

would be encouraged to endow beds, as a small sum would suffice for the maintenance of their occupants. Lastly, it is desirable that well-to-do tradesmen should pay for hospital relief, a view which is now warmly advocated in England. Payment should never gain them admission if their cases were unsuitable, or if it occasioned distinctions between them and gratuitous patients. The temporarily poor are not paupers, and if our working classes had to pay for hospital support, perhaps with the aid of some friendly societies or sickness assurance through the Post-office, it would tend to make them temperate and provident. Dr. M'Donnell quoted for you Watteville's report on French hospitals—"The creation of paying beds in the hospitals is useful to these establishments, but it is eminently useful to the working classes," and added, "the plan seems worthy of the warmest advocacy, because the industrious poor man may be treated alongside the pauper, yet this feeling that he is doing something towards his own support, causes him not to hang his head for honest poverty."

I have now ended this hasty paper, the main object of which was to urge that, in the interests of the poor and of the profession, money shall not buy the place which learning, skill, and experience should win. The exposure of abuses has been, indeed, a painful duty, and one which may gain for me the ill-will of the interested, but I have tried to perform it with fairness, and shall be fully recompensed if amendment follows through the exertions of the zealous and high-minded.

IV.—*Patronage and Purchase in making Appointments.*—By Robert M'Donnell, Esq., M.D., F.R.S.

[Read Tuesday, 23rd November, 1869]

DURING the last session, Dr. Mapother read a paper before the Society which attracted a good deal of attention, especially from members of his own profession. The greater part of this communication was devoted to the consideration of the mode of making appointments of medical officers to the hospitals in this city; and I believe I am correct in stating that the general impression which it left on the minds of those who heard it, was that a good deal of what we call "jobbery" goes on with reference to those appointments—an impression, to say the least, not removed by those who took part in the debate. Whether this impression was true or false it is not for me to say. My conviction is that the members of the honorable profession to which I myself belong, are not, upon the whole, less honest than their neighbours, while I freely confess that we share with our legal, clerical, military, and other brethren, a tendency to use, in our struggle for existence (and that not very scrupulously), such weapons as Providence has placed within our reach. The man who engages in this struggle with no other weapons than industry, intelligence, modesty, and integrity, is placed at a disadvantage compared with

those possessed of influential friends, political interest, or wealth, or who come into the world armed with what we know as "push," or that higher phase of cunning which is called "knowingness." As naturally as the cat uses its claws, and the fox its cunning, so every man, by such means as best he can, seeks promotion and advancement, and it would be a Utopian idea to expect that the means employed would always bear close examination. It is, indeed, desirable that there should be many and various ways of "getting on" in the world, yet the public interest requires that certain rules, or general principles, shall exist, in order to prevent unfair and dishonourable shortcuts.

As regards appointments and promotions, the same general principles apply to all professions and callings; and it is a mistake to suppose, as has been urged, that, in order to discuss the best system of making legal or medical appointments, it is necessary to be acquainted with the details of law or of medicine. In order that the mistress of a household may select the best cook out of half a dozen, or the master the best butler, it is not necessary that the one should be able herself to make "potage a la reine," or the other to attend at table. In like manner, it is an absurd delusion to suppose that to select the best doctor out of several is one of the darkest mysteries of medical science, and only to be performed by one capable of understanding the ridiculous hieroglyphics which we use in prescribing our ounces and our drachms. These things are matters of common sense; and while I admit that upon any board or senate to which is entrusted the duty of appointing professors and examiners in law, medicine, divinity, engineering, etc., it is well that these professions should be represented, it is, I conceive, very undesirable that appointments of professional men should be made by boards *solely* composed of members of that profession. But of this I shall speak later. At present let me say that I consider the question regarding the abuses which exist in making of various appointments, and the discussions of the best modes of trying to check such abuses, as well as the suggestion of improved methods of appointment—subjects eminently well suited for being brought under the notice of a society such as this. They are among the topics of the greatest social interest, and the greatest public importance, and especially so in Ireland at this very time. Indeed, it is curious to consider how great are the social changes which may sometimes turn upon such questions. Thus, it has been observed that the abolition of sinecure offices filled upon the old patronage system by the younger sons of noblemen, has struck at the very root of the laws of primogeniture. Men of great wealth and influence not being now, as formerly, able to provide for a younger son by shoving him into a sinecure office, are driven to make some other provision for younger children. In the social ascendancy struggle which must go on in Ireland for many a day, it is obviously the interest of one faction to advocate systems in which patronage, purchase, etc. will come in. It is as obviously the interest of that faction now at the bottom of the social pyramid to advocate systems in which tests of industry and intelligence will be required—systems which will bring talent to the front, and enable

