# A HISTORY OF MODERN ENGLAND


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BY

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IN FIVE VOLUMES

VOL. III

New York
THE MACMILLAN COMPANY
LONDON: MACMILLAN & CO., LTD.
1905

Set up and electrotyped. Published April, 1905.

Norwood Press
J. S. Cushing & Co. — Berwick & Smith Co.
Norwood, Mass., U.S.A.

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# CHAPTER I

## THE RUSSELL-GLADSTONE MINISTRY

THE death of Lord Palmerston found neither his Sovereign nor his colleagues unprepared. Before the event had actually occurred the Queen, writing from Balmoral, "told Lord Russell that she should ask him to carry on the Government."[1] As soon as the news reached Mr. Gladstone, he at once wrote to his senior colleague anticipating the choice of the Crown, and offered to retain the Chancellorship of the Exchequer, with or without the leadership in the House of Commons. On this point, however, there could not be a doubt. No sooner had Lord Russell kissed hands as First Lord of the Treasury and surrendered the Foreign Office to Lord Clarendon than he requested the Chancellor of the Exchequer to represent the Government in the other House. It was in some respects a perilous choice. For Mr. Gladstone had neither the tact, the social popularity, nor the easy-going temper of Lord Palmerston. But it was the sort of choice which ever since the days of Milton has been associated with the name of Hobson. Mr. Gladstone was so clearly the first man on the Treasury Bench that neither Sir George Grey nor any other Minister would have cared to undertake the task of leading him. Lord Russell, now Prime

1865.

The new Government.

[1] Walpole's *Life of Lord John Russell*, ii. 407.

1865. Minister for the second time, was in his seventy-fifth year. Although he looked both older and frailer than he really was, neither his age nor his constitution fitted him for the task which he undertook, and he would have done better to decline it. It is true that his hands were free. The death of a Premier dissolves his administration, and the new broom may sweep as clean as it likes. Lord Russell's mind was always active, and he was alive to the necessity of enlisting recruits. Yet he shrank from the invidiousness of personal changes. Sir Robert Peel was, however, removed from the Irish Office, to which he had been appointed by a mere freak of Lord Palmerston's, and for which, as for any other office, he was quite unfit. The new Chief Secretary was Mr. Chichester Fortescue, a Whig, and a prominent figure in the fashionable society of London, but an Irishman who thoroughly understood the history, the institutions, and the people of his native land. His former place as Under-Secretary for the Colonies was taken by a sturdy Radical, William Edward Forster, Member for Bradford. So far, all was plain sailing, for the sacred fabric of the Cabinet had not by the new Minister been touched. Many changes had been made by death or resignation since Palmerston formed it, and Lord Russell naturally desired to strengthen it from without. An arrangement by which in a Liberal Administration the Prime Minister and both the Heads of the spending departments[1] were Peers was hard to defend. Like Lord Palmerston ten years before, Lord Russell approached Lord Stanley, with whom he was on the most friendly and cordial terms. But Lord Stanley refused, as before, to desert his father. Whig arrogance excluded Mr. Bright, and his own speech against reform stood in the way

[1] The Duke of Somerset and Lord de Grey.

of Mr. Lowe.[1] After long delay Mr. Goschen, then only thirty-four, but already famous for his treatise on the theory of foreign exchange, was at the beginning of 1866 admitted to the Cabinet as Chancellor of the Duchy in the room of Lord Clarendon and as a recognition of the Radicals. Sir Charles Wood was compelled by a serious fall in the hunting-field to retire from the India Office, where he was succeeded by Lord de Grey. The new Secretary for War was a Member of the House of Commons, Lord Hartington, and thus the Cabinet stood at the meeting of the new Parliament. 1865.

It illustrates the lax and easy temper of the times that the House of Commons, which had been elected in July 1865, did not meet till February 1866. Before that date, however, the Cabinet of Lord Russell had to contend with serious difficulties both within and without the limits of the United Kingdom. Lord Palmerston had only just been buried when a despatch arrived at the Colonial Office from Mr. Eyre, the Governor of Jamaica, which required the immediate attention of the Queen's Ministers. Governor Eyre, writing on the 20th of October 1865 to Mr. Secretary Cardwell, described "a most serious and alarming insurrection of the negro population." Although the negroes of Jamaica, by far the largest part of the inhabitants, had been legally free for more than thirty years, they distrusted their planter magistrates and resented their own exclusion from the soil. The Governor's language, however, was exaggerated and misleading. There was no general insurrection in Jamaica, though there was a dangerous local outbreak at Morant Bay. On the 7th of October the magis- The Rising in Jamaica.

