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1

The Life and Work of Thomas Hare, 1806–1891

‘I was at the graveside of my brother-in-law, that grand and great-hearted old man Thomas Hare’, wrote Edward White Benson, the Archbishop of Canterbury, in his diary on 9 May 1891 when Hare was buried at Hook in Surrey. ‘He was the sort of man who is getting scarce, most modern but most believing.’¹

Eighty-five years had passed since Thomas Hare had been born at Leigh in Dorset on 28 March 1806. Thus, as were many of his eminent Victorian contemporaries such as Benjamin Disraeli, William Gladstone, and John Stuart Mill, Hare was born during the reign of George III. Hanoverian Britain then was at war with Napoleonic France and was in the midst of economic and social transformation. Population was rapidly growing and cities were steadily expanding, although more workers continued to be employed in agriculture than in manufacture. The enclosure of open fields was proceeding for the extension of cultivation, threatening and radicalizing yeomen farmers, and the construction of textile factories was increasing for the mechanization of spinning if not of weaving, more hand-loom continuing in operation than power-loom. No railways yet linked the mills of Manchester to the docks of Liverpool or to London, the centre of commerce and finance as well as of administration and legislation for the nation and the empire. In the unreformed Parliament which assembled in London, the landed aristocracy remained dominant in the House of Commons as well as in the House of Lords. Likewise, the Anglican clergy maintained the authority of the Church of England which extended to monopoly of university education at Oxford and Cambridge and reinforced the power of the landed aristocracy. Such was the old order of Britain in 1806.² Benjamin Disraeli then was but two years of age, and William Gladstone was to be born not for

another three years. John Stuart Mill was to be born two months after Thomas Hare.

The origins and early years of Thomas Hare were more obscure than those of Disraeli, Gladstone, and Mill, unlike whom Hare was illegitimate. His father was a yeoman farmer named Thomas King, and his mother was named Anne Hare.³ In old age, as related by Katherine Esdaile, a niece who during her childhood lived in his home, Hare recalled his youth on the farm and 'retained many traces of his Dorset origin, not only in his speech... but also in his taste for such old-fashioned country dishes as black puddings, sucking pigs, and other such eighteenth-century delicacies'. He remembered, according to Esdaile, that in 1815, at the age of nine, he 'had cheered the coach hung with laurels which brought the news of Waterloo to Dorchester'.⁴ Nothing is known of his elementary education, but his subsequent endeavours suggest that at an early age he was intelligent and ambitious.

During the years after 1815, Hare left the farm in Dorset and made his way to London where he lived amid the Inns of Court and worked as a clerk in the office of a solicitor. Katherine Esdaile was told that 'after his long hours he would go out into Clare Market and buy himself two or three pennyworth of meat, cook it himself, and then set himself to the study of the Law'.⁵ He not only studied the law but also directed his attention to the issue of free trade in opposition to mercantile protection by the Navigation Acts. Originally directed against Holland in the seventeenth century, the Navigation Acts were commercial regulations restricting trade in British colonies to British or colonial ships and limiting enumerated British colonial goods to the British market. Frederick Robinson, a liberal Tory President of the Board of Trade from 1818 to 1823 in the Tory ministry of Lord Liverpool, Prime Minister as of 1812, introduced legislation to modify the Navigation Acts, a policy which was extended by his liberal Tory successor William Huskisson, reducing commercial restrictions while maintaining colonial preference and adopting reciprocity for European and American ships. This gradual but definite move towards a policy of free trade had Whig support, but it was attacked by high Tories and those in the British shipping industry who had an interest in continuing protection against foreign competition.⁶

Hare agreed with the policy of Huskisson, and at one time in Liverpool, for which city Huskisson was a member of Parliament as of 1823, he engaged in research in the library of the Athenaeum for the purpose of writing a defence of the modification of the Navigation Acts. His manuscript was brought to the attention of Huskisson, who encouraged its publication in Liverpool in 1827 as a pamphlet, *The Maritime*

*Policy of Great Britain, Or, An Inquiry into the Real Merits of the Late, and the Objections to the Present, Navigation System.*⁷ Therein Hare attacked the critics of free trade such as David Robinson, a high Tory economist who had denounced reciprocity in *Blackwood's Edinburgh Magazine* in September 1826.⁸ Hare rejected their argument that regulations such as the Navigation Acts had been exclusively responsible for the commercial development of Britain. 'To ascribe it to any particular cause, or any particular routine of causes', he argued, 'is manifestly and irrationally wrong; yet this has been, and is, done: it is the favourite position of the advocates of the exploded system.'⁹ Such was a prejudice, he added, 'doomed to vanish before an enlightened and analytical investigation'.¹⁰ Likewise mistaken was the position that the naval power of Britain was dependent upon the Navigation Acts, which confused cause and effect, he claimed, commenting that 'it is about as reasonable to ascribe the victories of Nelson or Duncan, to the navigation laws, as it would be to attribute those of a Wellington or a Marlborough, to the legislative protections afforded to the woollen or cotton manufacture'.¹¹

It was, Hare suggested, 'unfortunate for those who argue that the maritime power of this country is owing to the restrictive navigation laws, that England should have been successful at sea before such laws were introduced', indicating that 'English ships begun to extend their voyages in the fourteenth century' whereas 'the principle of the late navigation laws was first introduced in 1381'.¹² Subsequent regulation had a negative impact on British commerce during the fifteenth century, he observed:

These circumstances operated at a particular and peculiarly interesting period; when commerce was diverging from the courses to which it had been confined for a series of centuries; and was diffusing itself over every part of Europe: when the interchange of goods was beginning to require an entrepôt where northern and southern commodities could be deposited, and from whence the largely-increasing demands of the rest of Europe could be supplied. This was the time chosen to restrain the trade of England, by raising an insuperable obstacle to any rapid expansion of import and export. The tide of commerce, thus shut out from hence, flowed to the Scheldt. Antwerp began to advance in commercial importance, at the same period that Hayluyt is lamenting the insignificant state of the English marine.¹³

'Although the effect of the restriction had been so remote from its object, and helped to depress what it was intended to foster and

encourage', he continued, 'other circumstances, in some degree, counteracted it. Manufactures increased; wealth multiplied; and trade gradually advanced.'¹⁴ Of particular significance was the building of the royal navy in the sixteenth century during the reign of Henry VIII, which Hare considered 'the first and greatest step towards maritime power, which the Government of England ever made'.¹⁵ Various circumstances in Britain and continental Europe other than maritime regulation further contributed to commercial development during the reign of Elizabeth I and in the seventeenth century, according to Hare. The Civil War, however, 'interfered and interrupted the progress of British industry, deranging all the relations of society, and suspending all peaceful occupation', resulting in the diversion of capital to Holland, which 'went to enrich, and give increased vigour to the commerce and resources of our rivals; who were not slow to avail themselves of the advantages which our situation presented, but seized with avidity on every branch of British trade, which the inattention to foreign affairs on the part of the divided authorities in this country permitted with impunity'.¹⁶ The consequence was the introduction of the Navigation Act of 1651, which further aggravated the adverse situation, he argued:

The regulations of 1651, doubtless, augmented the commercial shipping of England; they acted as an antidote to an evil that ought not to have been suffered to exist. The restraints, inconveniences, and oppressions, to which trade was subjected, had driven it, in a great measure, from our shores and our shipping; an additional restriction was therefore necessary to exclude foreign vessels, as far as possible, from that portion of trade which *could not* be alienated. Our commerce was thus bound up and delivered, as a sacrifice, not to the *real* interests of shipping, but to the rigid exaction of a *revenue*, by imposts on every foreign article, on the misconceived, short sighted, or obstinate adherence to early notions of national policy. It will not be said that the wisdom of legislation is evinced by an undeviating continuance in any particular system, but by devising the attainment of the greatest attainable good. The previously existing difficulties in the way of foreign trade were not diminished, but, on the contrary, increased, and the meed of applause must, in justice, be denied to the framers of this celebrated and much lauded system.¹⁷

'It is universally admitted', he added with reference to the American Revolution in opposition to mercantile regulations in the eighteenth century, 'that, as a free and divided people, the United States of America

have been of more commercial advantage to Great Britain than they ever could have been under the operation of the previous existing trade laws and exclusions'.¹⁸

Meanwhile, Hare emphasized, the removal of the regulations of guilds, charters, monopolies, and companies had been beneficial to the development of British commerce:

