

Growth of the national income.

Growth of National Income.—The income tax returns given in the preceding tables furnish important materials for ascertaining, if only approximately, the national income of England. They show, first of all, that it is not only growing, but growing at an enormous rate. This is conclusively proved by the returns of the aggregate annual value of the incomes assessed under schedule D, comprising the gains derived from trades and professions, including in the same the profits from such undertakings as mines, railways, canals, and gas and water works. It is said, with truth, that these incomes under schedule D are "the true gauge of the prosperity of the nation;" and if this be admitted, the people of England are growing vastly in prosperity. In the fifteen years from 1861 to 1875, the increase in the annual value of the incomes of England and Wales taxed under schedule D was no less than £147,865,566, being at the rate of £9,857,704 per annum. In Scotland, during the same period, the increase of incomes under schedule D was at the rate of £1,269,298 per annum, and in Ireland at the rate of £353,135; while in the whole of the United Kingdom it was at the rate of £11,480,138 per annum.

Amount of accumulated wealth.

Accumulated Wealth.—There have been many attempts made to estimate the amount of capital, or of accumulated wealth, of the country in recent times, and the rate at which it is increasing. One of the most recent, as well as most valuable of these estimates, was contained in an elaborate paper by Mr Robert Giffen, head of the statistical department of the Board of Trade, read before the Statistical Society of London on the 15th of January 1878. Taking the income tax returns, down to the year ended March 31, 1875, the latest for which particulars were published, for the basis of his calculations, Mr Giffen arrived at the conclusion that "the total capital of the people of the United Kingdom may be reckoned at a minimum of 8500 millions sterling," this being "the capitalized value of the income derived from capital," or, in other words, the accumulated wealth of the nation.

"It is a bewildering figure," says Mr Giffen, "about eleven times the amount of our national debt, which may thus be reckoned with all soberness as a feat. Nearly 7500 millions out of this amount besides must be reckoned as income-yielding, only the remaining 1000 millions being set down as the value of movable property or the direct property of imperial or local authorities, which does not yield any individual revenue. The suggestion may perhaps be made that to some extent these are only figures in an account—that the capital outlay on the soil, plant, machinery, factories, and houses of England, or on the circulating capital of English industry, would not come to so much. But in reply I would say that, while there is no evidence one way or the other as to what the outlay has been, while we shall never know what it has cost from generation to generation, to give us all this inheritance, there is some justification for thinking that the values are stable and not transitory. They represent an estate on which thirty-four millions of people have facilities for production and distribution, which must be equal all in all to the facilities existing anywhere else, because they are constantly tried in the furnace of free trade, and are not sustained by any adventitious means. If certain properties have acquired what is called a monopoly value, it is because actual workers are able to pay the corresponding rent out of their first earnings, and have ample wages and profit besides. In such matters the property of a great country, like a factory or business, must be valued as that of a going concern, and the monopoly value which certain things acquire only enters into the question of the distribution of the estate and its income."

Growth of capital in the present century.

As regards the growth of capital in the course of the first three quarters of the present century, Mr Giffen's calculations showed that it had been going on at an ever-increasing rate, the greatest increase taking place in the decennial period from 1865 to 1875. The following table was published by him as an approximate account of the capital and property existing in the United Kingdom, distinguished as assessed and not assessed to income tax, in each of the years 1865 and 1875, given in millions of pounds, with the amount and percentage of increase in the ten years:—

Capital and Property.	1865.		1875.		Increase in 1875.	
	Millions.	Millions.	Millions.	Per Cent.	Amount.	Per Cent.
ASSESSED TO INCOME-TAX.						
Lands.....	1864	2007	143	8		
Houses.....	1031	1420	389	38		
Farmers' profits.....	620	668	48	8		
Public funds, less home funds.....	211	519	308	146		
Mines.....	19	56	37	195		
Ironworks.....	7	29	22	314		
Railways.....	414	655	241	58		
Canals.....	18	20	2	11		
Gasworks.....	37	53	16	43		
Quarries.....	2	4	2	100		
Other profits.....	55	84	29	53		
Other income-tax, principally trades, professions, and companies.....	659	1128	469	71		
Total.....	4938	6643	1706	35		
NOT ASSESSED TO INCOME-TAX.						
Trades and professions omitted.....	75	105	30	40		
Income from capital of non-income-tax-paying classes.....	200	300	100	50		
Foreign investments not in Schedules C and D.....	100	400	300	300		
Movable property not yielding income.....	500	700	200	40		
Government and local property.....	300	400	100	33		
Grand Total.....	6113	8548	2436	40		

In the concluding part of his paper, Mr Giffen entered upon the difficult task of estimating the distribution of the increase of wealth in the three divisions of the United Kingdom and among the classes, premising that "it would be difficult to find sufficient details, owing to the large amounts of income which are earned in wealth, one part of the country and pay income tax in another."

