

reform to become a dead letter. A nation may be ruined by despair, it cannot be injured by hope, and ours is a hope that will not be easily alarmed by shadows of imaginary evils, still less dazzled by visions of impracticable good. A great question is still at stake; let it not be lost by apathy; let it not be wrapped in the ceremonies of exploded errors; but, relying on its inherent worth and strength, let us push it boldly forward on the broad platform of general society.

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IV.—*On the Use and Abuse of Apprenticeship.* By George F. Shaw, LL.D., F.T.C.D.

[Read Monday, 18th March, 1861.]

In the report presented last year to the Association for the Promotion of Social Science by their Committee on Trades' Societies, the following passage occurs:—

“On the subject of apprenticeship and the rules written or customary by which many trades' societies enforce the necessity and restrict the privilege of it, as a condition of exercising their respective trades, the committee forbear at present to express any opinion. They would be glad if it were practicable that this question and others arising out of it should on some future occasion receive special and systematic inquiry, on the basis of a tolerably complete and exhaustive collection of facts.”

The present paper is not by any means intended to supply the want indicated by the committee, but to serve quite a subordinate and preliminary purpose. I quite concur with the committee in thinking that any satisfactory solution of the various questions arising out of the custom of apprenticeship, must be based on a species of statistical knowledge which nobody has been, as yet, at the trouble of collecting. But I also think that the statistical inquiry itself may be rendered more compendious and fruitful, by distinctly stating what are the questions that have to be settled, and by putting them in certain points of view which have perhaps been hitherto not sufficiently attended to. This I shall endeavour to accomplish, and however imperfect may be my success in a subject which has been so much neglected by political economists, I trust that much benefit will accrue at all events from evoking the discussion of it in this Society.

By apprenticeship is meant a legal compact in virtue of which a young person agrees to give his master the benefit of his labour for a definite term of years, in requital for receiving from that master instruction in his trade. Now the first question that suggests itself about this compact is, what is the good of it *to society*? Why should there be special laws to protect it, and why does society actually maintain it, instead of leaving every youth to pick up a trade whenever and however he can? Would not the market of skilled labour be as well supplied if we left the supply to the general principles of human nature; to the principles, namely, of parental affection and of private interest, which would place within reach of a youth the acquisition of any trade which was really worth acquiring, while it

would secure for the master such a supply of labour as he had real occasion for? In order to answer this question, we must consider what modes of recruiting the various trades would remain if the custom of apprenticeship were abolished, and if the law gave no peculiar facilities for enforcing this kind of contract. The only mode I think that would remain is that indicated by Adam Smith; namely, by the learner "working from the beginning as a journeyman, being paid in proportion to the little work which he could execute, and paying in his turn for the materials which he might sometimes spoil through awkwardness and inexperience." Adam Smith gives a clear preference to this system on the ground that it leaves the learner a strong motive to master his trade quickly. He goes on to say that "the master indeed would be a loser by it, inasmuch as he would lose all the wages of the apprentice which he now saves, for seven years together. In the end perhaps the apprentice himself would be a loser, inasmuch as he would have more competitors, and his wages when he came to be a complete workman would be much less than at present. But the public would be a gainer, the work of all artificers coming in this way much cheaper to market." However reluctant I am to incur the charge of presumption, by differing from such an authority as Adam Smith, I confess I think these views in many respects erroneous, and such as that eminent thinker would never have entertained had he ever attempted to learn any mechanical trade. I think that were apprenticeships abolished, the work of artificers would come dearer to market and not cheaper, than at present, and the quantity of skilled labour available for production would be diminished and not increased. Instead of the learner's payments to the master being mere deductions from his earnings, on account of occasional waste of materials, the earnings would for a considerable time be nothing, the waste of materials constant, and the payments to the master not merely for this waste, but also for the labour of instruction, which Adam Smith unaccountably leaves out of sight, would amount to much more than fathers in the artizan class can afford to pay. Even if the learner could afford to pay it, how could the learner and his master agree as to the pecuniary value of the waste, when in that term should be included the damage done to machinery and tools, and the loss of custom due to delay and inferiority in the work? So that the mode of learning trades recognised as the natural one by Adam Smith turns out to be impracticable, and nothing but apprenticeship remains. Labour, in fact, is the poor man's only property, and the labour of future years is the only property of his untaught son. To mortgage this, therefore, is the only means he has of purchasing access to his trade.

But if the apprentice system benefits society, by multiplying skilled labourers, it benefits also both masters and apprentices. It benefits masters, not by saving him the wages of the apprentice, for this saving is only the equivalent of the price which the master should otherwise receive for his loss and trouble in teaching, but by enabling a sufficient supply of labour to enter the market. And it benefits the apprentice, not by limiting the number of his competitors, for it increases them, but by permitting him to acquire a trade

at all. It does for him exactly what universities do for the clergyman. It helps him to his profession, but then by multiplying his competitors it lessens his remuneration.

