conclusion certain beforehand would be regarded by the country "as an absolute waste of time." "But, of course, your Lordships are entitled to express your opinions ; and to enable you to place an alternative policy before the country, we are willing to give facilities for a debate on the Parliament Bill and a division on the motion for its second reading ; and we will allow you to fix the time that should be given to this second reading debate." Lord Crewe spoke very politely, but also very firmly. He had come to the House of Lords straight from a Cabinet Council.

A dialogue between Lord Crewe and Lord Rosebery elicited the fact that the Government will not accept amendments to the Parliament Bill. Then Lord Balfour

of Burleigh put a poser to the Leader of the House. Suppose the House of Lords pass the second reading of the Parliament Bill, won't you allow it to go into Committee? "If the second reading is carried," said Lord Crewe, "I shall be prepared to make an announcement."

The Parliament Bill was then read a first time on Lord Crewe's motion.

On Thursday, 17 November, the House of Lords debated Lord Rosebery's reform resolutions, and carried them with alacrity. Lord Rosebery spoke only for twenty minutes in moving—

"That in future the House of Lords shall consist of Lords of Parliament: (a) Chosen by the whole body of hereditary peers from among themselves and by nomination by the Crown. (b) Sitting by virtue of offices and of qualifications held by them. (c) Chosen from outside."

Lord Rosebery admitted that his resolutions were vague, but claimed for them that they supplied a basis on which a good Bill could be built up. He contrasted the professions of the Government as contained in the preamble of the Parliament Bill with their refusal to move a step in the direction of House of Lords' reform. For the adjustment of any differences that may arise between a reformed House of Lords and the House of Commons he relied upon a Conference. This would be followed, in case of failure to agree, by submission of the measure to the people through the referendum—an idea now very popular in Tory circles, for which Lord Rosebery claimed the paternity. Lord Curzon supported the resolutions in a speech marked by moderation of tone and elevation of spirit. He was emphatic that in the reformed House of Lords the hereditary element should not exercise the preponderating influence.

Into the suave atmosphere created by these two speeches Lord St. Davids broke with some insistent inquiries that disconcerted Lord Rosebery. Under the

Rosebery resolutions, he contended that, even if the hereditary element were only 20 per cent of the whole, the House of Lords would still be thoroughly Tory. Was it not certain that the new Lords of Parliament, to be elected by the whole body of hereditary peers, would be Conservative to a man?

From Lord Lansdowne came the sensational announcement that the Conservative leaders were willing to consent to a substantial reduction in the number of the House of Lords and to a reconstitution of the Second Chamber on the basis that half of it only shall be represented by the hereditary element, the other half to consist of elected members and members nominated by the Government of the day. Nor was this all. Lord Lansdowne expressed the gloomy conviction that in the future these two elements, the hereditary and the non-hereditary, would come into conflict, and that it would be the hereditary element which must eventually be eliminated.

With his usual detachment, Lord Courtney blamed Lord Rosebery for vagueness and the Government for precipitancy. The Rosebery scheme is a phantom; the Government are wrong in assuming that because the Conference failed, therefore Parliament, working in the light and under the influence of public opinion, would also fail.

One of the notable speeches of the debate came from Lord Selborne, not long returned from South Africa. His eloquence, as Lord Crewe aptly said, has been warmed by the southern sun. In the days of his youth Lord Selborne, then a Commoner, was an ardent House of Lords' reformer. He took strong exception to Lord Crewe's statement that this question can only be settled in its main lines by one party. The contrary, he argued, was the fact. "One-half the nation cannot permanently coerce the other half." "We cannot settle this question

according to our ideas ; you cannot settle it according to your ideas." Settlement can only come by agreement among reasonable men on both sides. Speaking with a note of passion in his voice, he virtually declared that the Lords would not accept as final the verdict of the next election. Instead of being the end, that would only be the beginning of a bitter and prolonged struggle.

Lord Ribblesdale, with his complaint that the Lords have been a little too muscular in recent years, and Lord Newton, who asked the House to face the "brutal fact that a lot of us have to go," relieved the gloom by a little gaiety.

After such a debate Lord Crewe was justified in saying that discussion of the Government proposals would be futile. Looked at in the abstract, there was much to be said in favour of the Rosebery resolutions, and he would not divide against them. Lord Rosebery wound up the discussion in magniloquent style. Late it may be—much later than he should have liked—they had made a substantial attempt to avert the "incredible dangers and tyranny of Single-Chamber Government."

On Monday, 21 November, Lord Crewe moved the second reading of the Parliament Bill. Instead of debating the measure, Lord Lansdowne, annoyed at the refusal of the Government to accept any amendment of the Bill, moved the adjournment of the debate until the Wednesday following, and gave notice of a series of resolutions in favour of House of Lords' reform. These resolutions were believed to embody the case presented by the Conservative delegates at the Constitutional Conference. Appended is the text of them :—

"That it is desirable that provision should be made for settling the differences which may arise between the House of Commons and this House reconstituted and reduced in numbers, in accordance with the recent resolutions of this House.

“ That as to Bills other than Money Bills, such provision shall be on the following lines : If a difference arises between the two Houses in regard to any Bill other than a Money Bill in two successive sessions, and with an interval of not less than one year, and such difference cannot be adjusted by any other means, it shall be settled in a joint sitting composed of members of the two Houses.

“ Provided that if the difference relates to a matter which is of great gravity, and has not been adequately submitted for the judgment of the people, it shall not be referred to the joint sitting, but shall be submitted for decision to the electors by referendum.

“ That as to Money Bills such provision shall be on the following lines : The Lords are prepared to forgo their constitutional right to reject or amend Money Bills of a purely financial character, provided that effectual provision is made against tacking, and provided that if any question arises as to whether a Bill or any provisions thereof are of a purely financial character, that question shall be referred to a Joint Committee of the two Houses, with the Speaker of the House of Commons as chairman, who shall have the casting vote only. If the Committee hold that the Bill or provisions in question are not purely financial in character, they shall be dealt with forthwith in a joint sitting of the two Houses.”

Lord Crewe's speech in moving the second reading of the Parliament Bill was admirable. His position, addressing this hostile assembly on such a subject, was one of extreme delicacy and difficulty. Yet he was equal to the emergency, and spoke with urbanity and serene courage. Explaining the Government proposals, he said that conference between the two Houses was of the very essence of them. He claimed for them that they would leave to the House of Lords large powers of revision and delay.

“ We want to substitute opportunities for delay and revision for hurried party rejection.” We do not desire

rash legislation. There is really no danger in this country of cataclysmic changes ; they are foreign to our national temperament. A limited veto would still leave honourable functions to the House of Lords. He quoted Mr. F. E. Smith as having said that both political parties ought to have an equal chance of passing their Bills through the House of Lords. "Our proposals still leave Tory Governments with an advantage ; for Tory Bills would still run through the Lords on rubber tyres." As for the referendum, its application bristled with difficulties.

The peroration showed that the iron has entered into Lord Crewe's soul. Surveying the serried hosts opposed to him, he told them in language of uncompromising directness that this Bill has been forced upon the Government by their unfairness. "You have rejected our measures on purely party grounds, in the hope that something may turn up to your party advantage." It was a true saying, and it seemed as if the Tory peers flinched under the gaze of their courteous adversary as he gave utterance to it. "My Lords, it is a disastrous game to play ; it is a game that cannot be played for ever."

Lord Salisbury, loud and vehement, said : "You have placed us in an intolerable position." Lord Beauchamp replied with great animation, and incensed the Opposition by speaking of "a death-bed repentance."

Then Lord Rosebery solemnly rebuked the Government. "You don't seem to realize what you are doing ! You are attempting to do away with an estate of the realm." A barbed allusion followed to Mr. Asquith, whom Lord Rosebery reproached with levity. The House of Lords was a culprit to be hacked without shrift ! To this little outburst the Lord Chancellor made appropriate reply. How was it that the question of reforming the House of Lords had slept all these years ? He defended the Government scheme. "We cannot usefully carry on the business of the country while the relations of the two Houses

remain as they are. We must cease to be Ministers of the Crown or else we must be endowed with power."

Lord Lansdowne was master of the legions in the House of Lords, and his motion to postpone consideration of the Parliament Bill was adopted, the Government being powerless to resist it.

The debate on the Lansdowne resolutions opened on Wednesday, 23 November, when a persuasive speech in their support was delivered by Lord St. Aldwyn, a great Moderate who had dissociated himself in marked manner from the excesses of partisanship of which the House of Lords had been guilty in the past five years. When the Budget was flung out, Lord St. Aldwyn was conspicuous by his absence from the House. Now, when the Lords were anxious to present attractively their alternative policy to the Parliament Bill, he was placed in the forefront of the stage. Lord St. Aldwyn admitted that the Lansdowne resolutions represented substantially the contribution towards the settlement of the constitutional crisis which the Lords' representatives offered at the Conference, and he suggested that the Liberal representatives at the Conference offered terms more satisfactory to their opponents than the proposals contained in the Parliament Bill. He implored the Government even now to try to come to terms with their opponents on the basis of a thorough overhauling of the House of Lords. He said with the utmost frankness that the Liberal party had a grievance in the existing condition of affairs, and expressed his earnest desire to see it remedied. The Lord Chancellor had said that the reconstitution of the House of Lords would take twelve months. Very well. Could twelve months be more profitably spent? This immense question could never be permanently settled on merely party lines.

Lord Lansdowne also spoke with marked moderation, and declared that he was most anxious that the refer-

endum should be worked fairly as between the two political parties. These seductive allurements did not affect Lord Crewe. The Opposition, he said, had proposed these resolutions as an alternative to the Parliament Bill. Coming from such a quarter they were certainly a startling novelty. "They contemplate sweeping changes—at least on paper." But the question of the moment was the Parliament Bill. The Opposition peers evidently meant to destroy that Bill. It was immaterial, therefore, whether they cut its throat or smothered it in cotton wool.

In the second day's debate the case for the Government was ably stated by the Lord Chancellor. After enlarging on the hardship inflicted on Liberal Governments by a hostile House of Lords always ready to pounce upon Liberal Bills, Lord Loreburn declared that, "hard as is our grievance," he would upon the whole prefer to bear the ills we have than to fly to those others that we know not of which lurk in the Lansdowne resolutions. All this paraphernalia of joint sittings and referenda would only be called into play when a Liberal Government is in power. When the Tories are in office there is perfect identity between the two Houses. Not a single Tory Bill has been/rejected by the House of Lords in a hundred years. Yet even in the small space of five years, look at the record of slaughtered Liberal Bills.

Lord Loreburn is not afraid of change, but he has a deep distrust of the Referendum, and thinks that people who talk lightly of introducing it into our constitutional system do not realize all that it would involve. Only in very rare cases—such as woman's suffrage, a question that cuts across the ordinary party lines—could the referendum be really useful. The Referendum would have to be supplemented by the Initiative. Once this new device was introduced into our system, it would be necessary to provide that outsiders should have an opportunity of appealing against both Houses of Parliament to the

people. We would then have government by plebiscite, not government by Parliament. Would not that destroy the sense of responsibility in the House of Commons? He characterized the Referendum as a revolutionary change. As to the present controversy, the method of Conference as a means of reaching a solution having failed, no alternative was left the Government but to appeal to the nation. "Our differences are irreconcilable; we can do nothing further in the way of accommodation." If we delayed a dissolution we might spend another twelve months in perfectly fruitless negotiation, and at the end find ourselves where we are to-day. Hence the appeal, once and for all, to the people.

The Lansdowne resolutions, argued the Lord Chancellor, would consolidate and strengthen the Tory elements in the House of Lords by taking away from the Crown the only power that exists of checking the action of the peers. There is at present in the balance of our Constitution a check on the Crown through Parliament, a check on the Commons through dissolution, a check on the Lords through the Royal Prerogative of creating peers. It is incredible that the country will allow the House of Lords to exist without check of any kind.

To this manful, clear-sighted oration, Lord Curzon replied in a long and diffuse speech, marked here and there by felicity of phrase and a shimmer of wit. Lord Curzon defended the referendum, and protested that the Opposition, in their scheme of reform, did not mean to "queer the pitch," but were sincerely anxious to meet the Liberal grievance.

Lord Courtney criticized the Government plan and the Lansdowne resolutions with equal impartiality. A young Liberal peer, Lord Nunburnholme, bluntly described the Lansdowne resolutions as a scheme to take the eyes of the country away from the real question before it.

In his big, impressive way, Lord Balfour of Burleigh set himself to answer the Lord Chancellor. Speaking as a man on whom party ties sit lightly, he said that what was wanted in the Second Chamber is a fair balance of parties and a reasonable amount of independence. Neither of these points is secured by the Government proposals, whose fatal effect, he argued, is to grasp unlimited power for the House of Commons. An old advocate of the referendum, Lord Balfour urged its adoption on the ground that the House of Commons has lost in dignity and representative character. Whatever the defects of the referendum, it had one distinct and outstanding virtue—it would enable a straight issue to be placed before the people at large. It was at once democratic and conservative.

From the Bishop of Birmingham came an expression of astonishment at the alacrity with which the Conservative party had committed itself to the principle of the referendum, a constitutional device which he described as a "perversion of democracy." Of the difficulties attendant on the referendum, Dr. Gore spoke with a luminous power that won upon the whole House. One effect of it would be to swallow up all local interests. To take another case, the interests of agriculture would be lost in the overwhelming vote of the urban districts. He endorsed Lord Crewe's argument that the referendum was a negation of the representative principle, and would destroy Ministerial responsibility. This fresh, vivid, thought-compelling speech produced a visible effect on the House. It was warmly eulogized by Viscount Morley. Lord Morley has always repudiated the doctrine of mandate. He is strongly averse to the referendum, and spoke, as one would expect a disciple of Burke to speak, emphatically in favour of the representative principle. With regard to the veto of the Lords, he recalled his old saying that the House of Lords must be mended or ended. This is not

a question of abstract principles, but simply one of machinery. He expressed his amazement at the levity and recklessness with which the Conservative party had committed itself to vast unknown changes.

In an allusion to the Conference Lord Morley said he does not despair of seeing future Conferences. The Lansdowne resolutions are empty in themselves. How are they to be filled in? "We fear that, under pretence of reforming yourselves, you are endeavouring to checkmate the House of Commons. The House of Commons is elected by the people. With all respect, who are you to stand between the people and the House of Commons?" As for the Rosebery resolutions, they were a schoolboy sketch.

After Lord Morley had done, Lord Rosebery sprang to his feet. He insisted that it was the duty of a Government, not of the Opposition, or of a humble member on the cross-benches, to produce a detailed plan. The resolutions were then adopted, after a vigorous speech by Lord Salisbury.

Thus the Lords, after asking for its introduction, had refused to consider the Parliament Bill. They met it with a dilatory motion for indefinite postponement, and had taken the opportunity to bring their alternative policy to the notice of the country.

CHAPTER XXI

THE APPEAL TO CÆSAR

MEANWHILE, at a memorable sitting of the House of Commons on Friday, 18 November, the Prime Minister had announced that Parliament would be dissolved on 28 November. Many supporters of the Government were strongly averse to another election. They argued that the election of January ought to have been conclusive, especially after the emphatic pronouncement of the Prime Minister in the Albert Hall in December, 1909. Why go to the trouble and expense of a fresh appeal to the people? The Government's case was that the new reign had brought in a new factor; that it would be unfair to King George to urge the exercise of the Royal Prerogative until every effort had been made to show that the country had made up its mind on the question of the powers of the House of Lords; that at the last election the 1909 Budget played a considerable part, and that a new election on the issue of the Lords pure and simple would resolve all misgivings. Still, it was a great risk to run voluntarily, this fresh appeal to the people within eleven months of the last general election. The Cabinet was encouraged to take the risk by the Master of Elibank, the chief Liberal Whip, a man of charming personality, great knowledge of the world, iron will, and silken grace of manner, who had acquired deservedly an influence in Ministerial circles

such as no Whip before had ever exercised. Mr. Murray loves bold courses, and conducts his electoral campaigns with consummate generalship. He played a big and courageous part in these critical days.

The speech in which the Prime Minister announced the dissolution illuminated the whole political landscape. It brought out the realities of a situation that had puzzled many people. In the changing fortunes of an epoch-marking week, even intelligent men had mistaken phantoms for the real thing. For instance, they believed the House of Lords to be seriously in earnest when it was only playing an ingenious tactical game with the object of luring the Cabinet to participate in it, to the Government's destruction and the resultant eclipse of Liberalism for a generation. A subtle temptation was resisted by the Cabinet. This Government was chosen by the people not to reform the House of Lords, but to limit the powers of the peers. That fact was never lost sight of by Mr. Asquith, who managed a difficult situation with courage and coolness. His language at this notable sitting of the House rang with the note of command. He was in high spirits, lapsed now and again into playful mood, but when he came to the serious business of his statement, was stern, confident, emphatic. Not a word was said by Mr. Asquith on the question of guarantees. He did not say what advice he had given or might give to the King. A sound and loyal constitutionalist, nothing would induce him to drag the Crown into the arena of party strife. Reticent as he was on this very delicate and yet very vital subject of guarantees, it was not difficult to understand the meaning of his carefully chosen language. Any lingering doubt on the subject was removed by his clear and unequivocal answer later in the debate to a Radical member, Mr. Wedgwood. Amid loud cheers from his supporters, the Prime Minister stated with emphasis that the Govern-

ment stood by every word uttered by him (Mr. Asquith) on 14 April.

A loud shout of welcome from the Opposition greeted the arrival at 12.15 of Mr. Balfour, who entered the House with Mr. Austen Chamberlain, having come direct from Nottingham. The Prime Minister had not then arrived. In the meanwhile, on Sir Edward Grey, Mr. Lloyd George, Mr. Haldane, and Mr. Churchill a perfect hail-storm of interrogatories fell. The Liberals were not so preoccupied with the crisis as to forget Mr. Harcourt's promotion to the Colonial Office, and when he rose for the first time to answer a question relating to the colonies he was greeted with a cordial cheer.

A significant incident of this early part of the sitting was the appearance at the Bar of the Chancellor of the Exchequer, who called out in a loud voice, "A message from the King." As Mr. Lloyd George advanced up the floor, members everywhere were agog with expectation. When he announced that the King's message related to the necessity of making provision as from 1 January, 1911, for the removal of the bar disqualifying aged paupers from the receipt of State pensions, a rapturous shout uprose from the Liberal and Labour benches.

At 12.40 the Prime Minister took his seat on the Front Bench amid thunderous cheers. Appropriately enough, the first question he had to answer bore on the coming battle in the constituencies. "It is impossible," he said, "to provide for the acceleration of the register this year." Before the long-expected declaration of Government policy could be made, the Liberals had two other moments of rich emotion. That was when the victors of Walthamstow and South Shields advanced successively up the floor. Sir John Simon (Solicitor-General) and Mr. Russell Rea, both of whom had been elected by huge majorities, were cheered with gusto.

Their re-entry into the House seemed like the harbinger of a coming Liberal triumph.

Exactly at one o'clock Mr. Asquith was on his feet to make the statement that everybody was impatient to hear. He spoke for twenty minutes. As Mr. Balfour truly said, the Prime Minister is "a great master of concise statement." His gifts of concision and precision of expression were never more happily exhibited. Into a twenty minutes' speech he compressed a momentous declaration of policy. Its salient points were:—

An expression of regret at the delay in communicating the intentions of the Government to the House. But the delay was unavoidable. Only a week has passed since the failure of the Conference; and in the interval "many grave considerations" had to be passed in review.

The Government's mind has been fixed ever since the Conference broke down. There has been no change of plan, no vacillation. "We have never intended to abandon the Budget"; "it is to be passed next week."

Before Parliament is dissolved it is essential that legislation should be passed to make provision for the removal of the bar disqualifying paupers from old-age pensions.

In the next Parliament the Government, if in power, will introduce a Bill providing for the payment of members and of official election expenses.

The Government have advised the King to bring this session and this Parliament to an end. It is the intention to dissolve Parliament on Monday, 28 November.

Such was the pith and substance of this historic declaration. Mr. Asquith's allusions to the Conference won a generous tribute from Mr. Balfour. It appears that the Prime Minister hoped almost to the last that the Conference would end in agreement. "Never was

a more honest and persistent attempt made by men of strong and conflicting convictions to understand each other's point of view and to find an underlying basis of agreement." Agreement having been found impossible in these circumstances, it is idle to suppose that agreement can be hammered out in this Parliament amid the strife and din of party contention. The Conference having failed, "we revert to a state of war." One thing, and one thing only, will stave off a dissolution. That is the acceptance by the Lords of the Government proposals. It is no longer a question of amendment. It is now a question of acceptance or rejection. Can anyone doubt, asked the Prime Minister, what the decision of the Lords will be? "I am speaking of realities, not of forms." What is left but to send this controversy for final arbitrament to the tribunal of the nation?