This state of commercial oppression was no sooner ameliorated than the commerce of the country rose, from its inherent buoyancy, to a triumphant eminence, and carried with it the means to maintain the rank to which it arrived. The British empire was extended far and wide. Territories lost in the west were more than regained, at least in extent, in the east. The sphere of British industry was enlarged; new channels for our manufactures appeared; and prosperity was diffused through every public interest. Is this to be attributed to the *navigation laws*? Surely not. Its source is to be found in the activity, the industry, the perseverance of the British people, – to the free institutions of the country, by which these qualities are encouraged and rewarded.¹⁹

'As eloquently expressed by Burke', Hare noted, quoting from the speech *On Conciliation with America* delivered by the Whig philosopher in Parliament in 1775, "'It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire, even down to the minutest member.'"²⁰ Drawing on the reports of the Select Committees of the House of Commons on Foreign Trade from 1820 to 1822, Hare examined the consequences of the changes in regulations for fisheries, coasting trade, colonial trade, and European, American, African, and Asiatic trade, and concluded that 'all the changes adopted were not only justifiable, but indispensable, and that there is no foundation on which to charge the Government with inattention to the public welfare as concerned in the "shipping interest"'.²¹

The Maritime Policy of Great Britain reflected the influence of Whigs rather than of radicals, although Hare made no reference to the defence of free trade by the Whig philosopher Adam Smith in *An Inquiry into the Nature and Causes of the Wealth of Nations* in 1776. Smith had considered the Navigation Acts to be justified for defence but not for commerce,²² however, and likewise Hare was in agreement with Smith that free trade was in conformity with natural law, as he indicated in *The Maritime Policy of Great Britain*: 'It is impossible to consider the commercial revolutions that have taken place in modern times without feeling how

insignificant are all internal or international regulations, when adverse to the laws of nature: – laws which are not, indeed, within the puny grasp of human legislators.²³ Hare was in agreement with Smith also in that he was an empiricist, as he emphasized in *The Maritime Policy of Great Britain*: ‘Evidence must be founded on observation or experiment, and to the degree that observation or experiment includes all the points and circumstances comprehended in a question, and gives to each its due weight, – is the evidence bearing on the question more or less perfect.’²⁴

The radical economist David Ricardo likewise had defended free trade in *On the Principles of Political Economy and Taxation* in 1817 but unlike Smith had been a rationalist rather than an empiricist.²⁵ So had been James Mill, the radical disciple of the utilitarian philosopher Jeremy Bentham, who had urged Ricardo to write his work on political economy. In his *Essay on Government* in 1820, a reply to an attack by the Whig philosopher Sir James Mackintosh in the *Edinburgh Review* in 1818 on the defence of universal suffrage by Bentham in his *Plan of Parliamentary Reform, in the Form of a Catechism* in 1817,²⁶ Mill had argued that a system of government and a programme of reform could be deduced from abstract principles of human nature.²⁷ In opposition to Mill, the Whig essayist Thomas Babington Macaulay was to reply in the *Edinburgh Review* in 1829 that a system of government and a programme of reform should be induced from concrete examples of human experience.²⁸ Such empiricism was the methodology employed by Hare in his defence of the liberal Tory economic policy of Huskisson in *The Maritime Policy of Great Britain* in 1827.

In the same year in which Hare wrote *The Maritime Policy of Great Britain*, Liverpool suffered a stroke and was replaced as Prime Minister by the liberal Tory Foreign Secretary George Canning, a political ally of Huskisson. Canning died within months, however, and in a brief Tory ministry formed by Frederick Robinson as Viscount Goderich, Huskisson moved from the office of President of the Board of Trade to that of Secretary of State for War and the Colonies, but he resigned shortly after the high Tory Duke of Wellington became Prime Minister in January 1828. Hare, admitted to the Inner Temple in November 1828,²⁹ wrote to Huskisson in January 1830 a long letter intended for publication in which he returned to the issue of free trade and attacked the East India Company.³⁰ Incorporated by charter under Elizabeth I in 1600, the company had lost its trade in the East Indies to the Dutch East India Company in 1623, and during the seventeenth century it had exported textiles from India. As the Mughal Empire fell during the

eighteenth century, the company rose to dominance in India, establishing its supremacy by force of arms with the defeat of the French East India Company and consolidating its control of Bengal in 1765. As the company grew, however, it fell into debt and was accused of corruption, and by legislation in 1778, 1784, and 1793 Parliament introduced a system of dual control whereby the authority of its directors was subordinated to a Board of Control appointed by the government. When its charter was renewed in 1813, the company lost its monopoly of trade in India but not of its trade in China. Its charter was due to be renewed again in 1833, after which its monopoly of the China trade was to be ended in 1834.³¹

In his letter to Huskisson in 1830, Hare likened the East India Company to 'an overgrown plant' which was 'noxious to the surrounding verdure' and suggested that 'whatever obstacles may oppose the total abolition of the present incorporated India Company, they are much less formidable than the other difficulties which stand in the way of its entire, or even partial continuance'.³² Removing restrictions on trade with China as well as with India, he predicted, would result 'in increasing the exportations from these countries, and consequently the importations therefrom, thereby greatly diminishing the sale price of tea and other articles, and augmenting their consumption, from which a considerable addition to the revenue may be reasonably expected', contributing to 'some improvement in the aggregate amount of the public income'.³³ He emphasized that there were other considerations of equal if not greater significance, however, such as the 'effectual administration of justice which has so large a share in the internal polity of every civilized nation', in which regard he contended that 'the Company's government in India is lamentably deficient. The number and constitution of the courts and judges which are distributed throughout that country, as compared with the number and character of the people, is of itself enough to demonstrate the utter insufficiency of the judicial system'.³⁴ With regard to 'the improvement of the people', he continued, 'the government of the East India Company is repugnant, for the direct effect of such improvement must be to qualify the natives of India for responsible offices, and at the same time, to awake them to a just resentment for their exclusion'. Such exclusion he considered to be 'tyrannical', observing that 'after so prolonged a struggle to eradicate it from our domestic policy, it is proper to look with great suspicion on every argument urged to justify its continuance in more distant British dominions'.³⁵ The interests of the East India Company were 'adverse to that melioration of character which is the foundation of happiness and

prosperity in a people', he asserted. 'The duty of Great Britain is therefore to extend the means of instruction and improvement to the natives of India, in order to inspire them with that moral elevation which is the highest qualification for public functions, and by means of which the people of the former country may be relieved from the fear of ministerial influence, not unreasonably entertained.'³⁶

Accordingly, Hare advocated abolition of the system of dual control and unification of the directors of the East India Company and the Board of Control, such a unified India Board to have responsibility for 'all those duties and powers at present entrusted to its two constituent parts separately' and to have 'power of appointment to all offices in India'.³⁷ Europeans could be appointed to such offices, he suggested, as should be the natives of India. Referring to 'the testimony of eminent men that the people of India are highly capable of improvement', he claimed 'we are therefore justified in entertaining a hope that as knowledge and intellectual and moral improvements advance in that country the place of the India Board may be supplied by legislative councils at the respective seats of government, and who may possess modified powers, and be composed of the chief Europeans and most distinguished natives in conjunction'.³⁸ Such 'introduction of the natives to responsible civil authority and to the functions connected with the administration of internal government, must have the effect of promoting the diffusion of those civil virtues, on which all our hopes of their improvement are necessarily founded'.³⁹ 'To rule these territories through the medium of a company of merchants is to promulgate to the world that our institutions are too weak to sustain the weight which time has imposed upon them', he concluded. 'Another system of policy and of government is demanded: – one that is more consistent with the prosperity of commerce, the welfare of the people, and the dignity of the crown.'⁴⁰

This attack on the East India Company by Hare was consistent with his defence of free trade in *The Maritime Policy of Great Britain*, but his views were in opposition to those of James Mill, who had been employed by the East India Company as assistant examiner in 1819 and was appointed as chief examiner in 1830. In his *The History of British India* published in three volumes in 1817, Mill had denigrated Hindu society and culture as primitive and inferior and had proposed subordination of the native population to utilitarian law and administration.⁴¹ This radical rather than Whig means of reform was rejected by Hare, who in his letter to Huskisson in 1830 emphasized recognition of civic virtue and participation of the native population in the governance of

India. His letter was not published, however, and what hope Hare may have entertained of employment by Huskisson was dashed in September 1830 when Huskisson was killed in an accident at the opening of the Liverpool and Manchester railway.⁴²