a man not backed by influential or aristocratic friends, or money, to fight his way. Those who throw obstacles in the way of education, or who adopt money tests, or systems by purchase, are not the friends of the native Irishman who, with a lively intelligence and a light purse, has the world before him.

Let me now proceed to consider some of those things which are generally considered objectionable in the making of appointments, and to offer some suggestions by way of remedy. Let me add, however, that I do not aim at offering suggestions likely to exclude altogether unfair dealing; it would be as reasonable to suppose that a project could be framed whereby all beaten candidates should go away quite happy and contented after their defeat. What I aim at rather is this—at bringing the fair-minded and intelligent persons whom I have the honour of addressing, to reflect upon and discuss the best way of setting right certain abuses, some of which have grown up gradually, and, by almost imperceptible degrees, become systems which are indefensible. Although, as I have already said, my observations are by no means confined to medical appointments, I naturally take some of my illustrative cases from the class of institutions and appointments, modes of election, etc., with which I am myself best acquainted. The exercise of patronage which leads to the appointment or early promotion of sons, sons-in-law, nephews, and other relatives, which is recognised as nepotism, presents itself to our consideration in several forms. Usually nepotism has a tendency to travel in the male line, and sons or, failing male issue, nephews come in for the spoil. In the majority of instances where patronage is enjoyed by individuals, this is apt to be the case. In the clerical profession, however, the tendency is for nepotism to run in the female line. The Protestant curate who has the good fortune to marry one of Bishop Proudie's daughters, is said to have a good chance of promotion.

The two forms of nepotism, however, to which I now desire to direct attention may be spoken of as, 1st—That exercised by an individual who has the sole power of appointment entrusted to him. 2ndly—That practised by a corporate body. To illustrate the first, let me refer to the Law Directory of Mr. Thom's valuable statistical volume (*Official Directory*), where, at page 940, the names of the officers of our courts of law are recorded; to illustrate the second, to the honoured names which for generations have been connected with some of our most valued medical institutions in this city. Now, if the practice of nepotism be wrong, I would merely repeat that it does not appear that the medical men are much worse than the judicial functionaries, with whom they may thus be compared. The public, however, looks with a very different eye on these two forms of nepotism. It looks with some sort of complacency on the first kind. It regards the registrarship or examinership as a sort of perquisite. It is to the patron (to return to the kitchen for a simile) what the dripping is to the cook. Many men would consider as a sort of an idiot, the person who would be troubled by scruples of conscience about nominating his son or nephew because he was not really well fitted for the post; and all good-natured and even conscientious men