[1] This was unfortunate for the Government; Mr. Lowe being not merely a powerful debater, but also a brilliant writer in the *Times*.

1865. trates then and there sitting to try an agrarian case ordered into custody a man named Geoghegan for interrupting the business of the Court. Geoghegan was protected by the bystanders, and the police were unable to arrest him. This was on a Saturday. On the following Monday warrants were issued to apprehend Paul Bogle, an influential negro, and others of less note, for riot and interference with justice. The police who attempted to execute the warrants were overpowered by a mob of armed negroes, and some of them were severely beaten. This was the signal for a general rising throughout the district of St. Thomas-in-the-East, where Morant Bay is situated. Paul Bogle sent out an inflammatory proclamation, and on Wednesday, the 11th of October, the volunteers, after the Riot Act had been read, fired on a crowd of blacks who were marching on the Court House. The blacks, however, were not dismayed by this timely display of vigour. They routed the volunteers, burned the Court House, and murdered about twenty white men. There can be no doubt that these acts of violence were premeditated and part of a scheme for getting possession of land at Stony Gut, near the Bay, which the negroes alleged to be theirs by right. They objected to pay rent for land which they said was free and the property of the Queen. It is a maxim of English law that a tenant cannot dispute his landlord's title, which the very fact of his tenancy admits. But in Jamaica there was a want of impartial tribunals for determining such questions, and the magistrates were not trusted by the natives. The rising had, of course, to be put down whether the grievances were well founded or not, and in the work of suppression the Governor acted with creditable promptitude. General O'Connor, who commanded the British troops in the island, sent a hundred soldiers to Morant Bay,

and a man-of-war was also despatched from Port Royal. By these and other measures the rebellion was confined to the bay and prevented from spreading through the island. On the morning of the 13th, martial law was proclaimed by the Governor, after consulting the Chief Justice at a Council of War, under authority of a local statute. Before Sunday, the 15th of October, the rising had been entirely quelled, and then the work of vengeance began. Upward of four hundred persons were put to death by martial law, and about six hundred, including women, were flogged. At a place called Bath men were flogged by a horrible instrument of torture composed of wires twisted round cords. No fewer than one thousand houses were burned. The infliction of these penalties was continued long after resistance to authority had ceased. On the 30th of October the Governor stated that "the wicked rebellion lately existing," not throughout the island of Jamaica, but "in certain parts of the county of Surrey," had been subdued, while in his despatch to the Secretary of State he said that his "first night of quiet and rest" was the night of the 15th. The Courts-Martial went on sitting for weeks after peace had been restored, and much indignation was excited at home by the discovery that women had been flogged. 1865.

The case of Gordon.

But the case which attracted most public interest was the execution of George William Gordon on a charge of high treason. Gordon was a coloured man, by religious profession a Baptist, a landed proprietor, though in embarrassed circumstances, and a Member of the House of Assembly. He was disaffected to the Government, disliked the Governor, and encouraged the negroes in their agrarian demands. His vanity was more obvious than his capacity, and he flattered himself that while using incendiary language he could keep

1865. within the limits of the law. He forgot that martial law has no limits, or only such as military men may choose to set upon their own power. There was no evidence that Gordon had been directly concerned in any murder or in any rising. Governor Eyre ordered him to be prosecuted, because in his opinion he had been guilty of misrepresentation and seditious language. Misrepresentation and seditious language are not capital offences. Gordon, however, was taken from Kingston, where martial law did not prevail, to Morant Bay, where it did, and put on his trial before three officers. Lieutenant Brand, who presided, was a man quite unfit to sit in judgment upon his fellow-creatures. He was afterwards cashiered by the Admiralty for writing a coarse and abusive letter to Mr. Charles Buxton, who had commented in Parliament with just severity upon his proceedings. On Saturday the 21st of October, after six hours' inquiry, Gordon was sentenced to death, and on the following Monday he was hanged. Although Governor Eyre approved of his execution, history must pronounce it to have been murder without even the forms of law.

The Government would indeed have been wanting in regard for the rights of Her Majesty's coloured subjects, to say nothing of public opinion at home, if they had allowed such a category of horrors to pass unnoticed. Nearly four hundred and fifty persons had been shot or hanged, six hundred had been flogged, and a thousand houses had been burnt, in a rebellion, if it deserves so grandiose a name, of which Governor Eyre said that "no stand had ever been made against the troops," and that "not a single casualty had befallen any soldier or sailor."[1] Mr. Cardwell, the coolest and most sagacious of Colonial Secretaries, while giving

[1] Eyre to Cardwell, 20th October 1865.