"The great increase," he goes on to say, "both in amount and per head of population is undoubtedly in England, although the income tax returns show clearly enough that both Ireland and Scotland now progress very rapidly. In another aspect, viz., as to whether capital is being more diffused, or is accumulating in fewer hands, I am afraid the data are not sufficiently good for any sure conclusions. There are certain means for comparing the number of assessments under Schedule D, at different amounts of income, which would appear to show that the number of large incomes is increasing more quickly than the increase of population or the increase of wealth. But the fact of the rich class becoming a little more numerous, would not prove that, as a whole, the number of people possessed of moderate capital, and the average amount they possessed, are increasing or diminishing, while the increasing number of company assessments under Schedule D makes the number of assessments altogether useless for comparison, as we have no information whatever respecting the number of individual shareholders in the different companies, the average amount of each individual interest, and the interests of the holders in Schedules A, B, and C."

As regards the important question whether the accumulation of capital in recent years, subsequently to 1875, marked by great depression of almost all branches of trade and industry, Mr Giffen's conclusions were that the process of growth continued uninterrupted. He expressed his conviction "that in no year is the accumulation absolutely at an end, and that in many directions it is even more active in dull years than it is at other times. We know, for instance, that the capital outlay on railways is incessant; that during the last two or three years of depression, and even now, the nation is saving in railways very nearly as much as the annual income of the capital invested in them. In agriculture again, there is a constant annual reclamation of land in progress, besides an incessant outlay on the older cultivated areas. The truth is that, owing to the division of labour, there must be a vast disorganization of industry, not a mere temporary falling off from a former inflation, before accumulation can be wholly checked. A certain portion of the community is told off, as it were, to create the accumulations, and if the accumulations were not made, we should see in the building trades, in railway construction, in shipbuilding, and numerous other directions, a wide-spread stoppage of works, and masses of unemployed labourers, far exceeding anything witnessed even in those terrible times of depression which were frequent before the free trade period, when industry was partially disorganized, and pauperism assumed most threatening dimensions. In the absence of the effects which would follow, we must assume that the cause is not present, that

England's position in the world.

there is no stoppage of accumulation; but that accumulation, on the contrary, goes on at present in most directions at an average annual rate, or at a rate greater than the average.

Another eminent political economist and statistician, the late Mr Dudley Baxter, who read a paper on the "National Wealth of the United Kingdom" before the Statistical Society of London on the 21st of January 1868, just ten years before Mr Giffen, took a far less hopeful view than the latter about the constancy of increase of the national wealth. He expressed his belief that, while "the income of England is the largest of any nation, and shows wonderful good fortune and prosperity, we must not forget that it rests on an unstable foundation. The turn of trade, or obstinacy and shortsightedness in our working-classes, or a great naval war, may drive us from the markets of the world, and bring down our auxiliary as well as our productive industries." Mr Dudley Baxter wound up his conclusions with an eloquent warning. "England's position," he exclaimed, "is not that of a great landed proprietor, with an assured revenue, and only subject to occasional loss of crops, or hostile depredations. It is that of a great merchant who, by immense skill and capital, has gained the front rank, and developed an enormous commerce, but has to support an ever increasing host of dependants. He has to encounter the risks of trade, and to face jealous rivals, and can only depend on continued good judgment and fortune, with the help of God, to maintain himself and his successors in the foremost place among the nations of the world."

