THE SOCIAL CREDITER

FOR POLITICAL AND ECONOMIC REALISM

Vol. 19. No. 17. Registered at G.P.O. as a Newspaper. Postage (home and abroad) 1d. SATURDAY, DECEMBER 27, 1947. 6d. Weekly.

"The Rights of One Small Boy"

Our enterprising contemporary, *The New Times* (Melbourne) has condensed and published an article in *The Atlantic Monthly* by the American author, Alexander Woolacott on the famous Archer-Shee Case of 1910—a story "so peculiarly English," as he puts it—when all England was aroused over the rights of one small boy. This is the story:

From time to time, since the turn of the century, there has issued from a publishing house in London and Edinburgh a series of volumes called "Notable British Trials." Now, as an avid subscriber to the series, I have long been both exasperated and puzzled by the fact that it contained no transcript of that trial which, more and more in recent years, has taken definite shape in my own mind as one of the most notable and certainly the most British of them all.

Nowhere in England or America is there available in any library a record of the Archer-Shee case.

But within recent months, by a series of curious chances, a complete private record of the entire case has come into my possession, and it is my present plan to put it into print for the use of anyone who needs it as a light or craves it as a tonic. For the Archer-Shee case is a short, sharp, illuminating chapter in the long history of human liberty, and a study of it might, it seems to me, stiffen the purpose of all those who in our own day are freshly resolved that liberty shall not perish from the earth.

In the fall of 1908, Mr. Martin Archer-Shee, a bank manager in Liverpool, received word through the commandant of the Royal Naval College at Osborne, that the Lords Commissioners of the Admiralty had decided to dismiss his 13-year-old son George, who had been proudly entered as a cadet only a few months before.

It seems that a five-shilling postal order had been stolen from the locker of one of the boys and, after a sifting of evidence, the authorities felt unable to escape the conclusion that young Archer-Shee was the culprit. This devastating news brought the family hurrying to Osborne. Was it true? No, father. Then why did the authorities accuse him? The bewildered boy had no idea. The offish captain could only refer the father to the Admiralty, and the Lords of the Admiralty—by not answering letters, evading direct questions, and all the familiar technique of bureaucratic delay—retired behind the tradition that the Navy must be the sole judge of material suitable for the making of a British officer.

Thus the elder Archer-Shee found himself faced with a maddening, cruel opponent—the massive complacent inertia of a Government department which is not used to being questioned and does not like to be bothered. He was challenging a bureaucracy to battle.

At a dozen points in the ensuing struggle, a less resolute fighter might have been willing to give up, and one of smaller means would have had to. But I think the father knew in his heart that his son was innocent. Probably he was strengthened by his memory of how bitterly his little boy had wept on the day they took him away from Osborne. While there was a breath left in his body and a pound in his bank account, he could not let the youngster go out into the world with that stain on his name.

The first great step was the retaining of Sir Edward Carson, then at the zenith of his incomparable reputation as an advocate. It was only after he had heard the boy's own story (and raked him with such a bracketing fire of questions as he was famous for directing against a witness) that he agreed to take the case at all.

From that interview he rose, saying in effect, "This boy did not steal that postal order. Now, let's get at the facts."

This took a bit of doing. It was the hub of the difficulty that the small embryo officer had, by becoming a cadet, lost the rights of an ordinary citizen without yet reaching that status which would have entitled him to a court-martial. But Carson was determined to get the case into court. Resisting him in this was Sir Rufus Isaacs, later to become, as Lord Reading, Chief Justice of England, but then Solicitor-General, and compelled by professional tradition to defend the Admiralty's action at every step.

Carson finally had recourse to an antique and long-neglected device known as the Petition of Right. If a subject approach the throne with a Petition of Right and the King consent to write across it "Let right be done." His Majesty can, in that instance and on that issue, be sued like any commoner.

Instead of welcoming such a course as the quickest way of settling the controversy the Admiralty, perhaps from sheer force of habit, resorted to legal technicalities as a means of delay. Indeed, it was only the human impatience of the justices, to whom a demurrer was carried on appeal, that finally cut through the red tape. They would eventually have to decide whether or not a Petition of Right was the suitable remedy, but in the meantime, they asked, why not let them have the facts?

So at long last, on a hot day in July, 1910—nearly two years after the postal order was stolen and too late for any hope of finding out who really had stolen it—the case came before a jury. By this time it was being treated by the press as a *cause celebre*, and all the Empire was following it with bated breath. Carson was on his feet in open court speaking for the Suppliant:

> A boy of 13 years old has been labelled and ticketed for all his future life as a thief and a forger. Gentlemen, I protest against the injustice to a child, without communication with his parents, without his case ever being put, or an opportunity of its ever being put forward by those on his behalf. That little boy from the day that he was first charged, up to this moment, whether in the ordeal of being called in before his Commander and his Captain, or whether under the softer influences of the persuasion of his own loving parents, has never faltered in the statement that he is innocent.

These reverberant words had overtones which all Englishmen could hear. Now the case was being followed with painful attention by plain men and women slowly come to the realisation that here was no minor rumpus over the punctilio of the service, indeed no mere matter of a five-shilling theft and a youngster's reputation, but a microcosm in which was summed up all the long history of British liberty.