the Governor full credit for his promptitude in measures of suppression, as well as for the high character he had hitherto borne in respect of justice and humanity, reserved, after the receipt of Mr. Eyre's first despatch, his opinion upon what occurred when the rising was over, and as soon as the whole truth had become known at the Colonial Office a Royal Commission was sent to make inquiries on the spot. Thus the condemnation of a public servant without a hearing was avoided, and proof was at the same time given that black men, equally with white, enjoyed the protection of the law. The Commissioners were well chosen. They were General Sir Henry Storks, Governor of Malta, formerly High Commissioner of the Ionian Islands; Mr. Russell Gurney, Recorder of London, and Member for Southampton, a Conservative in politics; and Mr. Maule, Recorder of Leeds.[1] The authority of Governor Eyre was superseded, and complete executive authority throughout the island was vested in Sir Henry Storks.[2] As soon as Parliament met, a Bill was passed to suspend the Constitution of Jamaica, and make the island a Crown Colony, for three years. A similar measure had in 1839 nearly caused the defeat, and actually led to the resignation, of Lord Melbourne's Government. But in 1866 there was no opposition, and Mr. Cardwell was able to say that the Legislature of Jamaica itself desired the change. Lord Derby, in the debate on the Address, attacked Lord Russell for not standing by Governor Eyre, as Lord Palmerston would have done. It is likely enough that Palmerston would have taken that course. But Lord Derby, if we may judge from the case of Sir John Bowring, would have been his most unsparing critic.

1865.

The Jamaica Commission.

Suspension of the Constitution.

Feb. 6, 1866.

[1] Afterwards Sir John Maule, Director of Public Prosecutions.
[2] Cardwell to Storks, 16th December 1865.

1865. At all events the Cabinet of Lord Russell were completely vindicated by the Report of the Commissioners. This able and impartial document, written in a spirit of studious fairness and moderation, acknowledged the services of the Governor and his military colleagues in preventing the spread of the seditious movement. The Commissioners found that there had been nothing like a general conspiracy throughout the island, but that there was abundant evidence of a premeditated rising at St. Thomas-in-the-East. The cause of it was in their opinion not merely a desire to obtain land free from rent, but also a natural distrust of the planter magistrates, who, being themselves employers of labour, decided questions between employers and employed. The proclamation of martial law they held to be in the circumstances justifiable, and in accordance with the terms of the local statute. In the great majority of cases the Courts-Martial were pronounced to have acted justly and upon sufficient evidence. But some grievous abuses came to light, and showed, in the opinion of the Commissioners, that the evils of martial law were extremely grave. Thus at Port Antonio two men were executed because each said that the other had confessed to a murder, though there was no corroboration in either instance of the alleged confession. The affidavits of persons who might have been produced in Court were accepted as evidence. Five persons were convicted on the simple testimony of a man who had himself been sentenced to death as a spy. The Court which tried Gordon consisted of two naval lieutenants, and an ensign in the West India Regiment. "The evidence, oral and documentary," appeared to the Commissioners "wholly insufficient to establish the charge upon which the prisoner took his trial,"

Report of the Commission.

namely, high treason. Governor Eyre, however, concurred in the justice of the capital sentence, and the necessity for carrying it out. The Commissioners held that martial law had been enforced too long, that proper instructions had not been given to the officers administering it, and that many suffered from it who had nothing to do with the disturbances. They visited with just reprobation the flogging of women. Finally, they found that the punishment of death was unnecessarily frequent; that the floggings were reckless, and at Bath positively barbarous;[1] and that the burning of a thousand houses was wanton and cruel. The Report, which was drawn up at Spanish Town on the 9th of April 1866, is a standing monument to the equity and courage with which English gentlemen, whether soldiers or civilians, can decide an issue between their own countrymen and men of inferior races. It of course necessitated the recall of Governor Eyre. It also involved the just censure of some naval and military officers. "We cannot conclude our inquiry," the Commissioners wrote, "without expressing regret at the tone of levity which is to be found in the letters and language of some of the officers while engaged in serious and responsible duties." These words are certainly not too severe for men like Lieutenant Adcock and Captain Ford. Adcock wrote to Colonel Nelson, "On returning to Golden Grove in the evening, sixty-seven prisoners had been sent in by the maroons. I disposed of as many as possible, but was too tired to continue after dark." Ford wrote, "We made a raid with thirty men, flogging nine men and burning their negro houses. We 1865.

[1] "It was painful," they said of the mixed wires and cords used for flogging at Bath, "that any man should have used such an instrument for the torturing of his fellow-creatures."