XV. *Government and Laws.*

As England stands alone in the greatness of her wealth, the extent of her commerce, and the vastness of her manufactures, so also does she hold a unique place among nations as regards her government. Under the nominal form of an hereditary monarchy, with restricted powers, the nation is actually governed by two Houses of Parliament, whose laws, when assented to by the sovereign, form the statutes of the realm. It has been already remarked in the article CONSTITUTION AND CONSTITUTIONAL LAW that, in respect of her government, "England differs conspicuously from most other countries. Her constitution is to a large extent unwritten, using the word in much the same sense as when we speak of unwritten law. Its rules can be found in no written document, but depend, as so much of English law does, on precedent modified by a constant process of interpretation." One of the most thoughtful of modern political writers, the late Mr Walter Bagehot, sketched, in perhaps fewer words than any other, the nature of this unwritten and constantly modified constitution in its most recent aspect. "The efficient secret of the English constitution," he says, "may be described as the close union, the nearly complete fusion, of the executive and legislative powers. According to the traditional theory, as it exists in all the books, the goodness of our constitution consists in the entire separation of the legislative and executive authorities; but in truth its merit consists in their singular approximation. The connecting link is the Cabinet. By that new word we mean a committee of the legislative body selected to be the executive body. The legislature has many committees, but this is its greatest. It uses for this, its main committee, the men in whom it has most confidence. It does not, it is true, choose them directly; but it is nearly omnipotent in choosing them indirectly." It is a striking illustration of the fact of the constitution of England being "unwritten" that the Cabinet, though universally and undisputedly admitted to represent the Government of the country, remains utterly unknown as such both to the written law and the legislature. The names of the persons who compose the Cabinet for the time being are never officially announced, nor are there even any official records of its meetings, or of the resolutions which may have been come to at them by the members. Strangest of all, the Cabinet, virtually nominated by the legislative body, and depending for its existence on a majority of supporters in it, has never yet been formally recognized by any Act of Parliament.

Although the assumption of the executive by a committee of the legislature is of comparatively modern date, forming,

as Lord Macaulay says, "the great English revolution of Power the 17th century," the supreme authority of parliament is and jurisdiction of ancient date, forming a part of the common law of the realm. "The power and jurisdiction of parliament," Sir Edward Coke laid down the rule, "is so transcendent and absolute that it cannot be confined, either for causes or persons, within any bounds." With equal emphasis, Sir William Blackstone added that to parliament "that absolute despotic power, which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms." In constitutional fiction, parliament consists of three "estates of the realm," namely, first, the Lords Spiritual, secondly, the Lords Temporal, and thirdly, the Commons; but the more modern form of division is that into two Houses, described as the Upper and Lower, or that of the Lords and the Commons. (See PARLIAMENT.) Strictly speaking, a member of the Upper House is a parliamentary representative equally with one of the Lower House, but in ordinary language, representing, as often it does, great facts, the title of "member of parliament" is only given to members of the House of Commons.

The Upper House, or House of Lords, consists of a varying number of members as regards the representation of England, but fixed with respect to Scotland and Ireland. In the official "Roll of the Lords Spiritual and Temporal," issued at the commencement of the parliamentary session of 1878, the number of members of the Upper House was returned at exactly 500, the list comprising 5 members of the royal family, 2 archbishops, 21 dukes, 19 marquesses, 113 earls, 24 viscounts, 24 bishops, 248 barons, 16 Scottish representative peers, and 28 representative peers of Ireland. All the peers of England, as well as those whose patent of peerage is for the United Kingdom, have seats and votes in the House of Lords, but the peers of Scotland and Ireland are represented only by delegates, those for Scotland being elected for every new parliament and those for Ireland for life.

The Government, through the sovereign, has an unrestricted power for creating new peerages, which at times has been largely used for political purposes. During the reign of Queen Victoria, up to the end of 1877, there were created 151 new peerages under various administrations. The 151 peers so created form at present more than one-third of the House of Lords, deducting from its roll the spiritual and representative members. Nearly three-fourths of the existing peerages have been created since the accession of the House of Hanover.

The actual functions of the House of Lords, as a branch of the legislature, are not very clearly defined; but it is generally assumed that it has a revising faculty over all bills passed by the Commons, except those relating to the public revenue and expenditure. As a rule, a very small number of peers take part in the work of a session, and the extremely limited attendance is signified by the rule that three members are sufficient to form a quorum in the Upper House, while there must be 40 in the Lower House. One of the reasons of non-attendance of the members of the House of Lords in former times was their special privilege of voting by proxy, which has now, however, fallen into disuse. Most of the sittings of the Upper House are not only very short, but irregular, the custom being to adjourn "during pleasure," which means that the lord chancellor, or the deputy speaker, may, in the exercise of his discretion, two other peers being present, take his seat on the woolsack, and order business to proceed at any hour during the day. Besides its legislative functions, the House is invested with high judicial powers, forming the supreme court of appeal in the realm.

If nominally inferior to the Upper House, the Lower House of legislature, or House of Commons, stands above

Peerages created since 1837.

Functions of the House of Lords.