will be willing to make allowance for the feeling which causes a father in all sincerity to estimate the merits of his son perhaps more highly than others would estimate them. There are several reasons why the public are more prone to view with disapprobation nepotism practised by a number of individuals joined together. Obviously, even the majority of them cannot have the excuse of looking with a father's eyes on the remarkable abilities of their favourite boy. Some of them must be under the suspicion of giving their vote for A. B.'s son on this occasion, that they may get A. B.'s vote for their own son another time. But, moreover, the individual, or "corporation sole," if I may use the term, in making his appointment, is in the happy predicament of having no rival candidates in the field against his son. Other young men have too much sense to apply. A lot of candidates, however, are weak enough to send in applications to the corporate body. They are beguiled into the idea that the best man may have some chance. They and their friends are sometimes silly enough to think that, after all, Dr. A. B.'s son is not the best. Newspapers are called into action. Letters and even leading articles are written. The rivulet of public opinion becomes swelled, as by a thunder shower, into a torrent. But firm as a rock stands the corporate body; it effects its little job, and next day its members shake hands with each other and their newly elected colleague, and mutually express their satisfaction at the courage they showed in standing against the torrent which already has become once more a trickling rivulet.

When Bishop Proudie nominates his son-in-law, the curate, to a good living he does not escape censure; but it is only what we call now-a-days of a "narrow and sectarian" character. The indignation excited by such an act resembles that aroused when a carriage at a funeral, or going to a levee or a drawingroom, pushes its way in at a point further on than it has a right to. All the tail end of the procession is indignant, but especially the inmate of the coach next behind the obtrusive one. The ordinary foot passengers going about their business do not participate in the indignation.

So when the bishop or the head of an office shoves in his son-in-law or son into some post much further forward in the procession than he is justly entitled to, there is an outcry of parsons in the one case, of clerks in the other; and however bad the effect may be in the diocese, or positively demoralising in the office, yet the thing is done, and the public pays little attention. An additional objection to individual nepotism is found in the fact that the father not only has an interest in appointing his own son, but if he has several sons of an age fit for the office, he has an obvious interest in appointing the stupidest one of the lot. He naturally says to himself—Tom and Dick are sharp fellows, and well able to do for themselves in the world, but poor Harry is a dull boy. I had better provide for him by giving him this little thing which is in my gift. In point of fact, drawing of lots and leaving the thing to chance would increase the probability of the better person being appointed. And in reply to the ridiculous yet oft-repeated argument, "Look at the good men a certain system has produced," I say casting lots would

produce as good, or better. Good men will, I admit, arise even in spite of a bad system of appointment—not in consequence of it. Even in the making of a very humble class of appointments an observant person may still perceive now and then selfish motives creeping in, which act to the detriment of the more deserving man. The valet, whose devoted attention makes him very useful to his master, or the groom who is known to be very careful of his horses, and strictly honest in giving them their oats, has not quite so good a chance of being made a tipstaff, a messenger, or a crier, as the man who, although just good enough to have held his place, is less careful, or whose honesty is slightly suspected.

There are, I conceive, special reasons why small corporations of medical men are even worse suited than similar bodies of other callings for having confided to them the trust of appointing their colleagues; and although it does not need a knowledge of medicine to understand why this is so, yet it does require some knowledge of mankind and of the peculiarities of professional character. Now, the professional character of that body of which I am myself a member stands deservedly high in public estimation. I do not wish any one to believe that medical men are originally made of any quality of clay superior to that out of which other men are fashioned; but the circumstances, I urge, which surround us through life, tend to develop very fine professional characteristics. We are much less than lawyers brought into contact with tricks, knaveries, and frauds, etc.—in fact, with that sort of vice and crime, the contemplation of which does little to enlarge the sympathies. The daily life of the medical man brings him into close relationship with occurrences calculated to develop the kindly, generous, charitable part of man's nature. No one can form a higher estimate than I do of the qualities which, taken *en masse*, form the professional character of my brethren—great public spirit, untiring zeal, charity unlimited (as a rule) to any creed or to any country, rare benevolence. We have, however, one great fault, which is known to exist among medical men to a much greater degree than in other professions—I allude to professional jealousy. It is this failing which, although compensated for by many virtues, renders medical men peculiarly unfit to elect their own colleagues. In general, we are justified in supposing that if half a dozen men are joined together in a certain undertaking, and if one of them dies, the others have an interest in getting in his place the best person they can, in order that their undertaking may succeed. If one of the Oxford crew had taken ill or died a few days before the international boat race, the others might have been freely trusted to take every possible pains to get the best oarsman they could to fill his place. So we are told that a body of doctors connected with an hospital have, in like manner, a direct interest in appointing the best men they can—in fact, it is a common expression that they are all in the same boat. But here is exactly where our unfortunate professional jealousy steps in. They are not all in the same boat; every fellow is in a punt of his own—every one paddles his own canoe—and no one desires to admit into the race any canoe of superior make, or any one more skilful with