I have intimated above, that if property ever came to be so generally diffused among the working classes that they could afford to pay money for the industrial education of their sons, apprenticeship would lose much of its utility; and I may add that it might also be superseded by a vast system of industrial schools, supplementary to the existing national schools for primary education. But either of these systems is evidently a very remote contingency. As to the first, it is sufficient to say that the possession of property has been limited to a small minority of the people, in every nation that has yet figured in history; and as to the second, it would plainly involve an increase of taxation, which no statesman will probably for some generations venture to propose for any pacific purpose.

The importance of recognizing the apprentice system as a fixed and inevitable feature in our industrial arrangements, arises from the fact that the working classes, while admitting the value and necessity of it, complain that it is often perverted from its true purposes, and made an instrument of oppression. The alleged perversion consists in this, that trades are inundated with new members for whose labour there is no demand, and who are only introduced for the sake of the profits realized on their labour, by both masters and parents, during the period of their apprenticeship. Now whether the "inundation" here complained of be really an *abuse* of the principle of apprenticeship, or whether, even if it be one, there is any help for it, are questions deserving of the serious attention of economists. Economists, however, have not given them serious attention. While workmen declare on both questions in the affirmative, and masters on both in the negative, the economists have always, so far as I am aware, contented themselves with decrying the apprentice system itself, and have treated any attempt to reform it as a waste of labour. As a river which is liable to overflow its banks might be regarded very differently by the villagers who lived along its course, by the proprietors of the lands through which it flowed, and by the engineering profession; so apprenticeship and its abuses have excited the most opposite sentiments among different classes of the community. The working classes have desired to raise up dykes against its overflow; the masters have proclaimed these beneficial to the country; but the economists have denied that it was a river at all, or anything but an artificial canal which had long ceased to be of any use, and ought to be drained and levelled forthwith.

Whether the inundating of particular trades, by an excessive number of apprentices, is injurious to the public interests or not is a question that cannot, I think, be decided without taking into account certain effects of this practice which are seldom adverted to by either party to the dispute. These are, its effects on popular education, its effects on population, and its effects on the mutual good-will of employers and employed. To each of these topics allow me briefly to advert.

With respect to all three effects, however, I must premise that my observations apply not only to the apprentice system, but to any

system which enables large profits to be realized by means of the labour of the young. The factory system does this for unskilled labour ; the apprentice system for skilled. In neither case do the effects I have mentioned outweigh the benefits of the system from which they flow ; but they do, I think, afford a reason why it should be regulated and controlled. In the case of factories, the needful control is exercised by the authority of parliament, in the form of a ten-hours bill, and other acts passed in the interest of the young. In the case of skilled trades, the only control that exists is that very imperfect one which is exercised by trades' societies.

The education of the working classes must evidently remain in a very low and unsatisfactory condition, until some arrangement be devised for continuing through the years of adolescence the instruction which has been commenced at school. The first and most important step to be taken toward this end is to reduce the hours of labour for the apprentice, within such limits as may secure him a couple of hours, tolerably unfatigued in mind and body, for evening school. Without this, it is to no purpose that we provide for him popular lectures, public libraries, literary classes at Mechanics' Institutes, and all the other apparatus of instruction, of which so much parade is made among us. The working man keeps aloof from our institutions, because he has no taste for the knowledge they provide ; and he lacks the taste, because in youth he was kept working at his trade as if that was the only work he had to do. Now it is clear that society is a loser, when adults are turned adrift in order that their work may be done by boys, in hours which would otherwise be devoted to instruction. But so far are we from recognizing this duty, and the policy of rescuing these hours for the improvement of the young, that we consider ourselves bound by the principle of free trade to permit even the period of school education to be abridged from the most unworthy motives. In many of the manufacturing districts of England it is a common thing for the father to consider himself relieved from the duty of supporting his family ; not unfrequently he may be seen living in sottish indulgence on the children's earnings. Thus the rising generation receives what may be called a negative education. They are not only untaught in all that would be for their good, but by the parental example they are schooled in selfishness and vice. That this language is not too strong will be allowed by any one who reads the papers on the social economy of the manufacturing towns of England, brought forward every year at the Social Science Association. It may be said, indeed, that this system of juvenile labour qualifies tradespeople the sooner to enter the labour market, and thus beats down wages ; but that it does not qualify them to enter on the duties of life, or to take possession of the advantages brought to their door by our modern civilization, is only too apparent.