The House of Commons.

it in actual power and authority. It is a power constantly on the increase, and tending to absorb all others, having proved the most auspicious for Government.

"Whatever may have been the circumstances," says Dr Hearn, of Melbourne, in his elaborate work on the government of England, "which led to the gradual formation of parliamentary government, the cause of its continuance is clear. In practical politics, as in every other art, the great test of excellence is success. But in at least British communities, the success of parliamentary government does not admit of doubt. As Edward I. found the supplies voted by the representatives of his burgesses more profitable than the tollages at which he assessed their constituents, so experience has shown to later sovereigns the great advantage to their government of our modern system. Where in former times the only remedy for misgovernment, real or supposed, was a change of dynasty, the evil is now corrected at no greater cost than that of a ministerial crisis. Where in former times serious evils were endured because the remedy was worse than the disease, even trivial inconveniences now excite universal complaints, and meet with speedy remedy."

Length of sessions of the House of Commons.

Although politically omnipotent, the House of Commons cannot prolong its own existence beyond seven years. The average duration of parliaments in the present century has been three years and eight months, a term almost exactly coinciding with the average duration of Cabinets within the period. The following table gives the dates at which the parliaments of the United Kingdom—dating from the union of Great Britain with Ireland, which took effect on the 1st of January 1800—met and were dissolved:—

Reign.	Parliament.	Met.	Was dissolved.
George III.	1st	27 Sept. 1796	29 Jan. 1802
"	2nd	31 Aug. 1802	24 Oct. 1806
"	3rd	15 Dec. 1806	29 Apr. 1807
"	4th	22 June 1807	24 Sept. 1812
"	5th	24 Nov. 1812	10 June 1818
"	6th	4 Aug. 1818	29 Feb. 1820
George IV.	7th	23 Apr. 1820	2 June 1826
"	8th	14 Nov. 1826	24 July 1830
William IV.	9th	26 Oct. 1830	22 Apr. 1831
"	10th	14 June 1831	3 Dec. 1832
"	11th	29 Jan. 1833	30 Dec. 1834
"	12th	19 Feb. 1835	18 July 1837
Victoria.	13th	14 Nov. 1837	23 June 1841
"	14th	11 Aug. 1841	23 July 1847
"	15th	21 Sept. 1847	1 July 1852
"	16th	4 Nov. 1852	20 Mar. 1857
"	17th	30 Apr. 1857	23 Apr. 1859
"	18th	31 May 1859	6 July 1865
"	19th	6 Feb. 1866	31 July 1868
"	20th	10 Dec. 1868	24 Jan. 1874
"	21st	5 Mar. 1874	...

Constitution of the House of Commons.

The shortest-lived House of Commons was the third of the United Kingdom, which existed only for four months and fifteen days, while the longest was the seventh, which sat six years one month and nine days, thus reaching nearly the extreme limit of age set to parliament by the constitution of the realm.

The constitution of the House of Commons, as framed by the Reform Bills of 1832 and 1867-68, is that of a body of 658 members, elected by nearly universal suffrage, but in very unequal electoral divisions. Under the English Reform Act of 1867, extended, with slight changes, to Scotland and Ireland in 1868, the franchise was given to all householders in boroughs, and occupiers of lands or houses rated at no less than £12 in counties, thus admitting to the right of electing members of parliament the majority of the adult male population, with the sole exception of the class of agricultural labourers. The elections, under an Act passed in 1872, take place by secret vote and ballot. It appears from an annual return made by order of the House of Commons that, at the end of June 1877, the total number of its constituents in England and Wales amounted to 2,377,761, while in Scotland at the same date the number was 302,313, and in Ireland 231,265. The number of members returned, respectively, for the counties,

boroughs, and universities of each of the three divisions of the United Kingdom, with the number of electors on the register, was as follows at the end of June 1877:—

Divisions.	Members of Parliament.	Electors on register.
ENGLAND AND WALES.		
52 counties.....	187	850,587
200 cities and boroughs.....	293	1,514,716
3 universities.....	5	12,458
Total, England and Wales.....	485	2,377,761
SCOTLAND.		
33 counties.....	32	88,594
22 cities and burgh districts.....	26	202,852
4 universities.....	2	10,867
Total, Scotland.....	60	302,313
IRELAND.		
32 counties.....	64	173,919
33 cities and Boroughs.....	39	53,953
1 university.....	2	3,393
Total, Ireland.....	105	231,265
United Kingdom.....	650	2,911,339

It is stated in a recent parliamentary return that, if the allotment of members of parliament to each of the three divisions of the United Kingdom were regulated solely by population, on the basis of the last census, England and Wales should have 493, Scotland 60, and Ireland 97 representatives; while if the allotment were made according to contributions to the public revenue, England and Wales should have 514, Scotland 79, and Ireland 57 members.

