

## Erskine May, Vol. III, Supplementary Chapter, pp. 443-454

### Other Political Events, 1866-71

#### Irish Church Disestablishment

While the discussions upon the later measures of Parliamentary reform were still proceeding, the condition of Ireland, its discontents, and disaffection, the outrages of the Fenians, and the continued suspension of the Habeas Corpus Act, demanded the attention of Parliament; and the policy of the Government in relation to that country was explained. Ministers promised an inquiry into the relations of landlord and tenant, proposed to create a new Catholic university by royal charter, and intimated that when the Commission already inquiring into the condition of the Irish Church should report, they might review that establishment. Hints were also given of promoting religious equality, by an increase of the *regium donum*, and by the endowment of the Catholic clergy,—a policy, as it was described by Lord Mayo, of levelling upwards, and not downwards. On the other side, Mr. Gladstone declared the policy by which he was prepared to redress the grievances of Ireland, and to bring peace and contentment to that country.

[444] In 1865, and again in 1867, Mr. Gladstone had disclosed a growing conviction that a review of the church establishment in Ireland would soon be necessary; and he now announced that, in his opinion, the time had come when the Protestant Church, 'as a state church, must cease to exist.' It was in this form that he would secure religious equality in Ireland. He also urged the necessity of an early settlement of the land question.

The disestablishment of the Irish Church henceforth became the primary question of the time, and was accepted by the entire Liberal party, as its watchword. Parliamentary reform was being settled by the united action of all parties: but this was a question by which Conservatives and Liberals were again divided into hostile ranks. Mr. Gladstone soon carried resolutions, in opposition to the Government, by which it was sought to prevent the creation of new public interests in the church, until Parliament had settled the future position of that establishment. Ministers, defeated upon so momentous a policy, tendered their resignation, but obtained from the Queen a power of dissolving Parliament, whenever the state of public business would permit it. A dissolution at that time would have involved an appeal to the old constituencies, instead of to the new electoral bodies, which were to be called into being by the measures still pending in Parliament; and eventually ministers allowed the Suspensory Bill, founded upon Mr. Gladstone's resolutions, [445] to be passed through the House of Commons, while the reform bills were being completed in view of a dissolution in the autumn. The exceptional position of ministers during this interval could not fail to elicit criticism. They had suffered a grave defeat upon a vital question of state policy: a measure which they denounced was being carried through the House of Commons, in defiance of them: they had advised Her Majesty not to withhold her consent from the Suspensory Bill, which otherwise could not have been passed by the Commons: they had received authority to appeal from the Commons to the country, and yet deferred the exercise of that authority, and continued to hold office, and to pass important measures, in presence of a hostile majority. Yet it cannot be denied that the peculiar circumstances of the occasion naturally led to such a position, on the part of ministers. They could not be expected to resign without an appeal to the people; and a sudden dissolution, while the great measures of enfranchisement were still incomplete, would have been an idle and mischievous disturbance of the country, involving a

second dissolution a few months later. The Irish Church question had come athwart Parliamentary reform, and was left to await its further progress. The Suspensory Bill was rejected by the House of Lords: the supplementary measures of reform were completed; and at length an appeal was made to the people. The main issue was the policy of disestablishing the Irish Church; the second was the confidence to be reposed, by the majority of the electors, in one or other of [446] the great political parties, whose policy, character, and conduct had recently been displayed in the contentions of the three last eventful years.

## **The General Election of 1868**

The result of the elections was decisive of these issues. All the conditions of success were on the side of the Liberal party. The policy of disestablishing the Irish Church united English Dissenters, Scottish Presbyterians, and Irish Roman Catholics with Liberal politicians of every shade, who had long regarded that institution as theoretically indefensible. The wide extension of the suffrage had also increased their power. Many Conservatives had persuaded themselves that the lower class of electors would be on their side; but generally it was found that the sympathies of the new constituencies were with the Liberal party.<sup>(1)</sup> There were, indeed, some remarkable exceptions. Mr. Gladstone himself was defeated in South-West Lancashire, —a new division of that county which came within the Conservative influence of Liverpool. Other parts of that great manufacturing county, and its boroughs, also showed a strong preference for Conservative candidates. On the whole, however, the Liberal party, throughout the country, sent to Parliament a majority of about 120, pledged to support Mr. Gladstone, and to vote for the disestablishment of the Irish Church. So decided and incontestable was the national verdict, that Mr. Disraeli, without waiting for the meeting of Parliament, placed in Her Majesty's hands the [447] resignation of ministers; and Mr. Gladstone (who had been returned for Greenwich) was at once charged with the formation of a new administration. It united Peelites, Whigs, and advanced Liberals: it embraced Mr. Bright and Mr. Lowe.