Here in the small visible compass of one boy's fate was the entire issue of the inviolable sovereignty of the individual.

The Archer-Shees had as their advantageous starting-point the inherent improbability of the boy's guilt. There seemed no good reason why he should steal five shillings when he was in ample funds. But if, out of sheer devilry, he had stolen his classmate's postal order, it seemed odd that instead of cashing it furtively he would openly get permission to go to the post office, which was out of bounds, and loiter about for some time in an effort to get a schoolmate to go with him. This inherent improbability, so visible from this distance, had quite escaped the attention of the college auhorities.

When young Terence Back dolefully reported that the postal order which had arrived that morning was missing from his locker, the Chief Petty Officer at once telephoned the post office to find out if it had been cashed. It had. Oh!

There followed a rush of officialdom to the post office and much questioning of the chief clerk, Miss Anna Clara Tucker. Now Miss Tucker, had there been any cadets at the post office that day? Yes, two—one to buy a 15/6 postal order, the other to buy two totalling 14/9. And was it one of them who had cashed the stolen order? Yes, it was. Would the postmistress be able to pick him out? No. They all looked so alike in their uniforms. But this she did remember—the stolen order was cashed by the boy who had bought the postal order for fifteen and six. And which one was that? Well, her records could answer that question. It was Cadet Archer-Shee. (He had needed that order, by the way, to send for a model engine on which his heart was set, and to purchase it he had that morning drawn 16 shillings from his funds on deposit with the Chief Petty Officer.)

On her testimony the authorities acted. But so muddle-headed was this investigation that the very first *precis* of that testimony filed with the Admiralty was careful to omit the crucial fact that at the college next morning, when six or seven of the cadets were herded past her for inspection, the postmistress had been unable to pick out Archer-Shee.

This failure became patently crucial when, two years later on that sweltering July day Carson, with artfully deceptive gentleness, took over Miss Tucker for cross-examination.

The cashing of the stolen order and the issuing of the order for fifteen and six had taken place at the same time? Well, one transaction after the other. After all, she was in sole charge of the office at the time? Yes. There was the telephone to answer, telegrams to take down as they came over the wire? Yes, and the mail to sort. These matters often took her away from the window? Yes. So sometimes, if one cadet should go away from the window and another step into his place during any one of the interruptions, she might not notice the exchange. That was true. And, since they all looked alike to her, one cadet in this very instance could have taken the place of another without her realising, when she returned to the window, that she had not been dealing throughout with the same boy? Possibly.

So that now she couldn't say it was Archer-Shee who had cashed the stolen order? She had never said that exactly. Nor could she even be sure, now that she came to think of it, that the stolen order had, in fact, been cashed by the same cadet who bought the order for fifteen and six. Not absolutely sure. That, in effect, was her testimony.

Well, there it was—a gap in her story wide enough to drive a coach through. As soon as he saw it Sir Rufus knew the jig was up. Wherefore, when court opened on the fourth day, the Solicitor-General announced:

> As a result of the evidence that has been given, I say now, on behalf of the Admiralty, that I accept the statement of George Archer-Shee that he did not write the name on the postal order, and did not cash it, and consequently that he is innocent of the charge.

Then, while the jury swarmed out of the box to shake hands with Carson and with the boy's father, the exhausted advocate turned to congratulate the boy himself, only to find that he wasn't even in court.

When, blushing and grinning from ear to ear he later went to Carson's room in the Law Courts to thank him, the great advocate ventured to ask how in his hour of triumph the boy had happened to be missing.

Well, sir, it seems he went to the theatre the night before and so had overslept. Overslept! For weeks Carson himself had hardly been able to get any sleep. Overslept! Good God! Hadn't he even been anxious? Oh, no, sir. He had known all along that once the case got into court the truth would come out. Carson mopped his brow. Then he laughed. Perhaps that *was* the best way to take such things.

Thanks to the House of Commons, neither the public nor the Admiralty was allowed to forget the Archer-Shee case. Several members promptly gave notice that England would expect some specific assurance that the lesson had been learned, that never again would a boy be thus cavalierly dismissed from Osborne without a chance for adequate defence.

In this instance, of course, it was too late for anything but apology and indemnification. But month followed month with no word of apology, and as for indemnification, no offer to pay more than a fraction of what the boy's father had already spent in his defence.

So in March of the following year the attack was renewed. The quaint but familiar device of moving that the salary of the First Lord of the Admiralty be reduced by £100 started the ball rolling. All those who moved to the attack spoke as if nothing in the world could matter more than the question of justice to one small unimportant boy. The unhappy First Lord was firmly jockeyed into the position where he went on record, at long reluctant last, as expressing in this case his unqualified regrets. He even consented to pay to the boy's father whatever sum a committee of three (including Carson himself) should deem proper. This ended in a payment of £7,120, and with that payment the case may be said to have come to an end.

The case—but not the story. That has an epilogue. The characters? Most of them are gone. The boy himself? Well, when it came to him, the author of the epilogue dipped his pen in irony. If you will remember that the boy was 13 when they threw him out of Osborne, you will realise that when the First World War began he was old enough to die for King and Country. And did he? Of course. As a soldier, mind you. August, 1914, found him in America,

working in the Wall Street firm of Fisk and Robinson. Somehow he managed to get back to England, join up with the South Staffordshire Regiment, win a commission as Second Lieutenant, and get over to France in time to be killed—at Ypres—in the first October of the War. So that is the story of Archer-Shee, whose years in the land, all told, were nineteen. To me, his has always been a deeply moving story, and more and more, as the years have gone by, a significant one.