It has become the most important function of the House of Commons in modern times to appoint the Government for the time being, and, more immediately, those leading members of the Government, headed by the prime minister, known as the Cabinet. Far reaching as is the legislative authority of the elected representatives of the nation, it naturally must stand in the background of this higher power of choosing the rulers of the country, since the latter, besides guiding the executive, likewise are the more immediate framers of all the laws that are passed. "The legislature," says Mr Bagehot, in his already quoted work, "chosen, in name, to make laws, in fact finds its principal business in making and in keeping an executive." It has come to be tacitly understood that the leading statesman of the political party possessing a majority in the House of Commons must fill the place of prime minister, officially styled first lord of the treasury, while the other chief men of the party have a claim to become members of the Cabinet.

"The leading minister selected," says Mr Bagehot, "has to choose his associates, but he only chooses among a charmed circle. The position of most men in parliament forbids their being invited to the Cabinet; the position of a few men ensures their being invited. Between the compulsory list whom he must take, and the impossible list whom he cannot take, a prime minister's independent choice in the formation of a cabinet is not very large; it extends rather to the division of cabinet offices than to the choice of cabinet ministers. Parliament and the nation have pretty well settled who shall have the first places; but they have not discriminated with the same accuracy which men shall have which place. The highest patronage of a prime minister is, of course, a considerable power, though it is exercised under close and imperative restrictions, and it is far less than it seems to be when stated in theory, or looked at from a distance. The Cabinet, in a word, is a board of control chosen by the legislature, out of persons whom it trusts and knows, to rule the nation."

There is no fixed number of members for the Cabinet, any more than of regular meetings of the members admitted to it. In recent years the number of members varied from eleven to sixteen, the former, the lowest ever attained.

being in 1876, under the premiership of Mr Disraeli, just previous to his elevation to the peerage under the title of earl of Beaconsfield. All Cabinets yet formed included the following nine members of the administration:—the prime minister, the lord chancellor, the lord president of the council, the chancellor of the exchequer, and the secretaries of state presiding over the departments of foreign affairs, war, India, the colonies, and home affairs. To these nine members there are usually added various others, most frequently the first lord of the Admiralty, the postmaster-general, the chief secretary for Ireland, and the president of the Board of Trade. (See also the article CABINET.)

The Cabinet does not constitute more than about one-fourth part of the executive, or what is generally called the Government. With every change of administration, necessitated by the expressed will of the House of Commons, from forty to fifty political heads of department have to quit their places, to make room for men belonging to the party which can claim a parliamentary majority. Besides the departments already mentioned, whose heads are generally, or sometimes, included in the Cabinet, there are others of great importance, such as the Committee of Council on Education, the Local Government Board, the Office of Works and Public Buildings, and the various departments for the collection of the national revenue, considered to form part of the Government, or, more correctly, the administration. The chief officers of all these branches of the administration change with the Cabinet, with the exception of the heads of the departments of the customs, excise, stamps, and taxes, who hold permanent appointments. Subject to political changes likewise are the great law officers of the crown, the lord chancellor, attorney-general, solicitor-general, and judge-advocate-general of England, the lord-advocate and solicitor-general of Scotland, and the lord chancellor, attorney-general, and solicitor-general for Ireland. These, as all the other members of the political administration, hold office "durante bene placito," instead of, as the administrators of the law, or judges, "quamdiu bene se gesserint."

In closest contact with the constitution and government of England, and similar to them in nearly every respect, are its laws and their administration. Unlike most other countries, England has no code of laws; nor would codification be easily possible, seeing that the principles which govern the national jurisprudence are, like those which lie at the basis of the constitution, as much "unwritten," as "written." Broadly, the whole body of laws may be divided into two classes, namely, first, those springing from immemorial usage, sanctified by judicial decisions, and, secondly, those springing from parliamentary enactments. The former, in their nature, take far deeper root in the national life than in the latter. This is expressed by the fact that there were law exponents, or judges, long before there were law-makers, or legislators. The most ancient of English courts, that of King's or Queen's Bench—in its correct legal title, "the Court of the King before the King himself," *coram ipso rege*—was far older than parliament itself, for it can be traced back clearly, both in character and the essence of its jurisdiction, to the reign of King Alfred. Not much less ancient than "the Court of the King before the King" was the Court of Chancery, which acted for ages as the fountain of justice, the *officina justitie*, forming the origin of the courts of common law. The independence of the Courts of King's Bench and of Chancery was destroyed by the Judicature Act of 1871, exactly 1000 years after the accession of Alfred.