Mr. Balfour's reply was almost benignant in tone, with here and there a searching phrase. Talk about passing the Budget, you only propose to pass certain fragments of the Budget that are not likely to embarrass you! The Government's action was absolutely unprecedented. The ill-success of the Conference did not justify this rashness. Like Mr. Asquith, the Tory leader deeply regretted the failure of the Conference. "Although its labours have been in vain, the precedent will not be in vain." Moderate men of both parties may yet seek through this method of Conference to find a way out. Why does the Government dissolve? Are they running away from the possibility of action by the Lords? There were one or two characteristic gibes, e.g. "you regard your Parliament Bill as verbally inspired"—but for all its ability the speech lacked pungency and the note of combat. Nothing could be more unwarlike on the threshold of a hard campaign.

In the course of the debate Mr. Barnes, Leader of the Labour party, made a speech somewhat unfriendly to

the Government. He saw no necessity for an election ; thought the Conference was a mistake ; wanted the Osborne judgment reversed, and would not accept payment of members in substitution. To this maladroit utterance on the eve of a battle fraught with such importance to the democracy, the Chancellor of the Exchequer replied with much spirit and some degree of asperity. No one can speak so plainly to the Labour members as Mr. Lloyd George. A great democrat and a sincere champion of the working classes, he talks to Labour members with a candour not permissible to the average Minister. Turning round so as to face the Labour Leader, he reminded him that the settlement of the Lords question is an essential preliminary to nearly all the great social problems of the hour. We are committed to a great struggle, full of difficulties ; yet this is the occasion for Mr. Barnes to show a spirit of " nagging futility."

A speech from Mr. Belloc, a Liberal Catholic, was irradiated by some happy phrases. The Conference having missed a supreme opportunity of settling the Irish question, Mr. Belloc has become tired of parties and will never fight again except as an Independent. He spoke of the happy change and smiling prosperity that has come over Ireland. " You cannot prevent the resurrection of Ireland ; the tomb is open, the soul has stolen away."

All through the long debate Mr. John Redmond (who had only returned from his American tour a few days before) sat silent in his corner seat. Two dissident Irishmen, Mr. William O'Brien and Mr. Timothy Healy, did their utmost to make the Irish Leader speak, but to no purpose. When the member for Cork said that the " dictator of England " was the " destroyer of Ireland," a smile overspread Mr. Redmond's Roman features. Mr. Healy spoke like a statesman when he appealed to both political parties to use the present

blessed opportunity for a national settlement of the Irish question. But the statesman was swallowed up by the partisan when he began to fling his darts at the Nationalist Leader. Calm and unperturbed, Mr. Redmond listened to his caustic critic. In spite of provocation and misrepresentation, still he held his tongue. It is a great art to know when to be silent. Mr. Redmond's silence through all this long debate was more eloquent than words.

The Liberal leaders plunged with enthusiasm into electoral battle. Mr. Asquith led the way on Saturday, 19 November, at the National Liberal Club, where he declared: "We are back where we were in April, with this difference, that we must now put aside the method of compromise as a thing which has been tried and has failed. Negotiations are over; war is declared." In the following week Mr. Lloyd George and Mr. Churchill began a vigorous oratorical campaign in London. "If we get a majority this time," said the Chancellor of the Exchequer at Mile End, "it will be a final one."

On the Conservative side energetic efforts were made to stir up the old prejudice against Home Rule. Mr. Redmond was represented as the "dollar dictator," who had returned from the United States with his pockets bulging with "foreign gold," with which he meant to corrupt British politics. Mr. Asquith and the Liberal party were merely the tools of this arch-enemy of the British Empire; and so on in the familiar old Tory vein. Perhaps the most remarkable incident in the campaign was the jettisoning of Tariff Reform from the labouring vessel of Toryism. At a great Conservative demonstration at the Albert Hall on 29 November, Mr. Balfour announced that, if the Conservatives were returned to office, they would not introduce Tariff Reform proposals without submitting them in the first place to a poll of the people by referendum. "I frankly

say," declared Mr. Balfour, "that without question Tariff Reform is a great change. I admit that this election, or any election, perhaps—certainly this election—cannot be described as taken upon Tariff Reform simply; but I have not the least objection to submit the principles of Tariff Reform to a referendum." This declaration was received with tumultuous cheering. It was surely one of the strangest features in the history of political campaigning that the action of a Leader in withdrawing the chief plank from the party programme should have been greeted with this storm of enthusiasm. "It has won us the election," was the ecstatic declaration of many of those who listened to Mr. Balfour's dramatic recession. The promise to submit Tariff Reform to a referendum was intended to propitiate the working classes, who had an invincible repugnance to food taxes, and to win the support of the Free Trade Unionists. *The Spectator*, naturally from its point of view, warmly applauded it. What was surprising was the alacrity with which the Conservatives throughout the country consented to the relegation to a subordinate place of the policy on which it was understood that all loyal Tory hearts were set. Only the *Morning Post*, faithful among the faithless, protested against an opportunism which it believed to be as unwise as it was disloyal.

The election campaign was fought with the greatest vigour on both sides. Mr. Asquith and Mr. Balfour were the outstanding figures in the battle. On the Unionist side it was fought almost exclusively on Home Rule. The Government were accused of being the tools of the Irish party, and of selling the Constitution for American gold. Mr. John Redmond himself was caricatured as the "dollar dictator" in flaring colours on ten thousand hoardings.

The Tories did better at the election than was anticipated. As the result of a careful estimate of the prospects

in all the constituencies, the Master of Elibank had counted on an increase of twenty in the Liberal majority. His anticipation was not realized because of serious defections in Devonshire and South-East Lancashire. In both these areas old antipathies to Home Rule linger, and the suspension of Tariff Reform plus the "dollar dictator" cry wrought havoc with Liberal prospects. Against these losses the Liberals could place gains in other parts of the country. The final result gave the Government a majority of 126, 4 better than at the dissolution:—

Liberals	272
Labour members	42
Irish Nationalists	84
	— 398
Conservatives	272
	—
Majority	126
	—

To have achieved this result in spite of the referendum dodge, the anti-Irish campaign, and an unprecedented rally of plural voters, was decidedly satisfactory. In three successive general elections the Liberals had now been triumphant at the polls—a feat without parallel in our electoral annals. That the Government exposed itself to peril in voluntarily going to the country in December after only eleven months of office was apparent from a disclosure made during the electoral campaign by Lord Rosebery. Speaking in Edinburgh on 3 December, Lord Rosebery said: "If the Government lose but five seats on balance they cannot proceed with their proposals." That observation proved that Lord Rosebery knew what had gone on behind the scenes. His statement, though not quite accurate, had close relation to the facts. There can be no doubt that the Government

would have felt itself disabled from proceeding with its policy of "limiting the Lords' veto" unless the election had given it a decisive majority in Great Britain. This condition was implied in the term "adequate majority," which was used in the negotiations with the King in November. The condition was amply fulfilled. In Great Britain the Government had a majority of sixty over the Conservatives. Encouraged by this decisive expression of national confidence, the Government were now able to go straight ahead. The legislative road had been cleared, and the Government was in a position to ensure that within the limits of a single Parliament the will of the people should prevail.

CHAPTER XXII

PARLIAMENT BILL IN THE COMMONS

THE new Parliament was opened on Monday, 6 February, 1911, by King George in person. His Majesty was accompanied by Queen Mary. The King and his gracious Consort were enthusiastically greeted on their appearance at the first State ceremony since the death of King Edward. In the King's speech there was a significant allusion to the "settling" of the relations between the two Houses; no longer was the word "adjusting" employed. On 16 February the Prime Minister announced that the Government were anxious to get the Parliament Bill to the House of Lords early in May, so as to have the last stage of the constitutional conflict over before the solemnity of the King's Coronation in June. This hope was not destined to be realized.

The Parliament Bill was introduced into the House of Commons by the Prime Minister on Tuesday, 21 February. The Bill was identical with that which was read a first time in the House of Commons in April, 1910. It was the same Bill, preamble and all, and now came back with the emphatic stamp of the nation's approval upon its face.

The Prime Minister, in moving the first reading once more, spoke of the tendency under our unwritten Constitution for a divergence between legal powers and constitutional practice. The Veto of the Crown remains existent in law, but not in fact. Similarly there is a divergence

between the legal powers and the constitutional rights of the House of Lords. The Lords have long since ceased to exercise control over policy or administration. Why? Because of the concentration of financial power in the House of Commons. If the precedent created by the House of Lords in rejecting the Budget in 1909 had been allowed to stand it would have meant a revolution in our constitutional practice, for it would always be open to the Lords, by destroying the financial provision made for a given year, to compel either the resignation of the Government or a dissolution. Passing to the domain of legislation, the Prime Minister showed that even here it is a maxim of the Constitution that the House of Lords must yield at some point to the wishes of the electors.

The Prime Minister is strongly in favour of a two-chamber system, but could there be a worse Second Chamber than the House of Lords? A body hereditary in origin, irresponsible in the exercise of power, overwhelmingly partisan in composition. Such a paradox could only be reconciled to the actual working of democratic government by an almost supernatural endowment of insight and self-abnegation. No democratic country could trust its fortunes to the hazards of such a Chamber. "The chapter of accidents is the Bible of fools." In emphatic terms Mr. Asquith denied that the Government propose to set up a Single Chamber system. The Liberal party knows what it is to suffer from the unchecked domination of a Single Chamber. In vivid phrases the inaction of the House of Lords during the Tory regime 1895-1905 was recalled and contrasted with their maleficent activity ever since the Liberals came into power in 1906. The rejection of the Budget Mr. Asquith characterized as the most stupendous act of political blindness ever perpetrated. A crash of cheers like a discharge of artillery greeted this declaration, and they rang

out again, loud, long, and defiant, when Mr. Asquith added that "on 30 November, 1909, the House of Lords as we have known it committed political suicide."

A passing allusion to the preamble made it plain that the Government mean to reform the House of Lords after its powers have been reduced. Mr. Asquith holds that the power of suspensory veto provided by the Parliament Bill will be exercised against one political party only by the House of Lords as at present constituted. It could only be used with safety to the State by a reformed Second Chamber. But this question of reform is not immediate. Are we to wait and leave progressive legislation to the mercies of a hostile and partisan House of Lords? "We say No. The country has said No twice in twelve months." A present remedy is wanted for present evils.

After reviewing the clauses of the Parliament Bill the Prime Minister spoke of the adoption by the Tory party of the referendum. Instead of a representative system the Conservatives now want a plebiscitary one, the old device of the Jacobins and the Napoleons. To this pass Toryism has come. Something was to be said for the referendum in very rare and exceptional cases, but as a normal part of our constitutional machinery it would make the Ministry merely the clerks and the Legislature merely the registrars of the electorate.

Mr. Balfour began by harping on his familiar theme that owing to the multiplicity of issues at general elections it is impossible to know what the voice of the people really desires. He confessed that there are difficulties attendant on the referendum, but argued that at any rate a referendum does isolate a question. Then, in his blandest vein, he spoke of the universal desire for a reform of the House of Lords. We all agree that there is need for far-reaching change. We all agree that there ought to be a change in the composition

of the Upper House and a change in the relations of the two Houses. We all agree that the House of Commons should be the dominant Chamber. With so large a measure of agreement, why cannot we come to a settlement? Here is a question with no theological poison to embitter it. Why can't we settle on peaceful terms? Because, said Mr. Balfour, the Government, after reducing the powers of the House of Lords, want to leave us for an interval of unknown duration without anything that can be described as a Second Chamber. They want to use this interval for the passing of a Home Rule Bill that the country doesn't want. "Much as I desire peace," said Mr. Balfour in conclusion, "there are some issues so great that no compromise is possible upon them"—a sentiment greeted with hearty Opposition cheers, followed by loud, ironical applause from the Government supporters. In the course of his speech Mr. Balfour put in a plea for the retention in some form of the hereditary principle. The proposal of the Government for an elective Second Chamber he condemned on the ground that such a Chamber would not be found consistent with the dominance of the House of Commons.

Mr. Ramsay Macdonald, Leader of the Labour party, avowed himself a Single Chamber man, but held that the country wants a bi-cameral system. Strongly averse to the creation of a new Second Chamber, he does not want a plutocracy of rich men dominating a Senate. Labour prefers the old feudalism to the new wealth. "I don't like the preamble, but I am going to take the Bill with the preamble rather than have no Bill."

The debate on the first reading of the Bill was continued for two days. Mr. F. E. Smith was the chief speaker on the Opposition side on the second day. Mr. Smith confessed that the Liberal party under Mr. Asquith's leadership had in its long fight against the House of Lords carried the battle further towards success

than it was taken either by the eloquence of O'Connell or the genius of Gladstone. Be content, he said, with this success, do not press your advantage too far ; use it to get a settlement by consent ; build on the rock of national agreement, not on the shifting quicksands of a party triumph. Such was the argument pressed by the brilliant young Member for Walton, in a speech to which the House listened with delight. Against the background of mediocrity on the Tory benches, Mr. F. E. Smith, with his facile cleverness, mental quickness, adroit speech, and aptitude for phrase, shines out with something like splendour. It is not a rich mind or a deep-veined nature. But Mr. Smith has talent, fluency, and boundless audacity.

Mr. Churchill, who concluded the debate, recalled the situation in 1906, when, after an unprecedented defeat at the polls, Mr. Balfour, through his control over the House of Lords, still retained the mastery of the situation, and almost succeeded in reducing a powerful Liberal Government to impotence and ruin. Looking straight at Mr. Balfour, the Home Secretary, with an obvious allusion to the rejection of the Budget, said : " It is always difficult to know, when you embark on the path of wrongdoing, where to stop." Mr. Balfour, by using the veto of the House of Lords to prevent the redress of grievances, had succeeded in stopping the swing of the pendulum. He had embroiled an old aristocracy in an attempt to baffle a modern democracy. He had marched his army down with drums beating and flags flying for the third time to a total disaster.

Few men in public life have Mr. Churchill's capacity for vivifying a controversy and stimulating an audience. His speech was punctuated almost at every sentence with laughter or applause. As to Mr. Wyndham's invitation to the Government to join with the Tory party in reforming the House, if the Government entered into such a

conference, said Mr. Churchill, "we should not have fifty supporters." (Loud and prolonged cheers, continued for many moments.)

Indignant scorn marked Mr. Churchill's allusion to the adoption by the Tory party of the Jacobin device of the referendum. He did not spare Mr. Balfour, and declared that the policy of referendum was the crowning blunder of the eight years of unrelieved disaster for the Conservative party that had followed the death of the late Lord Salisbury. Lord Randolph's son has not forgotten the injuries his father suffered.

The Parliament Bill was read a first time by a majority of 124. Then, as Mr. Asquith, a striking figure in evening dress, advanced up the floor bringing in the Bill, Liberal, Labour, and Nationalist members sprang to their feet in an ecstasy of enthusiasm, cheering and waving hats, handkerchiefs, or order papers. The Chairman of the Scottish Liberals, Mr. Eugene Wason, a massive son of Anak, stood forth in this scene a conspicuous figure, with a huge expanse of shirt-front, and fluttering a handkerchief vast as a banner.

On the same day, 21 February, Lord Lansdowne gave notice of a Bill to alter the composition of the Upper House, and Lord Balfour of Burleigh of a Bill to provide for the submission of certain measures in given circumstances to a referendum.

On 2 March the motion for the second reading of the Parliament Bill was carried by a majority of 125—a proof of the steadfastness of the Coalition supporting the Government. Owing to ill-health and preoccupation with the preparation of the National Insurance Bill, the Chancellor of the Exchequer took no active part in the work of the House of Commons for several weeks in the spring of 1911, and the duties of first lieutenant to the Prime Minister were efficiently discharged by Mr. Churchill.

There is no necessity to deal exhaustively with the debates on the Parliament Bill. The story of its progress is told in the following extracts from a private diary kept by a parliamentary observer who was present at every sitting :—

“ 28 *February*. Meeting of Conservative M.P.’s to-day to discuss plans for House of Lords’ Reform. Sir A. Acland-Hood attended. Outline of Lansdowne Reform Bill submitted. Meeting approved same, and expressed confidence in Unionist leaders. Balfour annoyed at action of young Tories in pushing principle of Second Chamber on elective basis and trying to force his hands. Revolt nipped in the bud to-day. Tory reform Bill to follow broad lines of Lord Curzon’s published scheme. This provided for reduction of Lords from 675 to 300 ; 100 to be elected from and by hereditary peers ; 50 qualified by service ; 50 nominated by Prime Minister of the day ; 100 to be chosen by county and borough councils.

“ In debate on second reading of Parliament Bill to-day Colonel Seely effectively replied to Alfred Lyttelton on Colonial analogies of Second Chamber and Joint Session. Seely spoke with authority, as he had piloted South African Union Bill through Commons.

“ Ryland Adkins, private member, made extremely able speech, full of ripe historical knowledge, in support of Parliament Bill. Quoted Duke of Wellington’s statement in 1846, ‘ without the House of Commons and the Crown, the House of Lords can do nothing.’ Pointed out there is no instance of House of Lords rejecting a first-class Government measure for more than two years running. Everything done by Conservative Opposition from 1846 to 1852, from 1858 to 1865, from 1868 to 1874, and from 1880 to 1885, could be done by House of Lords under Parliament Bill.

“ 1 *March*. Runciman, Minister of Education, princi-

pal speaker to-day. Analysed Tory Reform schemes with deadly effect. Showed that Lansdowne's scheme on best possible showing would give permanent Tory majority of 100 ; Curzon's a Tory Majority of 50. Is this fair play ? Favours two Chambers, both accountable to people. Runciman made great point of fact that under Tory Reform schemes the Royal Prerogative of making peers would be destroyed. Strongly condemned referendum, which Sir William Anson defended as a means of preventing violent inroads on the Constitution.

" *2 March.* Second reading of Parliament Bill carried to-night by majority of 125 amid scene of great excitement. Balfour's speech spread dismay among Tories. Nailed hereditary principle to the mast. Defended Lords as an almost ideal Second Chamber. Wants Reform simply to strengthen it. This avowal of desire to chain the democracy by stronger links drew fierce ironical cheers from Liberal and Labour members.

" Balfour's chief argument that Government meant to utilize delay between passage of Parliament Bill and reform of the House of Lords to smuggle through Home Rule Bill. Expressions ' fraud on the electorate ' and ' coercion of Parliament ' caused angry scene. Prime Minister in fine debating form : ' So you want to strengthen House of Lords against chosen representatives of people ' ; vigorously denied that policy of Parliament Bill was dictated by Irish party ; it dates from 1907, when Liberals had an independent majority greater than that of all other parties combined ; replied effectively to A. J. B.'s remark about hereditary crown as bond of Empire ; yes, but the Crown has renounced its veto ; reform of Lords must be subordinate to Veto Bill ; our first and permanent duty to pass Veto Bill into law.

" Lord Hugh Cecil says if 500 peers are created it will be a sham Parliament passing sham laws.

“ Herbert Samuel concluded debate in a speech of great brilliancy ; trenchant, mordant, crushing.

“ 3 *March*. At Lord Morley’s dinner to-night at Claridge’s Hotel, Lord Crewe, seized with sudden faintness, fell and struck his head violently on the floor. Spent night at hotel, John Burns keeping company with him. Crewe suffering from overwork. Heavy strain of last two years told heavily on him. Other Cabinet Ministers also feeling the strain—George, Haldane, Harcourt, and McKenna, all very unwell.

“ 3 *April*. In Commons committee stage of Parliament Bill begun. P.M. in charge, with Churchill and Herbert Samuel as lieutenants. End of day still finds House on line 1. A. J. B. talks of ‘ obligation of honour ’ on Government’s part to reform the Lords. Will limitation of veto apply equally to reformed Second Chamber as to present House of Lords? Two Radicals, George Harwood, a racy speaker and keen Lancashire manufacturer, and Sir Henry Dalziel, insistent that limitation of veto must apply to any and every Second Chamber. P.M. says reform belongs to the future. Present duty to limit veto of present House of Lords.

“ 4 *April*. Committee on Parliament Bill. Many ingenious Tory amendments. Sir Arthur Griffith-Boscawen’s amendment that voting on third reading of a Bill in House of Commons be by ballot. Hugh Cecil painted gloomy picture of the decadence of the House, independence has vanished, whips and caucus all-powerful. Secret voting now as necessary to protect members against illegitimate pressure as it was in the old days to protect members from pressure of the Court.

“ Churchill said Lord Hugh was unnecessarily gloomy. Equally opposed to referendum and to secret voting, Government stand by representative institutions.