After the death of Huskisson, Hare intended to become a barrister, an increasingly significant route to professional status in the early nineteenth century,⁴³ and he was called to the bar in November 1833.⁴⁴ Between 1833 and 1841, during which period Victoria succeeded to the throne in 1837, Hare practiced in the Court of Chancery which, under the jurisdiction of the Lord Chancellor and Vice-Chancellors, applied the principle of equity to the execution of common law in cases such as those of trusts and estates.⁴⁵ As a Chancery lawyer, Hare wrote *A Treatise on the Discovery of Evidence by Bill and Answer in Equity*, which was published in London in 1836 and was praised by James Wigram, a Chancery lawyer and bencher of Lincoln's Inn, in his *Points in the Law of Discovery* which also was published in 1836.⁴⁶ From 1841, when Wigram became a Vice-Chancellor, to 1853, Hare reported in the courts of Wigram and Vice-Chancellors George James Turner and William Page Wood. Meanwhile, in collaboration with Henry Iltid Nicholl and John Monson Carrow, Hare edited two volumes of *Cases Relating to Railways and Canals Argued and Adjudged in the Courts of Law and Equity* which were published in 1840 and 1843, reflecting the transportation revolution, some 6000 miles of railways being opened in Britain between 1830 and 1850. Between 1843 and 1858, eleven volumes by Hare of *Reports of Cases Adjudged in the High Court of Chancery* were published and gained an authoritative reputation among equity lawyers.⁴⁷

When in 1853 the Charity Commission was created by the Charitable Trusts Act, establishing a board of commissioners under the jurisdiction of the Court of Chancery for the purpose of inquiring into the administration of endowed charities,⁴⁸ Hare quit the bar and took a post as a charity inspector,⁴⁹ his occupation for some 20 years thereafter. In 1872, in which year he became a bencher of the Inner Temple, he was appointed as an assistant charity commissioner with a seat on the board, and he remained in that position until he retired in 1887.⁵⁰ As a charity inspector, Hare submitted to the board of commissioners numerous extensive reports. Those from the 1850s to the 1870s on the parochial charities of the City of London provided a foundation for the work of the Royal City Parochial Charities Commission chaired by the Duke of Northumberland which reported in 1880 and led to the Parochial Charities Act of 1883,⁵¹ and those in the 1860s on the charities administered by the twelve 'Great Companies' provided a foundation for the

work of the Royal Commission on the City of London Livery Companies chaired by Lord Derby before which Hare gave evidence in 1882 and which reported in 1884.⁵² According to David Owen, Hare was 'a marvelously capable and acute investigator' who 'combined the qualifications of sound legal training, industry, and judgment with a much rarer speculative gift. He could dig out and arrange the facts on a group of charities as ably as any other investigator, but that was never the end... Unlike others whose profession is inquiry, Hare did not hesitate to criticize and generalize.'⁵³ Owen observes that 'in his imaginative outlook and his understanding of the worth of private philanthropy in an increasingly complex and democratic society, Hare was an exceedingly persuasive advocate of a more flexible charity policy'.⁵⁴

During the 1850s, Hare undertook a campaign for the reform of endowed charities. He often encountered resistance to his suggestions for the improvement of the application of endowments, in particular for the purpose of the education of the poor, such improvement in many cases necessitating the diversion of endowments from their original purposes. This was the case in 1855, when he drafted a scheme for the reform of charities in the city and parishes of Salisbury, as he later explained, 'for combining and appropriating them to what appeared to me better objects, and those chiefly educational'.⁵⁵ His scheme 'met with objections from several of the parochial clergy and others', he added, being 'described even as an improper and unjust diversion of funds from purposes to which the founders had dedicated them'.⁵⁶

In a public letter to the Mayor of Salisbury in 1856, in which he quoted from *The Christian and Civic Economy of Large Towns* published in three volumes between 1819 and 1826 by Thomas Chalmers, a Church of Scotland minister and reformer who had combined evangelicalism and political economy,⁵⁷ and from the utilitarian *Principles of Political Economy with Some of Their Applications to Social Philosophy* published in two volumes in 1848 by John Stuart Mill,⁵⁸ Hare wrote in defence of a revision of his scheme that whereas certain charities in Salisbury were 'applied to a considerable extent in aid of the rates, and therefore for the benefit of the rich rather than of the poor', his scheme would 'apply them in future in the education of the children of the poor and in preparing them for a career in life above the state of pauperism into which their parents have fallen'.⁵⁹ 'The result of the facts I have been able to gather is', he observed, 'that notwithstanding all the charities, the great mass of the poor in Salisbury are not in a better condition either physically or morally, than in other places where the endowed charities, if any such exist, are insignificant in amount.'⁶⁰ He argued

that 'if the poor are to be raised from this condition of misery, it must be by the application of some remedy which shall not feed but cure the political or social disease from which they suffer'.⁶¹ It was necessary to 'distinguish alms from charity', he insisted, 'that which consists in merely following the directions of deceased persons with respect to property of which the State has permitted them after their deaths to regulate the disposition, from that which is really charity or the fruit of a sacrifice made by one for the good of another'.⁶² He asserted:

Reason and experience teach that the more we multiply standing and permanent foundations for supplying the poor with the ordinary necessities of life, without that labour which is the lot of man, the more we relax exertion and perpetuate indigence and its attendant evils; and, on the other hand, that the more we leave the supply of such necessities to the operations of industry, and apply our permanent endowments for purposes which cannot have corrupting tendencies, such for example as those which fit the poor man better for the duties and rational enjoyments of life, and encourage and enable him to improve his condition, so much the more are we likely to raise him in the scale of being and promote his truer welfare and happiness.⁶³

Drawing attention to an account of continental technical education by the chemist Lyon Playfair published in 1852,⁶⁴ Hare proposed a scheme of education whereby charities would contribute to the funding of schools for the poor, the effect of which would be, he explained,

that at least the number of fifty boys, the most acute and intelligent of the children of the poor, of the ages of twelve and upwards, shall be constantly under instruction of a much higher kind than that which is commonly given in any elementary school, – instruction enabling them ultimately to enter on employments as assistants to engineers, builders, architects, machinists, artificers on railways, and public works, or in manufactories and workshops of all kinds, – with a degree of preparation and a knowledge of the principles of science which will not only render it easy for them to obtain engagements, but will also most materially facilitate their progress towards the position and advantages of artificers. It is not in the city of Salisbury alone that there are grounds for hoping that schools of this kind may be established. Institutions of a like nature connected with each other will, there is little doubt, arise in

other parts of England, all of which may be associated with some metropolitan institution, which may again be in communication with the conductors of public and private works in all parts of the world.⁶⁵

His scheme, he argued, not only would satisfy 'the intention of the founders of the charities, which was to better the condition of the poor' but also would relieve 'the anxiety of the middle classes to avail themselves of all thoroughly valuable educational establishments, when they are brought within a reasonable cost', meanwhile further serving the interests of the city as 'weekly or quarterly boarders from the surrounding country may become a source of profit for many families in Salisbury'.⁶⁶ The presence of children of the middle classes, he added, might 'inspire the poor with an emulation which will tend to relieve the classes immediately above them of an oppressive burden by attacking pauperism at its source'.⁶⁷ The method of selection of the trustees of charities was also a concern, Hare indicated, for

even if it were certain that no political bias would ever interpose, the very ragged to political impartiality is most likely to lead to the selection of trustees not because they are persons in all respects best suited for the office, but because they fairly balance and represent the political parties into which a borough may happen to be divided. A member of the body who knows that he has been elected on party considerations or as the representative of certain opinions may not unnaturally think himself bound to attend to party considerations or claims in the distribution of the charities, and this there is every reason to fear is frequently the case. . . . The possession of the qualities of sound judgment, enlightened intelligence, adequate leisure and active benevolence should be the ground of the appointment, and the question of whether their possessor be a Whig, Tory, or Radical is a foreign and disturbing element in the consideration.⁶⁸

Although charities would be combined by his scheme, the trustees would be selected at the local level, he emphasized, for 'the inhabitants of Salisbury must be the most capable of judging of the merits of their own townsmen, and therefore the appointment should be made by them. I can see no necessity for resorting to any central or other authority; in fact, the proposal . . . is the reverse of centralization.'⁶⁹

Hare observed that parliamentary legislation was necessary for the implementation of his scheme, but he was not optimistic about the

prospect, he indicated, for 'Parliament can only be expected to act at the instance of and upon arguments addressed to it by a minister or public functionary', and given the diversity of the various charities and the extent of the vested interests, 'however future generations may do justice to the statesman who shall direct his labours to this subject, he will probably gain little or no present popularity'.⁷⁰ 'The adversaries of a better system of administering charitable trusts take comfort at the difficulties which stand in its way', he complained, but he concluded that 'it may be hoped that any who desire to see such improvement will not relax their exertions, or be wholly discouraged in their endeavours to obtain it, although it has nothing but reason and the public good in its favour'.⁷¹