For this can be said about the Archer-Shee case: that it could not happen in any totalitarian State. It is so peculiarly English, this story of a whole people getting worked up about a little matter of principle.

The Dean of Canterbury

For record purposes, we print the statements of the Archbishop of Canterbury and the Dean of Canterbury, Dr. Hewlett Johnson, published in the newspapers on December 17:—

DR. FISHER'S STATEMENT

The following statement has been issued by the Archbishop of Canterbury, Dr. Fisher:—

It is unfortunately the case that recent actions and utterances of the Dean of Canterbury have given rise to widespread misunderstandings and misconceptions, both on the Continent and in the United States, liable to affect the relations of the Church of England with foreign Churches or countries.

It has been supposed that a Dean of Canterbury must necessarily be acting on the instructions of the Archbishop of Canterbury and representing his views. I find it necessary, therefore, to repeat the warning given by Archbishop Lang in 1937. The Dean's office and jurisdiction in this country does not extend beyond the confines of the cathedral body of which he is head. Outside those limits he speaks and acts only for himself: the Archbishop of Canterbury has neither responsibility for what the Dean may say or do nor power to control it.

In view of the special and worldwide associations which surround the name of Canterbury it is necessary to make the position quite clear.

THE REPLY

In a statement in reply to Dr. Fisher, the Dean of Canterbury, Dr. Hewlett Johnson, says:—

I welcome the Archbishop's statement as to my ecclesiastical jurisdiction, as it gives wide circulation to facts which I myself am at pains to emphasize whenever the question of my ecclesiastical jurisdiction arises. I do not speak for the official Church of England, and my ecclesiastical jurisdiction is confined to Canterbury Cathedral alone.

There is, however, another side to this question, and it is important to remember that I was appointed successively to two dignified positions in the Anglican Church, first as Dean of Manchester and later as Dean of Canterbury, by a Socialist Prime Minister, and appointed precisely because I had long urged that Socialism was in my view not only scientific but the logical consequence in our age of Christian morality. I thus naturally became a Christian spokesman within the Anglican Church for the great mass of English opinion in the mines, factories, and fields which had elected as Socialist Prime Minister the man who appointed me Dean of Canterbury.

That Christian spokesmanship placed at this heart of English-speaking Christendom was the Socialist Prime Minister's deliberate intention. That was also my desire. That is my right and my responsibility. And I am justified in the discharge of that responsibility, to use all the weight that the honoured name of Canterbury lends. Thus, while I agree that my narrower ecclesiastical jurisdiction is confined to the cathedral, I intend jealously to maintain my right to voice with such weight as my office affords this point of view of that great mass of Christian persons and others who, through their elected representatives, gave me this office and charged me with this responsibility.

The rights of the common man relative to a national church are sometimes overlooked. Were the Church of England disestablished, the position would be wholly different.

[Under the heading "The Church and Party," a public correspondence was opened in *The Times* on December 19 by the Bishop of Derby.]

PARLIAMENT—*continued from page 7.*

because of some defect then it becomes the duty of the House to put that right. That is precisely what this Bill is going to do. . . .

The Lord President of the Council (*Mr. Herbert Morrison*): . . . The case for this Bill has been amply made, time and time again. Looking back on its history, it was received in various quarters, when introduced, as a gratuitous Bill, calculated to cause no end of trouble, crisis, and constitutional difficulty in the country. Indeed, the right hon. Gentleman the Leader of the Opposition came down to the House and said all sorts of wild things about it. . . . the right hon. Gentleman certainly declared that this was a most dangerous, revolutionary and wild Measure to put before Parliament, and that the Opposition would fight it to the tooth and would bring all their powers to bear to secure its rejection by Parliament. That was the only high light of the Debate. If I may say so, the right hon. Gentleman got very excited, exaggerated the importance of the Bill, and declared that it was revolutionary and the beginning of tyranny. Indeed, in the Debate on the Address, he said that this was wild social aggression on the part of my right hon. Friend the Prime Minister. But what did the right hon. Gentleman do when he had delivered that great oration? He left the rest of the Bill to his right hon. Friends on the Opposition Front Bench, and took no more notice of it. That is all he cared about this Bill, which was supposed to be undermining the whole British democracy and Constitution. I am sorry he is not here today; I would much sooner say these things when he is here, although it is much more difficult to say anything when the right hon. Gentleman is present because his appearances in this House are all too infrequent as the weeks go on.

He has gone for a holiday, and I do not blame him. I wish I had myself. I only say that if it be the case on Second Reading that he comes here and paints this Bill as a great, dramatic, revolutionary Measure, undermining the whole British Constitution, what is the House to make of the Committe stage, which was like a Sunday school treat? The attendance then was thin, as, indeed, it has been for the greater part of today. . . .

THE SOCIAL CREDITER

This journal expresses and supports the policy of the Social Credit Secretariat, which is a non-party, non-class organisation neither connected with nor supporting any political party, Social Credit or otherwise.