The Judicature Act of 1871, amended and enlarged in 1873, and in operation from the 1st of November 1875, made very important alterations in the administration of justice in England. By its provisions, aiming centrally at

a fusion of the judicature for the better distribution of judicial force, there was formed a single court, called the "High Court," divided into five departments, called respectively the Queen's Bench, the Chancery, the Common Pleas, the Exchequer, and the Probate, Divorce, and Admiralty divisions. It is in these divisions that is vested the administration of the law, while the "High Court," or, more fully, the "High Court of Justice," as such, can scarcely be said to have any existence. It is, as one of the judges described it soon after the passing of the Judicature Act, an *ens rationis*,—that is, it exists only in theory, or in contemplation of law.

At the head of the judicial administration of the kingdom, as at present constituted, stands the Lord High Chancellor of Great Britain, a political officer changing with the Cabinet, presiding over the supreme Court of Judicature, and forming part also of the judicial committee of the Privy Council, sitting as a court of appeal. There are annually about 100 cases heard and determined before the judicial committee of the Privy Council, and seldom less than 300 cases "remaining for hearing" or in arrears, the number tending to increase. All the judges of the divisions of the High Court form part of the judicial committee of the Privy Council, which has besides four special paid judges. President of the first of the five divisions of the High Court of Justice, the Queen's Bench, is the lord chief justice of England, under whom are four "puisne justices," while the second division, the Chancery, is presided over by the Master of the Rolls, who has at his side three vice-chancellors administering law in the vice-chancellor's courts. Within the Chancery division are the great seal patent office, and office of the commissioners of patents for inventions, the designs registry, and the trade marks registry. In the third of the divisions of the High Court, the Common Pleas, the president has the title of lord chief justice, and in the fourth, the Exchequer, that of lord chief baron, the former having under him four "puisne justices," and the latter four "puisne barons." Finally, in the fifth division, that of Probate, Divorce, and Admiralty cases, there is one president and one judge, with an admiralty advocate, queen's proctor, and an admiralty proctor. (See also COURT, vol. vi., p. 516.)

Besides the great courts of law, which, like the fore-going, have jurisdiction all over the kingdom, there are a number of courts exercising local jurisdiction within counties, boroughs, and other defined districts. Foremost among the courts of local jurisdiction are those of assize. The great inconvenience of resort by suitors from distant parts to the seat of the central courts of law led, from a very early period, to the appointment of justices "in eyre," or itinerant judges, authorized to hear civil and criminal causes within a prescribed circuit.

These circuits of assize, altered at various times, are at present seven in number, denominated respectively the South-Eastern or Home, the Midland, the Northern, the Oxford, the Western, the North Wales and Chester, and the South Wales circuits. The South-Eastern or Home circuit embraces the counties of Herts, Essex, Hunts, Cambridge, Suffolk, Norfolk, Kent, Sussex, and Surrey, the assizes being held at Hertford, Chelmsford, Huntingdon, Cambridge, Ipswich, Bury St Edmunds, Norwich, Maidstone, Lewes, and Kingston; the Midland, the counties of Bedford, Bucks, Derby, Leicester, Lincoln, Notts, Northampton, Rutland, and Warwick, with assizes at Bedford, Aylesbury, Derby, Leicester, Lincoln, Nottingham, Northampton, Oakham, and Warwick; the Northern, the counties of Cumberland, Westmoreland, Lancashire, Durham, Northumberland, and York, the assizes being held at Carlisle, Appleby, Lancaster, Manchester, Liverpool, Durham, Newcastle, York, and Leeds; the Oxford circuit, the cou-

General courts of law and judges.