In the following year, at a conference on the education of the children of the working class held in London in June 1857, presided over by Prince Albert, Hare proposed that endowed charities for the apprenticeship of children be reformed to make funds available for their education in schools. During the previous 50 years there had been changes 'in the state of society, and in the manner of life of the trading classes', he indicated. 'The apprentice in most trades was formerly taken into his master's house, and became a member of the family', but 'this custom has almost ceased to exist', narrowing 'the range of choice of employment' and placing the apprentice 'in such a situation as will enable him to live with his parents or relations'. Consequently, he observed, the apprentice was 'under the control of the master only during the hours of employment, and too often partially liberated from that of his parents', circumstances in which he was 'apt to abuse the freedom, and misemploy the leisure which he has not learnt how to use'.⁷² Further, he found 'in many trades, and with the most respectable masters, that a tolerably instructed boy will be taken and immediately employed at wages, when no premium will be accepted, and that a boy who has had less elementary teaching will not be taken on any terms'.⁷³ 'In the agricultural parishes especially, there is an extremely narrow range of trades', he commented: 'Little security exists that the boy shall be taught his trade. In great numbers of cases the business is given up; the master and apprentice separate, or the boy runs away, and no efforts are made to compel him to serve out his term of apprenticeship, and for any useful purpose to the child the premium is lost.'⁷⁴ He added that he entertained 'personally strong opinions' on 'the right of the state to modify the uses of its charitable endowments',⁷⁵ and in his conclusion he referred the members of the conference to the reform of charities proposed in his letter to the Mayor of Salisbury.⁷⁶

In October 1857, Hare went to Birmingham for the inaugural congress of the British National Association for the Promotion of Social Science, also known as the Social Science Association. Modelled on the British Association for the Advancement of Science, which had been founded in 1831, the Social Science Association held annual week-long congresses and special meetings in various cities throughout Britain from 1857 to 1886, providing a national forum for public discussion of social issues and publishing the papers read thereat in annual volumes of *Transactions* and *Sessional Proceedings*. Most of the members of the Social Science Association were also associated with the Liberal party founded in 1859, and many were members of Parliament.⁷⁷

At the congress in Birmingham in 1857, Hare read a paper, 'On the Application of Endowed Charities in the Improvement of the Education and Condition of the Poor', in which he commented on 'selected examples of endowments metropolitan, provincial, and rural, which exist, and have either been productive of evil or are barren of good, and yet which stand in the face of great social wants and miseries, which they might contribute to supply or ameliorate'.⁷⁸ He attacked the *cy præs* doctrine of strictly adhering to the original intention of the founder of a charity as 'wholly delusive as a principle of jurisprudence, and without any value as a principle of social economy', advocating that 'as a judicial principle' it be 'authoritatively abolished'.⁷⁹ He argued:

In order to ascertain the method of rendering these charities the most useful, we stand in need not of technical rules such as those of the *cy præs* doctrine which the Court of Chancery professes to observe, but of principles which can only be elicited after profound and careful examination, and which this society may perhaps succeed in eliciting. They can only be the result of slow and cautious experiment.⁸⁰

He argued further that 'the very excellence of our political institutions for their chief purpose, the protection of individual rights' was an obstacle to 'placing the community, and especially the poor, in possession of the advantages which these charitable endowments might afford', observing that 'the just, but necessarily narrow, principles which govern private rights are often inapplicable to communities the conditions of which are constantly undergoing change'.⁸¹ Those 'alarmed' at 'centralization', he commented, would do well to 'consider the nature of the objection, and where the danger in each case truly lies'.⁸² Such

reform was a political concern, Hare emphasized. For there to be ‘any improvement in the law on this subject’, he indicated, it was necessary for Parliament to give to it ‘more deliberate consideration than it has hitherto done’.⁸³ That Parliament did not devote sufficient attention to the subject was in his opinion a demonstration of the necessity for the reform of political representation.⁸⁴

Meanwhile, following the general election in April 1857 in which the supporters of the Whig ministry of Viscount Palmerston had increased their majority in the House of Commons, Hare had written a pamphlet, *The Machinery of Representation*, published shortly thereafter, in which he had criticized the election results and had proposed the reform of political representation by adoption of an alternative electoral system of the single transferable vote for provision of personal representation. During the following year, he further developed his proposed reform at greater length in a book, *A Treatise on the Election of Representatives, Parliamentary and Municipal*, which was published in January 1859.⁸⁵ In so doing, Hare initiated a campaign for proportional representation which he conducted from the 1860s to the 1880s within the context of the debates over the extension of the parliamentary franchise to the urban working class by the Second Reform Act in 1867 and to the rural working class by the Third Reform Act in 1884.⁸⁶

Hare continued to address the issue of the reform of endowed charities as well as the issue of the reform of political representation during the 1860s and 1870s. During these years, he continued to participate in the deliberations of the Social Science Association, serving as a member of the executive committee,⁸⁷ and membership of the Athenaeum in London placed him in contact with leading men of letters.⁸⁸ In 1865, he was elected a member of the Political Economy Club at a meeting attended by William Gladstone,⁸⁹ and in 1870 when the Radical Club was founded by Liberal members of Parliament and the intelligentsia such as John Stuart Mill, Hare was elected a member at the first meeting.⁹⁰ Meanwhile, further editions of his *Treatise* were published in 1861, 1865, and 1873, and while a member of the London committee of the London National Society for Women’s Suffrage,⁹¹ from 1868 to 1874 he was the President of the Representative Reform Association founded to propagate his proposed reform of political representation.⁹²

That the reform of political representation was related to the reform of endowed charities was emphasized by Hare when he gave evidence before the Commission on Popular Education chaired by the Duke of Newcastle in April 1860.⁹³ An obstacle to the reform of endowed

charities for the purpose of the provision of popular education, Hare indicated in his evidence, was the 'present state of political institutions. You would never get the authority of Parliament to enable it to be done'.⁹⁴ He observed that 'if a bill is brought in, it must be brought in by the Government', and when asked by Newcastle if 'in matters possessing but little general public interest, local interests prevail, and either prevents the introduction of a bill for effecting those schemes or defeat the bill if introduced', Hare replied 'certainly'.⁹⁵

When the Law Amendment Society, founded in 1844 and absorbed by the Social Science Association in 1863,⁹⁶ appointed a committee to inquire into the functioning of the charitable trusts in 1861, Hare was a member of the committee and wrote the report which reflected his views.⁹⁷ One of the recommendations in the report was that 'the purposes and administration of all charitable trusts should be liable to revision, and to a dedication to new charitable objects at the end of a definite period', suggesting a period of 30 years.⁹⁸ Another of the recommendations was 'to transfer the present powers of the Charity Commission to a Committee of the Privy Council, and confer upon it such powers as shall be necessary for the proper government and periodical supervision of charities... as the exigencies of society may require'.⁹⁹ 'Such a Committee', Hare wrote, 'may be expected to take a larger view of the general as well as the particular interest concerned', giving to a charity 'such a new direction as shall appear most for the general good'.¹⁰⁰

Hare reiterated his views at the congress of the Social Science Association held in London in June 1862 when he read a paper, 'The Laws Controlling or Regulating the Perpetual Dedication of Property for Public or Charitable Purposes', incorporating quotations from John Stuart Mill's two-volume *A System of Logic* published in 1843 and from the third volume of Edward Gibbon's *The History of the Decline and Fall of the Roman Empire* published in 1781, both with regard to a need to elevate human character. 'A revision of charitable objects, from time to time, according to the opinions and wants of society, is not a novel principle', Hare argued, referring to the suppression of religious houses for the foundations of All Souls College in Oxford in the fifteenth century and St John's College in Cambridge in the sixteenth century, among others, 'not to speak of the houses suppressed some years later by Wolsey'.¹⁰¹ Hare had 'no respect' for the Mortmain Act of 1736 which restricted devises of land to charitable trusts, however, commenting that it was from 'almost before the dawn of that economic science which

has disclosed the several functions and operation of the selfish and sympathetic principles in the order of Divine Providence...when the political world had neither the deep sense of personal and national duty which animated the age of Hooker, nor the calm and philosophical appreciation of results taught by Adam Smith'.¹⁰² 'The law of England, as it present stands', he concluded, 'is inconsistent and incongruous, and a reproach to the jurisprudence of an enlightened nation'.¹⁰³