1865. held a court-martial on the prisoners, who amounted to about fifty or sixty. Several were flogged without court-martial, from a simple examination. . . . This is a picture of martial law. The soldiers enjoy it — the inhabitants here dread it. If they run on their approach, they are shot for running away." Such is the temper fostered by arbitrary power in young and inexperienced minds. One of Governor Eyre's agents, Colonel Hobbs, was so much affected by the criticisms of the Commissioners in their Report, gentle as they were, that he committed suicide by throwing himself overboard on his way home. The publication of the Report, though the horror and disgust it excited did not for a long time subside, and though it led, as we shall see, to violent disputes, conduced ultimately to the peace of the Empire, because it showed that the arm of the central Government was long enough to guard the Queen's most distant possessions against injustice and wrong.

The Government of Lord Russell had to deal with a larger number of difficult questions in six months than had come before the Government of Lord Palmerston in as many years. While Palmerston was yet alive the first symptom of a great calamity appeared in England. The Cattle Plague, otherwise called the rinderpest, and sometimes, from the place of its origin, the steppe-murrain, broke out in a cow-keeper's shed at Lambeth on the 24th of June 1865. A few days afterwards it appeared at Islington, having in both cases been brought from the Metropolitan Cattle Market at Smithfield. Early in July, Norfolk was visited by this terrible scourge, the centre of infection being Norwich Hill. Suffolk and Shropshire were next attacked, after which the disease rapidly spread, until by the middle of October it had extended to twenty-nine counties in England,

The Cattle Plague.

sixteen in Scotland, and two in Wales. No more destructive pestilence has ever fallen upon the animal world. The cattle plague was highly contagious; it could be conveyed from one herd to another by human beings; the mortality was something like ninety for every hundred attacked; and there was no cure. It had not been known in this country since 1757, when it was with difficulty extinguished after raging for twelve years. A Royal Commission was appointed on the 29th of September 1865 to inquire into the origin of the disorder, and to ascertain what regulations would best prevent it from spreading. The Commissioners, among whom were Mr. Lowe, Lord Spencer, Lord Cranborne,[1] and Dr. Lyon Playfair, reported on the 31st of October. How the plague reached England they were not able with any certainty to discover. Russia, Holland, Hungary, and Galicia were suspected, but nothing was proved. That immediate slaughter of infected animals was absolutely essential all the witnesses agreed. But beyond that everything was controversial. One great question divided the Commissioners. The majority, including Mr. Lowe and Dr. Playfair, recommended that for a limited and specified time the movement of cattle throughout Great Britain should be entirely prohibited. The minority, including Lord Spencer and Lord Cranborne, and supported by the public Press, held that such a prohibition would be impracticable, and would unduly interfere with the supply of cattle to large towns. The majority argued, with greater force, that to stop all movement of live cattle was the only effective method of extirpating the disease; that every town in Great Britain could be amply supplied with dead meat; and that foreign beasts

1865.

The Cattle Plague Commission.

Difference of opinion.

[1] On the death of his elder brother in 1865 Lord Robert Cecil assumed by courtesy the title of Viscount Cranborne.

1865. were more numerous than English in the London market. Unfortunately the Government failed to appreciate the magnitude of the disaster, and did not act with the promptitude which it demanded.

That there were serious obstacles in the way will not by any candid critic be denied. The systems of centralised administration familiar to Continental states have never prevailed in England. No Secretary of State possesses as such any restrictive or coercive power. He can interfere with the employments of private persons only when some statute gives him authority to do so, and in 1865 such statutes were far fewer than they have since become. The administrative authority in counties was the Court of Quarter Sessions, or, in other words, the magistrates, selected by the Lord Lieutenant[1] under a property qualification, and drawn almost exclusively from the landed class. It so happened, however, that an Act of Parliament passed in 1848 did empower the Privy Council to prohibit or regulate the removal of cattle and other animals. Without waiting for the Report of the Commission, the Government, by virtue of this law, appointed inspectors for the metropolitan district, and authorised the magistrates to appoint them in the country, or at least in such parts of it as were subject to the disease. These inspectors had the right of entering all premises where cattle were kept, and of slaughtering diseased animals. The local authorities were enabled to prohibit fairs or markets for cattle, and it was ordered that no animal should be sent to Smithfield except for the purpose of being sold to the butcher. But these measures proved totally and even ludicrously inadequate to arrest the march

Hesitation of the Government.