SUBSCRIPTION RATES: *Home and abroad, post free:* *One year* 30/-; *Six months* 15/-; *Three months* 7s. 6d. *Offices*: (*Business*) 7, VICTORIA STREET, LIVERPOOL, 2, *Telephone*: *Central* 8509; (*Editorial*) 49, PRINCE ALFRED ROAD, LIVERPOOL, 15, *Telephone*: *Sefton Park* 435.

Vol. 19. *No.* 17. *Saturday, December* 27, 1947.

From Week to Week

The Russian currency swindle, a recurring phenomenon in every Socialist economy, is one more demonstration that no money system can function for any lengthy period (and, by reason of the advance in the industrial arts, for a rapidly diminishing period) which uses money as a political device, instead of as an accurate process of accountancy, of which one side is cost, and the other, price.

The financier in common with the Trades Unionist has always hated cost accountancy; but the worst excesses of the nineteenth century issueing houses pale into petty chicanery in the face of the State credit and currency frauds being practiced by their detractors (or are the real players unchanged?).

Yet the general public is apparently unaware, or careless of the fact that it is being systematically robbed—that not merely is it getting less real return for its work than ever it did, but that the reward for past work, inventive genius, and organising ability which it has been exhorted to "save", is at the mercy of some Order-in-Council hatched out by the same vermin who acquired the assets of the German population in the early twenties by the use of a few dollars.

Just how many times this trick can be repeated we do not know; but the end is not yet.

• • •

So far from Socialism, better expressed by the French *étatisme*, resulting in anything which can without derision be called a Planned Economy, it is the shortest cut to lawlessness, Black Marketing, idleness, crime and social disintegration. Not merely is this proved by all experience, but we believe that it is consciously intended by the real instigators of it, as producing a social situation in which the scum comes to the top. The real rulers of the world in these days are clever scum, but they are scum just the same. Socialism and Communism are the outcome of war, not of peace; and so far from *genuine* capitalism, as distinct from centralised finance and monopoly cartelism being the cause of war, the exact opposite is the case. Socialism and Communism are making every preparation and straining every nerve and sinew to produce another war; and there is one way, and only one way to stop it; to blast *étatisme* (*not* Nationalism) out of existence. When the British electorate voted for this administration (if they did vote for it) they voted for war. Just what they would have voted for if they had elected Mr. Churchill, we are not prepared to say.

• • •

When people say, as some still do say, "Let fools for forms of Government contest, whate're is best administered, is best," they are talking the same kind of nonsense as who should say "The shape and rig of a racing yacht don't matter, it's the crew that wins the race." A Government is an organisation; and organisation is impossible without an objective. But further, anyone who is familiar with organisation (few people are, but nearly everyone thinks he is) can state with confidence the objective of an organisation merely by observing the lines of its construction, much as anyone admiring the Forth Bridge would agree that it was not intended to fly.

Little more perspicacity is required to assess the nature and objectives of the Socialist Administration of this unhappy country. Every step taken since Mr. Attlee assumed office has one objective, and one only—to increase the power of the Administration over the individual, and thus to place both the physical assets, and the population at the unrestricted disposal of the Sanhedrin. By playing on the despicable motives of a miseducated majority, the "soak the rich" attitude has been elevated to a virtue, and it has not yet dawned on its dupes that their turn is coming quickly—that within the lifetime of millions in these islands, five hundred pounds *per annum* was a comfortable income, and it was the millions who enjoyed it who were the barrier against the exploitation of the poor.

The fundamental axiom to bear in mind in this matter is that all power derives from, or through, the individual. The more powerful a Government becomes the more helpless are the governed. To suppose that a despotic Government will function in the interests of its constituent population, is the mental attitude of the man who lends his purse to the confidence trickster.

Postponed London Meeting

It was intended to hold a meeting of readers of *The Social Crediter* in London on January 6, following a similar meeting at Bournemouth on the day before, both meetings to be addressed by Dr. Tudor Jones. Owing, apparently, to a misunderstanding, the London (not the Bournemouth) arrangements are not sufficiently advanced for the meeting to be held on the date intended. It will, however, take place during January or early in February, by invitation of the Social Credit Secretariat. Readers who live more than thirty miles from London, who might wish to be present, are asked to send their names to Mr. Hewlett Edwards, c/o *The Social Crediter*.

The Patriot

In congratulating *The Patriot* upon its determination not to be submerged by the flowing tide of Totalitarianism, we share its regret that it is to suffer diminution of its voice at least to the exent of monthly in place of weekly publication. Counsel is being offered to its sponsors, the nature of some of which we can surmise. *The Social Crediter* is not immediately threatened by *The Patriot's* difficulties, though it has a full share of its own, and, in the light of these, we can say, without fear of contradiction, that if *The Patriot* should at last heed the economic realism of *From Week to Week* in this issue, and last week's issue and in other issues, its difficulties may not become less, but they will become *different* both in quality and quantity, until the knowledge is bred that there is truly nothing in this world that can silence it. He who is not beyond a peradventure sure of his seat on one stool will always, at last, fall between two.

PARLIAMENT

House of Commons: December 10, 1947.

Parliament Bill

Order for the Third Reading read.

The Secretary of State for the Home Department (Mr. Ede): I beg to move, "That the Bill be now read the Third time."