Circuits of courts of assize.

ties of Berks, Oxford, Worcester, Stafford, Shropshire, Hereford, Monmouth, and Gloucester, the assizes being held at Reading, Oxford, Worcester, Stafford, Shrewsbury, Hereford, Monmouth, and Gloucester; and the Western circuit, the counties of Hants, Wilts, Dorset, Devon, Cornwall, and Somerset, with assizes at Winchester, Devizes, Dorchester, Exeter, Bodmin, and Taunton. The North Wales and Chester circuit extends over Montgomery, Merioneth, Carnarvon, Anglesey, Denbigh, Flint, and Cheshire, assizes being held at Welsbpool, Dolgelly, Carnarvon, Beaumaris, Ruthin, Mold, and Chester; the South Wales Circuit embraces Pembroke, Cardigan, Carmarthen, Glamorgan, Brecon, and Radnor, with assizes at Haverfordwest, Cardigan, Carmarthen, Swansea, Brecon, and Presteign. In every circuit there are at least two assizes held every year, mostly in spring and summer; but in the more populous circuits there are also winter assizes. The appointments of the judges for the various assizes are made out in the Chancery division of the High Court of Justice, the custom being to let the selection take place by mutual agreement among the members of the judicial bench.

Central criminal court and county sessions.

Among the other local courts of jurisdiction deserving notice are the Central Criminal Court of London, the Middlesex Sessions, and the Surrey Sessions. The Central Criminal Court, sitting at the Old Bailey, tries, as indicated by its name, only criminal cases, the sessions, presided over by a judge, taking place once every month throughout the year. Different in organization from the Central Criminal Court are the two metropolitan law courts, going by the names of the Middlesex Sessions and the Surrey Sessions. These courts, instituted, not only for the trial of prisoners, but for various administrative purposes, such as the licensing of public-houses, and the inspection of weights and measures, are composed of county justices, or, as they are commonly called, magistrates, presided over by a chairman and assistant judge. Similar in constitution to the Middlesex and Surrey Sessions are the general and quarter sessions of other counties. They are held in the first week after March 31, June 24, October 11, and December 28, it

being left to the decision of the county justices composing them to fix the exact date when they are to commence, with liberty to make such changes as shall not interfere with the holding of the assizes. The county justices, assembled in general and quarter sessions, have jurisdiction in civil and criminal actions, except, as regards the latter, cases of treason, perjury, and other heavy crimes.

By the Municipal Corporation Act of 5 and 6 William IV. cap. 76, cities and boroughs in England and Wales may have a system of magisterial judicature similar to that of counties. The ordinary duties of county justices, out of sessions, are performed for most cities and boroughs by their mayors or other magistrates. By the same Act, courts of quarter sessions may also be granted to cities and boroughs. The sole judges of such courts are recorders, empowered to take cognizance of offences in the same manner as courts of quarter sessions in counties, but with a jurisdiction to levy county rates and to grant licences, or to exercise any of the other powers vested in town councils. The recorder, who must be a barrister of not less than five years' standing, has to hold his court quarterly, or, if necessary, more frequently; and should there be an unusually large number of cases to be tried, he may, with the sanction of the town council, form a second court, under the presidency of an "assistant barrister," approved of by the Secretary of State for the Home Department.

It was long the opinion of writers on jurisprudence, foreign and English, as well as of the public in general, that one of the most manifest advantages of English law was in its general adoption of trial by jury. In recent times, however, a growing tendency has been manifested to trust, at least in civil cases, more to the administration of the law by judges than by juries. This tendency is strikingly shown in the most important judicial statutes passed lately, the Judicature Acts already referred to. There can be no doubt that on this subject the legislature expresses but public opinion, and that what is ordered by parliament in respect to changes in the administration of the English law is done by the will of the nation. (F. MA.)

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PART II.—HISTORY.