And now was witnessed the extraordinary power of a Government representing the popular will, under an extended franchise. Mr. Gladstone had committed himself to the boldest measure of modern times. Thirty years before, the House of Lords and the Conservative party had successfully resisted the theoretical assertion of the right of the state to appropriate the surplus revenues of the Irish Church; and now it was proposed to disestablish and disendow that church, and, after the satisfaction of existing interests, to apply the bulk of its revenues to secular purposes. Founded upon the principle of religious equality, it was a masterly measure, —thorough in its application of that principle,—and complete in all its details. Given the principle,—which public opinion had now fully accepted,—its legislative workmanship was consummate. The church was severed from the state, and its bishops deprived of their seats in Parliament. At the same time, the annual grants to Presbyterian ministers, in the form of *regium donum*, and to the Roman Catholic college of Maynooth, were commuted.

This great ecclesiastical measure,—by far the greatest since the Reformation,—was supported by arguments of rare ability, and by overwhelming majorities. The Lords secured somewhat better [448] terms for the church, but all their amendments which otherwise affected the principle, or main conditions of the bill were disagreed to; and the bill, unchanged in every essential point, was passed in a single session.

## **Irish Land Act**

When the disestablishment of the Church in Ireland had been accomplished, Mr. Gladstone immediately undertook to redress another Irish grievance. For nearly forty years the relations between landlords and tenants in Ireland had been discussed in Parliament, and especially the system of evictions, and the rights of tenants to compensation for unexhausted improvements. This difficult question, so nearly affecting the rights of property, was grappled with by Mr. Gladstone in 1870, and carried to a successful conclusion, like the Irish Church bill, in the

same session.

## **Church Rates**

This period also witnessed the settlement of another important question affecting the Church, which had been under the consideration of Parliament for thirty-five years. In 1866, a compromise in regard to church rates, first suggested by Mr. Waldegrave-Leslie, had been viewed favourably by Mr. Gladstone. It was to abolish compulsory church rates, and to facilitate the raising of voluntary church rates. In 1867, Mr. Hardcastle succeeded in passing a bill through the Commons to give effect to this arrangement: but it was rejected by the Lords, upon the second reading.

And, at length, in 1868, Mr. Gladstone introduced a bill founded upon the same principle. It commended itself to dissenters as giving up the principle of compulsion; and to churchmen as affording a legal recognition of voluntary church rates, and providing machinery for their assessment and collection. The church had already been practically reduced to a voluntary system of church rates; and this bill, if it surrendered her theoretical claims, at least saved her from further litigation and obloquy. It was approved by the Commons, and was even accepted by the Lords, after consideration by a select committee, and the addition of several amendments. And thus, at length, this long-standing controversy between churchmen and dissenters was brought to a close. If the church failed in securing all her legal rights, the present settlement was founded upon the practical result of a long contention in the courts and in Parliament, and was a compromise which all parties were contented to accept.

## **University Religious Tests**

Other questions affecting the interests of churchmen, dissenters, and Roman Catholics were also pressing for a settlement, at this time. Foremost of these was that of religious tests at the universities, by which dissenters were denied their share in the privileges and endowments of those national seats of learning, for which churchmen alone were qualified.

The injustice of this exclusion had been repeatedly discussed: but it was not until 1866 that the entire Liberal party were determined to redress it. In that year a bill, introduced by Mr. Coleridge, was passed by the Commons, and rejected by the Lords. Again, in 1868, the second reading of a bill [450] with the same objects, introduced by Mr. Coleridge, was agreed to after full discussion, and by a large majority: but was prevented, by the pressure of other measures, from being further proceeded with in that session.

In 1869, a similar bill was passed by the Commons and again rejected by the Lords. Again, in 1870, the University Tests Bill was passed by the Commons; and referred by the Lords to a select committee, whose deliberations deferred the bill to another session. But, at length, in 1871, the same bill, having again been sent up to the Lords, was ultimately agreed to.

This Act, stating that the benefits of these universities 'shall be freely accessible to the nation,' enacted that persons taking lay academical degrees, or holding lay academical or collegiate offices in the universities of Oxford, Cambridge, or Durham, shall not be required to subscribe any religious test or formulary. But as it did not open to dissenters the headships of colleges, or professorships of divinity, or offices required to be held by persons in holy orders or by churchmen, some dissatisfaction was still expressed at this settlement. Otherwise another controversy was, at length, closed; and one of the last grievances of dissenters redressed.