the paddle than himself. Hence it happens that unless there is some counteracting influence, there is a positive interest in electing an inferior man. Of course, I merely mean to say that this is the tendency.

I am prepared to be told that in this I take a very low view of human nature; but the question is not whether the view be a high or a low one; the question is—is it the true one? I regret to say I believe it is.

Viewed as a whole and considered in the abstract, few persons will at present be found who will agree in pronouncing such a system a good one for making appointments. But it is obviously unjust to say that one profession or calling is much worse than another. Experience proves that whatever theoretic advantages may be connected with patronage appointments of this kind, in practice the temptation is too strong for flesh and blood to withstand; and it matters not whether this flesh and blood be legal, clerical, medical, or what you please, the general result will be the same. The fault lies hardly so much with those who yield to the temptation as with those who offer it. The remedy lies in this, that the temptation be withdrawn—that this kind of patronage be no longer entrusted to individuals or to corporations, all of one profession, and therefore more prone to conspire together than when composed of heterogeneous elements. That this will gradually come about there can be little doubt.

It will be interesting to see what amount of patronage will be hereafter entrusted to the Irish Protestant bishops. It may be doubted whether the hand of Bishop Proudie's daughter will be sought so eagerly by the aspiring curate as heretofore. It is in this direction that the first great opportunity for reform will occur; but come it soon or late, such a system as that sanctioned by act of parliament in some of our hospitals will likewise be modified, and even the patronage entrusted to those eminent men who have won the great prizes of the bar will be brought more into harmony with the movement of modern ideas, as soon as the anomalies of our Irish judicial system come to be overhauled and reformed. The great points to be kept in view are these: That we are not to expect that men to whom patronage is thus entrusted, will suddenly become so high-minded and unselfish that nepotism will cease to exist. We must not censure, in a burst of high-flown indignation, from which no good can arise, either our judges, our bishops, or doctors, for acting in obedience to a simple natural law, which makes men follow their own interests. We must simply, as each great reform arises, whether it be in our ecclesiastical, legal, or medical institutions, make the reform of modes of appointment part and parcel of the still greater changes; and although it may, indeed, be difficult to strike out any plans free from grave objections, yet a great step will be made if the temptation to follow selfish interests be removed, by no longer entrusting the making of appointments to individuals or corporate bodies, when experience shows that there is an irresistible tendency to nepotism.

The transition from nepotism to money considerations as regards appointments is easy; for nepotism is, after all, in one point of

view merely an appointment from money considerations. The father who nominates his son to a lucrative post, in point of fact puts so much money in his own pocket; his son's allowance is saved, his father has no longer to pay the young man's tailor's bill, etc. Hence we find this very natural result, that when a corporate body of professional gentlemen is prolific, so that sons and nephews are forthcoming in plenty, and at the right time, nepotism prevails. But when from any cause the corporate body is sterile, or, at least, has not produced sons at the proper age, purchase in some shape takes the place of nepotism.

It would not be correct to designate as purchase of an office, all those cases in which money considerations enter as an element in the transaction. It is obvious that there are some circumstances in which purchase is perfectly honorable and above board, and others wherein anything of the nature of the sale of office is condemned alike by public opinion and by the law. Between these there are many gradations, and one of the greatest objections to the system of purchase, even as practised and sanctioned in the army, is the facility with which such systems gradually pass from what is fair enough into what is quite dishonest.