I am in the happy position that, judged by the Proceedings in Committee, this Measure has now reached the stage of a non-controversial proposal. I have to express my thanks to His Majesty's Opposition for their co-operation on the Committee stage in enabling us speedily to discharge our duties. . . .

This Bill is a short and workmanlike Measure to bring up to date an Act which, at the time of its passing, was fiercely resisted by the party now represented by right hon. and hon. Gentlemen opposite. They then proclaimed their definite intention, as soon as they got into office, to repeal it. Now they accept it as one of the pillars of the Constitution. Therefore, one does not have to argue anything other than the shortening of the time during which another place can delay the non-financial proposals which this House sends forward to them. We feel that the length of time allowed in this Bill of one year and two Sessions is adequate to ensure that proposals which may be the subject of controversy between the two Houses shall receive full and ample consideration before being carried into effect, even if another place should not be reconciled to them.

I do not think it has been seriously argued during the Committee stage or on the Second Reading, that this is a Measure which can in itself be regarded as unreasonable, but it would be wrong of me to leave the Third Reading without making it quite clear that this is a Measure which, if necessity should arise, the Government intend to use in order to secure the passage of controversial legislation. . . . It was suggested by the right hon. and learned Member for Hillhead (Mr. J. S. C. Reid) during the Committee proceedings on the Bill that we required this for one Measure only. This is a general precautionary Measure which we take in order that we may be able to complete the programme which we laid before the country before the General Election of 1945, and we want it to be clearly understood that any effort on the part of another place to obstruct us in carrying through that programme will be dealt with under the proposals of this Bill. . . .

Mr. R. A. Butler (Saffron Walden): I beg to move, to leave out "now," and to add at the end of the Question "upon this day six months."

. . . If we are going to have a reform, why not adopt the procedure and method which is part of our ancient tradition, namely, that constitutional matters should be settled by agreement between all shades of opinion in the House? Why did not the right hon. Gentleman and his friends make some attempt to find out opinion, and to find out whether there was that juxtaposition of personalities and political forces which alone make possible a great and major reform? I say this quite seriously because the right hon. Gentleman would, I am convinced, have found much more basis for agreeing about what wants doing to another place, than by handling it in this petty way, which can only alienate us on this side of the House and cannot possibly achieve a major reform. That, then, is our first objection on the Third Reading of this Bill, that this is a petty, tinkering reform, which will not last, and about which no attempt has been made to obtain the agreement of the Opposition, and no attempt has been made to obtain a lasting reform such as is suitable for the British Constitution.

Let me now look, as, no doubt, you Sir, would desire me to do, at the contents of the Bill. The first feature with which I want to deal is its proposal for retroactive legislation. What we find here is that the constitutional rules are being altered as from a date before the procedure of making the alteration has been completed. That is a procedure which, so far as I know—and I am supported here by the University Members and, as far as I know, by the Home Secretary—for which there is no precedent. The Home Secretary was content on December 4 to say that he did not care whether there was a precedent or not, and his argument was that anything was good enough if done by a Labour Government. He brushed aside all that careful attention to precedent which has always been a feature of our Constitution, and has always been a feature of those who were building up any changes to that Constitution.

We feel this precedent is particularly dangerous in the case of a constitutional Bill. The precedent for causing legislation to work backwards is one which, after all, could be extended by any Government to other types of Bills. It can be extended, for example, to the sphere of the individual, and if individual rights are to be treated in this way, we are getting into such a dangerous realm of legal theory and argument, and, indeed, practice, that it will result in something which is totally alien to our best characteristics as a nation, and to the whole spirit of our ideas of liberty and constitutional law.

The right hon. Gentleman has been priding himself that he is ultra-modern. He said so again in his short speech this afternoon. He said he was not antiquarian. In fact the one character in history of which the right hon. Gentleman reminds me is that old-fashioned reactionary described by Disraeli as:

> "The serene intelligence of the profound Metternich."

What was the characteristic of Metternich? In the Carlsbad Decrees, Metternich deliberately resorted to the system of retroactive legislation, and in order to keep himself in power and position he introduced laws which affected the individual, and caused the individual to be punished for things which were not illegal at the time they were committed. If we are to have an extension of this principle we shall get into the worst form of reaction, not only retroaction. I appeal to the Government to reconsider this matter before the Bill goes to another place, and to be very cautious about the precedent which they are now introducing. . . .

. . . What is worse is that we have at once in this Bill the abuse of the retrospective Clause, and prospective punishment for the Upper House out of fear for what it may do. The Government know perfectly well that the House of Lords has not abused the Constitution. There has been so much stated on this aspect that it is unnecessary for me to repeat the arguments which have been used by Members of the Government about the manner in which the House of Lords has satisfactorily discharged its duties. The fact is that since 1914 for example, only two Bills have been rejected under the provisions of the suspensory power in the Parliament Act.

One was the Government of Ireland Act, which never came into force, and, in fact, the only Bill which has been affected by this procedure in all that time is the Welsh Church Act, which to some extent is different from other types of legislation. . . .

In the present Parliament the Lords have deliberately attempted to carry out their duties in a reasonable way. Yet the Government say, "Do not let us reform this institution by agreement, but let us take preventive action." They say, in effect, in homely language, "We do not like your face, we had better bash it in before it is too late." That is precisely the feeling of hon. and right hon. Gentlemen opposite. They refuse to judge on a man's record. They are nervous about what he may do, because they do not like his face; therefore, the face has to be bashed in and the man put under preventive arrest.