“ Balfour opposed Tory amendment, and while paying tribute to Cousin Hugh’s sincerity, shattered his argu-

ment. Speaking with knowledge of the House since 1874, A. J. B. emphatically denied that it has suffered any deterioration. Said Sir Charles Dilke, with whom he was talking on this subject some time before Dilke's death, agreed with him. A. J. B.'s speech, so full of pride in the House, so charming, so eloquent, enraptured the House. Loudly applauded, especially by Liberal members. Young Tory forwards very chastened. P.M. said he agreed with every word uttered by Balfour and paid warm compliment to his speech, which he said was the finest vindication of the representative character of the House of Commons that had ever been made in the House. None the less, eighty-four Tories followed Lord Hugh into the Lobby.

" 5 *April*. Very slow progress. Herbert Samuel said Government will not resist amendments calculated to fulfil purpose of Bill. Lord Hugh Cecil: 'So there will be a report stage.'

" P.M. absent to-night owing to severe cold. Lord Hugh annoyed Liberals by speaking of P.M.'s idleness and the 'vicarious insolence of his deputy' (Churchill).

" Three first days in Committee have yielded three lines!

" 10 *April*. P.M. to-day, after allowing long debate on trivial Tory amendment on Parliament Bill, moved kangaroo closure amid terrific display of Liberal enthusiasm, and shouts of 'Gag! Gag!' from Tories. Whole aspect of House changed by firm action of P.M. Only three and a half lines of Parliament Bill had been passed in three days, but to-night by 10.30 five more lines were added, the Chairman sweeping away over three pages of amendments.

" P.M., whom Lord Hugh accused of idleness last Thursday night, almost inaudible to-day owing to effect of a severe cold on his voice.

" Lord Hugh made offensive attack on Churchill,

and was sharply reproved by Chairman, who told him to eschew personalities and talk to the amendment. Lord Hugh, white with anger, in a voice tremulous with excitement, said, 'If you are referring to the propriety of my conduct, Mr. Emmott, of that I am the best judge.'

"Deal between Churchill and Balfour to-night. Promise by Government to let discussion to-morrow be concentrated on 'What is a Money Bill?' and 'What is the tribunal which shall decide on Money Bills?'

"11 April. P.M., still very hoarse, spoke on definition of Money Bill; said Government do not want to widen the boundaries prescribed by the Constitution; simply to make clear the absolute supremacy of Commons in Finance. Indulged in historical retrospect, showing steady growth of Commons' power in Finance, until in 1861 even the power of rejection was virtually lost to the Lords. Invited the Opposition to join in making the definition of a Money Bill accurate and precise; showed that the Opposition amendments fall far below the usage and practice of the Constitution.

"Balfour said that P.M. up to 1860 spoke as historian, afterwards as a partisan. A. J. B. holds that Lords, while having no power to amend, have power to reject Money Bills, and will retain this power until this Bill passes into law, 'if it ever does.'

"Long discussion, after which P.M. promised to expressly exclude 'rates' from purview of sub-section.

"Tory objections to making Speaker the authority to pronounce on Money Bill powerfully answered by P.M., who scouted idea of the law and privileges of Parliament being determined by any external tribunal. Balfour thinks Government proposal will weaken impartiality of Speaker, is as hostile as P.M. to external tribunal, but suggests a Joint Committee of both Houses with the Speaker in the chair. H. Samuel replied brilliantly to

Balfour and argued that new function imposed on the Speaker is in complete harmony with his historic duties.

" 20 April. House of Commons began the consideration of Clause 2 of Parliament Bill, which gives power to override Lords in ordinary legislation after a Bill has been passed three times in three successive sessions by the House of Commons. Numerous amendments on the paper to exclude various categories of legislation from operation of the clause. The P.M. showed that the British Constitution never has distinguished between classes of Bills. Government proposal based on the presumption that the House of Commons represents for time being the opinion of the electors. That presumption may be weakened by time. As safeguards against a House carrying great changes after its authority is exhausted the Bill (1) shortens duration of Parliament, and (2) provides that after a second session Government will not be able to take advantage of machinery for overriding House of Lords. With these precautions, why seek to limit authority of the House in plenitude of its power and freshness? By these amendments, Tories are seeking to introduce a distinction wholly unknown to British Constitution; they are invoking an outside authority to say whether Parliament has or has not exceeded its functions.

" Taunt that Government means to use power bestowed by Parliament Bill to pass Home Rule leaves P.M. unperturbed. Parliament Bill not an end in itself. What folly to invent a machine simply to exhibit in a museum!

" Balfour upset by breadth and power of P.M.'s speech. Accused him of holding doctrine of absolute Single Chamber Government. 'What has become of the preamble?' He argued Home Rule not in issue last election, but admitted he tried to arouse the nation to the danger. 'Unfortunately, I could not persuade them.'

" 25 *April*. Amendment by Sir Philip Magnus to exempt from operation of Clause 2 measures which have not passed the Commons by a majority of 100 or over. Balfour supported amendment. P.M. pointed out that amendment would perpetuate gross inequality under which Liberal measures are hindered and Tory measures have a free run. Gently spirited by P.M., kangaroo took a long leap and Chairman selected for discussion Sir Alfred Cripps's amendment in favour of joint session for settlement of difference between the two Houses. P.M. strongly resisted amendment. Something to be said for joint session if we had two Chambers on a democratic basis with a proper numerical relation. But in the circumstances a patent absurdity. Joint session in present conditions would give dominant party in Lords last word on every reform. Appealed to the House to fall back on simple, fair, logical plan of the Government.

" Balfour angry and scornful. 'Your Parliament Bill only a child's effort. It is simply taking out a wheel.' Not a sign of statesmanship! If joint session is good with two Chambers on a democratic basis, why not start by reforming the House of Lords? You are beginning at the wrong end.

" Sir H. Dalziel's amendment reducing period of delay from three to two sessions shows that a section of Radicals regard Parliament Bill as too moderate.

" 26 *April*. Discussion to-day on referendum. P.M. pulverized Cave, who moved an amendment providing that every Bill rejected by the Lords may be sent to a poll of the people. Last April Cave strongly opposed the referendum as alien to our system of Government. Lees Smith, a young pale-faced Radical, spoke ably; said referendum would need to be supplemented by initiative, enlarged on its perils to richer classes. No doubt, on some questions the nation is more conservative

than the House of Commons, but on questions of distribution of wealth it is far more extreme.

“ Balfour’s speech extraordinarily interesting and disconcertingly candid. Believes strongly in referendum, but only to be used very rarely. George Barnes, a Labour member, asked how in that case could we hope to pass Bills of sectional interest, e.g. Scotch House Letting Bill—rejected by Lords. Balfour genially replied ‘ by joint session.’ Joint sittings for differences on ordinary Bills, referendum for exceptional occasions and Bills. Balfour does not think adverse verdict on referendum need impair the position of a Government. It could go on as if nothing had happened. Enlarged on tyranny of Government, the growing rigidity of party lines, power of machine. At a referendum, knowing fate of Government not dependent, voters would be encouraged to defy the machine; they could vote without regard to local, to personal, or to party considerations, and we would have a true reflection of the national will. Poor Tariff Reformers !

“ P.M. denies that at a referendum it would be possible to isolate issues, takes his stand by the representative system, which is the masterpiece of political invention of modern world. Referendum would destroy Ministerial responsibility and humiliate House of Commons. Eloquent vindication of representative government. Chaffed Tories on their love for revolutionary principles, their policy far more revolutionary than Parliament Bill. Let us stand by the old ways (derisive Tory cheers). ‘ Yes, I am using the language of Toryism, for (looking at the Opposition) I am addressing a revolutionary party.’ Majority against referendum, 122.

“ 1 *May*. On Parliament Bill to-day Prime Minister announced a concession. The two years to date from second reading of Bill, not from first introduction. A.J.B., while grateful for concession, thought it ought to be

extended to third reading, as Bills sometimes are transformed in committee, e.g. Mr. Disraeli's Franchise Bill, 1867.

" 2 May. P.M. absent to-day, owing to death of Lady Ribblesdale. Rapid progress made with Parliament Bill. Committee stage concluded except preamble. Long discussion on Clause 2. Walter Long flung at Home Secretary extracts from Winston's election address in 1900 at Oldham. Home Secretary replied he had only just left the Army, and had to rely on the Tory electioneering claptrap of the moment. Eloquently defended Clause 2, essentially a moderate remedy. Parliament Bill would establish supremacy of Commons, but would still leave Liberals in a position of inequality as long as the House of Lords is constituted as at present. Fear that Lords may use factiously large powers left to them under Parliament Bill makes reform of Second Chamber necessary sooner or later.

" Balfour replied in clever, good-tempered speech. What evil have the Lords done? Laughs at Churchill's allusion to deadlock; it is purely imaginary. Argued that Lords now have only power of delay. Parliament Bill simply an *ad hoc* measure to carry certain Bills, especially Home Rule, without consulting the people. An elective Second Chamber will claim equality with and eventually secure predominance over the House of Commons. A. J. B. censured Government for postponing to indefinite future reform of House of Lords.—Government majorities very satisfactory.

" 3 May. Committee stage of Parliament Bill concluded. Final majority 118. Declaration of figures received with enthusiastic cheers. Preamble discussed on Barnes's motion for its exclusion. Labour party strongly in favour of Single Chamber. They regard Second Chamber, said Barnes, as 'an insult to a free people.'

“ P.M. said that Parliament Bill, preamble and all, was approved by electorate. Government had consistently advocated reform of Second Chamber after removal of absolute veto of the Lords. An obligation, in this Parliament, if time permits, to undertake reform. Parliament Bill will still leave Liberals at a disadvantage. Can we trust the exercise of the large powers left to the Lords to a body so partisan, so unrepresentative? Again, excellent as is the Parliament Bill, it provides no safeguard against evil of Single Chamber Government when Tories are in office.

“ Balfour, alluding to Barnes’s remark about Scotch exodus, asked, ‘ Where are they flying to?’ To countries that have strong Second Chambers. Nonplussed by Barnes’s query: ‘ Do you mean to say Canada has a strong Second Chamber?’ Barnes having said that some Second Chambers in Australia were more reactionary than House of Lords, Balfour called this an admission that heredity works better than election in a Second Chamber. Like P.M., he wants Second Chamber to be subordinate, and he does not quarrel with his definition of a Second Chamber’s duties as those of consultation, revision, and delay. But these powers must involve power in some cases to compel a referendum to the people of questions on which the people’s will has not been declared.

“ Ramsay Macdonald’s speech able, but too abstruse. Made out powerful case against preamble. We have had no experience of Second Chamber working under Parliament Bill conditions. Why not wait for such experience before rashly undertaking reform of the House of Lords? A reformed Second Chamber might be much worse than the House of Lords.

“ 10 *May*. Final day of report stage of Parliament Bill. Debate turned entirely on proposal to omit Clause 2. Strong speeches full of alarm from the Tories. A young Welsh member, Edgar Jones, ridiculed alarmist

observations of Tories. Parliament Bill relatively a small affair of domestic interest. Excellent speeches by Dr. Chapple (who said referendum and joint session in Australia went with Adult Suffrage and elective Second Chamber), Sir Alfred Cripps (very fervid and eloquent), R. W. Essex (who said Bill was only a coat of mail for the Liberals against unjust attacks of Lords). Herbert Samuel, on reform, said, 'Solvitur præambulando.'

"In Mr. Balfour's absence, Walter Long led Opposition, and indulged in lamentation over Single Chamber Government.

"15 May. Parliament Bill read a third time in House of Commons; majority 121. Scene of great enthusiasm. Asquith received a great ovation, Liberal, Labour, and Nationalist members rising and cheering vociferously, waving hats and handkerchiefs. Opposition very dejected. Feature of debate speech of Prime Minister. Excellent in form, firm in tone, eloquent in delivery. He replied effectively to F. E. Smith, who had moved rejection of Bill. P.M. said Government mean to reform House of Lords in present Parliament. But Parliament Bill must be passed into law as essential first step. No Bill ever went to House of Lords with a better title to be placed on Statute Book. Parliament Bill stamped and sealed with popular approval at two general elections. When reform of House of Lords is taken in hand, large field will be opened for the co-operation of both political parties.

"Balfour's speech an acknowledgment of defeat. Admits there is virtue in the three sessions and two years' delay, but described this as a bad form of referendum. Why not adopt a good form of referendum so as to ascertain people's views clearly on a clear issue? A general election is too confused. Accused P.M. of sacrificing to party exigencies the two-chamber system in which our fathers gloried.

“Churchill wound up for Government in a speech of dazzling brilliancy which moved the whole House. A densely crowded audience surging with emotion. Winston said that Parliament Bill represented territory won from classes which will never be surrendered. Spoke sympathetically of the aristocracy. They had been too docile to their leaders, and were now to be flung on the dust-heap (allusion to Lord Lansdowne’s Reform Bill). ‘The peers have a keen and bitter grievance, but not against us, who have only given blow for blow. There (pointing at front Opposition bench) sit the recipients of their reproaches.’”

Thus the Parliament Bill was carried through the House of Commons with the full strength of the Government majority.

CHAPTER XXIII

THE LORDS' DILEMMA

THE scene now changes to the House of Lords. Their Lordships had not been idle during the progress of the Parliament Bill through the Lower House. Lord Balfour of Burleigh, acting unofficially, had brought forward a Referendum Bill, and Lord Lansdowne had introduced a Bill for a drastic alteration in the composition of the House of Lords. Reform of the Upper House had suddenly become in Conservative quarters a burning question. A difficulty in the way of House of Lords' reform was that nearly every scheme necessitated an invasion of the Royal Prerogative. In 1856, in the Wensleydale case, the Lords had successfully resisted the introduction of life peers. The proposal of the Crown to bestow on Sir James Parke, one of the Barons of the Court of Exchequer, a peerage as Baron Wensleydale "for and during the term of his natural life" was referred by the peers to a Committee of Privileges. This committee reported that "neither the letters patent, nor the letters patent with the usual writ of summons in pursuance thereof, can entitle the grantee to sit and vote in Parliament." The difficulty was overcome by making Lord Wensleydale an hereditary peer. In the matter of the Wensleydale peerage the Lords showed conspicuous lack of wisdom, for the creation of life peers by Royal Prerogative would have brought an infusion of new blood into the House of Lords,

and checked the tendency to dissonance and discordance between the two Houses of Parliament. "The House of Lords," to quote Bagehot, "rejected the inestimable, the unprecedented, opportunity of being tacitly reformed. Such a chance does not come twice. The life peers who would then have been introduced would have been among the first men in the country." It may be noted that the Law Lords (Lords of Appeal in Ordinary), who sit in the Upper House as life peers, were created under the Appellate Jurisdiction Acts 1876 and 1887. By the later Act these life peers are entitled to sit and vote in the House of Lords even after they have ceased to fill the office of Lord of Appeal. In fact, they are Lords of Parliament for life, with no descendible dignity.

While the peers successfully resisted the exercise of the Royal Prerogative in the Wensleydale case, prerogative now barred the way to the desire of Lord Lansdowne and his colleagues to effect a change in the composition of the House of Lords. Every scheme of House of Lords' reform, except the substitution of an elected Second Chamber, involved restrictions on the free action of the Crown in the creation of the peers. These restrictions could not even be discussed academically without the prior assent of the Crown. As the Crown acts on the advice of its Ministers, Lord Lansdowne was therefore under the disagreeable necessity of requesting the Government's permission to produce a scheme which he was bringing forward as a counter-proposal to the Government's Parliament Bill. Like Lord Lansdowne's scheme, the earlier reform proposals associated with the names of Lord Newton and Lord Rosebery were also marred by the defect that they interfered with the Crown as the free-flowing fountain of honour. In 1907 Lord Newton introduced a Bill whose objects were:—

(1) To reduce the preponderance of the hereditary element in the House of Lords. "For this purpose it is

proposed to enact that the possession of a peerage by descent shall not, of itself, give any right to a seat in the House, and that a peer entitled by descent shall have a right to sit only if he possesses certain specified qualifications, or if he is elected as a representative peer under the Bill." The representative peers would be elected for a Parliament, and not for life.

(2) To give to the Crown the power to appoint life peers to a number not exceeding 100.

(3) To effect a reduction in the number of Bishops sitting in the House, proportionate to the reduction proposed in the case of the hereditary peers.

(4) To assimilate the system of electing Scotch and Irish representative peers to the system proposed by the Bill for the peerage of England.

(5) To enable any hereditary peer who does not desire to become a representative peer, or to sit in the House of Lords as a qualified peer, to stand as a candidate for election to the House of Commons.

Lord Newton withdrew his Bill on an assurance that its proposals would be considered by a committee appointed on the motion of Lord Cawdor. This committee presented an elaborate report in 1908. It proposed a reduction in the number of Lords of Parliament to about 350, of whom 200 would be elected by the hereditary peers, and 130 would serve as hereditary peers who had qualified by distinguished service. The remainder would be made up of 3 peers of the Blood Royal, 10 Archbishops and Bishops, 5 Lords of Appeal, with a "possible annual increment of 4 peers for life up to the number of 40, thus bringing the total number of the House to something under 400." With regard to the Royal Prerogative the committee disavowed any "desire to limit the prerogative of the Crown as regards the creation of hereditary peers; but they wish, by dissociating the right of legislation from the possession of a

peerage, to secure a more compact, efficient, and responsible body for parliamentary purposes."

Once before in our history the Lords made an attempt to encroach on the Royal Prerogative of creating hereditary peers. In 1719 the Duke of Somerset brought in a Bill to restrain the Crown from the creation of more than six peerages beyond the then existing number of 178. As a Bill affecting the rights of the Crown could not be introduced without the Crown's assent, Lord Sunderland managed beforehand to obtain the acquiescence of George I. The Bill and a successor of it in the following session provoked popular resentment, and Sir Robert Walpole, in one of his most eloquent speeches, denounced the proposal as an attempt to narrow the avenues of honour. "It was, in truth, an audacious attempt to limit the prerogative of the Crown and discourage the granting of just rewards to merit, for the sake of perpetuating a close aristocratic body independent of the Crown and irresponsible to the people." (Erskine May, *The Constitutional History of England*.)

Let us now return to the Lansdowne Bill for the reform of the House of Lords brought forward in 1911. As we have seen, an essential preliminary was an address to the Crown, praying for consent to its introduction. Without such prior consent of the Crown the proceedings on a Bill affecting the Royal Prerogative would be "null and void." This practice has obtained without any break since the historic case of 1719. The address of which Lord Lansdowne gave notice was in form an address to the Crown. In fact, it was an appeal to the Government, for the Crown acts only through the Cabinet. It was within the competence of the Cabinet to withhold the Crown's assent to Lord Lansdowne's prayer, but Ministers wisely decided to put no obstacle in the way of the production of his scheme for reform of the House of Lords.

The march of events in the Upper House during this

eventful session will be made clear by the following extracts from the diary of a parliamentarian :—

“ 28 *March*. Lord Balfour of Burleigh moved second reading of Reference to People Bill, which provides for referendum on any Bill, except one of Ways and Means. To safeguard minorities proposal in Bill, to allow referendum to be demanded by 200 M.P.’s, even in case of a Bill passed by both Houses. Lord Balfour said his Bill would prevent log-rolling. Amid fervent ‘Hear, hears,’ from noble Lords, he said that idea that the House of Commons represents the people is a myth.

“ Lord Morley, now Leader of the House, attacked Lord Balfour of Burleigh’s Bill in eloquent speech, magnificent vindication of representative system. Passionately opposed to rule by plebiscitary decree. Referendum would enfeeble both Houses, destroy Ministerial responsibility, weaken stability of the electorate. It was as though the shade of Burke had arisen to solemnly warn the Tory party of danger of laying profane hands on our representative system.

“ Lansdowne, looking rather worn, could not conceal his vexation at Morley’s lofty speech ; denied that referendum is a fad or crotchet, said that in some form its introduction into our representative system is inevitable ; thinks the Bill of Lord Balfour, to whom, personally, he paid high compliments, too wide ; would encourage too frequent resort to referendum. Angry at Lord Morley’s taunt that Tories are adopting revolutionary expedients ; what is the Parliament Bill but a revolution ?

“ At opening of sitting sensation caused by Lansdowne giving notice of motion for Thursday of an address to the Crown, praying for the Crown’s assent to the introduction of a Bill infringing the Royal Prerogative—Lansdowne’s own Bill for Reform of House of Lords, which, by reducing and fixing number of Lords of Parliament, will destroy

Royal Prerogative of creating Lords of Parliament. A very inauspicious beginning on Referendum Bill.