[1] They were technically appointed by the Lord Chancellor. But he invariably acted on the recommendation of the Lord Lieutenant. In the case of borough magistrates he exercised his own discretion.

of the plague. After the Commission had reported, the Government, though still shrinking from responsibility, went a little further. They issued another series of Orders in Council, by which local authorities were empowered to prevent the introduction within their own district of cattle beyond it, unless such cattle were sent through by railway. These orders were variously interpreted, with less or greater strictness, by different Courts of Quarter Sessions. But against an almost universal evil they were practically futile. The second Report of the Commissioners, dated the 5th of February 1866, shows the appalling progress made by the disease. The total number of cases could not be ascertained. The number reported by the inspectors nearly doubled itself at intervals of four weeks, rising from eleven thousand at the beginning of October to a hundred and twenty thousand at the end of January. Eighteen thousand cattle were attacked in Cheshire alone, which is famous for its dairy stock. Forfarshire suffered in proportion almost as severely. Ireland, on the other hand, the Highlands of Scotland, and the whole of Wales except the counties of Denbigh and Flint, escaped altogether. "All breeds of cattle," said the Commissioners, "appear to be subject to the disease; but the more highly bred the animal, the sooner, generally speaking, it succumbs." Once more the Commissioners laid stress upon the necessity of general restrictions on the movement of cattle, and then the Government introduced a Bill. They introduced it as soon as Parliament met, and if they had not, they would certainly have been turned out. But they should have called Parliament before.

1865-66.

Second Report.

The Government's Bill, Feb. 5, 1866.

Decentralisation and local autonomy are excellent things. But a great emergency may override both, and it is to meet such emergencies that

1866. Parliament, which can do anything, exists. The majority and the minority of the Commissioners agreed in their first Report, presented at the end of October, that action against the Cattle Plague should be uniform throughout the country. Yet the Government shifted the burden to the magistrates, whose separate and capricious efforts were wholly unavailing. No wonder that the House of Commons met in an angry mood, and that Lord Russell's nominal majority of seventy had almost melted away. Sir George Grey's Bill was not stringent enough for the agricultural Members, who, represented by Mr. Ward Hunt, proposed a Bill of their own. The measure introduced by the Home Secretary was mainly permissive. Under it local authorities might forbid the transit of cattle absolutely by night, and without special licence by day. If a district were declared to be infected, all fairs and markets for lean or fat stock could be suspended. All cattle brought to British ports by sea, except from Ireland, were to be slaughtered on landing. Mr. Ward Hunt at once introduced a rival measure, much more stringent, which, after passing the House of Commons, was so much altered in the House of Lords that its author dropped it in disgust. A substantial victory, however, Mr. Hunt scored. He carried as an amendment to Sir George Grey's Bill a provision that no cattle should be carried on any British railway before the 20th of March. The majority for this drastic, though, in the circumstances, justifiable regulation was eighty, and such a complete turning of the tables was a serious blow to a new Government in a new House of Commons. But the part of the Bill which excited most active controversy was that which dealt with compensation. Owners of animals killed by order of the inspectors during the recess received no payment, unless, as in

Defeat of the Government.

the county of Aberdeen,[1] a system of voluntary insurance was established. The Bill provided in its final shape that for every diseased cow slaughtered there should be paid one half its value, not exceeding twenty pounds, and for every healthy cow slaughtered because it had been in contact with the plague, three-fourths of the value, not exceeding twenty-five pounds. At first a special rate was proposed. Ultimately, however, it was agreed that the money should be charged upon the general rate for the county or borough. The reduction in the amount was due to Mr. Mill, who made his first Parliamentary appearance as a protector of the public against the interests of a class. He argued, with much subtlety and ingenuity, that the landowners would receive double compensation, first from the rates, and then from the increased price of their remaining stock. He did not of course mean that an individual landlord or tenant would be better off for losing his cattle, but that the agricultural body would benefit at the expense of the community, and that those would pay most heavily who had suffered most severely. In Berkshire, for instance, where there had been no cattle plague, there would be no addition to the rates. In Cheshire, where the stock on the dairy farms had perished by the thousand, the addition would be very heavy. Mr. Lowe, who undertook the task of answering the most distinguished among the philosophical Radicals, pointed out that foreign competition would keep down prices, and argued that everything possible should be done to encourage precautionary slaughter. Mill's case, so far as it went, was theoretically sound. The really practical reply was

1866.

Mill's argument.

Mr. Lowe's reply.

[1] Mr. Gladstone considered that Aberdeenshire had set a good example to every county in Great Britain (*Life of Bishop Wilberforce*, vol. iii. p. 175).

1866. that rates were essentially local, and that to grant compensation from the taxes, though it would equalise the burden as between one county and another, would make more things than meat dearer to the working man. The Bill, which had been introduced on the 12th of February, and was strengthened, as has been said, in Committee, received the Royal Assent before the end of the month. It proved completely successful, and the plague was gradually stayed.