That is exactly the procedure, not only of Metternich in the early part of the 19th century; it is the procedure of the 20th century dictator today. That is why we attach the utmost importance to the issues which arise in this Bill, and we seek every occasion to warn the country of the tendency shown by the Government about preventive arrest and in regard to disliking a man, and, therefore, taking steps against him, however good his record may have been before he has had a chance to prove he is guilty. We believe that that sort of procedure is the way dictatorship lies. Therefore, we wish to warn the country of the extreme danger which lies before it if it accepts quietly the Bill as put forward by the present Government.

. . . I wish to turn for a moment to the limitation of what is known as the suspensory veto of another place. First I should like to make it clear that it is not a veto; it is a suspensory power to enable a Bill to be considered in the light of action taken on any particular occasion by another place. . . . If a Bill is introduced before Christmas, and proceeds on its way to another place, after being strenuously debated here, and then debated in another place, it is very likely that it will not receive the final approval of another place until the end of July. If the Bill is introduced before Christmas it means that the year's veto which this Bill provides ends just before the next Christmas.

In that case there is virtually only the summer holiday, and perhaps the first month of autumn, in which time is given to the country to consider the implications of this action of the Lords before that Bill returns to the Commons and is pushed through again. There is no question whatever of a year's delay; it is a question of two or three months' delay. . . . If the Government want delay let them give us delay: if they do not want delay, why have any delay at all? This delay is derisory. . . .

Mr. Henry Strauss (Combined English Universities): I shall try to deal briefly with some of the points which have been made but I want above all to say why some of us find this a shocking Measure, and believe that it is against the interests of the State and of every party in the State which cares for our democracy. . . .

I do not think there is anybody in any quarter of the House who really doubts that this is a Constitutional Measure. Our Constitution is what is called an unwritten Constitution although, as I shall try to show, that is not the important fact about it. There are, however, certain Statutes which are of great constitutional importance, and the Parliament Act, 1911, is one of them. Any Bill that amends that Act must be of constitutional importance. Quite irrespective of whether it is a good or bad Bill, it must be an important Bill. I know there are Members who think that constitutional questions do not matter very much. I would assure them that they are wrong. They think that the welfare of their constituents depends on a number of economic Measures, and so forth, which certainly do affect them, but I believe that more fundamental to our progress, prosperity, and historic greatness have been not the occasional Measures dealing with economic and other subjects, but certain Constitutional safeguards and such great principles as the rule of law. These things matter to them much more than any of the other Measures in which we indulge.

Let me mention one matter in which I differ slightly from my right hon. Friend the Member for Saffron Walden (Mr. R. A. Butler), and from a statement that in one or two of the speeches made by other Members. It is the tendency to attach great importance to the question of whether the Constitution is written or unwritten. That is not the most important distinction, as every student of Dicey will know. Rather more important is the distinction between rigid and flexible. Above all, the thing that is important is that we have an omnicompetent Parliament. When we have a Constitution that is as flexible, omnicompetent, and important as our Constitution is, it puts the Government of the day under the highest duty to take the utmost care in making constitutional changes. The fact that we can do anything without any such limits as other Constitutions incorporate puts on us a particular duty to be wise.

What has been the constitutional problem that has faced so many countries for so long, and which has seldom had a satisfactory solution? It is how to reconcile strong Government with the preservation of liberty. There are many who have loved liberty, but have failed to achieve strong government; there have been others who have loved strong government, but have failed to preserve liberty. The peculiar genius of the English people has been this: That they have preserved liberty, notwithstanding an omnicompetent Parliament, because we do not seek to preserve that liberty by making Governments weak but, if possible, by making them wise. That is the sort of thing we wish to preserve, and our Constitution is a great safeguard for that purpose. . . .

. . . What I suggest is impossible, is to say that we do not believe in a Single Chamber Government, that we desire a Second Chamber, that we desire a Second Chamber which shall not be in a position, directly or indirectly, that an elected Second Chamber would enjoy, in which it would be able to rival this House, and then to support this Bill. If we say all that, the essential power we must give to the Second Chamber is the power of delay. That is the one power that is obviously essential. This power of delay which will survive when this Measure is on the Statute Book is, as has been pointed out in numerous speeches, no longer a real power at all. Suppose, however, that it were. As I have pointed out previously, in the retrospective provisions of this Measure, the one year mentioned in this Statute could be further reduced in this Parliament if it were desired to do so.