As to the effects on population, I apprehend that the excessive employment of apprentices tends to stimulate it. I do not participate in the Malthusian dread of what that school of economists calls the principle of population ; nor do I believe that population has a natural tendency, using this word in a practical sense, to outrun the means of subsistence. But I do think the principle of population

needs the prudential restraints which form part of the human constitution; and I do regard with dread whatever has a tendency to stimulate the natural powers of increase in a population, or to weaken the force of the principle of prudence, a principle which nobody can seriously assert is too strong at present in the mass of society. Now I hold that the ready employment given to boys does diminish the force of prudential considerations. A boy of eighteen earning half wages is very likely to marry the girl of fifteen or sixteen earning a few shillings more, whereas he would defer his marriage if he was depending for his maintenance chiefly on his father's earnings. Again, if trade be brisk and hands are in demand, every member of the family can contribute to the weekly earnings. Here the father of a family enjoys an obvious advantage over the workman who is single. If trade be slack, the advantage, instead of being in favour of him who has fewer mouths to feed, is probably still on the side of the married man. For supposing both him and his unmarried competitor to lose their employments, apprentices alone being kept at work, the father may fall back on the earnings of his sons; the single man is driven to the poor-house. Finally, whether trade be brisk or slack, the unrestricted use of apprentices diminishes the parent's difficulty in providing his son with a trade. But the view of this difficulty, in the case of his neighbours and acquaintances, is part of the "prudential check," to use the language of Malthus, which acts on a man when he contemplates marriage. It is removed by showing him that children can get employment at suitable wages more easily than men. To be sure they only get it by superseding, and they *can* only supersede, adult labour by virtue of an excess of population; but this chain of reasoning does not bring home to him individually the responsibilities he entails on himself by marriage, with anything like the force of the fact that he saw this and that man among his acquaintances directly inconvenienced by the difficulty of placing his sons advantageously in life. The anti-Malthusian will say that this is all as it should be, and that it is quite right working men should not be deterred from early marriages by the apprehension of being unable to provide for their families. Be it so. I am not now arguing the question of population, too large a question by far to deal with incidentally in a paper like this; but I am arguing that the unrestricted use of apprentices has a tendency to stimulate population, without increasing, so far as I can see, the fund for the maintenance of labour.

I now come to consider the apprentice system, or rather its unrestricted use, in relation to the effects produced by it on the mutual dispositions of employers and employed. This is chiefly a moral question, and as such may be supposed to lie outside the pale of political economy. But so long as political economy takes no account of any other feelings in man than those of private interest, (using these words in the lowest and most contracted sense), so long will political economy have no claim to the title of a practical science. Unable to pronounce whether the principles of our constitution, which she recognizes, are not modified or even altogether overruled by other principles which she omits from her calculations, she must confine herself to the barren assertion of such and such *tendencies* in

human societies, without ever venturing to assert that these tendencies are likely to take effect. This seems to be expressly admitted by Mr. Senior, who says that "his conclusions" (*viz.* those of the political economist) "do not authorise him in adding a single syllable of advice. That privilege belongs to the writer or the statesman who has considered all the causes which may promote or impede the general welfare of those whom he addresses—not to the theorist who has considered only one, though among the most important, of those causes."

It is this omission of moral considerations, by most of the writers who have given to political economy its form and impress at the present day, that inspires the bulk of society with a distrust of its conclusions so remarkably contrasted with the respect universally tendered to the conclusions of physical science. Whether moral considerations, indeed, ought or ought not to form part of the premises of political economy, is perhaps only a question of the nomenclature of science; but that they ought not to be excluded from any discussion of social institutions which aims at a practical end, seems to be undenied. Accordingly, I think the discussion of the apprentice system would be radically defective, unless some notice was taken therein of the effects which that system, when worked to excess, produces on the mutual dispositions of employers and employed.

There are persons who ridicule the notion of any other tie existing between these two parties than that of so much wages in return for so much work. They hold that two concrete human beings can in their mutual dealings with each other reduce themselves to those abstract entities of political economy called the capitalist and the labourer, and that the two can engage in a series of transactions with each other extending over weeks, and months, or even years, without any other relation growing up between them than that narrow one of work and wages which originally brought them into contact. To persons who take this view of human transactions the argument I am going to urge will appear utterly worthless. But surely it is their view which is unsound, and contrary to experience. I cannot have dealings of the slightest importance with any man, without a feeling springing up between us, be it ever so slight, of liking or dislike. If it be the latter, we accept it as a monition of nature to discontinue our dealings. If it be the former, we continue and increase them; and the increase of the dealings either increases, or it corrects and modifies, the original feeling. Such is the constitution of our nature, which may certainly be considered to be unwisely planned, but which, I think, must at all events be admitted to be a fact irreversible by us. For my part, I think that this constitution of our nature might be easily shewn to be fraught with many consequences beneficial to society. But the only class of consequences which I shall care to insist on is what the strictest economist will admit to be in point, *viz.* the economic. I assert that the productive powers of man are vastly increased, by the fact that other relations beside the original pecuniary one do speedily spring up between employer and employed. The employer gets not merely a certain number of hours work, or a measurable amount of piece-work, but

he gets intelligence, good will, and honest execution. The workman likewise gets, along with his specified wages, that helpful sympathy and direction for himself and his family which is worth money, though perhaps it costs none. The existence, in short, of mutual kindness possesses the same kind of value, though of course not so great a value, in industrial as in domestic relations. In both it is the oil which lubricates the wheels of life, which economises interior waste of power, and increases the net amount of work done.