Fenianism. While the rinderpest was raging in England and Scotland, a grave political danger confronted the Lord Lieutenant of Ireland. Palmerston, though himself an Irish Peer, scoffed at the complaints of Irishmen, and declared that their only grievance was their climate. He lived just long enough to see the outbreak of the most formidable insurrection against British rule in Ireland since the Act of Union. The Rebellion of 1848 was not only abortive, but ridiculous. The Fenian rising of 1865 was at least serious, and its authors meant business. Since the affair of the cabbage-garden nothing had been done to investigate the problems, or to mitigate the evils, of Irish society. The Encumbered Estates Act had substituted absent usurers for resident bankrupts. A trumpery Reform Act in 1851 had been followed by a still more trumpery Land Act in 1860,[1] and still Ireland was not reconciled to the blessings of English rule. The population steadily dwindled. The stream of Irish emigrants to the United States continually increased. It was not to the neighbouring shores of England or Scotland, but to the great Republic of the West, that the Irishman looked as his second home. Many Irishmen fought in the Civil War, and the fall of Richmond left

[1] 23 & 24 Vict. c. 154. Mr. Cardwell was then at the Irish Office, the only one in which he failed.

them at leisure to use their military experience against the country to which they were legally bound. Many of them returned with arms to their native land, ready for any mischief that might be brewing, if England were its object. The source from which the Fenians derived their name is uncertain. They are said by some to have called themselves after an ancient Irish chief, the original of Macpherson's Fingal. Dr. Keating, who wrote in the seventeenth century a Gaelic *History of Ireland*, thought that "a Fenian warrior might be synonymous with the Latin *venator*, or the German *jager*," adding that "the Fianna seem to have done nothing but hunt and fight."[1] However that may be, the object of the Fenian Brotherhood was definite enough, and they had been pursuing it steadily for several years under the guidance of their Head Centre, as he was called in their secret documents, James Stephens. It was not merely to repeal the Union, but to establish an independent Irish Republic, and was of course treasonable in law. The headquarters of the conspirators were at Dublin and Cork. Although their operations were secret, they did not in the long run escape the vigilance of the Executive. Lord Wodehouse was as resolute in action as he was quick in perception, and he struck without warning a decisive blow. On the 15th of September 1865, he summoned a meeting of the Privy Council at Dublin Castle, and the same night at nine o'clock the police forced their way into the offices of the *Irish People*, a newspaper published in Parliament Street. O'Donovan Rossa, the registered proprietor, was arrested, with several mem- 1865.

[1] Keating's *History of Ireland*, Preface, p. xlvi. It is remarkable that Keating's History was translated and published at New York in 1866 by the American instigator of the Fenian movement, John O'Mahony.

1865. bers of his staff, including Pierce Nagle. Early in the morning of the 16th a number of men were apprehended in Cork, and other captures followed on both sides of St. George's channel. The leader of the whole movement, John O'Mahony of New York, was beyond the reach of the British Government, and James Stephens, the Head Centre in Ireland, made his escape from Richmond Bridewell before he could be brought to trial. The other prisoners were indicted before a Special Commission, opened at Dublin on the 27th of November, afterwards continued at Cork, and finally concluded at Dublin early in 1866. The charge was treason-felony, and it was easily proved with the assistance of Nagle, one of those inevitable informers without whom no Irish conspiracy seems to be complete. In the formal language of the law, O'Donovan Rossa, Thomas Clarke Luby, Charles Kickham, John O'Leary, and others of less note, were said to have agreed that they would "subvert the Government of the country, deprive Her Majesty of her style and title of Queen of Great Britain and Ireland, separate this country from England, and establish a Republican form of government." The evidence of Nagle, which was not shaken by cross-examination, and extracts from the *Irish People*, clearly established the case for the Crown. The juries convicted the prisoners without hesitation, and they were sentenced to long terms of penal servitude.

The Fenian trials in Ireland.

But though the verdicts and sentences were alike pronounced by Irishmen, there is no reason to doubt the truth of Luby's statement from the dock that, if the issue were put to his countrymen, the majority would decide in his favour. Lord Wodehouse's duty was to vindicate the law. But those higher in authority than Lord Wodehouse have to answer at the bar of history, and to

The nature and causes of Fenianism.