"29 *March*. Second day's debate on Referendum Bill also went against Lord Balfour. A Conservative peer of independent mind, Lord Newton, strongly opposed to it. Instead of stopping log-rolling, it would increase it. Thinks referendum utterly at variance with Conservative principles. Lord Ancaster, another Tory peer, vigorously assailed Bill; said it would lead to constant friction. He himself much preferred Parliament Bill to the referendum. Weak speech in favour of Bill from Lord Northcote, and strong one from Liberal peer, Weardale, who thinks House of Commons is dominated too much by caucus. Lord Donoughmore moved indefinite adjournment of debate. So passes first part of Tory reform scheme.

"30 *March*. In reference to Lord Lansdowne's motion *re* Royal Prerogative, Lord Morley said: 'Government will interpose no technicalities or formalities in way of introduction of Lansdowne's Bill, but they reserve entire freedom of action, and will be no parties to any attempt to impede progress with Parliament Bill.'

"Lansdowne said precedent justified his action. An Opposition, unlike a Government, cannot get Royal consent when it pleases. So it is compelled to seek it before introducing its Bill. Lansdowne, wise in this, as at any stage, without the prior assent of the Crown, Government could treat all proceedings on such a Bill as null and void.

"Rosebery dissuaded Lansdowne from going on with his Bill. It can't pass; it will create more enemies than friends. It is only an air balloon. Reform of House of Lords ought to be taken in hand by Government. An Opposition is powerless. What about preamble of Parliament Bill? Perhaps Haldane (who took his seat in House of Lords for the first time to-day) might be able to

enlighten them. Rosebery very gloomy, very eloquent. Accused Government of aiming at Single Chamber rule; some of them desire to reform House of Lords, but their followers won't let them. Marvels at apathy of nation, which is talking about Coronation and playing football when the ancient Constitution is being overturned. Flung Burke back at Lord Morley. Appealed personally to Asquith and Morley to think what posterity will say if they force a 'fanatical one-sided settlement on the country.' An entrancing piece of eloquence, but, as usual with Rosebery, leading nowhere. What gifts of oratory, what a voice; what a presence, what nobleness of mien! fine face set in a noble head of silver-grey hair. Yet how pathetically ineffectual! No light, no counsel, no guidance, only eloquent lamentations."

"13-18 April. Easter recess."

"On 8 May Lord Lansdowne introduced his Bill for the reconstitution of the House of Lords. His proposals were:—

(1) Reduction in numbers. The present House of Lords consists of about 660 members. This number is to be reduced to 350.

(2) Peers will have no right in future to occupy seats in the House of Lords in virtue of hereditary right.

(3) One hundred 'Lords of Parliament' to be elected by the whole body of the hereditary peerage from their own number. Peers to be eligible as Lords of Parliament must have undertaken some public duty or have served the Crown—in high positions in the Army, Navy, or Civil Service. Viceroys will be eligible, so will Governors of Presidencies in India, men who have held Ministerial office at home, members of the Privy Council, men who have served as permanent heads of public departments, as Lord Mayor, Provost, Chairman of County Council, Chairman of Quarter Sessions.

“ Lord Lansdowne estimated that there are 300 qualified peers out of whom the 100 Lords of Parliament would be elected. Provision would be made for minority representation, so that the small band of Liberal peers will not be entirely ignored.

“ (4) One hundred and twenty Lords of Parliament to be chosen by M.P.'s. The idea of direct election for the House of Lords has been abandoned; so also has the suggestion that they should be chosen by county and borough councils. It was feared that this might draw the county councils into political entanglements, from which most of them are now free. Lord Lansdowne proposed that the country should be divided into electoral districts. To each district will be assigned a certain number of Lords of Parliament, not fewer than three and not more than twelve. The electoral college for each district will be the M.P.'s representing the constituencies lying within its area. One hundred and twenty Lords of Parliament elected by M.P.'s will reflect the current opinion of the people.

“ (5) One hundred Lords of Parliament to be nominated by the Crown on the recommendation of the Government of the day. These nominations to be made in correspondence with the strength of parties in the House of Commons. Thus in this category the Labour party and the Irish members might have equivalent Lords of Parliament. Lord Lansdowne pointed out that nomination would allow the Government of the day to recognize merit and conspicuous service in any branch of public life.

“ (6) Spiritual peers: The present number of bishops (26) to be reduced to seven—namely, the two archbishops, to sit *ex officio*, and five bishops to be elected by the full episcopate.

“ (7) Law Lords (16): Men who have held high legal office, such as Lord Chancellor and Lord Chief Justice, who have served as law officers of the Crown or are Lords

of Appeal, will have the right to sit for life as Lords of Parliament.

“ All the other Lords of Parliament, elected and nominated, to serve for twelve years, subject to triennial retirement.

“ (8) Of the 350 members of the reformed House, 343 are now accounted for. Princes of the blood will account for the remainder.

“ (9) Peers not elected as Lords of Parliament will be eligible for election as members of the House of Commons.

“ (10) The number of new hereditary peers created by the Crown to be limited to five per annum.”

Lord Lansdowne went to the pains of working out the party representation in the House of Lords reformed on these lines, based on the strength of parties in the then existing House of Commons. His calculation yielded the following results :—

	C.	L.
Elected by hereditary peers	80	20
Nominated by the Government	41	59
Chosen by the M.P.'s in the electoral colleges	48	72
	<hr/>	<hr/>
	169	151

This would show a Conservative majority of eighteen, but Lord Lansdowne claimed that the prevailing type of member would be the peer with a cross-bench mind. Supplementary to these proposals was a suggestion for the revival of the old practice of conference between the two Houses, of joint sittings in case of disagreement ; and finally the referendum to be invoked on exceptional Bills of great gravity on which it is impossible for the two Houses to reach an agreement.

Lord Lansdowne had not entirely recovered from the effects of his recent illness, and he looked haggard and

careworn. His manner and his oratory harmonized with his theme. It was a gloomy speech, spoken to a very dejected audience.

The beautiful chamber in which the Lords meet was crowded in every part. But there was none of that cheerful animation which is the note of a large assembly. Peeresses, their attire—now that the Court mourning is over—brightened with the first touches of spring, occupied the galleries, and golden sunlight streamed through the painted windows, glorifying the whole scene. Nothing, however, could chase away the all-pervading gloom.

Lord Lansdowne, who is a practised speaker and knows the value of light and shade, indulged in one or two humorous observations, but they were listened to with stony indifference. It was like joking at a funeral. It was obvious that Lord Lansdowne's audience found his proposals extremely distasteful. He himself did not attempt to belittle their significance. Turning round to address his own supporters, and speaking with an emotion whose sincerity dignified the orator and touched the assembly, he admitted that he was making a very serious demand upon them. To some his proposals would have almost the appearance of a betrayal. He acknowledged that they meant a death-blow to the House of Lords as we have known it. He wished the duty of proposing these changes had fallen to the lot of some one else, and not to himself, who owed so much to the House of Lords. This sombre peroration, with its fatalistic spirit, produced a perceptible impression on the peers, and evoked a faint approving cheer, which sounded like a muffled reverberation from a vault.

Lord Morley dismissed as entirely out of the question the acceptance of this Bill as a substitute for the Government's own proposals. "It cannot be a substitute or an alternative to the Parliament Bill." This was said in loud, emphatic tones, with many an impressive gesture.

On the other hand, the Lansdowne proposals "may, or may not, prove to be a complement or a supplement to the Parliament Bill."

One other thing Lord Morley made plain, and that is, that the limitation of the veto of the House of Lords contained in the Parliament Bill will apply to any Second Chamber, reformed or unreformed. "Our principles and our plan have been fully approved by the nation at two general elections. The people's decision is that the Lords' veto should be made suspensory, not absolute. Whether the House of Lords is reformed or unreformed, this limitation must apply."

Lord Morley emphatically denied that the Government have "precipitated this catastrophe." The responsibility belongs to the Lords. It was their actions, culminating in the rejection of the Budget in November, 1909, that had created the situation. He expressed the opinion that the nation is not so much interested in Lord Lansdowne's proposals as in the attitude of the House of Lords to the Parliament Bill. On that point alone is there public anxiety. Lord Morley argued that the powers of the Second Chamber should be settled before we discussed its composition. It is absurd to call into existence a new body until you have settled what it is to do and within what limits it is to work.

"15 *May*. Lord Lansdowne moved second reading of his Bill. Very subdued in tone. Pleaded for compromise. Said Lords did not claim an absolute veto. Morley insisted that the first essential of the situation is to pass the Parliament Bill. Lord Bathurst, a Tory peer, strongly opposed to the Lansdowne Bill; said he had not met a single peer who is in favour of it.

"22 *May*. Lansdowne's Bill read a second time without a division. House of Lords again in sombre mood. Haldane aptly epitomized the whole debate in the phrase, 'sombre acquiescence and cries of pain.' The Lans-

downe Bill without a friend. Condemned to-day by the Duke of Marlborough, Duke of Somerset, Lord Saltoun, Lord Bray, Lord Killanin, all Conservative peers, and very feebly defended—that is, without heart or spirit—by Lords Lytton, Goschen, and Fortescue.

“Haldane very suave, courteous, and firm. Constitution has broken down. Government mean to repair it, and make it stable. Criticized Lansdowne’s Bill, but acknowledged that it is a big step forward. Hopes that when reform of Lords is undertaken, both parties may co-operate, but passage of Parliament Bill indispensable first step. Necessary to give Liberal Government equality so that we may negotiate on equal terms. Lords have doubtless been conscientious, but what mischief has been done by conscientious men !

“Lansdowne admitted imperfections in his Bill, but what better can be produced ? Marlborough and Somerset and others had extolled hereditary system ; yes, but some sacrifices are necessary in order to ensure the continued existence of a Second Chamber. In these democratic days an undemocratic House open to attack. Adroit appeal to backwoodsmen, ‘ Do you prefer Government Bill to this Bill ? ’ The Government will either leave you without power under the Parliament Bill, or else propose an elective Second Chamber. Complained bitterly of Government policy. Haldane talked of equality. His notion of equality is to hit the enemy below the belt, and then, having got him down, begin to talk to the enemy in the gate. Strongly supported Rosebery’s suggestion to get rid of Law Lords. Speech of a vanquished man, mild in tone, but full of bitter mortification.

“ Backwoodsmen’s courage failed them at the last moment, and they did not challenge a division. A very melancholy and chastened assembly.”

The debate demonstrated to the whole country that

Lord Lansdowne's Bill as an alternative to the Government scheme was a failure. Even in the House of Lords it had not half a dozen sincere friends. Whatever its defects, the Parliament Bill held the field. It had many enemies ; it had not a single rival.

CHAPTER XXIV

PARLIAMENT BILL IN THE LORDS

ON 23 May Viscount Morley moved the second reading of the Parliament Bill in the House of Lords. The wind of English freedom blew through his virile and eloquent speech. It was not long—it occupied about three-quarters of an hour in delivery—but it was entirely adequate to the occasion. In stately language the greatest of living English men of letters sketched the origin and development of the controversy between Lords and Commons. He was the pink of courtesy, but the Tory peers have never been confronted by a more formidable foe. Row upon row, they sat facing the orator, very quiet, very silent, very sombre. They seemed to be hypnotized by this slender, ascetic intellectual, so venerable from his years and his achievements, who swayed to and fro under the stress of his emotion. Thumping the table with vigour to accentuate his remark; he exclaimed in a loud voice, "This Bill stands." One was conscious of a poignant emotion seizing the assembly when Lord Morley told the peers that by adopting Lord Lansdowne's Bill they had themselves admitted that as at present constituted they had no longer any moral authority to act. He reminded the House that the proposals in the Government Bill were first advocated in 1836 by "one of the chief Utilitarians," James Mill, and that they were advocated in 1884 by a great orator and "one of the soundest and truest English-

men that ever lived," John Bright. Then came a reasoned plea for the Parliament Bill on its merits. Lord Morley is amazed at Mr. Balfour's efforts to whittle away the significance of a general election. Are we to be told that a general election is like "a tale told by an idiot, full of sound and fury, signifying nothing"? That view has never been taken before by an English statesman.

Lord Morley said it was the prolonged and obstinate resistance of the Lords to Liberal measures that had made the Government determine that this unfair system shall come to an end. Lord Morley is a reluctant convert on the subject of House of Lords' reform. Speaking for the Cabinet, he suggested that both parties might unite in that work of reconstruction. The speech ended with an eloquent appeal. "No men are held in greater honour than those who have by wise and prudent counsels avoided bringing things to extremities." The Tory peers had been almost petrified with astonishment as they listened to Lord Morley's words, but they ironically applauded this sentiment. Allusion was made by Lord Morley to the wise Conservative leaders of the past—the Duke of Wellington, Lord Cairns, the late Lord Salisbury. Finally, speaking very impressively, he urged the Lords to avoid a course which may land the country in circumstances of great difficulty and perhaps of great confusion.

Lord Midleton, Mr. St. John Brodrick in his House of Commons days, began in a combative tone, but ended up with a mild entreaty for negotiation. He comforted himself with the reflection that even if the Parliament Bill was placed on the Statute Book, it would be possible for a Tory Government in the future to repeal it. "This Bill will leave a rankling sense of injustice. Are you wise in pressing us so hard to-day?" Speaking for the Opposition leaders, he counselled the House to give the Bill a second reading—although that was making "a

very heavy demand on the forbearance of noble lords." If the Bill were rejected at this stage an issue of grave magnitude would instantly be created. The Opposition leaders do not want to close the door ; they are willing even now to negotiate. He added that it was the intention of the Opposition to introduce "grave amendments" in committee.

Lord Eversley, better known as Mr. Shaw-Lefevre, a Liberal peer with a distinguished record of public service, recalled some of Lord Rosebery's sayings on the Lords' question in 1894. The first of Lord Rosebery's speeches in that campaign was made at Bradford, the constituency for which Lord Eversley, as Mr. Shaw-Lefevre, sat in the House of Commons. Lord Rosebery's speeches then were approved by a Cabinet containing Lord Spencer, Lord Kimberley, and Lord Ripon, three great Whig noblemen. Of sixty Bills rejected by the Lords since 1832, fifty-eight have become law, said Lord Eversley, Home Rule being one of the two exceptions. Lord Willoughby de Broke, a Conservative peer, said he would have voted for the rejection of the Parliament Bill on second reading but for the entreaties of his leaders.

The progress of the Parliament Bill through the House of Lords is shown by the following extracts from the diary of an observer :—

"24 *May*. Lords continued debate on Parliament Bill. Archbishop of Canterbury made a very earnest appeal for a peaceful settlement and urged need for wise compromise. Very firm reply by Lord Chancellor. No compromise possible. Parliament Bill unalterable. Room for arrangement between parties in regard to ulterior measures. Hint that when Lords are reformed it may be possible to devise means for passing legislation which will involve less delay than two years provided in Parliament Bill, meaning, no doubt, joint

session. Lord Chancellor's speech very powerful and telling. Spoke with real bitterness of the way in which Lords have destroyed Liberal measures, and boldly unfurled Home Rule banner. Lord Salisbury complained that Lord Chancellor had banged, barred, and bolted the door against conciliation. Duke of Northumberland's antique Toryism; almost claimed Divine right for peers, and would like Parliament Bill to be rejected outright.

"25 *May*. Lord Selborne chief speaker in Lords to-day. Spoke temperately, but feels bitterly. Cautious allusions to Lloyd George's 'vituperation' and Churchill's 'insults,' but thinks it expedient to read the Bill a second time because of 'dreadful gravity of crisis' that would otherwise be precipitated. Unionists would not be responsible for slamming the door against a national settlement.

"Pentland for the Government, heavy but sound. Newton full of dry humour. Admits that Lords have been outmanœuvred; they were goaded and jockeyed into rejecting Budget. Lament over the indifference of the country.

"Montagu of Beaulieu thought Parliament Bill might have been far worse. World governed by the inevitable drift of things. The Liberal party had been driven to this Bill. A collision between the Houses was bound to come. It might have come in far more dangerous form.

"The aged Earl of Halsbury present, listening intently to debate, leaning forward with hands on knees. He was absent all through debate on Lansdowne's Bill. St. Aldwyn and Balfour of Burleigh never present these days in the House of Lords.

"29 *May*. The Lords to-day read the Parliament Bill a second time without a division. Lansdowne foreshadowed large amendments in committee, including one dealing with finance (Clause 1), on the ground that

Prime Minister's language about danger of tacking had not been effectively translated into the clause.

" Rosebery's speech at once gloomy and witty. Lament over the association of the food tax with the constitutional question. Sneers at the Master of Elibank and his regiment of 500 peers. Attacked Government for not accepting Lansdowne's offer to join in rebuilding Second Chamber. They preferred party triumph to national settlement. Cooked the dove and served it up with the olive branch. Rosebery is frightened at the future of national finances, foresees decay of the landed gentry, et cetera. Would like to vote against the second reading to compel the Government to fall back on their last resource and make them ridiculous. But fears consequences, and therefore agrees with Lord Lansdowne that Bill ' should pass '—hastily adding, ' pass its second reading.' Haldane very firm. Parliament Bill the only way. Government are only following out policy advocated by Rosebery with great eloquence in 1894.

" 28 June. Committee stage of Parliament Bill opens in House of Lords. Lord Cromer proposed official Opposition amendment to Clause 1. This amendment provided for creation of a Joint Committee of fifteen members—seven peers, nominated by the Lord Chancellor, seven Commoners by the Speaker. Speaker to preside and have the casting vote. An earlier amendment by Lord Galway, providing that Judges should be called in to define Money Bills, withdrawn. Lansdowne, following Balfour's lead in House of Commons, against calling in judiciary. Cromer's amendment carried by 183 to 44.

" 29 June. Long debate on Lord Cromer's amendment, giving power to Joint Committee to rule that Money Bills whose governing purpose is not financial shall be brought under operation of Clause 2 of Parliament Bill. Haldane and Lord Chancellor amazed at

this amendment. Lord Chancellor: 'You are laying hands upon the ark of the covenant of the Commons.' St. Aldwyn said Cromer's amendment won't do. Under it, Lords are claiming a power over finance they have never before exercised. Yet Lansdowne and Midleton supported it. Amendment carried by huge majority. St. Aldwyn, O'Hagan, and Lytton voted in the minority.

"Grave error in tactics for Lords to pass this amendment. Under it the Joint Committee would have dominating power over the Commons in finance.

"3 July. Committee on Parliament Bill. Backwoodsmen restive. Avebury asked, When have Lords stood out against people's declared will at general election? 'You are doing it now,' said Earl Russell; 'the country approved of the Parliament Bill at the last election.'"

On 4 July Lord Lansdowne moved an amendment, drafted carefully by the Unionist leaders, to exclude from the operation of the Parliament Bill certain measures of exceptional importance. The measures to be excepted included Bills dealing with the Crown or the Protestant succession thereto; Bills to establish Parliaments or National Councils in Ireland, Scotland, Wales, and England; also other measures of "grave importance" upon which, in the opinion of a Joint Committee composed of members of both Houses, the judgment of the country has not been sufficiently ascertained. Lord Lansdowne proposed that instead of coming under the operation of the Parliament Bill, all measures within the scope of his amendment shall, after rejection by the House of Lords, be referred to a direct vote of the people.

The Joint Committee to which Lord Lansdowne proposed to give these large powers had already been endowed, through an amendment of Lord Cromer's, with control over Money Bills.

Lord Morley offered to the amendment on behalf of the Government an uncompromising resistance. His

criticism of it was brilliant and ruthless. This proposal, he said, involves complete mistrust of the ultimate judgment of the House of Commons. He proceeded to analyse the powers to be given to this Joint Committee. It would oust the responsible Ministers of the Crown, it would override and supersede the House of Commons, it would be clothed with the mighty power of compelling a dissolution and a general election. And this Joint Committee is to be responsible to nobody! Lord Morley could hardly contain his astonishment at this staggering proposal. "My Lords," he said, "you are erecting an impossible tribunal to decide impossible questions. We are not dealing with words, but with things."

Lord Lansdowne spoke adroitly in moving his amendment. His line was to represent the Government as tyrants demanding all, and the House of Lords as a much misunderstood body, anxious only for the public good, and ready to go almost to any length in coming to a compromise. "Why this revolution? We admit that some readjustment of the relations between the two Houses is necessary. We are willing to meet you in a reasonable spirit." He did not deny that the Joint Committee might work unfairly against the Liberal party. But safeguards are more necessary when the Liberals are in power.