## **Ecclesiastical Titles Act 1871**

Another religious controversy was also settled by Parliament. The celebrated Ecclesiastical Titles Act was an offence to Roman Catholics, while it was wholly inoperative as a protection

[451] against the Church of Rome. After an inquiry into its operation by a committee of the House of Lords, in 1868, and discussions in both Houses concerning the form in which the law should be expressed, rather than its policy, the Act was eventually repealed in 1871, with the general acquiescence of all parties. The law and the Queen's prerogative in regard to ecclesiastical titles and jurisdiction were again asserted by Parliament, but the original Act with its penalties, which had never been enforced, was removed from the statute book.

## **Elementary Education**

Of all social questions none can be compared in importance with that of the education of the people. Not only is it essential to their moral, intellectual, and material welfare, but at a time when large masses of the community had recently been invested with political power, it was obviously the duty of the state to apply itself earnestly to the task of popular enlightenment; and this task was undertaken immediately after the new scheme of representation had been completed.

In 1869, an important measure was passed in the interests of education, for the reform and regulation of endowed schools.

In the same year a comprehensive scheme for the improvement of education in Scotland was passed by the Lords; but was unfortunately lost, partly by reason of amendments made to the bill by the Commons, and partly in consequence of the late period at which these amendments were communicated to the Lords.

In England great advances had been made, since [452] 1834, in popular education, aided by the state. But as the system was entirely founded upon local and voluntary efforts, it too often happened that the places which most needed the civilising agency of the schoolmaster were left destitute. All parties admitted the necessity of providing more effectual means for the general education of the people; but the old 'religious difficulty' caused the widest divergence of opinions concerning the principles upon which education should be conducted. The church party naturally desired to retain the teaching of the church catechism, with a liberal conscience clause for the satisfaction of dissenters. Another party, known as Secularists, advocated secular education only in the schools, leaving religious instruction to be sought elsewhere. Another party, again, insisted upon religious instruction in the schools, while they objected to the church catechism and formularies.

## **Education Act 1870**

In 1870, Mr. Gladstone's government were prepared with a scheme for the settlement of this great social question. The country was divided into school districts under the government of elected school boards, and provision was made for the support of schools out of local rates. The voluntary system, which had already accomplished so much good, was retained: but a more complete organisation and extended means were provided. This wise and statesmanlike measure—which was carried through the House of Commons, with great ability, by Mr. Forster,—was nearly lost by the intractable differences of the several parties, upon the religious question. It [453] was at length settled, however, upon the principle of a conscience clause exempting every child from any religious instruction or observance to which his parents should object, and of excluding from schools, provided by a school-board, every denominational catechism or formulary.

No measure in which religious jealousies are concerned, can be settled to the satisfaction of all parties; and this scheme, accepted by the church and by a very large proportion of nonconformists, was naturally obnoxious to the secular party. But already its general acceptance by all religious denominations in the country, and the earnest spirit in which it is being carried into effect, promise well for its practical success.

## Vote by Ballot

The last question of constitutional policy which need be referred to, is that of the ballot. This question had long divided the Liberal party. It had been the distinctive principle of advanced Liberals: but had been opposed by Lord Palmerston, and by most of his Whig followers. In 1869, however, the recent extension of the representative system, disclosures at the late general election, and the altered relations of the leaders of the Liberal party to that section of their followers who favoured secret voting, brought about a change of policy in regard to that question. Ministers accordingly proposed an inquiry into the mode of conducting Parliamentary and municipal elections, with a view to limit expense, and to restrain bribery and intimidation; and it was generally understood that this inquiry was designed to prepare the way for the [454] general adhesion of ministers and the Liberal party to the principle of secret voting.

This committee continued its investigations throughout the session: and being reappointed, in 1870, presented a report, recommending several changes in the mode of conducting elections, and the adoption of secret voting. The government introduced a bill founded upon this report: but the education bill and other important measures interfered with its further progress. Ministers, however, and the Liberal party now stood committed to the principle of the ballot; and this most important constitutional question, which for nearly forty years had been discussed rather as a political theory than as a practical measure, was accepted by a powerful Government, and a large majority of the House of Commons, as the policy of the state.

In 1871, another bill was brought in and passed, after protracted discussions, by the Commons: but it was received by the Lords at so late a period of the session that they declined to consider it; and this complement to an extended franchise still awaits the final judgment of Parliament.(2)

Such have been the constitutional measures of the last ten years. In all, we recognise the development of those liberal principles which had characterised the policy of a previous generation. In politics, more power has been given to the people: in religion, more freedom and equality.

### Footnotes.

1. In the United Kingdom 1,408,239 electors voted for Liberal candidates, and 883,530 for Conservative candidates, thus showing a majority of 524,709 in favour of the former.
2. The ballot was, at length, adopted in 1872.

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