abide the judgment of posterity, for the culpable neglect and indifference of which the Fenian rising was the result. It was not an agrarian movement, nor had it in any way the countenance of the Roman Catholic Church. It was political, and was conducted in towns. It was organised in America, though supported by contributions from Ireland, and to involve England in war with the United States was the desire of its promoters. Yet it was none the less an indication of a deeply rooted discontent, not to be cured by Special Commissions and doses of penal servitude. Even for the moment the effect of these remedies was slight, and only for a moment did it last. The escape of Stephens revived the hopes of the conspirators who were still at large, and the new Parliament had not been sitting a fortnight when it found itself confronted with a proposal to suspend the Habeas Corpus Act in Ireland. Lord Wodehouse, who was no alarmist, repeatedly warned the Cabinet through the Home Secretary, that he might have to ask for larger powers, and on the 14th of February he declared that the immediate suspension of the Habeas Corpus Act was indispensable for the safety of the country. Since 1849 no Lord Lieutenant had admitted that he could not govern Ireland unless he were allowed to imprison men for an indefinite period without a trial. The demand was the more startling because Lord Wodehouse could not point to a single case in which a jury either at Dublin or at Cork had failed to convict upon sufficient evidence. Nevertheless his arguments were too strong for a Cabinet which had confidence in him to resist. On the authority of Sir Hugh Rose, the Commander of the Forces, with the concurrence of Lord Chancellor Brady and Mr. Chichester Fortescue, he pronounced the country to be on

1866.

1866. the verge of armed rebellion. Active agents, many of them Irish Americans, were swearing in Fenians throughout the counties of Dublin, Cork, Tipperary, and Waterford. Three manufactories of pikes, bullets, and cartridges had been discovered by the police in Dublin alone. What was more serious still, the agents from America, themselves men of military training and experience, had begun to tamper with the troops. Sir George Grey at once laid Lord Wodehouse's letter before the Cabinet, and received from his colleagues permission to give the House of Commons notice the same afternoon that a Bill for conferring upon Lord Wodehouse the arbitrary powers he demanded would be brought in on the following day. That day was a Saturday. But both Houses met, the House of Commons at noon, and by an early hour in the evening the Bill had passed through all its stages. Although some delay was caused by the Queen's unseasonable absence from London, the Royal assent was given at one o'clock on Sunday morning. In the House of Lords there was no division. In the House of Commons only six Members, all Irish, including Sir George Bowyer and Sir Rowland Blennerhassett, voted against the measure. Mr. Disraeli, forgetting his doctrine of twenty years before, that a vote for a Coercion Bill was a vote of confidence in the Government which introduced it, supported this grave and extra-constitutional proposal. But there were numerous abstentions, and one of the abstainers, John Bright, delivered a speech which deserves to be read so long as the love of liberty endures.[1] Mr. Bright was studiously moderate in his use of language. He acknowledged the gravity of the

Suspension of the Habeas Corpus, Feb. 17.

John Bright's speech.

[1] John Mill spoke with his usual clearness and candour on the same side. But he would not, any more than Bright, go the length of voting against the measure.

crisis and the good intentions of Lord Wodehouse. 1866.
He would not in the circumstances oppose the Bill. Yet in solemn tones he impressed upon the House that, as the result of bad laws and neglected claims, the majority of the Irish people were ripe for separation, and would, if they could, remove their island to the other side of the Atlantic. With earnest and pathetic simplicity he besought the leaders of the two great English parties to forget their differences, that they might join in devising a policy which would make Ireland tranquil and contented. Only thus could they efface the blot and the scandal of such an inroad upon constitutional freedom as they were then engaged in making. "For blot it is," exclaimed the great orator with not more eloquence than wisdom, "for blot it is upon the reign of the Queen, and scandal it is to the civilisation and the justice of the people of this country."

Even while Mr. Bright was speaking, and in anticipation of the law, a number of suspected persons were taken into custody in Dublin and the neighbourhood. Before the twenty-four hours during which they could be legally detained had elapsed, there was an Act of Parliament, the first on the Statute Book for 1866, which authorised the Lord Lieutenant to keep them under lock and key till the first of September. An even more important result of the Act than these sudden arrests was the hasty departure of American emissaries from the scene of their labours in Ireland to the land of their birth or adoption in the United States. There, however, they were not idle, and devoted their energies to a project for the invasion of Canada, which they attempted to carry out at the end of May. A band of some twelve hundred men, controlled by a person calling himself General O'Neill, actually crossed the river Niagara

Fenian raid on Canada.

1866. near Buffalo, and established themselves in an empty mill known as Fort Eric. But they did not remain long. The Canadian Government had obtained information of the intended attack in the month of April, and the Governor-General, Lord Monck, himself an Irishman, called out, by the advice of his Ministers, the Canadian Volunteers, who speedily drove the invaders, or marauders, from Canadian soil. The Habeas Corpus Act having been suspended by the Legislature, the prisoners seized on the Canadian side, six in number, were tried by court-martial and shot. The loyalty of Canada was conclusively demonstrated, and not less conspicuous was the friendly feeling of the United States. The attitude of President Johnson and his Government was more than diplomatically correct. It was cordial and sympathetic. On the 7th of June the President issued a Proclamation against all persons resident in the United States who broke the laws of neutrality, and two prominent organisers of the raid were apprehended. Proceedings against them were afterwards abandoned, but by that time all danger to Canada had long passed away. President Johnson, knowing that he had no chance of re-election, did not care for the Irish vote, and the Irish had raised against themselves a strong feeling in the Northern States by their riotous resistance to recruiting at the most critical period of the Civil War.