Lord Courtney spoke strongly in favour of the referendum; appealed to recent experience of Australia to show that a House within a year of a general election may exceed its mandate. Spoke of the decay of parliamentary spirit, of the tyranny of caucus and closure. No degradation in a legislative body, however illustrious, appealing to its creator—the people. Lord Curzon eulogized Lord Courtney's speech. In past years he admitted that he (Curzon) had written against referendum; but circumstances have changed; no other security left, nothing safe with an uncontrolled House

of Commons. In answer to Lord Londonderry came a fiery speech on Home Rule from Lord MacDonnell, who served the Crown with such distinction in India. He said the system of government in Ireland was indefensible. "Cut it down, why cumbereth it the ground?" Irish people not disloyal to the Crown. Their quarrel with Governments. A most effective reply to Londonderry's Ulsteria. MacDonnell's speech struck a note never previously heard in the House of Lords. The fervour and rugged eloquence of it very impressive. Lord Faber, in otherwise undemocratic speech, showed readiness to consider question of Irish settlement.

"5 July. Lansdowne's amendment carried in Lords by 253 to 46. A Liberal peer, Weardale, spoke strongly in favour of referendum, and warned Government that when Tories are in power Liberals will be at their mercy if they refuse this opportunity of getting referendum. A veteran Liberal, Lord Sheffield (Mr. Lyulph Stanley of past days), against referendum. Example of Third Empire in France, showed dangers of plebiscitary government. Haldane opposed to referendum and Salisbury in favour. Latter spoke of 'parrot-like cry of representative institutions.' Selborne wound up in able speech, 'The referendum has come to stay.' Implied admission that the Opposition will be beaten on Parliament Bill, but a time will come, etc.

"6 July. Lords concluded to-day committee stage of Parliament Bill in debate on Cromer's detailed amendment for appointment of Joint Committee of fifteen—development of the first amendment moved in committee. Lord Morley said amendment cut at the root of Government proposals. 'Conciliatory indeed!' Why not ask us to withdraw our Bill? As to Lord St. Aldwyn's amendment for a smaller committee of six to determine whether a Bill is a Money Bill and therefore

to come under operation of Clause 1, the Government indifferent. The question one for the Opposition. As between the two amendments the Government cannot interfere. St. Aldwyn pointed out in able speech that under his proposal the Joint Committee would have a House of Commons majority.

“Sensation created by rising of Lord Peel (the venerable ex-Speaker) like a survivor from a past epoch, very aged and infirm, but intellectual force unabated. Greeted with warm cheers from every part of the House. Recalled occasions when he had protected privileges of the House of Commons from Lords’ encroachments. Spoke with pride of the illustrious office of Speaker, and its reputation for impartiality. Fears that the imposition of new duties under the Parliament Bill may impair that reputation. But spoke with warm appreciation of the personnel of House of Commons, and does not believe it has deteriorated.

“Haldane, after warm tribute to Lord Peel’s speech, argued that no better tribunal to pronounce on Money Bills could be desired than the Speaker. Courtney took same line. Contended that Lord Peel’s speech really sustained this view. ‘Keep the Joint Committee,’ said Courtney, ‘for legislative measures. Let the Commons and the Speaker alone in finance.’ St. Aldwyn’s amendment carried without a division.

“Newton’s amendment that powers left to Lords under the Parliament Bill should not be limited by means of the Parliament Bill was not viewed in a hostile spirit by Morley, but, entangled with Lansdowne’s amendments, it could not be accepted by Government. Lord Lansdowne congratulated Newton on effect of his eloquence on the Government. He thought Morley’s technical point could be met by the amendment being withdrawn and brought up as a fresh clause on report. Speaking of Morley’s attitude to this amendment,

Lansdowne said, 'A ray of reason stole far through the solid darkness of his soul.'

" 7 July. *Daily Telegraph* to-day strongly urged Lords to give way, and not force a creation of peers. 'The hemlock must be drunk.'

" 13 July. Report stage of Parliament Bill in Lords. A tiresome, confused sitting. Lansdowne defiant for one-half of sitting; fatalistic and submissive for other half. Lansdowne does not think Government will use Parliament Bill to extend their powers in the next three years. Moreover, Newton's amendment would hamper a Tory Government which proposed to relax provisions of Parliament Bill! Morley would not look at Newton's amendment, because it was still encumbered with the Joint Committee proposal which the Government would not touch in any shape or form. Newton ruefully withdrew his amendment.

" Lord St. Aldwyn and Lord Balfour of Burleigh, two Tory moderates, emerged from their seclusion. Tories hope to profit by their reputation for fairness."

Now that the Parliament Bill had reached the final stage, interest was quickened and excitement grew. It was plain that the Lords had transformed the Bill: it was certain that the Commons would not accept the Lords' amendments. What then? Would the Lords hold out? Would the authority of the Crown be brought into play?

CHAPTER XXV

THE LORDS AND THEIR AMENDMENTS

IN July a movement, of which Lord Willoughby de Broke was the animating spirit, sprang up in Tory circles to encourage the House of Lords to stand by its amendments to the Parliament Bill, and insist on adhesion to them, whatever the consequences. Several Conservative peers loudly declared that they would hold out to the last. They were prepared, so to speak, to die in the last ditch in defence of their privileges. A writer in the *Daily Chronicle*, referring to these "No Surrender" peers, described them as "Die-Hards." The name captured the popular fancy, and came into general use as a descriptive term. The "Die-Hards" were also dubbed "Ditchers." In contradistinction, the peers supporting Lord Lansdowne in reluctant acquiescence to the passage of the Parliament Bill became known as "Hedgers." As the controversy developed the warfare between "Hedgers" and "Ditchers" raged hot and furious. But in these early days, the cloud in the political sky, presage of the impending storm, was no larger than a man's hand. At the outset the "Die-Hards" were few in number. Under the stimulating influence of excited appeals in the extreme Tory organs, the little band that had gathered round Lord Willoughby de Broke soon gained recruits. His warmest friends would not claim that Lord Willoughby was a great parliamentary figure. His knowledge of politics was by no means profound. He had shown no special devotion to political affairs, and

was quite unknown to fame until he suddenly sprang into prominence by his opposition to the Budget of 1909. A man in the prime of life, spruce and well groomed, with a strong, good-humoured, clean-shaven face, he brought into the political sphere a whiff from the kennels and the high spirits of the hunting field. He had become by practice a fluent speaker, though the stock of his political ideas remained very meagre. This unlikely person suddenly found himself, to his own amazement, a political leader. There has been no such metamorphosis since Lord George Bentinck, in his indignation at the adoption of Free Trade principles by Sir Robert Peel, sold his racing stud, took to politics, and became leader of the Protectionist rump. The rise of Lord Willoughby de Broke was a fresh proof that in politics a man whose opinions are never in a state of fluid haze, and who goes unerringly to his goal like an arrow from the bow, will always command support. It seemed at one time that Lord Willoughby de Broke would gather to his banner only a score of peers from the "backwoods," with the addition of a few patricians like the Duke of Northumberland, whose archaic Toryism belonged to the antediluvian age. But there were soon signs that peers of weight and substance would fight under the "Die-Hard" banner. Earl Selborne, not long back from South Africa, where his judicious temper and moderate views did much to facilitate the smooth working of the post-war settlement, gave the sanction of his respected name to the "No Surrender" group. Lord Milner, the Duke of Bedford, the Duke of Marlborough, and the Marquis of Salisbury also joined the backwoodsmen.

But the man who stood out pre-eminent in the group was the ex-Lord Chancellor, the Earl of Halsbury, who, in spite of the burden of eighty-four years, was a marvel of intellectual and physical vigour—his eye undimmed, his intellect unclouded, the fire of his speech unquenched.

All his life, from the far-distant days when he was Mr. Hardinge Giffard, of the South Wales Circuit, he had been a stout Tory, unwilling to make any concession to the spirit of the age, a sceptic about democracy, a foe to all liberal ideas, standing fast in an age of change to the old, harsh, unlovely, but virile Toryism of Lyndhurst and Eldon. No greater contrast could be imagined than that between Lord Willoughby de Broke and Lord Halsbury—the former young, tall, spruce, jaunty, with something of the air of a superior jockey, redolent of horses; the other redolent of the law-courts, bowed and seamed by age, but with fresh and healthy colouring in his cheeks, a short, squat, broad figure, leonine head and mane, a face stern and full of pugnacity, a free swinging carriage and an energy of movement that belied his years. Lord Halsbury had none of the gifts of political leadership, but now in his old age he became the rallying point for the rebellious peers. The “Die-Hards” had support in the Press from the *Morning Post* and the *Observer*, but the great majority of the Conservative journals in London and the provinces supported Lord Lansdowne. Chief among them, the *Spectator* and the *Daily Telegraph*, strongly counselled the House of Lords to acquiesce in the passage of the Parliament Bill, rather than take action which would compel a creation of peers.

It was rumoured that the “Die-Hards” would muster in sufficient numbers to throw out the Bill on the motion for third reading. To provide against that eventuality, Lord Morley, on 16 July, issued an urgent whip to the Liberal peers, begging them to be in their places. The average number of noble Lords who had rallied to the Government during the progress of the Parliament Bill through the Upper House was only forty-five, and it was known the “Die-Hards” numbered at least seventy. Unless there was a better attendance of Liberal peers, the Bill might consequently be thrown out on third

reading. But the peril passed ; the Bill as amended by the Lords was read a third time ; and it transpired that the "Die-Hards" were reserving themselves for the later stage when the Parliament Bill came back from the Commons shorn of all the Lords' amendments.

On 20 July Lord Morley moved the third reading of the Bill in a crowded and excited House. His speech was loftily eloquent and constitutional in the best sense. The voice, often husky, was to-day bell-like in its clearness. The Parliament Bill, he said, is a grave measure with large consequences, but it is not so revolutionary as Lord Lansdowne's Bill for the reform of the constitution of the House of Lords. He warned their Lordships that the rejection of the third reading would lead to "tremendous dislocation of parliamentary business, great exasperation of parliamentary and political opinion and temper, and the necessity for starting again on a thankless and wearisome journey." Speaking of the amendments introduced into the Bill by the peers, he denounced the proposals for a Joint Committee and a referendum. "We," he said (speaking of the Liberal party), "we hold to the principle of national opinion working through parliamentary machinery. You," pointing to the Opposition, "stand for a great innovating principle with most innovating machinery." The Government policy of changing the veto of the House of Lords from an absolute to a suspensory one was not comparable in magnitude of risk and possible dangers to Lord Lansdowne's, which would deal a death-blow to the prestige, the authority and responsibility of the House of Commons. "At this stage of the crisis heroics are not wanted, nor logic, though we are not afraid of either. What is wanted is the spirit of wisdom and governance. There is no question of humiliation. The House of Lords is not asked to surrender to the House of Commons, nor

to the Government. It is asked to submit to the verdict and judgment of the country."

Lord Lansdowne spoke with an affectation of reasonableness and moderation. "Even on this Parliament Bill, dangerous as we think it, we have gone five-sixths of the way to meet you." "You have at your hands," said Lord Lansdowne, "all the materials for an honourable settlement." It was inconceivable that the Government should resort to other methods, "detestable to all right-thinking men." The most significant observation in Lord Lansdowne's speech was the following:—

"Some of the amendments that we have introduced into the Bill are so essential that we should certainly not be prepared to recede from their substance so long as we remain free agents."

In other words, Lord Lansdowne was not prepared to incur the responsibility of compelling the active intervention of the Crown in this political quarrel. A characteristically smoothing speech followed from the Archbishop of Canterbury. He said the average man in a third-class carriage thinks this is a struggle for supremacy between the representative House of Commons and the hereditary House of Lords. The Archbishop protested that it was nothing of the kind, and blamed the popular press for the prevalence of the popular impression.

Then came the venerable Lord Halsbury, full of fight and speaking with great animation. He put the claims of the House of Lords very high, and declared that it has a right to interfere even with finance. "Decorous though it was in language, Lord Morley's speech," he said, "was threats from beginning to end." No threats could shake this dour inflexible old Tory. When the Parliament Bill returns to the Lords with the Lords' amendments cut out he is going to move their re-insertion. "I would be a coward if I submitted without challenging a division." His allusion to the "solemn duty I owe to God and my

country " drew loud applause from the Tory extremists. A temperate speech was delivered by the Earl of Durham, in whose composition there is a strong dash of Liberalism. Lord Durham believed that the action of the House of Lords had compelled the Government to bring in the Parliament Bill, and does not regard it as so dangerous and revolutionary as it is painted.

The only other speech of note in the debate was that of Lord Willoughby de Broke, who spoke with equal impatience of the Parliament Bill and of Lord Lansdowne's Reform Bill. He wants things left alone. The Constitution is not in need of doctoring. Speaking for the backwoodsmen, Lord Willoughby said: " We will only give way to main force. To create peers would be just like bringing ships and guns and men into this House." Lord Willoughby was disposed to concede to the House of Commons supremacy in finance, but Lord Lansdowne's amendment to Clause 2 of the Bill was " the irreducible minimum." " We refuse to have that amendment whittled away. We shall resist, whatever the consequence, to the bitter end."

The Parliament Bill was then read a third time without a division. With the Lords' amendments embodied in it, which had turned it inside out, the Parliament Bill was returned to the House of Commons.

It was evident from the speeches of Lord Halsbury and Lord Willoughby on the third reading, and the applause they evoked, that the " Die-Hard " movement had now become a factor of which the responsible leaders must take account. Accordingly a meeting of Unionist peers was summoned for 21 July. The meeting was held in Lansdowne House. Strong differences of opinion were revealed as to the policy that ought to be pursued by the Unionists. Lord Lansdowne addressed his supporters, counselling acceptance of the Bill, and urging that it would be unwise to prolong resistance to the point where

a creation of peers became inevitable. He read to the meeting a letter which the Prime Minister had addressed to Mr. Balfour, intimating that peers would be created unless the Parliament Bill was passed in substantially the same form in which it left the House of Commons. This historic letter, when published in the newspapers on 22 July, created an unparalleled sensation. It was in these terms :—

10, DOWNING STREET

“ 20 July, 1911

“ DEAR MR. BALFOUR,

“ I think it is courteous and right, before any public decisions are announced, to let you know how we regard the political situation.

“ When the Parliament Bill in the form which it has now assumed returns to the House of Commons, we shall be compelled to ask the House to disagree with the Lords’ amendments.

“ In the circumstances, should the necessity arise, the Government will advise the King to exercise his prerogative to secure the passing into law of the Bill in substantially the same form in which it left the House of Commons, and His Majesty has been pleased to signify that he will consider it his duty to accept and act on that advice.

“ Yours sincerely,

“ H. H. ASQUITH ”

A copy of this letter had been sent by the Prime Minister to Lord Lansdowne. Disclosure of its contents at the meeting of Unionist peers did not quench the revolt. It seemed rather to fan the flame of discontent. Conservatives in both Houses of Parliament professed virtuous indignation at what they regarded as the Prime Minister’s tyrannous threat. Many of them had persuaded themselves that the Prime Minister had not

secured what were known as the Royal guarantees. The discovery that he was armed with full power to make the will of the people prevail infuriated them.

These feelings of exasperation led to a discreditable scene organized by the Tory extremists in the House of Commons on the ensuing Monday, 24 July, when the Prime Minister was howled down. A description of the scene by one who saw it is appended.

“No pen can adequately portray the discreditable scenes which took place in the House of Commons on Monday afternoon. For the first time in the history of Parliament a man who is Prime Minister and Leader of the House of Commons was refused a hearing. Verbal insults were flung by the score like missiles at Mr. Asquith's head, and he was treated with the greatest discourtesy. Fortunately the Liberal members showed signal self-restraint under much provocation, or the scene would have developed into a wild orgy of disorder. As it was, so much temper had been generated that it was impossible for the House to proceed with its assigned business—the consideration of the Lords' amendments to the Parliament Bill—and the Speaker, acting under a Standing Order which gives him authority to adjourn the House in case of grave disorder, brought the sitting to an abrupt close shortly after five o'clock.

“Mere interruption, however continuous, is not regarded as disorder in a technical sense in the House of Commons. This explains the large latitude allowed by the Speaker to-day, first to the Opposition and afterwards to the Ministerialists. Mr. Lowther never lost command of the situation. He was cool, calm, and collected in this whirlwind of passion. But it must be said that some of the interrupters were allowed extraordinary indulgence. Several Tories, easily identified, repeatedly shouted out ‘Traitor’ at the Prime Minister, and were not rebuked. Two Tories more than once

shook their fists menacingly at Mr. Asquith. Another very excitable person was Lord Hugh Cecil, who seemed to be in a state of acute nervous tension, and all through the Prime Minister's speech kept up a cry of 'Vide, 'vide, 'vide,' in a low and melancholy monotone, like that of a devotee gabbling an invocation. Prominent among the noisy interrupters were Mr. Remnant, Mr. Goulding, Major Archer-Shee, Mr. Cooper, Mr. Page Croft, and the 'man from Shropshire,' Mr. Rowland Hunt.

"Through all the succession of trying scenes the Prime Minister behaved with manly dignity. He kept his temper under circumstances of unparalleled exasperation, and showed great magnanimity in sending round the word along the Liberal benches that Mr. Balfour should be given a courteous hearing.

"The House of Commons was densely crowded in anticipation of the Prime Minister's speech. Every nook and cranny was occupied. Scores of members unable to find a place on the floor took refuge in the side galleries. In the Distinguished Strangers' Gallery were Mr. Whitelaw Reid and half a dozen other Ambassadors. The Peers' Gallery was full to overflowing. Among the peers who had come to watch the scene were Lords Curzon, Courtney, Lytton, Londonderry, MacDonnell, Shaw, Robson, Southwark, Glantawe, and the Archbishop of Canterbury.

"Questions on the paper were sped through with lightning rapidity, all the while the House buzzing with conversation and simmering with excitement. When Mr. Asquith entered the House at 3.30 p.m. he was greeted with a loud and joyous shout of welcome. Liberals, Labour members, and Nationalists sprang to their feet and cheered for seconds together in an ecstasy of enthusiasm. The Tories indulged in booing and hisses, and from their crowded benches uprose cries of

'Traitor,' 'Redmond,' 'Dictator,' 'Patrick Ford,' and other stupid exclamations.

"Mr. Asquith was again loudly cheered when he rose at 3.35 to make his speech. It was soon evident that a section of the Tory party had deliberately planned to prevent him being heard. Standing at the Treasury Bench, firm and resolute, the Prime Minister calmly surveyed the turbulent and disorderly Opposition. For a quarter of an hour he endeavoured vainly to go on with his speech. Appeal after appeal was made by the Speaker to the Opposition to behave in a manner worthy of the traditions of the House of Commons, and to remember that this was a serious occasion. But the young bloods of the Opposition were not in a mood to listen to any admonitions, even though backed by the high authority of Mr. Lowther. They kept up an indescribable tumult. It was a very unedifying exhibition of manners, and there were ironical cries from the Liberal benches, 'Oh, the British aristocracy!'—an allusion to the fact that several of the noisiest interrupters were sons of peers.

"At length, after he had been on his feet for twenty minutes, Mr. Asquith was able to make himself heard through the din. In loud and resonant tones he reminded the House that in Great Britain there is a majority of nearly 60 in favour of the 'Parliament Bill, and in the United Kingdom a majority of 120. He claimed that no Bill in our parliamentary history had ever been so clearly and unequivocally a main issue at a general election. The nation not only approved of the principle of the Bill, but also of its machinery. By their amendments the Lords want to substitute for the Government plan the alternative plan rejected by the nation.

"At this point the interruptions broke out afresh, and with greater violence than ever, and at 4.15, with a despairing gesture, the Prime Minister indicated that

he could not go on. Encouraged, however, by a hearty demonstration on the Liberal benches, he made a fresh attempt, but it was to little purpose, and at last he gave up the impossible task, saying, 'I am not going to degrade myself'—(loud Liberal cheers)—'by addressing arguments to persons who are determined not to listen.' 'A situation has been created,' he added, in a loud voice that could be heard above the din, 'from which there is only one constitutional way of escape. Unless the House of Lords consent to restore this Bill (with reasonable amendments consistent with its principle and purpose) to its original shape, we shall be compelled to invoke the prerogative of the Crown.' Mr. Asquith then sat down, amid long and loud continued cheering.

"Mr. Balfour, who had made no attempt to check the ebullience of his followers, could not, in decency, withhold a word of reproof for their behaviour. 'I frankly regret,' he said, 'that I have not been able to hear the speech of the Prime Minister'; but then the action of the Government was bound to excite deep and passionate feeling. He reproached the Prime Minister with having 'misused the prerogative of the Crown, and destroyed the independence of the Second Chamber.' What for? Not to end a great war, as was the case when peers were created early in the eighteenth century; not to pass a measure passionately desired by the nation, as in 1832, but simply to prevent the people of this country expressing a new verdict on Home Rule. The Prime Minister was putting the Crown under practical compulsion on an excuse so trumpery and contemptible that it would not justify the making of a single peer, not even a baron.