An extraordinary remark was made by the hon. Member for Walsall, who said that he had no great objection to retrospective legislation. What was the reason which he gave? He said that, after all, this House, from time to time, passed Indemnity Acts, indemnifying people from the consequences

of transgression of the law; but what will occur to everyone, except possibly the hon. Member for East Islington (Mr. E. Fletcher) is that in that particular form of legislation, the acts which it is sought to indemnify have at least taken place, and we know what they are. The idea that the House, quite irrespective of what might have happened, without any inquiry and with the possibility of perfectly outrageous things having been done, would *ipso facto* pass an Indemnity Act is, of course, preposterous. The hon. Member for East Islington, for some obscure reason, thinks that the Septennial Act was retrospective. He did not read that Act to help the House nor the appropriate words of the Bill before us. I do not think that I need trouble the House either. If hon. Members will look at the actual terms of the Measure down for Third Reading, they will find the most clear sign of all in the express language of the Bill that it contains a retrospective provision

"Shall be deemed to have had effect . . . "

As I pointed out on Committee stage, the retrospective provision includes the extraordinary phrase
"the Bill for this Act."
Of course, where an Act, in the lifetime of a Parliament constitutionally changes the period of that Parliament's duration, the question whether it is a good Act or a bad Act, is a different question altogether. There is nothing retrospective about it. It may be that many citizens will be annoyed with it, and indignant for reasons analogous to those that make them indignant with retrospective legislation; but that is not retrospective, and not only do I agree with what has been said by the senior Burgess for Cambridge University (Mr. Pickthorn) and the senior Burgess for Oxford University (Sir A. Salter) on the last occasion—and I gave my modest support on that occasion—but I pray in aid what was expressly said by the Home Secretary, who, with all the skilled advice open to him, admitted that we were right, and that there was no precedent in a constitutional Measure for such a retrospective provision.

Mr. Gallacher (Fife, West): The next time a Bill of this sort is brought in there will be a precedent.

Mr. Strauss: I am very glad that after three Debates the hon. Member for Fife, West (Mr. Gallacher) has at last grasped the point. The hon. Member is far more right than usual, and I hope that on an occasion when he is so far ahead of most of his friends, he will not be accused of being guilty of diversion.

Another phrase that has occurred from time to time clearly shows the mentality of the Government in this matter. They constantly speak of a Government or a Parliament being elected for a term of office. A Government or a Parliament is not elected for a term of office. There are certain provisions dealing with the maximum life of a Parliament, and there are other constitutions, such as that of the United States, where the Executive is appointed for a term of office; but that is alien to our ideas. What we have is a Government which is directly responsible to this House, and the purpose of a Second Chamber, well set out in the passage from Dicey, which I read on Second Reading—is to ensure that sufficient delay, where necessary, is imposed in order to ensure that the Acts of the Government responsible to the House of Commons shall also be such as represent the deliberate wish of the country—the electorate.

That is the object of the powers of delay of the House of Lords—to ensure the responsibility of the Government and of this House to the electors.

For the purpose of my argument, I do not wish here to say anything about the quality of the present Government. I ask hon. Members, in whatever quarter of the House they sit, to imagine a bad and tyrannical Government in power. If we reduce the powers of delay of the House of Lords to something nugatory, then we destroy the last safeguard of the electorate. There is no safeguard of the electorate at all, except that which has been mentioned in one or two speeches in our earlier Debate—the power of revolution. The merit of our Constitution is that that has not been the only remedy in the past.

I think, as I said before on Second reading, it is not at all a surprising thing that this Bill, which destroys the last safeguard of the electorate, is produced by a Government which has shown the greatest possible contempt for this House. This Bill virtually abolishes the one great surviving legal power of the House of Lords. If the whole House of Lords were abolished entirely, it would still be less important than the outrages which this Government have already committed on the House of Commons.

The three points to bear in mind are these. A Second Chamber is desirable in the view of the overwhelming majority of this House in every quarter, if hon. Members sincerely mean what they say. The Second Chamber that is desirable is not a Second Chamber which shall be able to compete with, or to rival, this House. If it is to be both effective and not a rival to this House, the essential power that it must possess is a power of delay. No power of delay is useful and effective which is less than the power of delay granted by the Parliamentary Act, 1911. For those reasons, and because our Constitution is something worth preserving and when it is amended it ought to be amended with loving care, I support the Amendment for the rejection of this Measure.

Mr. Turner-Samuels (Gloucester): I have listened with very great interest to the speech that has been made by the hon. and learned Member for the Combined English Universities (Mr. H. Strauss) and he has taken a line not dissimilar to the other speeches that have come from the Opposition, which is, that whatever happens, above all we must preserve the constitutional integrity of the House of Lords. Whether the will of the people is to be carried out does not seem to matter as long as the constitutional integrity of the House of Lords is preserved. In order to support the argument that has been pursued, certain things have been said about this doctrine of retrospection. If I may say so, with respect, I agree with the hon. and learned Member for the Combined English Universities, that the instance that was cited by the hon. Member for East Islington (Mr. E. Fletcher) is not a good instance to give on the question of whether that particular Bill is open to attack because it is retrospective. What does that matter? The only point that does matter in regard to the retrospective character of the present Bill is that it is made retrospective so as to ensure that the will of the electorate will be enforced. That, so far as I am concerned, is in this Debate the chief constitutional point of all.

After all, why does Parliament exist? Parliament exists as a vehicle to carry out the will of the electorate and as soon as the House discerns that that will cannot be carried out

(*continued on page 3*).

SOCIAL CREDIT SECRETARIAT

The following Groups and Associations are registered as working in association with the Social Credit Secretariat:—

GREAT BRITAIN

ABERDEEN D.S.C. Association: Hon. Sec., W. J. Sim, 18 Adelphi, Aberdeen.

BELFAST D.S.C. Association: Hon. Sec., J. A. Crothers, 20 Dromara Street, Belfast.