At the Social Science Association congress held in Edinburgh in October 1863, in which year a proposal by William Gladstone as the Chancellor of the Exchequer in the Liberal ministry of Palmerston for the taxation of endowed charities had been defeated in the House of Commons in May,¹⁰⁴ Hare read a paper, 'The Injustice and Impolicy of Exempting the Income of Property, on the Ground of Its Charitable or Meritorious Employment, from the Taxation to Which Other Like Property is Subject'. Charities had been exempted when the income tax had been introduced from 1799 to 1816 and reintroduced in 1842. Then, Hare observed, 'the annual grants for the education of the poor were still insignificant compared to what they now are', whereas 'we have now arrived at a more accurate knowledge of the extent of these estates, of their rapidly increasing value, and of the place which they really fill in the true educational and eleemosynary institutions of the empire'.¹⁰⁵ Therefore, he indicated: 'With the statistics now at its disposal, it is not possible that Parliament in the conscientious performance of its duties, as the guardian of the public from unnecessary and improper taxation, can escape the deliberate consideration of this important subject'.¹⁰⁶ The exemption of charities from taxation, which involved 'taking money compulsorily from the people at large',¹⁰⁷ was 'impolitic and unjust', he argued:

It is the constitutional policy of the country that the expenditure of the public money, the produce of general taxation, shall be under the control of Parliament. But here we have a vast and constantly increasing sum annually withdrawn from the public purse, not only without the control of Parliament, but without any revision of control whatever, and governed by the arbitrary will of an indefinite number of private persons. Except to a comparatively small extent, it is applied to objects which may have been useful in past generations, but are not those to which the voluntary bounty of the present day chiefly directs itself.¹⁰⁸

Hare was likewise critical in his report on Christ's Hospital in the City of London submitted to the board of the Charity Commission in 1864, in which he commented:

An inquiry made by a Department of the State into the results of this great endowment cannot, it appears to me, be properly confined to the mere consideration of the amount of benefit which it confers upon any individual or special objects, but should also endeavour to ascertain whether it be to any and what extent beneficial to the nation at large. It is the recognized duty or policy of the State to provide means for the education of the destitute classes, and to assist, and to some extent, as in factories, enforce, that of the children of the poor. . . . The object of the State is to dispel that ignorance which it justly regards, not only as a public evil but as a public danger.¹⁰⁹

He claimed that Christ's Hospital, which had been founded by Edward VI in 1552, 'has long ceased in any degree to supply this public exigency',¹¹⁰ and he concluded:

Whether the estates of Christ's Hospital shall be administered for the benefit of a small number of favoured persons, or for the poorest classes and the common weal, is a question which the Governors themselves cannot authoritatively determine, which cannot be decided by any Court of Justice having jurisdiction over trusts, or by the opinion or recommendation of any executive department. It must depend upon the action of the legislature, prompted by the public judgment and conscience.¹¹¹

Two years later, in evidence given before the Schools Inquiry Commission chaired by Lord Taunton in February 1866,¹¹² Hare expressed his opinion with reference to endowed schools 'that our present mode of dealing with them is very imperfect and very inefficient',¹¹³ and he further attacked the *cy près* doctrine as 'really perfectly arbitrary and unmeaning'.¹¹⁴ He repeated his criticism of Christ's Hospital, claiming that its funds had been diverted from the education of the 'destitute classes' for which they were intended to the education of the 'middle classes',¹¹⁵ and in conclusion he remarked that 'as far as concerns charity, power is given to every age to do its own duties, and it is better that it should itself do them. There is, however, scope enough for the employment of the present endowments to bring up the long arrears of neglect.'¹¹⁶

Later in the same year at the Social Science Association congress held in Manchester in October 1866, Hare read a paper, 'What Conditions or Limitations Ought to be Imposed upon the Power of Disposing in Perpetuity of Property, Real or Personal, for Charitable or Other Purposes?', reiterating his opposition to the *cy près* doctrine and advocating that the state have the power 'to change and modify the disposition of all endowments at the end of a certain period after their foundation' in the interest of the 'public welfare'.¹¹⁷ His principle was, he explained, that 'every man, woman, and child in the kingdom is, in relation to the state, entitled to an equal share of its production and its benefits; and in the framing of impartial laws, must be regarded with equal respect and tenderness',¹¹⁸ adding:

I look upon it as radically unjust in the state to set aside or reserve a part of the permanent wealth of the country to the special benefit and maintenance of particular classes, or the objects of special patronage and favour, with the purpose of giving them an advantage over others less happily situated or connected. Private property and private beneficence may be bestowed according to the prejudices and partialities of the giver; but the state has no prejudices or partialities. The inequalities of hereditary fortune, the varieties of natural endowment of mind and body, the more or less perfect education and culture by parents and teachers, create infinite diversities in the condition of mankind. The great multitude of every people must begin and pursue the race and toils of life with slender powers and resources, and must accept its more painful labours and lower rewards. But it seems to me cruel for the state to permit the establishment and maintenance of permanent endowments, that increase the pressure with which fortune, and nature, and accident, bear upon the masses of the people, aggravating their difficulties by diminishing their chances of emerging from them, in the degree in which exceptional advantages are given to the favoured classes.¹¹⁹

In the following year, in 'Charitable Endowments in Their Relation to the State and to Public Taxation' in the *Fortnightly Review* in August 1867, Hare argued that there was 'little hope of any legislation really useful on the subject of charitable endowments, unless the national conscience can be awakened, and a healthy sense of public duty aroused'.¹²⁰ Two years later, he further emphasized the public responsibility of endowed charities and the need for action by the state in 'Public and Private Property Considered as to Its Legal Conditions' in two parts in the *Fortnightly*

Review in March and June 1869, arguing that ‘new social combinations and difficulties, and new necessities of rule and organisation, are constantly arising, for which it is the business of those who watch over the public welfare – if there be any authority charged with that duty – to provide’.¹²¹ Such was the duty of the legislature rather than the judiciary, he claimed, referring to an observation by the jurist Sir Henry Maine in his *Ancient Law: Its Connection with the Early History of Society and Its Relation to Modern Ideas* in 1861 that ‘the causes of change in the laws of property are to be explained by the history of jurisprudence, and not by its philosophy; and that in progressive societies “social necessities and social opinion are always more or less in advance of law”’.¹²² Hare complained that

it is a grave reproach to a government and legislature, possessing all that accurate information which statistics on every subject afford, with their eyes open to the lamentable condition of vast masses of the population, that session after session should be allowed to pass, not only without making, but without any substantial step or effort towards making, the vast public property of the kingdom applicable to the improvement of the condition of its necessitous classes, and that it should all be left in its present chaotic condition, to be dealt with in innumerable fragments, by the trifling and futile proceedings of separate suits, in the absence of any rational principle of appropriation, or any principle which even pretends to regard as its first and main object the true and only central idea of all endowments, the public good.¹²³

‘The right and power of the state to resume and alter the destination of all public property, whoever may be its administrators’, he added, ‘carries with it the duty of exercising this power when the public welfare demands it’.¹²⁴ Quoting Edmund Burke in his *Reflections on the Revolution in France* in 1790 that ‘endowments are the products of enthusiasm; they are the instruments of wisdom’, Hare argued that ‘there can be no endowment which may not be made to contribute, directly or indirectly, to the moral or physical amelioration of the condition of the people’.¹²⁵

Later in the same year at the congress of the Social Science Association held in Bristol in October 1869, Hare read a paper, ‘What Limits Ought to be Placed by Law to Charitable Endowments?’, which David Owen considers to have been ‘an impressive and prophetic statement of the role of charitable trusts in social advance’.¹²⁶ With reference to discussion of the reform of the endowments of charities by charity

commissioner Arthur Hobhouse, Robert Lowe, the Chancellor of the Exchequer in the Liberal ministry of William Gladstone, and John Stuart Mill, Hare observed that ‘there seems to be a general concurrence of nearly all who have considered the subject, that whatever their value or utility at the time of their creation, the watchful eye of some independent authority is always necessary to prevent their mischief and abuse’.¹²⁷ Indicating that the congress itself was ‘a proof that to arrive at something like a science of the causes of the miseries and evils that modern civilization appears either to bring with it or to fail in removing, is not regarded as desperate or hopeless’,¹²⁸ he suggested that the Endowed Schools Act of that year, which under the Gladstone ministry in response to the Taunton Schools Inquiry Commission created a commission responsible for the reform of endowed schools, ‘hampered though it may be by restrictions on its operations, we may yet hope is an important initiative of a rational system’.¹²⁹