ENGLAND, the land of the Angles or English, is, according to its etymology, the distinctive name of that part of Britain in which, by reason of the Teutonic conquests in the fifth and sixth centuries, the Teutonic race and speech became dominant. The name is in itself equally applicable to the older home of the Angles in Germany; but, though cognate forms, as *Angeln*, are to be found there, the exact forms *Anglia* or *England* do not seem to have been in use. As applied to later settlements of Englishmen, settlements made by men starting from Britain, it is used with direct and conscious reference to the elder England. New England implies Old England. The name is thus etymologically applicable to English settlements anywhere; historically it belongs to the great English settlement in Britain. And, in its use for many ages past, it has not taken in the whole of that part of Britain which is historically English. Part of northern England was at an early time detached from the English kingdom to form part of Scotland. And again, from the part of England so detached, the English tongue, and much of English blood, has further spread over part of the proper Scotland. In modern usage then England means somewhat less than the land which is marked out by its strict etymology. It does not mean the whole of the Teutonic part of Britain, but only that part of it which has formed the kingdom of England since the present line between England and Scotland was drawn. But in any case it should be remembered that the name is a purely political name. Britain is a certain part of the earth's surface, with unchangeable physical boundaries. England, Scotland, Wales, are political names of parts of Britain, which have had different meanings at different times, according as the part of Britain to which they have been applied has been larger or smaller. It is also to be remembered that these political names are comparatively modern. England, for instance, is not heard of by that name till late in the tenth century. In fact it hardly could have been a formal title, used in the country itself, till the many English settlements in Britain had become one kingdom. It is not, as we shall see, the oldest name for the Teutonic part of Britain. But as the various English kingdoms were fused into one, England became and remained the name of that one. England then is that part of Britain which came and remained under the direct rule of the king of the English. It thus excludes Scotland, meaning by Scotland, as by England, a greater and a smaller space at different times. It also in strictness excludes Wales. Legal phraseology is not quite consistent on this head; but the more accurate description of South Britain is "England and Wales," rather than "England" only. Wales, first under its own princes, then under the English kings, was long a dependency of England rather than a part of England; and its complete political incorporation with England has not altogether destroyed its separate character.

England then is the name which certain historical events caused to be applied to a part of the isle of Britain. The history of England therefore strictly begins with the beginning of those events which caused part of Britain to become England. The history of England has no concern with the earlier history of Britain, except so far as is needed to make the working of those causes intelligible. Nor need it dwell on the earlier history of the English before they came into Britain further than is needed for the same end. The history of England begins when the English first settled in Britain. But, in order to understand this settlement, some account must be given of the earlier condition both of the settlers themselves and of the land in which they settled.

Britain in the fifth century, the time of the settlement which gave to so large a part of the island the name of England, was in a state unlike any other part of the world. The greater part of the island, all that is now called England and Wales, with a considerable part of what is now called Scotland, had formed a Roman province, but had been cut off from the empire by the act of the imperial power itself. As the Roman legions had been a hundred and thirty years earlier withdrawn from Dacia by Aurelian, so they were in the early years of the fifth century withdrawn from Britain by Honorius. The Teutonic invaders therefore found in Britain, what they did not find in Gaul or Spain, an independent people, who doubtless kept many memories and fruits of their long subjection to Rome, but who had ceased to be actual Roman subjects. The people whom the English found in the possession of this restored and somewhat precarious independence were the Celtic Britons. It is not here needful to determine certain curious points of controversy, how far the purely Celtic character of the inhabitants of Britain had been modified by intermixture, either with races earlier than their own settlement or with Teutonic or other settlers during the time of Roman dominion. All the probabilities of the case would certainly go against the belief that the Celts found the isle of Britain wholly uninhabited. That they were the first Aryan settlers there can be no reasonable doubt; but, even in the absence of any kind of evidence, we should expect that the first Aryan settlers would, in Britain as elsewhere, find earlier non-Aryan settlers in possession of the land. One set of inquirers have made it highly probable that the cromlechs and other primæval remains, which used to be vaguely called Druidical, are really the works of a race of inhabitants earlier than the Celts. Another set of inquirers have, from the physiological point of view, brought plausible arguments to show, not only that such an earlier non-Aryan population existed, but that it actually forms a perceptible element in the present population of South Britain. It has been argued that a large part of the population of the border shires of England and Wales is in truth neither English nor British, but comes of a non-Aryan stock akin to the Basques of Gaul and Spain. So, on the other hand, it has been argued that a part of the eastern coast of Britain had received Teutonic inhabitants earlier than the conquest of Britain by the Romans. It has been argued too, and in this case argued with undoubted certainty, that, under the Roman occupation, soldiers and other subjects and allies of the empire of various races, the Teutonic race among others, settled in the Roman province of Britain, and helped to form a part of its inhabitants. But, if all these doctrines are admitted in their fullest extent, they in no way affect the political history of England. They simply prove that the British people whom the English found in possession of the isle of Britain had, like all other nations in all other times and places, had the purity of their blood more or less affected by foreign intermixture. They in nowise affect the fact that the English invaders found in this island a people who, for all practical and historical purposes, must be looked upon as Celtic, a people in whom the dominant blood, and the dominant national being, was undoubtedly Celtic. In the eye of general history they must be looked on, as they were in the eyes of their English conquerors themselves, as Britons. They were Britons, modified no doubt in every respect by their long subjection to Rome, but still essentially a British, that is, a Celtic people. And it is further clear