BLACKPOOL D.S.C. Group: Hon. Sec., A. Davies, 73 Manor Road, Blackpool.

BRADFORD D.S.C. Group: Hon. Sec., R. J. Northin, 11 Centre Street, Bradford.

CARDIFF D.S.C. Association: Hon. Sec., Miss H. Pearce, 8 Cwrt-y-vil Road, Penarth, South Wales.

GLASGOW D.S.C. Group: W. Forrester, 81 Mitchell Street, Glasgow, C. 1.

LIVERPOOL D.S.C.A. Hon. Sec., Mrs. Trayler, 67, Caldwell Road, Liverpool, 19.

LONDON D.S.C. Group: Mrs. Palmer, 35 Birchwood Avenue, Sidcup, Kent. Footscray 3059.

MIDLAND D.S.C. Association: Hon. Sec., J. Sanders, 20 Sunnybank Road, Boldmere, Sutton Coldfield.

NEWCASTLE-ON-TYNE and GATESHEAD D.S.C. Association: Hon. Sec., T. H. Rea, 23 Clarewood Place, Fenham, Newcastle, 5.

PORTSMOUTH and SOUTHSEA D.S.C. Group: Hon. Sec., Mrs. Waite, 50 Ripley Grove, Copnor, Portsmouth.

SOUTHEND-ON-SEA D.S.C. Group: Hon. Sec., F. G. Feather, 7, Drake Road, Westcliffe-on-Sea, Essex.

SOUTHAMPTON D.S.C. Association: Hon. Sec., C. Daish, 19, Merridale Road, Bitterne, Southampton.

STOCKTON D.S.C. Group: L. Gilling Smith, Eastrea, Durham Road, Stockton.

Registered Groups are also working at LEPTON (Yorkshire), RUBERY AND REDNALL (Birmingham), WOKING, and in BERKSHIRE. The last mentioned is a Services Group. Enquiries concerning all these should be addressed c/o The Social Credit Secretariat, 49, Prince Alfred Road, Liverpool, 15.

EUROPE

	Hon. Secretary.
COPENHAGEN D.S.C. Group.	J. P. Gjerulff.

AUSTRALIA

New South Wales	
THE AUSTRALIAN SOCIAL CREDITER	(H. A. Scoular, Editor).
D.S.C.A. AND ELECTORAL CAMPAIGN OF N.S.W.	Miss K. W. Marlow.
SYDNEY D.S.C. Group	Miss Grace Marsden.
DEMOCRATIC FEDERATION OF YOUTH	Roy Gustard.
COWPER D.S.C. Group	J. McDonald.
NEWCASTLE (N.S.W.) D.S.C. Group	B. V. Murray.
BELMONT D.S.C. Group	S. H. Morrow.
BATHURST D.S.C. Group.	R. R. Brazier.
SUTHERLAND V.P.A.	W. Prescott.
South Australia	
ADELAIDE D.S.C. Group	C. H. Allen.
GLENELG D.S.C. Group	E. C. Finn.
Western Australia	
PERTH D.S.C. Group	W. F. Andrews.
EAST PERTH V.P.A.	F. Jones.
Queensland	
QUEENSLAND D.S.C. Association	A. W. Noakes.
Victoria	
HEADQUARTERS Group	L. C. Hargreaves.
MELBOURNE D.S.C. Groups:	
A Group	A. J. O'Callaghan.
B Group	F. C. Paice.
C Group	Miss G. F. Greig.
Tasmania	
HOBART D.S.C. Group	James Guthrie.

136

NEW ZEALAND

PATEA ELECTORATE V.P. Association	G. J. Billinghurst.
AUCKLAND D.S.C. Group	Mrs. W. James.

SOUTH AFRICA

PORT ELIZABETH D.S.C. Group	L. W. Smith.

CANADA

OTTAWA (Parliamentary) D.S.C. Group	———
OTTAWA D.S.C. Bureau of Canada	Ralph L. Duclos, Pres.
VANCOUVER D.S.C. Group	J. Vans Macdonald.
LIVERPOOL (Nova Scotia) D.S.C. Group	T. E. D. Watson.
SOUTH EDMONTON (Alberta) D.S.C. Group	R. H. Ashby.

To all Social Credit Groups and Associations, Home and Overseas

*Associations desiring to act in accordance with the advice of the Secretariat are asked to fill in the following:—

Name, address, and approximate number of members of Association .....

.....

.....

We desire to follow the advice of the Social Credit Secretariat.†

To acquaint ourselves with the general character of this advice and the reasons underlying it, we agree to subscribe to *The Social Crediter* regularly in the proportion of at least one copy for every five members.

We agree not to discuss with others, without authorisation, the details of special advice received from the Secretariat.

Date..... *Deputy's Signature*.....

To accompany the above form, a brief statement is requested giving the history or account of the initiation of the group, and its present activities and intentions.

HEWLETT EDWARDS,
Director of Organisation and Overseas Relations.

*For this purpose an Association to consist of three or more Social Crediters.

†The Secretariat is the channel used by Major Douglas, the Advisory Chairman, for the transmission of advice.

Published by the proprietors K.R.P. Publications Ltd., 7, Victoria Street, Liverpool, 2. Printed by J. Hayes & Co., Wootton, Liverpool.