In the *Fortnightly Review* in March 1870, in which year the Education Act under the Gladstone ministry established universal elementary education in England and Wales and introduced elected school boards with taxation authority for the provision of schools where necessary,¹³⁰ Hare further discussed the relationship between public and private property in ‘Estates of Endowments as Instruments of Industrial and Political Education, Co-operative Labour, and Economical Improvement’. ‘It does not seem to have occurred to any one that in dealing with public estates, such as endowments, whatever the purposes may be for which the net produce is designed’, he claimed, ‘the method of deriving that produce should be so regulated by the State as to be made of the greatest possible benefit to the greatest number of people’.¹³¹ For the purposes of ‘qualifying the people for the work and the duties which new conditions of society impose upon them, or for leading to a reconciliation of the interests of those who hold in their hands the accumulations of the past, and of those to whose labour must be owing the productions of the future’, he advocated ‘the creation of co-operative associations and industrial partnerships, that give the labourer a direct and perceptible interest in the result of his work’.¹³² Public property was available for these purposes, he argued, but the state should provide the public with ‘knowledge of the estates and property which it possesses, where they are to be found, and their value and capacity of improvement, together with access to such estates, in the opportunity of competing on fair terms for their occupation’.¹³³ Such would provide a useful subject of study in schools, he suggested: ‘We have here a method of technical education of incalculable value, increasing

the practical knowledge, cultivating the taste, and raising the aspirations of the youthful labourer.¹³⁴ 'Such an education will prepare the way for the establishment of co-operative associations for every kind of productive work', he concluded: 'To be leaders and pioneers in such a movement in the great work of the world is an ambition worthy of the *elite* of our working men; and if the opportunity for such a career be offered, there is no reason to doubt that in every class such men will be found.'¹³⁵ He reiterated his argument in a paper, 'On the Study of the Condition and Capacity of the Lands of Endowments and Other Public Estates, as Means of Teaching History, Topography, and Political and Social Economy, and of Introducing Technical Instruction', which he read at the Social Science Association congress held in Newcastle in September 1870.¹³⁶

Meanwhile the views of Hare in this regard led him to participate in the co-operative movement led by Christian Socialists such as J.M. Ludlow and Edward Vansittart Neale, and Hare was a member of the arrangement committee of the first Co-operative Congress held in London in June 1869,¹³⁷ at which he read a paper, 'The Claims of Co-operative Societies to the Use of Public Land for Agricultural and Building Purposes'. 'It is not too much to say that there are hundreds of thousands of acres of land adapted to Co-operative farming', he observed, 'which would open an entirely new sphere to agricultural labourers, if they were afforded a fair chance of occupying it on the same terms on which it is now let to capitalists',¹³⁸ and he suggested: 'It seems obvious that nothing is more important to the progress of Co-operative labour, than obtaining for it an equal right of competition for the occupation, both for building and agricultural purposes, of all the lands in the kingdom dedicated to public uses.'¹³⁹

Subsequently, Hare became a member of the Land Tenure Reform Association founded by John Stuart Mill in 1871 with the objectives of the abolition of 'remains of feudality' such as primogeniture and the provision of public land for co-operative agriculture.¹⁴⁰ Addressing these issues, Hare read a paper, 'On Lands Held by Corporations, and on the Policy Either of Their Alienation or of Providing for Their Management with Regard to Public Utility', at a meeting of the Social Science Association held in London in January 1873 in which he commented, with reference to land laws such as the Mortmain Act, 'It must be clearly seen that they have been produced and governed by considerations entirely political or social, and in no respect economical. In their political aspects they have always taken the shape which expressed the

sentiments of the governing classes.¹⁴¹ Political considerations continued to be significant, he claimed, as were protected local vested interests. With reference to 'the mass of the people', he observed, 'so little is known in most parishes or districts, except by the actual holders, of the terms on which the land in and around them is held, that there is scarcely any opportunity for competition, and no encouragement for association or for co-operative effort', for which reason he advocated the establishment of 'some means of knowing what lands in their neighbourhood they can have any chance of renting... The district agent, or overseer, might be an officer of the local government, avoiding thus all objection of centralization, and he would act under the eye of the institutions to which he is accountable, as well as of the public.'¹⁴²

Related to the issues of the reform of endowed charities and land tenure reform were the issues of the reform of urban housing and local government reform which Hare addressed during the 1860s and 1870s. Unlike when Hare was born, Britain during these years was more urban than rural, more workers being employed in manufacture than in agriculture. In central London, the population had doubled between the 1820s and the 1850s, but had not been accommodated by corresponding construction of housing for the working class. Rather, housing was demolished to make land available for the construction of railways, docks, and buildings for commerce, finance, and administration. Consequently, the working class was displaced while remaining dependent on residence in central London for employment, thereby resulting in overcrowding and deteriorating conditions.¹⁴³ As of the 1860s the problem was severe, and various solutions were proposed including the regulation of sanitation, the provision of transportation between central London and the suburbs, and the construction of model dwellings such as undertaken by the Metropolitan Association for the Improvement of the Dwellings of the Industrious Classes, which had been founded in 1842, and the Peabody Trust, a philanthropic foundation of the American financier George Peabody who had settled in London in 1837. Sanitary regulation was inefficient and suburban transportation was impractical, however, and the rents of the Peabody Dwellings were beyond the resources of the poor.¹⁴⁴

Hare addressed the issue in 1862 in a series of six letters published in *The Times* which were collected in a pamphlet, *Usque ad Coelum: Thoughts on the Dwellings of the People, Charitable Estates, Improvement, and Local Government of the Metropolis*, which was published in the same year. 'The wretched dwellings of the lower classes of the metropolis,

owing mainly to the insufficiency of the number of dwellings for the working population and decent poor, which forces whole families to content themselves with a single room', he asserted, 'are the sources of demoralization and misery beyond human calculation'.¹⁴⁵ Charities in London were numerous, and their endowments were increasing in value, he observed, but 'the classes for which they were designed for the most part live elsewhere, and the ingenuity of lawyers has been ransacked to discover a *cy près* method of extending funds for which lawful claimants were daily diminishing'.¹⁴⁶ He recognized the contribution of the Peabody Trust,¹⁴⁷ but he acknowledged that investment in model dwellings such as those built by the Metropolitan Association was 'no temptation for capitalists'.¹⁴⁸ Also he dismissed 'schemes for covering the environs of London with villages of workmen, from which they are to be carried in and out of town by workmen's trains' as 'it would be the way to perpetuate the fatal divisions of class which are already our misfortune and reproach'.¹⁴⁹ The Apostle, he commented, 'exhorts Christians, as brethren and members of the same body, to a mutuality and care for one another',¹⁵⁰ whereas 'hundreds of thousands of our people, for generation after generation, must be victims of the evil before the principle of demand and supply could work out a remedy'.¹⁵¹

Hare argued that it was possible to provide adequate housing 'even to three or four times its present extent' and to enable 'every family and person earning an average livelihood, and desirous of having a decent home, to obtain one within the compass of their pecuniary means'.¹⁵² Such homes, he continued, 'may be so constructed as to give them light, air, ventilation, and freedom from everything offensive or noisome', and their inhabitants would have 'the benefit of every contrivance by which invention has been able to husband or lessen domestic labour; whilst the division and arrangement of the rooms would afford to every one some opportunity of retirement and of mental culture'.¹⁵³ Space 'for such vast constructions as would be necessary', he indicated, was available in London 'mile after mile, on a level with the roofs of the low and squalid houses that cover the ground on every side', space which 'belongs to the owners of the ground beneath'.¹⁵⁴ Among such owners were charities, 'much of the accumulated and growing wealth of the old endowments' of which 'have lost their immediate and specific objects',¹⁵⁵ he claimed, and he calculated that 'it would, perhaps, be no exaggerated estimate to compute the property in such trusts and in mortmain at a fourth of the whole area'.¹⁵⁶ 'In dealing with estates so dedicated to public and charitable purposes', he emphasized,

it is not too much to require an attention to the general welfare, which, in the case of private owners, must be left to their individual conscience. The principle of an enlightened policy or jurisprudence may step in and supply that moral responsibility which it is difficult to attach to, or divide amongst, bodies of persons where the individual will may be overruled by the will of a majority. In such cases the first question should be, not how to snatch the greatest profit from the estate, without regard to the effect on the public or on the neighbourhood, but how the greatest amount of general good can be obtained consistently with a proper and reasonable regard to the specific good which the donor of the estate has pointed out. This is nothing more than a principle on which individual conduct should be governed.¹⁵⁷