Indeed, I hold it no exaggeration to say that any industrial enterprise whatever, provided only it require some length of time for the accomplishment of its purposes, be it a farm or a factory, be it an attorney's office or a draper's shop, be it the working of a railway or the working of a newspaper, in which every employée limited his interest in the concern to the fact that it supplied him with so much wages, would prove an utter and speedy failure. It would break down through the mere want of loyalty on the part of its functionaries. "The hireling fleeth because he is an hireling, and careth not for the sheep."

Now let me ask, what is the effect of the apprentice system when worked to excess, (that is to say, when worked unscrupulously in the sole view of making a profit on the boy's labour), on the sentiments of loyalty and good will which we have seen to be indispensable to industrial prosperity. Is it not utterly to undermine and ruin them? Does not every workman feel that he is only retained until he shall have trained an apprentice to supersede him? Does not the apprentice, too, recognise the fact that he himself will be sacrificed as soon as he shall have to come to require a man's wages. Thus eye-service on the one side, suspicion and harshness on the other, become the order of the day, and each party lies in wait for the necessities of the other, to extract out of him some temporary advantage for himself. Surely the gains to be derived from the unlimited use of apprentice-labour ought to be very considerable, in order to outweigh the disadvantages, material as well as moral, of such a state of things as this!

I have not advanced any or all of these three effects of the unrestricted use of boy labour, as decisive against the practice. As Dr. Whately has well observed, mischievous tendencies may be real, and yet may be overborne by opposing forces; or they may even take effect, and yet be compensated by opposite advantages. And so the economic advantages of boy labour may be worth to society the neglected education, the relaxation of prudential checks, the individual sufferings, the social heart-burnings, the industrial waste, to which it gives rise. All I say is, that inquiry ought to be directed to these aspects of the question, and facts ought to be collected with a view to enable us to measure and compare the relative magnitudes of the gains and losses the system carries with it. If it shall appear that the gains predominate, it will be our duty, of course, to withdraw all sympathy and encouragement from the efforts made by trade societies to check the multiplication of apprentices; but it will be equally our duty to cast about for some method of mitigating the sufferings which it inflicts on the various classes of workmen that come successively under its operation; whether that mitigation may be found in some relaxation of our Poor Laws in favour of such

workmen, or in extending to them special facilities for emigration, or by some other plan, founded on the equitable principle that society should make some compensation to persons whose employments have been sacrificed to its industrial necessities.

I have been obliged by the length to which this paper has extended, to omit all reference to the means employed by trade societies to restrict the use of apprentice-labour. This subject I hope to discuss at an early opportunity.

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V.—*Observations on Trial by Jury, with Suggestions for the amendment of our present system.*—By Arthur Houston, Esq.

[Read Monday, 15th April, 1861.]

TRIAL by Jury is not unjustly reckoned one of the main pillars of our national liberty, and has contributed in no mean degree to that harmonious union and happy co-operation among the various members of the body politic, to which philosophic historians have attributed the stability of our political institutions. For, as the legislative department of government is connected with the people by the elective franchise, so is the executive department by that system which forms the subject of the present paper.

At a period, therefore, when law reform occupies so large a share of public attention, this institution is well deserving of our most serious consideration. It is well worth our while to seek how we may best preserve its essential characteristics in principle, and secure all its advantages in practice; how we may disentangle it from any regulations calculated to trammel its free action, and surround it with every means and appliance necessary to render its operations immediate and effective. For, should it fail in any of these particulars through the force of extraneous circumstances, there is great danger of its gradually falling somewhat into disuse, and ceasing to constitute that important element in our judicial system which it has done almost from time immemorial—a tendency towards which may, I think, be detected in the character of some enactments of comparatively recent date.

In this paper, therefore, I propose briefly to examine:—

1. What is the fundamental principle of trial by jury, and what are the advantages resulting therefrom?
2. The machinery by which the system is worked in this country and in England, and how its efficiency is thereby affected.
3. The defects, if any, existing in these institutions, and their remedies.

Every one acquainted with the constitutional history of our country is aware that, though this mode of trial has existed at least from the Saxon conquest of Britain, yet, during that interval, it has undergone a great variety of modifications in its form. Originally it appears that those who composed what was called the jury, consisted chiefly of the parties believed to be best acquainted with the cir-