"Mr. Balfour was curious to know when Mr. Asquith tendered his advice to the Crown. Had he a blank cheque in his pocket all the time that the House of Commons and the House of Lords were discussing the Parliament Bill? At this point Mr. Asquith rose and interrupted Mr.

Balfour. 'I was not allowed to speak,' said the Prime Minister. 'I meant to give in detail the grounds for the advice we tendered to the Crown. I was prevented by an act of discourtesy never before paralleled. Never before has the Leader of the House been denied a hearing.' Mr. Asquith spoke with excusable warmth and bitterness.

"Adopting a now familiar device, Mr. Balfour said the Lords had not rejected the Parliament Bill. Indeed, he argued that the difference between the two Houses had been narrowed down to one issue: 'Shall the country be consulted upon Home Rule?' 'Why,' he asked, 'not adopt the Referendum to settle this specific difference between the two Houses?'

"After Mr. Balfour had sat down there was a renewal of uproar, but when Sir Edward Grey rose, looking tense and stern, instantly a great stillness fell upon the House. All the raucous cries of infuriated partisans suddenly ceased at the rising of this majestic figure, whose loftiness and integrity command universal respect. His intervention was appropriate in this debate on the Constitutional question. It called to mind irresistibly his kinsman, Earl Grey, on whom, as Prime Minister in 1832, fell the responsibility of subduing an intractable House of Lords by employing the weapon of the Royal Prerogative.

"Sir Edward Grey lamented the discourtesy of which the Prime Minister had been a victim. 'Never,' he said, 'did any leader of a party have behind him more chivalrous personal loyalty, more united political support.' (Prolonged Liberal applause.) He rebuked the Opposition for their behaviour. They listened to this commanding man like naughty boys who are being reprovved by a schoolmaster for something mean and shabby. In grave language, warmed with feeling, he said, amid loud applause, 'So far as it meant personal discourtesy to the Prime Minister, every one of us resents it.' He warned the Opposition that by tactics such as these they were

undermining and destroying the House of Commons. He himself was not going to argue the Constitutional question. He agreed with all that Mr. Asquith had been allowed to say. 'But if the Prime Minister's arguments are not to be listened to, there is not one of us who will attempt to take his place.' He ended a brief but very weighty speech exactly attuned to the occasion by moving that the debate should be adjourned.

"Mr. F. E. Smith then rose, only to be received with derisive jeers from supporters of the Government. In revenge for the treatment of the Prime Minister they were determined not to listen to the member for Walton. Time and again did this leader of the Tory forwards begin a sentence, but all to no purpose. Failing to make himself heard, he thought it consistent with his dignity to indulge in exaggerated pantomimic gestures, first turning round to the Nationalist Leader and indicating, with a sweep of the right hand and many a beck and nod, that Mr. Redmond's place was on the Treasury Bench. This trivial piece of theatricality gave great delight to the younger Tories.

"It was perfectly hopeless now to continue the debate, and so, at ten minutes past five, the Speaker rose and adjourned the House.

"All through the tumult the Irish Nationalists sat quiet as mice, amused spectators of the surging passions that heaved and stormed around them."

It was wisely decided by the Government that a week's interval should elapse before the proceedings on the Parliament Bill were resumed. The postponement would give a chance for party passion to subside.

CHAPTER XXVI

REVOLT OF THE "DIE-HARDS"

THE discovery that the "Die-Hard" movement had now reached formidable dimensions induced Lord Lansdowne to take an extraordinary step. Gravely concerned lest a situation might develop in which the creation of peers would be inevitable, the Opposition Leader was resolved to do what lay in his power to avert that calamity. He was animated by two motives—solicitude for the Crown and concern for the interests of the peerage. The rebel movement could, of course, be beaten down by a rally of Unionist peers to the side of the Government, but this was a course Lord Lansdowne could not bring himself to recommend. Abstain from voting he would, but vote for a Bill which he detested he could not. Hence the creation or the non-creation of peers would, in the last resort, depend upon whether the "Die-Hards" could muster sufficient peers to outnumber the Government's ordinary supporters. The "Die-Hard" leaders jealously concealed the number of peers who had pledged their support to them. But their numbers could be gauged once Lord Lansdowne and Lord Morley had ascertained the number of their respective supporters. By a curious turn of events the Government and the official Opposition, who had been waging bitter warfare for months, were now taking concerted action with the object of baffling the "Die-Hards," and rendering unnecessary the intervention of the Crown in the controversy. On

24 July Lord Lansdowne addressed to his supporters in the House of Lords the following letter :—

" LANSDOWNE HOUSE

" 24 July, 1911

" MY LORD,

" The announcement made by the Prime Minister leaves no room for doubt that His Majesty's Government are now empowered to force the passage of the Parliament Bill through the House of Lords by means of a practically unlimited creation of peers. We shall therefore have to decide whether, by desisting from further opposition, we shall render it possible for His Majesty's Government to carry the Bill in the House of Lords as at present constituted ; or, whether, by insisting on our amendments, we shall bring about a creation of peers in numbers which will overwhelm the present House and paralyse its action in the future without in any way retarding the passage of the Parliament Bill.

" I have come to the conclusion that the former alternative is preferable in the interests of the House, the Unionist party, and the country. Nor can I bring myself to believe that our supporters will not realize that we are no longer free agents, and that the course which I have indicated involves no responsibility for the Bill, and no complicity with those who are promoting it.

" It is of the utmost importance that I should be made aware of the views of those peers who usually act with us, and I should therefore be grateful if your Lordships would, with the least possible delay, let me know whether you are prepared to support me in the course which I feel it my duty to recommend.

" I have the honour to be, my Lord

" Yours faithfully

" LANSDOWNE "

A furious controversy now arose within the ranks of the Tory party. Like all internal conflicts, it was marked by intense bitterness. The "Die-Hards" denounced as a cowardly betrayal the policy for which Lord Lansdowne and Mr. Balfour were now making themselves responsible. Contrariwise, over a hundred Tory M.P.'s met in one of the committee-rooms of the House of Commons, and solemnly declared their confidence in Mr. Balfour. But most of the younger Unionist M.P.'s, with all the high spirit and gay insouciance of youth, rallied to the side of the "Die-Hards," who had the countenance, too, of Mr. Austen Chamberlain, Sir Edward Carson, Lord Hugh Cecil, and Mr. F. E. Smith. The more sober elements of the Unionist party, in Parliament as in the Press, supported the Lansdowne-Balfour policy. Lord Curzon gave powerful help to it by an able letter in *The Times* of 24 July. He wrote:—

"We are told that the country will never realize how tremendous a revolution is being perpetrated unless it sees some overt act of violence, such as the marching of 300 or 400 new peers into the House of Lords. My answer is that if the country has not realized it (and I agree that it has not) after the last two years of elections and general elections, it will not be convinced by such an act, however unconstitutional or even ridiculous it may be. The act is much more likely to be regarded as an incident in the warfare of parties (of which I believe there is among the public a very widespread and a not altogether unjustifiable suspicion); and the country, instead of going either into hysterics or into peals of contemptuous laughter over an incident that might indeed well provoke both, would more probably call upon the Unionists to trump their opponents' hand by playing a similar or superior card as soon as they get the chance.

"But these calculations are, after all, hypothetical.

Let us take the concrete consequences of a large creation of peers in its widest national aspect. I am one of those who believe that the country is still opposed to Home Rule, that it has never given its assent to the Disestablishment of any portion of the Church of England, and that it views with dislike many of the principal items in the Radical programme. I believe it has only to see the Parliament Bill in operation for a few years to be convinced of its essential arbitrariness and injustice. But if the peers are created, we do not postpone Home Rule; we expedite and render it certain. We do not prevent Disestablishment; we facilitate it. We do not render the Parliament Bill odious or ridiculous. On the contrary, we deprive the country of the luxury of seeing it in operation; for we replace it by a machinery indefinitely more dangerous and despotic. We confer, so far as I can see, no single benefit, present or prospective, on the nation. We merely expose it to a new chapter of Constitutional outrage. We do not even injure the Government. We gratuitously increase their power for mischief. It is bad enough that they already have a large majority in the House of Commons. Where is either the expediency, or the common sense, or the public advantage of presenting them with a second majority in the House of Lords?"

Lord Curzon also reminded heated partisans of the danger of dragging the Crown into the arena of conflict. Concern for the position of the Crown weighed heavily on the Prime Minister as well as on Mr. Balfour and Lord Lansdowne. While the Prime Minister had been armed with power to overcome the resistance of the House of Lords, he and his colleagues were extremely anxious to prevent the actual necessity for the exercise of the Royal Prerogative. This known reluctance of the Cabinet to create peers wholesale encouraged the "Die-Hards" to resist and brave it out. A great rally of "Die-Hards"

took place at a complimentary banquet given to Lord Halsbury on 26 July. On the same day was published a declaration by Mr. Balfour: "With Lord Lansdowne I stand; with Lord Lansdowne I am ready, if need be, to fall." This phrase occurred in a letter written by Mr. Balfour to Lord Newton:—

" 4 CARLTON GARDENS, PALL MALL, S.W.

" 25 July, 1911

" MY DEAR NEWTON,

" You ask me my opinion on the present situation; and, in particular, on the course which the peers should take when the Parliament Bill is sent back to the Upper House.

" I have never conceived it to be part of my duty actively to intervene in the affairs of a House to which I do not belong; nor have I, on the present occasion, taken any share in the propaganda which is, I understand, being vigorously conducted by some of its members. But this is not because I have any doubts as to the advice which I ought to give to those who seek it. On the contrary, my views are clear.

" I think the majority in the House of Lords should support its leader; I agree with the advice Lord Lansdowne has given to his friends. With Lord Lansdowne I stand; with Lord Lansdowne I am ready, if need be, to fall.

" So far as your direct question is concerned, this is, I suppose, a sufficient answer. But I should convey an entirely wrong impression of my opinions on the present situation if I allowed it to stand alone. For the present situation is grave, even alarming, not merely because we are in the power of an unscrupulous and revolutionary Government, but because the real character of the peril by which we are menaced, and the true methods of meeting it are obscured in the eyes of so many Unionists

by the clouds of controversy which have arisen around (what I consider) the quite secondary point on which you have consulted me.

"We hear it said that the Lords should 'fight to the last,' that they should be ready to 'perish, but not to yield,' that they should 'do their duty irrespective of consequences,' and so on. I agree. It is all quite true; but is it all quite relevant? Is there anything that deserves to be called 'fighting' in the course recommended by those friends of ours who are canvassing against Lord Lansdowne?

"Is it heroic? Is there the faintest resemblance between the peer who proposes to vote for restoring the Lords' amendments to the Parliament Bill and the soldier who dies at his post fighting against overwhelming odds?

"To suppose so is surely to misunderstand the whole situation. I do not for one moment doubt that were courage and self-sacrifice required, these virtues would be forthcoming in abundance. But they are not required either from those who propose to vote, or from those who propose to abstain from voting. There is no fighting in the matter. The crime of the Government is that by a gross misuse of the prerogative they have made the Second Chamber powerless, and fighting in any effective sense impossible.

"Fighting means, or ought to mean, something real. It means damaging the enemy, hampering his operations, perhaps defeating him; if he wins making even his victories costly. I fail to see how the course proposed by those who refuse to follow Lord Lansdowne is to attain any of these objects.

"I fail to see that it resembles any serious military operation, or requires the exercise of any military virtue.

"There are some who talk as if Lord Lansdowne and we who agree with him were in favour of a compromise.

This is a delusion. A compromise may sometimes be a most excellent thing, but there is no room for it here. The Government have destroyed, so far as the Parliament Bill is concerned, every real power which the Second Chamber possesses. They have in their own fashion imitated Cromwell without either his excuse or his genius. The crime has been committed ; it can neither be qualified nor condoned. Compromise is impossible. What, then, ought the Unionist party to do? Ought we, amid the clatter of divided counsels, to quarrel over a procedure within the House of Lords, which at the best can be no more than ineffectual parade? Or ought we to prepare for the great struggle beyond its walls, which the tyranny of the Government has made inevitable? Without doubt the latter. Let us, then, if we can, agree.

“ Let the Unionists in the Upper House follow their trusted leader. But if this is impossible, if differ we must, if there be peers who on this occasion are resolved to abandon Lord Lansdowne, if there be politicians outside who feel constrained to applaud him, let us at least remember that the campaign for the restoration of Constitutional liberty is but just begun, and that unless the forces conducting it possess unity and discipline, ultimate victory is impossible. It would, in my opinion, be a misfortune if the present crisis left the House of Lords weaker than the Parliament Bill itself will make it, but it would be an irreparable tragedy if it left us a divided party.

“ Yours sincerely

“ ARTHUR JAMES BALFOUR ”

The Lansdowne-Balfour policy was commending itself more and more to the mass of reasonable Unionist opinion. Unpalatable it might be, but the disagreeable fact must be faced that at the last general election the nation had approved the Parliament Bill, and that the

Government were armed with the Prerogative to ensure the Bill's passage into law. Resistance was futile ; it would only compel the creation of several hundred peers ; and this would impair even the residue of power left to the House of Lords by the Parliament Bill. Far better to acquiesce in the passage of the Bill, but with the determination to repeal it at the first opportunity. Such was the reasoning with which the Lansdowne-Balfour policy was supported. A letter from Lord Camperdown, a Unionist peer, known to be on terms of friendship with Lord Lansdowne, in *The Times* of 28 July, fell like a bombshell into the Tory camp. It intimated the writer's intention to vote with the Government in case of need. " I am prepared," wrote Lord Camperdown, " to go to the length of voting for the Bill if this be the only means of taking away from the Prime Minister the excuse for calling upon the Crown to execute its bond." So strong was the resentment caused among Unionists by this letter that Lord Lansdowne was under the necessity of publicly dissociating himself from it.

" My dear Camperdown," he wrote, " my advice has been in favour of abstention from voting ; and in order to make my position clear, I may add that in no circumstances should I consider myself justified in voting with the Government when the Bill returns to our House."

Mr. Walter Long, a leader of the country gentlemen, and Mr. Bonar Law, an able exponent of Conservative commercial opinion, came out strongly on the side of Lord Lansdowne. In a letter published in *The Times* on 27 July, Mr. Bonar Law said :—

" Phrases like ' Fight to the last,' ' The bold course is always the wise course,' appeal to all of us with almost irresistible force ; but such phrases only beg the question, for, in my opinion, the bold course for any man is always the course which he himself thinks right. And if our supporters in the constituencies realized as clearly as we

do how completely the position has been changed by the announcement of the decision of the King, if they realized that the citadel has already fallen, and that the only question now left is not whether the Parliament Bill will pass, but whether it will pass accompanied or not accompanied by a Radical majority in the House of Lords, then I believe that even now the majority of our supporters would be in favour of retaining a Unionist majority in the Upper House. And I am certain that six months hence, if Lord Lansdowne had allowed the House of Lords to be swamped, and the Government were carrying in a single session Bills to establish Home Rule, to disestablish the Church in Wales, and to gerrymander the constituencies, then the Unionists in the country would not be praising the courage, but would be cursing the folly of their leaders."

Another leading Unionist, and a great constitutional authority to boot, Sir William Anson, threw his influence into the same scale. The learned author of the *Law and Custom of the Constitution* wrote:—

"In all this talk of the ignominy of surrender, what has become of the doctrine that the House of Lords has never failed to acquiesce in the decision of the electorate clearly expressed? We may say that the last general election was a snap-vote, taken before the people had time to understand the issue; but I doubt if there are many Unionists who think that a general election this month or next would appreciably alter the composition of the House of Commons. And if we believe that the electors would now return a majority in favour of the Bill, the Lords will only follow the course adopted by the Duke of Wellington, by Lord Cairns, and by Lord Salisbury if they accept, however reluctantly, the verdict of the nation as it is now represented."

As the days sped by it was seen that numbers and weight were ranged on Lord Lansdowne's side. Con-

tinuous additions were made to the roll of his supporters, and the final list published brought their number to the large total of 325, about one-half the total membership of the House of Lords, and much more than one-half its effective voting strength. Lord Morley's appeal to the Liberal peers had elicited 80 promises of support for the Government. No account was taken in these lists of the episcopal bench, with a voting strength of 26. The unknown factor was the number of "Die-Hard" peers. They were estimated at 70, but Lord Willoughby de Broke, who was organizing the rebel vote, met every effort to discover its dimensions with a polite but decisive negative. This element of uncertainty imported piquancy and excitement to the last stage of the conflict between Lords and Commons.

CHAPTER XXVII

MR. ASQUITH AND THE KING

✓ **T**HE battle on the platform and in the Press between "Hedgers" and "Ditchers" had demoralized the Tory party. An attempt to unify the antagonistic forces was made by moving a vote of censure on the Government in both Houses of Parliament in the following terms: "That the advice given by His Majesty's Ministers, whereby they obtained from His Majesty a pledge that a sufficient number of peers should be created to pass the Parliament Bill in the shape in which it left this House, is a gross violation of constitutional liberty whereby, among other evil consequences, the people will be precluded from again pronouncing upon the policy of Home Rule." The censure debate took place in the House of Commons on 7 August. Mr. Balfour made a vigorous attack on the Government. He complained that the Prime Minister had extracted from the King a promise eight months before it was required to be fulfilled, "which from that moment rendered impotent everything that could be done by one of the established Chambers in our Constitution." During those eight months Mr. Asquith, with this secret in his possession, had been masquerading as a constitutional Minister. The Prime Minister had used the prerogative "as no Minister in this country has ever dared to use it before, and as no King in the old days of the prerogative ever dared to use it." Mr. Balfour spoke of the "great wrong" that His Majesty's advisers have done both to the

King and the office which the King holds. "I should have thought that His Majesty's advisers would have been especially careful in dealing with this delicate question of the prerogative when they had to advise a Sovereign who had only just come to the throne, and who in the very nature of the case had not, and could not have, behind him that long personal experience of public affairs which some of his great predecessors enjoyed."

Mr. Asquith, in reply, explained the whole course of his negotiations with the Sovereign. He said :—

"As it is most desirable that there should be no mystery or misunderstanding over a perfectly simple and correct transaction, it is—I am allowed to say, at His Majesty's strong desire, therefore, of course, with his express commission—that I am able, as I am about to do, to disclose communications which up to this moment have been treated both by the King and by his Ministers as confidential. To make the matter clear, I must go back to the month of April, 1910, when the so-called Veto resolutions had been approved by large majorities in this House, and the Parliament Bill founded upon them had been introduced. King Edward VII was then on the Throne—I ask the House to remember that—and there was every reason to believe that his life and his reign would be prolonged. It was notorious that our resolutions as carried in the House of Commons, and which were shortly to go before the House of Lords, would be laid aside or rejected there, and the majority inside and outside this House were beginning to ask with not unnatural impatience whether the election just held was to be reduced to a nullity, and if matters were once more to result in a futile deadlock. It was in these circumstances that on 14 April, 1910, after careful consultation with my colleagues, in language approved by them and communicated to the King, who was abroad, I used these words to the House of Commons :—

“ ‘ If the Lords fail to accept our policy or decline to consider it if it is formally presented to the House, we shall feel it our duty immediately to tender advice to the Crown as to the steps which will have to be taken if that policy is to receive statutory enactment in this Parliament. What the precise terms of that advice will be it will, of course, not be right for me to say now, but if we do not find ourselves in a position to ensure that statutory effect shall be given to that policy in this Parliament, we shall then either resign our offices or recommend a dissolution of Parliament.’

“ Now here come the important words :—

“ ‘ Let me add this, that in no case will we recommend a dissolution except under such conditions as will secure that in the new Parliament the judgment of the people, as expressed at the elections, will be carried into law.’