Accordingly, he proposed that the estates of such charities be appropriated for the provision of housing for the poor, housing which would have 'commodious shops' on the ground floor, above which on the first and second floors would be 'the residences of the tradesmen', above which on the third floor would be 'handsome apartments with all the accommodation and privacy of separate houses, for the educated portion of the less wealthy classes', and above which on the fourth, fifth, and sixth floors would be 'dwellings of more or less accommodation, each floor separately approached by two convenient staircases at opposite extremities of the block, and leading to convenient passages or galleries, upon which the apartments open'. The corridors would be lighted and ventilated 'through openings front and back, and partly from above', and there would be 'joint and ready access to wash-houses and baths, and in the summer to a kitchen which may be used in common by several families, to store-rooms for furniture on occasions of removal to a distance, and other advantages'.¹⁵⁸ That the occupiers should 'become the proprietors of their own dwellings, however small they may be', he added, 'the new buildings should be sold in separate tenements, or chambers, like the property of the inns of court, with all legal facilities to render them readily marketable and transferable'.¹⁵⁹

The authority necessary to appropriate the property of charitable estates for this purpose was inadequate under the indirectly elected Metropolitan Board of Works created by the Metropolis Local Management Act of 1855, Hare argued, and he proposed that the jurisdiction of the City of London be extended to include metropolitan London and that the legislative authority of the municipal government be expanded. The reconstituted municipal government would consist of the Lord

Mayor and a Council of 150 members directly elected, half by the proprietors and half by the occupiers according to the system of the single transferable vote proposed in his *Treatise*.¹⁶⁰

Hare addressed the issue further in 'Ideal of a Local Government for the Metropolis' in *Macmillan's Magazine* in April 1863 in which he argued that 'the million of the poorer labouring classes should be enabled to obtain decent, healthful, and cheerful dwellings, in the place of the dens of squalor and filth in which they are now for the most part forced to live – the natural haunts of intemperance and vice, among which are the "guilt gardens," and the nurseries of crime'.¹⁶¹ Members of Parliament were limited in their ability to come to terms with the complexity of interests at the local level, he claimed, while the metropolitan government was a 'chaos of powers':

Every parish struggles to exclude every other from participation in its endowments – every set of trustees is jealous and antagonistic to every other set. . . . This want of community of feeling and object is the greatest obstacle to progress in improving the condition of the labouring classes in our great towns; and the only remedy seems to be the strengthening and expansion of local government by uniting directly, through a system of real representation, all these sectional bodies, and thus giving them an interest in harmonious action which shall rouse and cultivate the feeling of common duty and common sympathy for their entire city and all its people.¹⁶²

With reference to his proposed London municipal government, he suggested that in the Council

scope might be found for the employment of all the varied talents and genius of a large body of public-spirited men, in which the acquirements of science, of study, and of travel, and the knowledge and experience of practical life, may be enlisted and employed in promoting the public welfare. The Council would be an admirable school of preparation for the business of the Imperial Legislature.¹⁶³

Such municipal councils in cities other than London, he added, 'shall everywhere evoke the highest intelligence and public spirit, and, possessing the public confidence, shall be powerful agents in all works of social amelioration'.¹⁶⁴

The issue was addressed by Hare also at sessions of the Social Science Association. At a session held in London in February 1866, he read

a paper, 'An Improved Constitution of Local Governing Bodies, and on the Legislation on Local Subjects which may be Safely and Beneficially Transferred to Them', which incorporated a draft bill 'for the election of the Lord Mayor and the council of London, and for vesting in them the local government of the metropolis'.¹⁶⁵ Observing that 'the more closely the condition and wants of society are examined, the more clearly it will be seen to be necessary that our cities and towns should be everywhere entrusted with the most comprehensive powers for public improvement, and for the promotion of every beneficent object, educational, moral, and physical, within their boundaries',¹⁶⁶ he emphasized: 'Nothing perhaps at this moment more seriously affects the educational and moral condition of the great masses of the population in our cities and towns than the state of their dwellings.'¹⁶⁷ Among those who participated in the discussion of his paper were James Beale,¹⁶⁸ a radical who in the same year founded the Metropolitan Municipal Reform Association,¹⁶⁹ and John Stuart Mill,¹⁷⁰ who as a Liberal member of Parliament for Westminster as of 1865 was a member of the Select Committee on Metropolitan Local Government before which Hare appeared in May 1866 when he gave evidence primarily concerning the single transferable vote.¹⁷¹ Four years later, he addressed the issue again at a session of the Social Science Association held in London in June 1870 when he read a paper, 'On the Constitution of Municipalities and Local Governing Bodies for London and Other Towns and Districts', in which he summarized the evidence he had given before the Select Committee on Metropolitan Local Government.¹⁷² After another four years, at a session of the Social Science Association held in London in November 1874, he read a paper, 'The Construction of a Municipality for the Metropolis', commenting on a bill 'for creating a comprehensive governing body for the metropolis' drafted by the Metropolitan Municipal Reform Association. 'The stronger and more efficient all our local municipalities and local governing bodies can be made', he stated, 'the more perfect will be the reign of law, and the submission of all classes to its just and impartial rule',¹⁷³ and 'the noble work of providing fit habitations for the labouring population', he argued, 'would be greatly facilitated by such a consolidation of municipal power'.¹⁷⁴

Other issues which Hare addressed during the 1860s concerned imperial affairs, contributing 'On the Development of the Wealth of India' to *Macmillan's Magazine* in April 1861. In Bengal in 1859, peasants had revolted against British planters who were forcing them to cultivate indigo against their interests, and a commission appointed by

the Viceroy, Lord Canning, in 1860 had reported in support of the peasants against the planters.¹⁷⁵ In *Macmillan's Magazine* in 1861, Hare wrote that the government discouraged the investment of British capital and expertise which he considered essential for the economic development of India. 'The factories of Europe wait with impatience for the raw materials of India', he observed. 'A deficiency in the supply of cotton might imperil the industry, and almost the existence, of multitudes.'¹⁷⁶ He advocated the abolition of the covenanted system of the civil service, which excluded 'all those whose parents are unable to afford them an expensive education, and all self-taught men',¹⁷⁷ and the admission of those with 'knowledge of India and of the special duties required, and acquaintance with native languages'.¹⁷⁸ Further, he advocated the elimination of central authority, the establishment of local authority, and the provision of separate Indian and British courts: 'The native magistrates being elected by the native communities, and no longer appointed by the Government, there ceases to be anything invidious or unjust in reserving the decision of every case in which the person or property of the European is concerned to European judges.'¹⁷⁹ 'Little will probably be done until the whole Indian service shall be placed on a different footing, and the legislative body shall have a representative character', he concluded. 'Ruinous as the late acts of the Bengal Government have been to individuals, if they should, by attracting public attention to the system, sound its knell, there will be a national gain.'¹⁸⁰

The larger issue of the relations between Britain and the empire was addressed at the congress of the Social Science Association held in Bristol in 1869, responsible self-government having been extended to Australia, New Zealand, and Canada. In a paper read by Hare, 'What Ought To Be the Legal and Constitutional Relations between England and Her Colonies', he asserted that 'I yield to no one in a desire to preserve the integrity of the empire' and emphasized that 'the principle with which I set out is that the basis of the Imperial Union must be one of entire equality'.¹⁸¹ He considered the proposal by Adam Smith in 1776 that the colonies be represented in Parliament to be 'impractical, as involving constitutional changes, the recasting of our representative system, its constant adaptation to the new growth of colonial population, and other changes of vast importance for which the public mind is wholly unprepared', but adding that 'I will not venture to say the time will not come when even this vast change may be accomplished'.¹⁸² Meanwhile, as of 1869, Hare proposed that the colonies be represented in the cabinet:

Let it be immediately open to every one of the self-governed communities, through its constituted ministry, to present to the Crown any member of such ministry, to be nominated by Her Majesty as her Secretary of State for the affairs of that country; the minister thus appointed would reside in London, and form a constituent part of the British cabinet. He would be present at the discussion of all imperial questions, be one of the Privy Council, and be in all respects on an equality of rank with other members of the cabinet.¹⁸³

Likewise, he added: 'The maturity of condition thus recognized involves the selection by each colony of the representative of the Crown within it.'¹⁸⁴ Further, he proposed that the constitution of the legislatures, including 'the abolition of a second chamber altogether', and the judiciaries of the colonies be 'according to their discretion'.¹⁸⁵ 'The solitary exception to perfect equality', he indicated, 'will be the fact that the seat of the sovereign and the supreme government will be in England'.¹⁸⁶