As there are a considerable variety of ways in which we find pecuniary considerations entering more or less directly into this question of appointments, it may be convenient to state separately some hypothetical cases, and to discuss the rights and wrongs afterwards. First case:—Suppose half a dozen educated gentlemen join together to establish a collegiate school, each gives, say £500, to a fund to provide a building and suitable accommodation, etc. One of the six undertakes to teach Latin, another Greek, a third mathematics, and so on, apportioning the work to be done equally. The six together constitute the board of governors. They style themselves professors, perhaps, and manage the school under a system of rules drawn out by themselves. Let us suppose that this joint-stock company, for it is nothing else, succeeds, and after five or six years is paying well. The teacher of Latin now wishes to retire—he has a perfect right to sell his interest, in accordance with the rules of the society. He accordingly sells, with the approval of the board of governors, and another teacher of Latin gets into his place. The affair is perfectly unobjectionable. It is a simple mercantile transaction. It is the case of a “proprietary medical school,” and the price of the shares or debentures rise and fall in the market as the undertaking is successful or the reverse, just as the shares of a joint-stock hotel company, mining company, or monster house. Before passing on from this case, let me say that an attempt has been made to justify the sale of places in hospitals on the grounds that some of them, like the medical school, are “proprietary.” The cases are not parallel. A public institution can never be a “proprietary establishment” in this sense. There is, certainly, no possible objection to a body of medical men building a hospital with their own money and trying to make it pay as a teaching establishment. But what the public naturally say is this: If your hospital is a joint-stock company, well and good; but then don't pretend that is a charity, and ask me to

subscribe to it in order that your shares may go up in value. I am willing, says Mr. Charitable Public, to subscribe to a hospital to relieve the sick—I am unwilling to subscribe to one in order that Dr. Blank may sell his shares to greater advantage. I do not believe it possible that the charitable public, the corporation, or the state, would long continue to support any institution in which such a system existed.

Second case:—Suppose a rising barrister, with good political interest, to have succeeded somehow or another in getting a promise of the next chairmanship of a county which may become vacant. He gets uneasy about the chances of the Government going out on the land or some other question, and offers some worthy old chairman a sum of money to resign. He proposes, in fact, to buy the resignation of a man who, at the best, must vacate his office either by death or resignation before many years. Such a proceeding is illegal, and I do not mean to say that it ever really occurs. The rarity, however, of such things may probably be attributed rather to the difficulty in arranging the preliminary steps, than to high moral rectitude or respect for the law. In this case, among other reasons why it is wrong to sell the resignation is this: the elderly gentleman resigning comes upon the Treasury for a handsome retiring allowance while still able to do his work. There must be more or less fraud inseparable from this part of the affair.

A very analogous case may occur in the instance of a medical officer of a hospital in which no question with the Treasury or of a retiring allowance arises. It is purely a sale of resignation and nothing more. Thus A. B. is surgeon to a hospital, and is getting past his work; he has no emoluments whatever coming to him from the public purse; he has no voice or vote in the election of his successor. An aspiring surgeon not so advanced in life comes to him and says, in a roundabout way, what comes to this—"You, sir, are getting old, your hand is no longer so steady as it was. I have influence enough to get into your place if you resign. I merely ask you for your resignation. As you have no voice in the appointment, I do not ask you for a vote which you have not got. What will you take for your resignation?" Now, in this case there is no fraud on the Treasury, no betrayal of trust. The rigid moralist will censure this, not so much because it is wrong, as because it is likely to lead eventually to what is wrong. It has been repeatedly urged in palliation of this sort of thing that purchase after this fashion is not worse than getting in by other unfair means. There would be something in this if the purchase was shown to be incompatible with the other unfair means; but obviously it is in general the man who has the other means (political or family influence) who buys the resignation, so that money and other influences of the objectionable kind of necessity go together.