“ That is very plain language. It is language which represented, as I have said, the deliberate policy of the Government, and it was so understood and accepted at the time not only by our friends, but by our antagonists. It is a policy which, as I have reminded the House by reference to dates, was announced by me to the country—that is the only observation which I shall make in reply to what I thought the very unhappy remarks of the right hon. gentleman in reference to a new King—as head of the Government, while I was still King Edward’s Minister. Within a month his reign came to a premature and a most unexpected end. A political truce followed, and for the best part of six months an honest, continuous, and, as I think, well-inspired endeavour was made by leading representatives of both parties in the State to arrive at a settlement by agreement. That experiment, unhappily, as I shall always think, though I impute no blame to anyone, finally broke down in the early part of November, and we then reverted to the situation as it stood in April. What was the first question which we, the

Ministers of the Crown, had then to determine? It was whether we should go on in the then existing Parliament or whether we should advise a dissolution, having regard in both cases to my declarations of the preceding April. In the circumstances, after very full consideration, we thought it right to advise a dissolution of Parliament. Nearly a year had passed since the general election. We were in a new reign. There had been much discussion, some of it not of an acrimonious kind, of the questions at issue. Moreover, our plan was now actually formulated in the shape of a Bill. On the whole, it appeared to us, and I think so still, that the arguments for dissolution were overwhelmingly strong. But we were clear, at the same time, that it would be neither honourable nor justifiable to go into another election blindfolded. In the first place, there was my deliberate pledge, given upon the floor of this House in the name of my colleagues and the Government—that which I read a moment ago—that in no case would we recommend a dissolution except under such conditions as would secure in the new Parliament that the judgment of the people would be carried into law. A great many hard words have been used about me just now. I do not mind in the least. Harder words would have been used—words which I would have minded, if, after that declaration of the Government given by my colleagues and I, we had been false to the trust reposed in us by thousands and millions in the country. We have been accused of breaches of trust by orators and pressmen of the party opposite—of treachery and trickery. I might have been accused, with reason, both of treachery and of trickery had we done that. But, secondly, quite apart from that distinct and deliberate pledge, we might have been so accused if we had thought it right to plunge the country a second time in the course of a single year into the cost, the turmoil, and confusion of a general election, unless we could have

felt sure that if it gave a decisive result it—subject, of course, to full parliamentary discussion—would be regarded as applying to a definite proposal. Accordingly, sir, when we came to the conclusion to advise the King to dissolve Parliament, we accompanied our advice, on 15 November, 1910, with this statement :—

‘ His Majesty’s Ministers cannot take the responsibility of advising a dissolution unless they may understand that, in the event of the policy of the Government being approved by an adequate majority in the new House of Commons, His Majesty will be ready to exercise his constitutional power, which may involve the prerogative of creating peers if needed to secure that effect shall be given to the desire of the Government. His Majesty’s Ministers are fully alive to the importance of keeping the name of the King out of the sphere of party and electoral controversy. They take upon themselves, as is their duty, the entire and exclusive responsibility for the policy which they will place before the electorate. His Majesty will doubtless agree it would be indefensible, in the interests of the State, that any communication of the intention of the Crown should be made public unless and until the actual occasion should arise.’

“ That was the communication made by the Cabinet on 15 November. His Majesty—after careful consideration of the circumstances, past and present, and after discussing the matter in all its bearings with myself and with my noble friend and colleague, Lord Crewe—felt he had no alternative but to assent to the advice of the Cabinet. Accordingly, on 18 November, 1910, two days later, I announced to this House :—

“ ‘ We have advised the King, and he has accepted our advice, to dissolve Parliament.’

“ We might have resigned. If we had resigned, the

King, no doubt, would have sent for the right honourable gentleman opposite, the Leader of the Opposition. He might, or he might not, have taken the responsibility of forming a Government. If he had, it is a matter of common knowledge that the Government so formed could not have existed for a week in this House, for the simple reason that the House would have refused to grant supply. A dissolution was inevitable.

“ I ask the particular attention of the House and the country to this. A dissolution under these conditions would have been held in circumstances which would have made it impossible to keep the name and authority of the King out of the arena of party politics. His Majesty, no doubt, thought this was a matter which was peculiarly incumbent upon him to safeguard. I have never used in public or in private the word ‘ guarantee ’ or ‘ pledge ’ in regard to this matter. They are words which seem to me singularly inappropriate to describe a conditional understanding such as this, which we purposely left open because of certain contingencies which might arise.”

After this statement, listened to with the most intense interest, the Prime Minister passed on to consider the precedent of 1832. “ We are dealing,” he said, “ with a Bill, the principle of which has been thrice approved in three successive Houses of Commons, and we are dealing with a Bill in regard to which we have not asked for the exercise of the Royal Prerogative until it had gone through all its stages in the House of Lords. In Lord Grey’s case there had been one election and one election only when he demanded the exercise of the Royal Prerogative before the Bill had even been in Committee in the Upper House. The truth is that this is a far stronger case in every one of its details.”

The Prime Minister concluded a powerful speech in the following words :

“ I will once more cite a classical passage on the subject, the language which was then used by Lord Grey. Lord Grey said in the House of Lords : ‘ I ask what would be the consequence if we were to suppose that such a prerogative did not exist, or could not be constitutionally exercised ? The Commons have a control over the power of the Crown by the privilege, in extreme cases, of refusing supply. The Crown has, by means of its power to dissolve the House of Commons, a control upon any violent and rash proceedings on the part of the Commons. If a majority of this House ’—that is, the House of Lords—‘ is to have the power whenever they please of opposing the declared and decided wishes both of the Crown and the people without any means of modifying that power, then this country is placed entirely under the influence of an uncontrollable oligarchy.’ That is the true constitutional doctrine. There is nothing of novelty in its being applied to-day in the same way in the case of extreme and overwhelming necessity. I am accustomed, as Lord Grey in his day was accustomed, to be accused of breach of the Constitution and even of treachery to the Crown. I confess, as I have said before, that I am not in the least sensitive to this cheap and ill-informed form of vituperation. It has been my privilege, almost now, I think, unique, to serve in close and confidential relations three successive British Sovereigns. My conscience tells me that in that capacity, many and great as have been my failures and shortcomings, I have consistently striven to uphold the dignity and just privileges of the Crown. But I hold my office not only by favour of the Crown, but by the confidence of the people, and I should be guilty indeed of treason if in this supreme moment of a great struggle I were to betray their trust.”

This thrilling peroration electrified the House. Its effect was to take the heart out of the Opposition. Mr.

F. E. Smith, after a caustic attack on the Government, criticized the Lansdowne-Balfour policy in regard to the Parliament Bill. "A different policy would have produced different results." He was effectively answered with wit and satire by Mr. Ellis Griffith, Leader of the Welsh party. Mr. Churchill's declaration that the Government mean to pass Home Rule in this Parliament was tempestuously received. The vote of censure was defeated by a majority of 119.

On the following day, 8 August, the Lords' amendments to the Parliament Bill were considered. On this occasion the Opposition did far better than in the debate on the vote of censure.

Mr. Asquith was absent from his place owing to a recurrence of the throat trouble from which he had been suffering off and on for some months. He has many men of first-class ability as colleagues, but on the Constitutional question there is no one in the Government able adequately to fill his place. The Prime Minister's absence had in itself an inspiring effect on the Opposition. They had the advantage also of leading off in the day's debate with two Tory speakers in succession, Lord Hugh Cecil's motion for the rejection of the Parliament Bill requiring a seconder, a rôle filled ably enough by Sir Edward Carson. Lord Hugh Cecil and Sir Edward Carson had roamed at large, and until Mr. Churchill spoke no uninstructed listener would have supposed that the chief business of the sitting was the discussion of the Lords' amendments to the Parliament Bill.

Mr. Churchill said the Government could not accept any of the Lords' amendments. They were willing, however, to associate two members of the House of Commons, viz. the Chairman of Ways and Means, who is always a nominee of the Government of the day, and the Chairman of the Committee on Public Accounts, who is always a member of the Opposition, to act with the

Speaker as a tribunal to pronounce when a Bill is or is not a Money Bill. The announcement of this concession met with little favour on the Liberal side, and, speaking on behalf of the Radicals, Sir Henry Dalziel energetically protested against it.

Mr. Churchill also accepted an amendment of Lord Camperdown's providing for a new form of enacting words, so that the old formula declaring the assent of the King, Lords, and Commons should not be used in reference to Bills passed without the concurrence of the House of Lords. Further, he gave an assurance that the powers of the Parliament Bill would not be exercised for the purpose of extending the duration of Parliament—a duration which is actually reduced by the Bill from seven to five years.

The Government would have nothing to do with Lord Lansdowne's proposal for a Joint Committee to sit in judgment on legislation, with a voice in finance and with power to force a referendum on matters which this "tribunal of superior men" might consider of "grave importance." Mr. Churchill said that under the Lansdowne amendment every Liberal Bill disliked by the Conservatives would have to be passed in three successive sessions in the House of Commons; it would then have to run the gauntlet of the Joint Committee, which would have the power of referring the Bill to the electors on a referendum. On the other hand a Conservative Bill would suffer no delay, and would obtain the Royal Assent in the first session after its passage. Amid approving Liberal cheers Mr. Churchill said: "We reject the whole apparatus of the Joint Committee."

The most notable feature of the day's debate was the concentration of the Opposition on one subject, viz. Home Rule. Lord Hugh Cecil had exhausted the vocabulary of invective in denouncing the Parliament Bill, but he professed his willingness to accept the

accursed thing, if only the Government would exempt Home Rule from its operation. After many perturbations and much tossing to and fro, the Tory party had once more decided to stake its fortunes on an anti-Irish agitation. In spite of the changed conditions of Ireland, in spite of the new bonds of sympathy and interest between the democracies of the two countries, in spite of the Conservative party's momentary sympathy with devolution during the Dudley-Macdonnell-Wyndham regime, in spite of the violent flirtation of the English Tory Press with Federal Home Rule last summer—the Conservative party had moved swiftly back on its old position of implacable enmity to the government of Ireland according to Irish ideas. It was a melancholy declension, this reversion to the cruel, harsh, anti-Irish feeling which represented the stock-in-trade of Toryism in the 'eighties and 'nineties. Aghast at the prospect, Mr. William O'Brien made a powerful plea for a settlement of the Irish question by consent of all parties—a plea to which Mr. Balfour listened with bowed head and Mr. Wyndham with eyes upturned towards the high western windows bright with the glory of the afternoon sun.

Lord Hugh Cecil spoke with a geniality not expected of him. His speech was marred by one or two offensive observations. A suggestion that the Prime Minister ought to be punished by criminal law made the Liberals furious, and led to some tumult. But on the whole the temper of the speech was not nasty, and to this fact and Liberal good-nature was due the courteous and even indulgent hearing given to a man who last week and the week before had severely tried the patience of the majority. Very late in the day Lord Hugh Cecil discovered that the House of Lords is too partisan, but he thinks the House of Commons has also been too partisan, and he accused the Government of using the Crown as a partisan instrument. "It makes us feel," he said, "that

we have been very hardly used by the Monarch." (Liberal cries of "Shame!") The Member for Oxford University suggested that the difference between the two Houses of Parliament should again be submitted to the people by referendum. Taking up Mr. Churchill's observation on the previous night that the Government mean to pass Home Rule in this Parliament, Lord Hugh said, "I'll wager that they do not carry Home Rule. That contest will not be decided in the City of Westminster; it will be decided in the City of Belfast." Then followed an incitement to Ulster to resist Home Rule by force, amid derisive Liberal cries of "Who is the traitor now?"

In a truculent speech, full of extravagant expressions, Sir Edward Carson expressed the solemn hope that the Government's "act of force" will be resisted by force in Ulster. These incitements to rebellion amused the House, but they have a serious side, and Mr. Churchill was well justified in his warm condemnation of them. Nothing, he said, could be more improper than the use of such expressions at a time like the present, when there was grave labour unrest all over the country. If hungry and suffering men, led away by such language, broke out into riot, the Tory party would be the first to urge that soldiers should be sent to the scene of disturbance. This deserved castigation evoked a storm of cheering from Liberal and Labour members. Undeterred by the weighty protest of the Home Secretary, Mr. Bonar Law joined in the incitements to Ulster. If the British people definitely decide in favour of Home Rule the loyalists of Ulster ought to submit, but Mr. Bonar Law argues that this Government means to force through a Home Rule measure against the wishes of the people. In these circumstances, "If I were an Irish loyalist I would never consent to such a system being forced upon me as part of a corrupt parliamentary bargain"—a sentiment loudly cheered by the Opposition.

Mr. Bonar Law's speech was a highly successful debating effort. In sheer ability it surpassed every other speech on the Tory side in the two days, except Mr. Balfour's. It was delivered with great energy and intensity of feeling. The Lords' amendments to the Parliament Bill were rejected in successive divisions by majorities ranging from 106 to 144. Restored to its original form, the Parliament Bill was then sent back to the House of Lords.

CHAPTER XXVIII

THE CLOSING SCENES

WE now reach the last act in the moving drama of the Parliament Bill. Never has the House of Lords been the centre of so much interest as in the three days: Tuesday, Wednesday, and Thursday, 8, 9, and 10 August. On the Tuesday the peers debated a vote of censure on the Government, moved by Lord Curzon. The motion was in identical terms with that moved the day before in the House of Commons by Mr. Balfour. In the course of the debate the Marquis of Crewe, making a welcome appearance in the House after long absence, gave an account of the negotiations with the King last November. At that time Mr. Asquith was requesting a conditional exercise of the Royal Prerogative if the electors confirmed the Government in office. Lord Crewe reminded the peers that if the Liberal Government had resigned in November, 1910, Mr. Balfour might have formed a Ministry, but a dissolution must have followed. The inference would then have been unescapable that the King had refused to accept the advice of Liberal Ministers, and thus the Crown would be dragged into the electoral arena, a result that all statesmen must be anxious to avoid. Lord Crewe said that while peer creation was odious to him, the Government would not shrink from that step if the lamentable necessity arose. Lord Loreburn reminded the House that no alternative Government was possible at the present time.

“My Lords,” said Lord Lansdowne gloomily, “to-night may be the last occasion on which you will be

able to vote as a free assembly." The vote of censure was carried by 282 to 68.

The final debate on the Parliament Bill opened on Wednesday, 9 August. Owing to the secrecy of the "Die-Hards" as to the strength of their group, an element of uncertainty as to the division contributed to the intense popular interest in the debate. Lord Lansdowne had published a list of his supporters, who numbered 325, and Lord Morley had succeeded in obtaining promises of support from eighty Liberal peers. If the "Die-Hards" exceeded the latter number, they would defeat the Government at the final stage—thus compelling the creation of peers—unless Unionists came to the Government's rescue. This was a course that Lord Lansdowne could not bring himself to take or to recommend to others. He had announced his intention of being neutral, but it was known that a number of Independent Unionist peers were prepared to go into the Lobby in support of the Government, if this should be necessary, in order to defeat the "Die-Hard" conspiracy.

There was a crowded House when the historic debate opened on Wednesday afternoon. The Strangers' Gallery was packed, and in the space in front of the throne Privy Councillors, peers' sons, and Cabinet Ministers made a large throng. Many members of the House of Commons surveyed the animated scene. The side galleries were occupied by peeresses, whose presence and light summer attire gave charm and colour to the animated scene. Peers attended in large numbers, and for once there was quite a good muster of Liberal peers on the benches to the right of the throne.

The last act in the constitutional drama was opened in a brief speech from Lord Morley, who, referring to the rejection of the Lords' amendments by the Commons, said Lord Lansdowne's proposals for the Joint Committee and the referendum represented an insuperable barricade

between the Government and the Conservative peers. Lord Morley then moved "that the Lords do not insist on their amendments."

A debate of uncommon interest followed, marked by a speech from Lord Lansdowne, whose ability, moderation, and statesmanlike wisdom compelled the admiration even of those who differed from him. Not inferior to it in quality was the remarkable utterance of Lord St. Aldwyn. These two leading Unionists strongly counselled the Conservative peers not to insist on their amendments, and urged them to abstain from voting in the final stage. On the other hand, Lord Halsbury, more pugnacious than ever, sounded the No-Surrender note in a defiant speech. The same line was taken by Lord Salisbury, whose loud vehemence was cheered by the mutinous peers.

The Archbishop of York said he meant to vote with the Government in the final division. His Grace professed no liking for the policy of the Government; in fact, he expressed the opinion that they had missed a rare opportunity of settling the Constitutional question by consent. But he holds that the country at the last election gave its approval to the Parliament Bill; that if a general election were held now the popular verdict would not be altered, and that it is unconstitutional for the House of Lords any longer to resist the progress of the Bill. As an independent member, and having regard to the interests of the Crown and the country, Dr. Lang said he meant to vote with the Government. The natural man in him rebels against this necessity, but he comforted himself with the reflection, "He that ruleth his spirit is greater than he that taketh a city."

Only one Liberal peer spoke before the dinner-hour, viz. Lord Ribblesdale, whom everybody was glad to see back in the House after his long illness and his great domestic sorrow. Lord Ribblesdale entered the House

on crutches, but he spoke with great spirit and with much of the old bright play of fancy. He argued that the significance of the last two general elections could not be explained away. Whatever the merits or demerits of the Parliament Bill, "at this particular moment the game is up." He added quite truly that the constituencies have ceased to care very much for the House of Lords. If the present Ministry resigned the Conservatives could not form a Government—a remark greeted with cries of "Oh! Oh!" from the recesses of the backwoods. Lord Ribblesdale stuck to his point, and told the Opposition the blunt but unpalatable truth: "With Tariff Reform round your neck and the House of Lords on your back you will never win a general election."

Lord Lansdowne's defence of the policy of total abstinence was irresistible in its reasoning. In view of the threat to bring the Royal Prerogative into play, the House of Lords could no longer offer effectual resistance to the Government's policy. That being so, Lord Lansdowne argued that it was wise in the public interest for the Opposition to abstain from further resistance, to assume no responsibility for the Bill, and to make it clear that whenever the Conservatives came back into office they would redress the balance of the Constitution.

What he called the "pathetic story" told by Lord Crewe showed that the course recommended by the Government was one which His Majesty was most reluctant to adopt. "We can force that course on the Sovereign; we can force the Government to something that is hateful to them; we can force an act that would bring discredit on the country; but to force these things out of a feeling of petulance and vindictiveness would not only be unpatriotic but contemptible in the highest degree." (Cheers.)

Lord Lansdowne reasoned courteously but firmly with

the "No-Surrender" peers. While doing justice to their motives he exposed the futility and the unwisdom of their tactics. Unlike them, he takes seriously the possibility of a wholesale creation of new peers. Some noble Lords contemplate that if the Government are defeated "there will only be a pleasant little addition to the House." Turning round to Lord Halsbury and speaking for the first time with some asperity; Lord Lansdowne said: "If it must be a small creation, to whom do you owe it? If only fifty and not five hundred peers are created it will be due to the action of the great majority of the Unionist peers. Lord Halsbury is in the delightful position of getting all the glory, while we save him from the risk and take all the ridicule and vituperation."

The closing sentences of Lord Lansdowne's speech were spoken with sincere emotion. If these proceedings were to be the end, then he would join Lord Halsbury, and have one good fight; "but it is not the end." "We are only at the beginning of a struggle that will last for many years, and in which the Unionist party will fight with unrelenting energy until they succeed in rebuilding the Constitution."

The debate made it plain that there were yawning fissures in the fabric of the Unionist party. Lord Lansdowne referred to the "interruption of old political friendships." Lord Salisbury was scarcely courteous to Lord St. Aldwyn, and Lord Willoughby de Broke openly defied the Unionist leaders. An impartial observer could not fail to be impressed by the rank ingratitude shown by the rebel peers. Lord Halsbury and his comrades dreaded the possibility of the swamping of the House of Lords, but they were satisfied that, at the worst, their action would only compel a small creation. This assumption was based on the known reluctance of the Government to go to extreme courses, and also on the fact that the vast majority of the Unionist peers

would abstain from the division. Thus the rebels were relying on the generosity of the Government and on the chivalry of Lord Lansdowne and his followers. In truth, it was only the action of those Unionist peers who meant to abstain from voting that made possible the existence of a platform on which the so-called No-Surrender peers could strut as heroes.

Beyond its pugnacity, Lord Halsbury's speech was utterly lacking in distinction. He warmly denied that he was party to any conspiracy against Lord Lansdowne and Mr. Balfour. "I will never abstain," said Lord Halsbury, "from voting against a Bill that I consider immoral."

In some ways the most notable speech of the debate was that of Lord St. Aldwyn. He has an analytic mind, and a power of clear and forcible statement surpassed by few speakers in either House. He asked: "Will insistence on our amendments prevent this Bill from becoming law? Will it have the effect of carrying our amendments?" His answer to both questions was an emphatic "No." In December last the constituencies accepted the main principles of the Parliament Bill. The Bill had been passed in the Commons by large majorities. Would the country give a different answer now? Is there any sign of change of opinion? Lord St. Aldwyn believes that a powerful section of the Cabinet wants a large creation of peers. In its own interest the Government will be driven to a large creation. But the "exercise of the prerogative in this way has killed the prerogative for the future." He does not want to see the House of Lords swamped. When the pendulum swings again and the Unionists come back into power, he does not want Unionist legislation to be thwarted by a Radical House of Lords. (Ironical Liberal cheers.) Referring to these cheers, Lord St. Aldwyn said, addressing the Government, "You will say that is

precisely what you are suffering from at the present time. Yes, but the functions of the two political parties are different."