During the 1880s until his retirement in 1887, Hare continued to address issues of political and social reform.¹⁸⁷ During these years, his earlier writings on the reform of London municipal government were collected and reprinted as a pamphlet in 1882,¹⁸⁸ and in March of the same year, he gave evidence before the Royal Commission on the City of London Livery Companies chaired by Lord Derby.¹⁸⁹ In June 1884, before the Royal Commission on Housing of the Working Classes chaired by Sir Charles Dilke, a Liberal member of Parliament for Chelsea, Hare gave evidence and discussed *Usque ad Coelum*.¹⁹⁰ Meanwhile, amid debate over parliamentary franchise reform, Hare attended a private meeting held in London in January 1884, which resulted in the formation of the Proportional Representation Society. Subsequently, under the leadership of Sir John Lubbock and Leonard Courtney, Liberal members of Parliament for the University of London and for Liskeard, the Proportional Representation Society advocated the adoption of the single transferable vote, in defence of which the last writings by Hare were published in 1885.¹⁹¹ In that year, he summarized the objectives of his public career in his response to an enquiry published as *Why I am a Liberal*:

Because I desire to introduce into our institutions, laws, and social condition, every principle and practice which can promote – and eliminate such as impede – the profitable industry and happiness of the greatest number of the people, and at the same time scrupulously

to preserve all that can help to combine and associate together the different classes in mutual love and reverence.¹⁹²

Throughout his public career, Hare made his home at Kingston-upon-Thames in Surrey. He married his first wife, Mary Samson, in Dorset in 1837, and when she died in 1855, she left him with eight children.¹⁹³ Marian, the eldest, married William Andrews, a local clergyman, and wrote on Italian art and literature under the pseudonym 'Christopher Hare'. Sherlock followed in the footsteps of his father, being admitted to the Inner Temple and called to the bar, preparing a second edition of *A Treatise on the Discovery of Evidence by Bill and Answer in Equity* published in 1876, and writing on proportional representation.¹⁹⁴ Alice married John Westlake, later Whewell Professor of International Law at Cambridge, participated in the women's suffrage movement, advocated women's higher education, and was elected a member of the London School Board.¹⁹⁵ Katherine married Lewis Clayton, later Bishop of Leicester, and Lydia married his brother Charles Clayton. Herbert became an engineer in China, and Alfred became a farmer in New Zealand. Lancelot, the youngest, became a lieutenant governor of Eastern Bengal and Assam.

In 1872, Thomas Hare married his second wife, Eleanor Bowes Benson, and their only child, Mary Eleanor, died suddenly of meningitis at the age of eight in 1883.¹⁹⁶ As Eleanor was a sister of Archbishop Benson, Hare may be said to have been a member of the 'intellectual aristocracy' identified by Noel Annan.¹⁹⁷

Another member was Henry Sidgwick, later Knightbridge Professor of Moral Philosophy at Cambridge, whose sister Mary was the wife of Archbishop Benson and whose wife Eleanor, later Principal of Newnham College in Cambridge, was a sister of Arthur Balfour, later Conservative Prime Minister from 1902 to 1905, whose mother Lady Blanche was a sister of Lord Salisbury, thrice Conservative Prime Minister between 1885 and 1902. Thus it was within the family when Henry Sidgwick wrote to Arthur Balfour in 1888 in an unsuccessful effort to have Hare made a Companion of the Order of the Bath (CB) on the grounds of 'his influence on political thought' and 'his valuable work for 34 years as Inspector of Charities for the Charity Commission', adding: 'As regards his claim as a political thinker, Courtney writes to me that "Hare's presence in the Public Service has been an honour to it in the same way if not in the same degree as J.S. Mill's presence was."' ¹⁹⁸

A.C. Benson, a son of Archbishop Benson and later Master of Magdalene College in Cambridge, remembered Hare in the 1870s as

an extremely handsome and distinguished-looking old man, his face pale and bronzed, an aquiline nose, clean-shaven, showing a firm-lipped mouth and well-developed chin, his eyes blue and kindly, the whole face deeply-lined and furrowed, a little nervous twitch about the right eyelid, with a fine, upstanding shock of snow-white hair; the look of a man who had worked hard, thought hard, and suffered, but full of quiet kindness.¹⁹⁹

His hands were ‘rather rugged and laborious-looking’ and his voice was ‘rather thin and weak’, Benson added. ‘He was certainly a very silent figure – few words and much to the point, not intervening in talk until further abstention from speech would have been embarrassing, an omniscient man, dismissing a complicated subject with a modest definiteness.’²⁰⁰ Katherine Esdaile was to remember Hare as ‘a small man with a head of a singularly noble and leonine character’ who ‘wore a high open collar, a black satin stock with a pearl pin in it, dark trousers strapped under the foot, and a buff waistcoat, over which his eyeglass dangled from a watered silk ribbon. I never saw a man more point-device in every way.’²⁰¹

The Hare family home at Kingston-upon-Thames was Gosbury Hill, the farmhouse of which was designed by Hare and described by A.C. Benson as ‘a very curious, irregular building, at all sorts of levels, with an old front covered with wisteria, a pleasant sunk flower-garden, carved out of the rising ground, the whole overtopped by a not very dignified tower, of yellow brick with a pointed slate roof’.²⁰² The tower ‘was approached by a steep ladder’, he remembered, and ‘the tiny sun-warmed room at the top, with its four dusty slits of windows, was fitted up with wooden shelves, a deal table, and a sink, as a little chemical laboratory for a son of his’.²⁰³ Scientific interest did not displace religious devotion, however, for unlike some contemporaries following the publication of *On the Origin of Species by Means of Natural Selection* by Charles Darwin in 1859, Hare retained his faith. He added to Gosbury Hill a chapel for daily family prayers, and while the chapel was being built, according to Katherine Clayton, neighbours thought the family to be Roman Catholic. ‘This however was not the case’, she later explained. Hare was ‘simply a devout Churchman who had been very much influenced by the Tractarian Movement of that time and was anxious to bring up his children in the same views’.²⁰⁴ Thus A.C. Benson characterized him as ‘a devout, old-fashioned High-Churchman’ whose ‘general aspect’ was ‘of an aged and distinguished ecclesiastic. Properly arrayed, he would have made a noble and courtly prelate.’²⁰⁵ The

chapel, as Benson remembered it, 'had some quarries of grisaille glass, a reading-desk for Mr Hare, little Gothic seats down each side, encaustic tiles, and bare brick walls, with, I think, a dim religious picture or two'.²⁰⁶ Rooms were added to Gosbury Hill as the family grew, Katherine Clayton recalled, and the house was 'full of books, to which all had access, and were encouraged to use. Mr Hare took great interest in the education of his daughters and directed it, reading to them himself and being read to by them every evening, explanation and discussion always following.'²⁰⁷ Her sisters Marian and Alice, she noted, were 'sent to a very good school in Paris, from which they returned with a perfect knowledge of the French language, which they imparted to the rest of the family, to the very great advantage of them all'.²⁰⁸

Among visitors to Gosbury Hill were John Stuart Mill and Helen Taylor, his stepdaughter, who came from their home at Blackheath when in England. Although 'the household of Gosbury Hill was one brought up in an atmosphere of genuine religious feeling', Katherine Clayton remembered, 'never by one word or look did Mr Mill do anything to raise doubt or difficulty in the minds of those he met there'.²⁰⁹ In turn the Hares visited the Mills at Blackheath where they met others such as John Morley, the Liberal editor of the *Fortnightly Review*, and George Grote, the philosophic radical historian and advocate of parliamentary reform.²¹⁰ Another visitor to Gosbury Hill was Henry Fawcett, the blind political economist and Liberal member of Parliament for Brighton and then Hackney, who came from Cambridge accompanied by his wife Millicent Garrett. Emily Davies, an advocate of women's suffrage and a founder of Girton College in Cambridge, visited as a friend of Alice Westlake, and the controversial ecclesiastic John William Colenso, Bishop of Natal, visited as a friend of John Westlake. Viscount and Lady Amberley were guests, as was the Irish historian W.E.H. Lecky. The French socialist Louis Blanc was a visitor, and an American visitor was Simon Sterne, a lawyer who in New York was an advocate of personal representation by the single transferable vote.²¹¹

Thomas Hare left Gosbury Hill following the death of Eleanor in 1890 and moved to London where he lived in Chelsea near to Alice and John Westlake until his death at the age of 85 on 6 May 1891. In the *Academy* on 16 May, John Westlake wrote that 'his memory will live as that of a man who strove, and not without success, to leave the world considerably better than he found it'.²¹²

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