Third case:—The case which I next put is one in which the person who sells his resignation has a vote or voice in the nomination of his successor. In such a case to accept money is corrupt; it is not only selling the resignation but the vote; it is taking a bribe to betray a public trust. Let us suppose that the senate of a univer-

sity having three or four colleges in connection with it, has confided to it the trust of appointing the presidents of these colleges, and that each president has, *ex officio*, a seat on the senate. If one of these presidents accepts money for his retirement from some one desirous of getting into his place, he is guilty of an illegal act. It matters not whether he goes to the meeting of the senate and records his vote, or whether he stays away. In the one case he receives a bribe for his vote, in the other he commits the sin of omission—in either instance he fails to fulfil with integrity the trust confided to him. In like manner, if a surgeon to a hospital is likewise a governor of the institution, appointed possibly by the Crown or by an Act of Parliament, and if he accepts money, either for giving his vote or withholding it, he is guilty of a breach of trust. This seems a tolerably plain case of dishonest dealing, yet I believe there are persons, and persons of fairness and integrity as the world goes, to be found to justify it—who would regard the all-important fact of being an elector, as well as a medical officer, as a mere refinement. They say, such things are done every day. They plead usage in defence of the practice. They remind one of the highwayman who pleaded usage in defence of a robbery committed on Hounslow Heath, when robbery was an every-day or night occurrence there. But his plea was, I fancy, not successful.

Fourth case.—The next case is one, so far as I know, only met with in the case of medical appointments, and is one wherem there is a tendency to deal hardly with medical men, and although this is in a great degree due to the competition existing among themselves, yet I doubt extremely if, after all, the public really benefits by the hard bargain it makes. The case is this: A charitable institution, a hospital suppose, is supported by voluntary contributions; a large number, say 200 or 300 contributors of a certain amount, are governors, and they elect the medical officers. A vacancy by death occurs in the medical staff; thereby a golden opportunity is offered to the governors to get a sum of money for their charity. Six candidates, suppose, enter for the vacancy. They are told that it is expected that the person elected is to give, say £400 or £500 to the charity. The two best, let us suppose, being poor, and not having the requisite sum at their disposal, retire. The other four, it is true, enter for the race, all carrying equal weights; the sum is an understood and fixed one. The governors are quite free to elect the best of the four, and thus they get a very fair medical officer and a good lump of money into the bargain. And as this money goes to the charity, the public, for obvious reasons, look favourably on the whole transaction.

Now, although I am far from condemning this system as being iniquitous, yet I cannot say that it appears to me to be either a right one in point of morality, or a wise one in point of policy. First, as to its moral aspect. We all know very well that Mr. Charitable Public, of whom I have already had occasion to speak, is often very worldly wise. There is nothing he likes better than giving alms out of other people's pockets than his own. He finds it a pleasant thing "to make his soul" at his neighbour's expense. The rivalry among the competing candidates in the case which I have just put, enables him to do this. Translated into plain English, what Mr. Cha-

ritable Public (in the form of the governors of this supposed hospital) says, is this: "I know very well (he says unto himself) that if this hospital really needs £400 or £500, it is my duty to contribute this out of my own purse. I would not think of taking for my own private use one penny from any of these gentlemen who are candidates. No more ought I to take it from them to bestow it upon a hospital which it is my duty to maintain. But (he continues) Providence has given into my hands a grand opportunity. I am enabled, owing to the sharp competition existing among these unfortunate doctors, to extort from one of them a good round sum in the sacred name of charity, and I accordingly do so in a discreet manner, which at once gives me the best man of four out of the six, along with the money." So much for the morality. As to the wisdom of the plan, I would say that a casual lump of money dropping into the exchequer of a charity fortuitously at intervals of years, when deaths or promotions take place, is often positively injurious. At least the calculating upon it as a chance source of income is injurious. £20 or £30 a year made up by a little more energy on the part of the governing body would be much more advantageous. But more than this, a fine of £400 or £500 may keep away the best of the candidates, and I would earnestly impress upon the governors of such institutions the simple truth that one single young man of real ability, integrity, and kindness in his dealings with the poor, is worth to them this paltry sum many times told. Doubtless, I shall be asked, how are you to get proof of the ability, integrity, and kindness? My answer is, that you clearly lessen your chances of getting them by putting on a fine. I would beg of these gentlemen not to allow themselves to be beguiled into the idea that the sum given is a criterion of the energy, industry, or intelligence of the man who gives it; or either of his desire or his capability for work. If it proves anything, it is probably that he has a father, an uncle, or a wife, whose money is available for the purpose.