Always shrewd and witty, Lord Newton was listened to with eagerness. Alluding to the beating up of the backwoodsmen, he spoke of the strange fact that the vast majority of the House was liable to be overridden by men who put in a "fleeting and intermittent" appearance in the House. In itself, that fact showed that "some radical change in this assembly is absolutely necessary." Dealing with the "No-Surrender" group, he bantered them on their courage, which had much increased from the moment that the prospect of a general election had vanished. This caustic phrase greatly irritated the "Forwards." Lord Selborne called out in excited tones, "Not true!" Lord Newton compared the action of the "last ditch" men to that of the Chinaman who revenges himself on the man who has done him an injury by committing suicide on his doorstep. He thought it a sheer delusion to suppose that the Government would be ridiculed by the creation of peers. "We shall have the ridicule and the Government will have the peers." (Great laughter.)

Actuated by the same spirit as the Archbishop of York, the Bishop of Winchester (Dr. Talbot) announced his intention of voting with the Government. Lord Amphill spoke with great vehemence in favour of the "last ditch" policy. He is a scion of the house of Russell, and like its present head, the Duke of Bedford, was ranged on the side of the "Die-Hards." It was fitting that he should be answered by Earl Russell, whose speech in vindication of the Government policy was extremely able. The debate was then adjourned to the following day.

Seldom has there been so much excitement in the political world as there was on Thursday, 10 August,

when the fate of the Parliament Bill was to be finally decided. The street approaches to the House of Lords were lined with spectators, and in the corridors and lobbies noble Lords had difficulty in making their way to the debating chamber owing to the press of people. Excitement was intense, and it was added to by the uncertainty that prevailed as to the result of the final division. The "Die-Hards" were now openly exulting in their strength, and counted confidently on being able to defeat the Government. There can be no doubt that, perhaps for the first time since the opening of the last stage of the Parliament Bill, the Government were in real peril of defeat. Consciousness of this danger evidently weighed heavily on the responsible leaders of the Opposition as well as on the occupants of the Government bench. It had, too, an important influence on the course of the day's debate. Lord Rosebery came in early and took his corner seat on the front cross bench. His presence was significant, for he had absented himself from the House of Lords for some weeks.

The closing scenes of the great drama will live long in the memory of all who witnessed them. Nothing in modern parliamentary experience is to be compared to them in high dramatic quality and sheer intensity of expectation. Here we were on the verge of a momentous division, and no one could foretell what its result would be. Yet on that division hung immense consequences to the King, to the Government, to the people, to the peerage. Every person in this brilliant assembly alternated between hope and fear and watched the unfolding of events with a feverish interest. All through the debate Lord Willoughby de Broke was flitting about from place to place to inspire the rebel legion. Another peer of a very different stamp from Lord Willoughby was also active in the background, the sage, courtly, and venerable Lord Knollys, for long years the friend and

trusted counsellor of King Edward and now the adviser of King George.

It became known early on Thursday evening that the rebellious Conservatives were counting on bringing over a hundred men into the Lobby. On the face of it, this pointed to the probability of the Government being defeated. Lord Morley's Liberal supporters were known to number eighty. It was no secret that a few Unionist peers meant to vote with the Government; one or two of them, like Lord Newlands, because they considered that the Parliament Bill was preferable to the referendum; one or two others, who have consistently taken the view that the Government were driven by the irresistible pressure of events to bring forward the Parliament Bill, and that this measure was a moderate solution of a very difficult problem. It was known, too, that some Unionist peers, though they detested the Parliament Bill, meant at the final stage to vote with the Government in order to avoid the necessity for a wholesale creation of new peerages. Among these were Lord Camperdown and Lord Winchilsea. Venomous attacks had been made by infuriated partisans on these peers because of their readiness, under a stern sense of duty, to vote if need be against their convictions. The violence of the "Die-Hard" press succeeded in preventing any organized movement in support of the Camperdown-Winchilsea point of view. There was thus great uncertainty as to the number of Unionist peers who could be relied upon to vote with the Government. A few of the Bishops, standing aloof as they do from party controversy, were known to be ready to oppose the recklessness of the "Die-Hards." But prudent calculations showed that Lord Morley could not count with any certitude on more than a hundred supporters in the Lobby, in which case the rebel movement would have won.

The debate began calmly enough with a speech from Lord Midleton, who spoke earnestly in support of the Lansdowne policy of abstention. Its only notable feature was a pointed appeal to Lord Morley to tell the House whether the Government have authority to create an indefinite number of peers, regardless of the balance of strength in the division Lobby. The importance of this question was obvious, for the "Die-Hards" had based all their calculations on the assumption that if any peers were created it would only be a small number. Therefore, when Lord Morley made no sign to rise after the conclusion of Lord Midleton's speech, there was a general sense of disappointment in the House. Lord Rosebery voiced its feeling by asking Lord Morley if he would not answer the question. The reply of the Leader of the House was that he intended to speak later in the debate, and would answer it then. Up rose Lord Lansdowne with the suggestion that, in the general interest, the question ought to be answered at this stage. Lord Morley thereupon courteously complied with this request. After some graceful preliminaries, in which he told their Lordships that dramas are "made, not by words, but by situations," he read with impressive emphasis the following statement:—

"If the Bill should be defeated to-night, His Majesty would assent to a creation of peers sufficient in number to guard against any possible combination of the different parties in opposition by which the Parliament Bill might again be exposed a second time to defeat."

This grave announcement was received with a cheer from the Liberal peers. Its effect on the House at large was tremendous. Nor was the effect diminished when Lord Morley proceeded to say that Lord Willoughby de Broke's assumption that the Government are playing a game of bluff is "a pure absolute illusion." "Every vote," said Lord Morley, "given to-night against my

motion is a vote in favour of a large and prompt creation of peers."

The whole House listened intently to these declarations. A deep silence prevailed. Nothing could be heard but the musical notes of Lord Morley's voice, as with grave deliberation and many an impressive gesture, he announced the policy of the Government. Answering some questions put the night before by Lord St. Aldwyn, Lord Morley stated that the Government were not keeping back any papers dealing with the negotiations of the King. "Some of the most vital transactions with the Sovereign are conducted orally, face to face." As to the suggestion that Mr. Asquith, in his historic interview with the King last November, ought to have urged His Majesty to send for Lord Lansdowne and Mr. Balfour, Lord Morley said that such a thing would be unprecedented, and it was totally inconsistent with our Ministerial traditions. He protested with some warmth against discussing these asides when we are "already in rather deep waters." Speaking in clear, ringing tones, he declared that, "as honourable men and patriotic Ministers, we have nothing to be ashamed of either in relation to the Sovereign himself or to our country or to Parliament."

As Lord Rosebery advanced to the table, the large audience was conscious of that delicious sensation of excitement and expectancy that is created when a well-graced and gifted actor arrives on the scene. In his opening sentences Lord Rosebery showed that, in his belief, the policy of those peers who persist in resisting the Parliament Bill was futile and dangerous. But he did not spare the Government. He admonished them and reproved them with all the gifts of his eloquence. He admitted that the Government were not bound to advise the King to send for Lord Lansdowne and Mr. Balfour when last November they were seeking from

His Majesty contingent guarantees. Yet the circumstances were "so extremely exceptional" that the Government ought to have advised the King to seek counsel with the Opposition leaders, and he blamed Ministers for the actual advice they gave to a "young and inexperienced King who had only been five months on the throne."

Lord Rosebery admitted the significance of the fact that the Government were confirmed in power at two general elections in 1910. "An unreformed and unrepresentative House of Lords is," he said, "wholly unfit to resist great popular movements." Resistance to the passing of the Parliament Bill was now futile. The Bill must pass. Turning round to the benches where the "Die-Hards" were congregated, Lord Rosebery said: "If you succeed to-night, you could only delay the Bill for forty-eight hours or a week." "Longer than that," declared the indomitable Lord Halsbury.

Pointing to that fine old octogenarian, Lord Rosebery said: "My noble friend has the over-sanguineness of youth. Let us say that he may delay the Bill for a month. But what is a month in the history of the Constitution of this country?" The point was, shall the Bill pass with an enormous creation of peers or without that scandal? By a wise concession in 1832, under the guidance of a Leader no one accused of cowardice, the great Duke of Wellington, the House of Lords had preserved its existence for eighty years. Even when the Parliament Bill is passed there will be left a certain vitality in the House of Lords. The policy of the "No-Surrender" group would leave the House of Lords with no power, "flattened out completely, and the ruin of our ancient Constitution would be as complete as its worst enemies could desire."

Lord Rosebery's words deeply affected the House. Then came a defiant speech from Lord Milner, loudly

cheered by the "No-Surrender" group, who had been much chastened by the warning of Lord Morley and the sombre eloquence of Lord Rosebery.

The statement of Lord Camperdown, a well-known Unionist peer, that in spite of his detestation of the Bill he meant to vote with the Government, caused great resentment among the "Die-Hards." It gave the Duke of Norfolk an excuse for joining the extremists. The Duke considered that the action of Lord Camperdown absolved him from his pledge to abstain. His accession to their ranks was exultantly cheered by the "No-Surrender" group, whose applause broke out afresh when Lord Halifax, another ecclesiastically minded peer, also seceded from the Lansdownites. The situation now became grave. Defeat seemed to be staring the Government in the face. There was much stir in the lobbies; men conferred together in the ante-rooms, and in the Chamber itself the atmosphere was tense.

It had been anticipated by the Government and the official Opposition that Lord Morley's announcement would have spread dismay in the rebel ranks. For the moment it undoubtedly produced a great impression, but its ultimate effect was to harden and embitter the spirit of the "Last Ditchers." They were greatly encouraged by the accession to their ranks of the Duke of Norfolk and Lord Halifax. Jubilant now at the prospect of being able to defeat the Government, they became noisily demonstrative, and the debate proceeded amid interruptions and other displays of feeling rarely heard in this decorous assembly. Even the Duke of Devonshire's intimation that if the extremists succeeded they would make Lord Lansdowne's position as Leader impossible, left them unmoved.

The unfolding of the final scenes in this historic drama was watched by a crowded and brilliant assembly, which included a dazzling array of peeresses, many members

of the Diplomatic Corps, half the Cabinet, scores of Privy Councillors, and M.P.'s galore.

Contrary to anticipation, the Archbishop of Canterbury suddenly intervened. He had not intended to take part either in the debate or in the division. But, shocked by the levity of the "Die-Hards" and their indifference to the position of the Sovereign, the Primate said that, in a grave situation which might be determined by a single vote, he could not abstain, and meant to vote with the Government. While the addition of this powerful recruit was gratifying to the Government, it was also a symptom that the situation was still full of peril.

A powerful speech that helped to stem the tide of revolt was contributed by Lord Curzon. His appeal to the extremists to remember their Sovereign and the grave embarrassments in which His Majesty might be placed by their action, his appeal to them to remember their country and to ponder the serious results that might follow from the prolongation of a futile resistance, his reminder to them of the duty they owe to their leaders—all this was listened to with admiration by the entire assembly. "I do not suppose," he said, "a more momentous division will ever have taken place in the House of Lords. It is possible that as a result of this division four hundred peers may be created. If that is done the Constitution is gone as we have known it. We start afresh to build up a new Constitution. God knows how we shall do it. Let us realize what is before us." At this point the Marquis of Bristol, an alert, clean-shaven man of middle-age who has served in the Navy, called out: "It is because four hundred peers are going to run away to-night." Swiftly came Lord Curzon's reply: "I would sooner run away with the Duke of Wellington than stand with the noble lord."

This speech, so flawless in temper, visibly affected the "Die-Hards." Only once was there any sign of hostility

from them—namely, when Lord Curzon pleaded for tolerance towards those Unionists who might consider it their duty to vote with the Government.

Now came a keen competition for the last word. Lord Curzon's speech was to have been the end of the debate. But, realizing the impression it had made, that tough old Tory, Lord Halsbury, hastened to remove it by a characteristic appeal to the militant spirit of his followers. It was very poor stuff, only redeemed from banality by the closing sentence, spoken with some dignity, in which the stubborn old man solemnly said that he left the rightness or wrongness of his action to a higher tribunal.

Lord Rosebery sought to counter Lord Halsbury's move, and in a few brief but weighty words said he meant to vote with the Government. When Lord Rosebery had done, Lord Selborne almost ran to the table. Pointing an accusing forefinger at Lord Rosebery, he assailed him bitterly for his alleged inconsistency. Lord Selborne's strident words and violent counsel were loudly cheered by the backwoodsmen. Then, amid ever-growing excitement, the House proceeded to divide on Lord Morley's motion that the Lords do not insist on their amendments, Lord Lansdowne and over two hundred of his followers first of all removing from its precincts.

The excitement was now intense. Surveying the scene from the gallery, it seemed that there was nothing to choose between the two groups as they prepared to file into the lobbies. But it was noticed that the Bishops and a cohort of Unionists joined forces with the stream of Liberals pouring forth into the Lobby of the Contents. Still the result remained in doubt. M.P.'s, journalists, strangers, were all standing up to watch the exodus from the lobbies. The extremists could easily be counted as they emerged one by one and re-entered the House. Lord Llandaff, at one time a Home Ruler, now old and infirm, came first on crutches, after him Earl Crawford,

a picturesque, handsome old man, and then the leader of the "Die-Hards," Lord Halsbury, a short, squat figure with leonine head. So they filed in one by one until, to the surprise of most of us, we had counted 105 of them, and the stream was still flowing. But it was soon to dry up; the total muster of the rebels was 114. By this time about 80 supporters of Lord Morley had returned to the House. The possibility of the Government being defeated remained, but from the Ministerial lobby the stream was still flowing freely. Soon we had counted 100; now 110; now 115—the Government was leading. All doubts were gone, and still the procession continued, till the total reached 131. Then came the declaration, showing that the Government had a majority of 17. It was welcomed by a loud and grateful cheer from the Liberals. The cheer was taken up in the corridors and repeated with gusto in the House of Commons. Twenty-nine Unionist peers voted with the Government, as also did the two Archbishops and eleven Bishops. Two Bishops, Bangor and Worcester, voted against the Government. The Episcopacy played a fine and honourable part on this historic day. The Bishops had worked steadily for appeasement, for assuaging the bitterness of party strife, animated only by one thought—a genuine solicitude for the interests of the Crown and the welfare of the State. From the intellectual point of view, the rebel movement was not impressive. Not a single speech of first-rate quality came from the extremists in the two-days' debate. The weight of authority and of talent was overwhelmingly on Lord Lansdowne's side.

The full division list on this historic occasion was as under :—

For the Government, 131.

Canterbury, Abp.

Loreburn, L. (L. Chan.).

York, Abp.
 Morley of Blackburn, V. (L. President).
 Crewe, M. (L. Privy Seal).

MARQUISES

Ailsa. Northampton.
 Breadalbane.

EARLS

Chesterfield (L. Steward).	Granville.
Spencer (L. Chamberlain)	Harrowby.
Beauchamp.	Kimberley.
Brassey.	Lichfield.
Cadogan.	Liverpool.
Camperdown.	Lytton.
Carrington.	Minto.
Chichester.	Russell.
Craven.	Shaftesbury.
Durham.	Winchilsea.
Fortescue.	

VISCOUNTS

Allendale.	Gough.
Cobham.	Haldane.
Elibank.	Hampden.
Gordon (Aberdeen E.).	Wolverhampton.

BISHOPS

Bath and Wells.	Ripon.
Birmingham.	St. Asaph.
Carlisle.	Southwell.
Chester.	Wakefield.
Hereford.	Winchester.
Lichfield.	

BARONS

Aberconway.	Ilkeston.
Acton.	Inchcape.
Airedale.	Joicey.
Annaly.	Kilbracken.
Armitstead.	Kinnaird.
Ashby St. Ledgers.	Knaresborough.
Ashton.	Loch.
Ashton of Hyde.	Lucas.
Blythswood.	Lyveden.
Blyth.	MacDonnell.
Boston.	Marchamley.
Burghclere.	Mendip (Clifden V.).
Charnwood.	Monckton (Galway V.).
Churston.	Monson.
Colebrooke.	Monteagle of Brandon.
Coleridge.	Mountgarret.
Courtney of Penwith.	Newlands.
Dawnay.	Northbourne.
Desart.	Nunburnholme.
Devonport.	O'Hagan.
Elgin.	Pentland.
Eversley.	Pirrie.
Farrer.	Reay.
Furness.	Rendel.
Glantawe.	Ribblesdale.
Glenconner.	Ritchie of Dundee.
Gorell.	Robson.
Granard.	Rosebery.
Grimthorpe.	Rotherham.
Hamilton of Dalzell.	Rowallan.
Haversham.	St. Davids.
Hemphill.	Sanderson.
Heneage.	Sandhurst.
Herschell.	Saye and Sele.

BARONS—*continued*

Sefton (Sefton E.).	Swaythling.
Shaw.	Tenterden.
Shuttleworth.	Teynham.
Silchester (Longford, E.)	Torphichen.
Southwark.	Tweedmouth.
Stanley of Alderley (Sheffield L.).	Weardale.
Stuart of Stuart Castle (Moray E.).	Welby.
	Willingdon.

Against the Government, 114.

DUKES

Norfolk.	Newcastle.
Bedford.	Northumberland.
Leeds.	Somerset.
Marlborough.	Westminster.

MARQUISES

Bristol.	Salisbury.
Bute.	Winchester.

EARLS

Abingdon.	Lauderdale.
Amherst.	Londesborough.
Bathurst.	Lovelace.
Cathcart.	Malmesbury.
Clarendon.	Mar.
Coventry.	Morley.
Denbigh.	Northesk.
Devon.	Plymouth.
Fitzwilliam.	Portsmouth.
Halsbury.	Radnor.
Hardwicke.	Roberts.

EARLS—*continued*

Rosslyn.	Sondes.
Roths.	Stanhope.
Scarborough.	Waldegrave.
Selborne.	Wicklow.
Shrewsbury.	

VISCOUNTS

Churchill.	Hood.
Combermere.	Llandaff.
Falkland.	Milner.
Halifax.	Templetown.

BISHOPS

Bangor.	Worcester.
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BARONS

Abinger.	Ebury.
Amphill.	Farnham.
Atkinson.	Fermanagh (Erne E.).
Ashtown.	Fingall.
Bagot.	Forester.
Loudoun.	Foxford (Limerick E.).
Strathmore.	Gormanston.
Brabourne.	Harlech.
Chaworth (Meath E.).	Hay (Kinnoull E.).
Clanwilliam.	Holm Patrick.
Clements (Leitrim E.).	Hothfield.
Clifford of Chudleigh.	Kensington.
Clonbrock.	Kesteven.
Colchester.	Kilmaine.
De Freyne.	Kilmarnock (Erroll E.).
Deramore.	Leconfield.
Digby.	Leith of Fyvie.
Dynevor.	Lovat (Teller).

BARONS—*continued*

Massy.	Sempill.
Merthyr.	Shute (Barrington V.).
Monkswell.	Sinclair.
Mowbray.	Somerhill (Clanricarde M.).
Muskerry.	Southampton.
Northcote.	Stanmore.
Raglan.	Tollemache.
Ranfurly.	Vaux of Harrowden.
Rayleigh.	Vivian.
Rosmead.	Crawford.
St. Levan.	Willoughby de Broke.
Saltoun.	Wynford.
Sandys.	

The following are the Unionist peers who supported the Government in the division :—

MARQUIS

Ailsa.

EARLS

Cadogan.	Lytton.
Camperdown.	Minto.
Fortescue.	Shaftesbury.
Harrowby.	Winchilsea.
Lichfield.	

VISCOUNTS

Cobham.	Gough.
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LORDS

Annaly.	Gorell.
Blythswood.	Heneage.
Churston.	Kinnaird.
Dawnay.	Knaresborough.

LORDS—*continued*

Loch.	Sanderson.
Monckton (Galway V.).	Silchester (Longford E.).
Monson.	Teynham.
Monteagle of Brandon.	Torphichen.
Ritchie.	

On the afternoon of 18 August, when Sir Henry Graham, Clerk of Parliament, after making a profound obeisance to the empty throne, and then turning round to face the representatives of the Commons, exclaimed in the historic formula, "*Le Roy le veult*," the seal of the Crown's assent was finally set to the Parliament Bill. The prolonged campaign between Lords and Commons was over, and, as shrewd observers from the time of James Mill and Macaulay down to Gladstone, Bright and Morley had foreseen, victory was inscribed on the banner of the representatives of the people. No longer was the subordination of the hereditary chamber left dependent on custom and usage. For the first time since the dawn of representative government in this country statutory recognition was given through the Parliament Act to the predominance of the House of Commons, not only in finance but also in legislation.

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