

There may be abundant and very good reasons for maintaining the inviolability of all gifts or bequests in perpetuity; there may be abundant and very good reasons for maintaining the contrary; but to call names does not advance an argument, abuse is not reasoning, and moderate and reasonable men are apt to distrust the soundness of a cause which needs such arts and employs such weapons.

Parliament supplies the funds for a great public and national harbor, created by a huge breakwater, which the officers of the sovereign construct. The effect of this great national work is to turn the tide of the sea full on to the lands of a beach-bounded proprietor some miles off, who could only save his lands from utter destruction by the erection of a long and massive sea wall. Has he a claim, a legal right, to compensation? Again I answer most certainly not. *Salus populi suprema lex*. Many other cases might be put to which the answer would be the same, but these are enough for my purpose. And now as to the sufficiency of the compensation. The property is taken, and often in the opinion of him who loses it, no compensation is sufficient. Suppose the possessor of an ancient and beautiful house, endeared to him by a thousand tender and noble memories, is told that he must part with it for the public good. The public good comes to him perhaps represented by an engineer, a contractor, an attorney, a parliamentary agent and a parliamentary counsel. He is very likely well off in point of money, and does not at all want the compensation; but he is a man of feeling, or if you will, of imagination, and he does want his house. He does not believe in the public caring two straws for the railway between Eatonswill and Mudborough. He thinks it hard that the engineer and the rest of them should pull down his old hall, and root up his beautiful pleasure-grounds. But he is told that the public good requires it; that a jury will give him compensation, and that he has no cause for complaint; and told sometimes by the very people, who when it is proposed to apply the same process for the same reasons to other rights or laws of property, are frantic in their assertion of the sacredness of these laws, and vehemently maintain that to

touch one of them is to assail the existence of property and dissolve society. Once more let us see things as they are, recognize distinctions, admit consequences, clear our minds, and if we must differ, as probably we must, let us differ without calling names or imputing motives.

It is interesting in this relation to note the very different views taken by the same persons of substantially the same things, according to the point of view from which they are regarded. We have heard a good deal lately—I do not say too much—of the enormous importance of maintaining the Eighth Commandment; and there can be no doubt that the Eighth Commandment is an elementary law of morals, and should be regarded as one of the vital principles of political ethics.

But till very lately the Eighth Commandment had no application, at least in England, to the money of a wife if it came to her after marriage. As Lord Lyndhurst once said, a man might steal his wife's money to keep a mistress, and somehow or other this was not forbidden by the Eighth Commandment. As matter of history, the great difficulty in getting this Commandment applied to the wife's property was raised by those who are most emphatic as to its obligations in other matters. After many struggles the power of stealing was forbidden up to £200. At this point the matter remained for some years. Then an attempt was made to extend the prohibition to all the wife's property; but the measure was swept away with scorn by a great nobleman, who on questions of this sort held the House of Lords in the hollow of his hand. A few years passed, and the same great nobleman carried the same bill as his own, without a word of acknowledgment on his part, or of remonstrance on that of the authors of it, who were too glad of the result to say a single syllable as to his breach of this great precept.

Again there are points connected with the law of distress, and I presume, of hypothec (though here I speak with the becoming diffidence of an ignorant English lawyer), the justice of which, at least to the ordinary and uninstructed mind, certainly seems to need explanation. To seize one man's goods who owes nothing to any one, to pay the debt of