If the admirable ladies who preside over the noblest of the hospitals of this city were to make a sale of the medical officerships of that institution, on the ground that the charity would benefit by the money, common sense and public opinion would alike condemn the act. But they adopt a very different plan, one which, if not perfect, is at least honorable, one which, if it does not make sure of always getting the best (as no system, however perfect, can ever be expected to do), does all that human care and foresight can do to pick out really eligible persons. Let not the honest men among the governors of our charitable institutions shut their eyes to the fact that, whether there be five of them or five hundred, the sale of such posts is wrong, even although it be a sale apparently for the benefit of the charity over which they preside. Of course, if they sell the post of medical officer, and divide the whole, or part of the booty among themselves, this is a breach of public trust. The remedy lies with the Court of Chancery, which might be put in motion to compel the medical trustees to account for all the money received in the performance of their trusts. There are few persons who have the hardihood so far to outrage common honesty as to defend this amount of corruption; yet, strange to say, even this has found its defenders.

In conclusion, let me say that I am very well aware of how imperfectly I have dealt with my subject. I trust, however, that I may have succeeded in pointing out that purchase in some of its forms can no more be defended than bribery at an election. I would remind some of those able and distinguished men, who on a former occasion before this Society advocated purchase in the case of hospital appointments, that they have been misunderstood, and their authority has been cited in support of systems of purchase of which I cannot doubt they also would strongly disapprove. Although I admit that in this age, and with a society such as this, soundness of argument goes further than authority, and that which is said has more effect than who it is that says it, yet it is certain that the weight of an eminent man's name is often cast into the balance, and the lighter the scale the more need for that kind of weight. It is, therefore, all the more necessary that men of authority should be careful in defining their views, otherwise they are liable to be suspected of countenancing what in reality they would shrink from as dishonest and dishonorable.

V.—*Tenures and Land Legislation in British India*.—By Henry Dix Hutton, Barrister-at-law.

[Read Tuesday, 25th January, 1870.]

THE Irish land question verifies a twofold truth. Every social movement grows out of an antecedent intellectual progress, yet the results of solitary thought gain both in depth and interest by becoming instrumental to the solution of great problems. The impossibility, now recognized, of reforming the relation of landlord and tenant in Ireland by the English system, or economic *laissez-faire*, has promoted the search after enlarged conceptions in the study of foreign land-systems, and a genuine social philosophy. In this view, and not as suggesting slavish imitation, I invite your attention to the ancient tenures and modern land legislation of British India.*

The historic analogies and contrasts between India and Ireland are alike remarkable. Both countries were occupied for centuries—India exclusively—Ireland in the main—by numerous native communities, organized on the primitive system known as tribal, and governed by chiefs nearly independent and possessing semi-hereditary power. In both countries, also, the original population was eventually subjugated by a stronger power. In Ireland, however, the native system was entirely disorganized before the successive settlements of the seventeenth century completed its ruin. The native Hindoo tenure, on the contrary, long flourished and acquired

* For the materials of this paper, I am much indebted to the friends who have kindly furnished me with the recent Indian enactments; and to the essays by Mr. George Campbell (*Systems of Land Tenure*, Cobden Club, India); and Judge West on the *Land ques ion in Ireland viewed from an Indian stand-point*, by a *Bombay civilian*.