Reform. That the Government of Lord Russell would introduce a Reform Bill was considered on all hands as a matter of course. The only questions in dispute were when the Bill would be brought in, and whether it would be a big Bill or a small one. Even if Lord Russell and Mr. Gladstone had not both been ardent reformers, they could hardly dispense with the support of the Radicals, and that support, as Mr. Bright told them in a speech at

Rochdale, where he lived, would depend upon their earnestness in the enfranchisement of the people. All through the north of England public feeling was vehemently excited, and numerous meetings were held with great enthusiasm. In the south, on the other hand, comparative apathy prevailed, and there were men in the Cabinet, such as Lord Clarendon and the Duke of Somerset, who liked reform as little as their departed chief. The regular Opposition, represented by Lord Derby and Mr. Disraeli, were committed to the principle of reform, having in 1859 introduced a Reform Bill themselves. But they were, of course, entitled to treat any particular scheme upon its merits, and to accept or reject it accordingly. The mention of the subject in the Queen's Speech was unusual and ambiguous. After every other topic had been exhausted, Her Majesty was made to say, "I have directed that information should be procured in reference to the rights of voting in the election of Members to serve in Parliament for counties, cities, and boroughs. When that information is complete the attention of Parliament will be called to the result thus obtained, with a view to such improvements in the laws which regulate the rights of voting in the election of Members of the House of Commons as may tend to strengthen our free institutions, and conduce to the public welfare." This was not very promising language.[1] But Ministers were better than their words, and on the 12th of March, the month of Reform Bills, Mr. Gladstone disclosed the scheme. It proved to be mild and moderate indeed; milder and more moderate than even the Bill of 1860. The county franchise would be reduced from a rental of fifty pounds to a rental of fourteen, and

1866. Jan. 8.

Mention of it in the Queen's Speech.

Introduction of the Bill.

[1] It was "received with a burst of laughter" at the dinner given by Mr. Disraeli as leader of the Opposition in the House of Commons.—Lang's *Life of Sir Stafford Northcote*, p. 141.

1866. the borough franchise from a rental of ten pounds to a rental of seven. Compound householders, for whom their landlords "compounded," paying their rates and charging the payment in the rent, were to be on the same footing with other householders, and there would be a lodger franchise for every man whose lodgings were worth ten pounds a year unfurnished. There would also be a right of voting conferred by the deposit of fifty pounds in a savings bank for two years, and on the other hand labourers in the dockyards of the Government would be disfranchised. It was estimated that the number of electors added to the constituencies by the Bill would be four hundred thousand. That this measure should have been, as it was, accepted with gratitude by the Radicals is strange. That it should have roused vehement and bitter animosity would be still stranger, if the approval of Mr. Bright and Mr. Mill did not to some extent account for the opposition of Mr. Horsman and Mr. Lowe. That opposition was declared at once. There was no division upon the first reading of the Bill. But it was debated for three nights, and on the second evening Mr. Lowe made a powerful attack upon it, which was received with enthusiastic applause by the Conservative party. Mr. Gladstone had not thought it necessary to argue in favour of reform, inasmuch as five Administrations in six Queen's Speeches had pledged themselves to a reduction of the franchise. Mr. Lowe fastened upon this omission, and boldly declared that the House of Commons was as good as it could be. Not since the Duke of Wellington's celebrated protest in 1830 against touching the ideal symmetry of the British Constitution had there been heard in Parliament a more emphatic outburst of undiluted Toryism. Forgetting altogether that he had supported as a member of the Government, though not of

Lowe's first attack.

the Cabinet, the Reform Bill of 1860, he declared 1866.
that he did not envy Mr. Gladstone the glory of carrying such legislation. He coveted rather the fame of resisting it to the utmost of his power.[1] In words of which he was not soon to hear the last, he said, "You have had the opportunity of knowing some of the constituencies of this country, and I ask, if you want venality, ignorance, drunkenness, and the means of intimidation, if you want impulsive, unreflecting, and violent people, where will you go to look for them — to the top or to the bottom?" Mr. Lowe always denied that he used this language of the working classes as a whole. The context, he said, showed that he spoke of those already enfranchised. This was true, but it was a quibble. For in the first place Mr. Lowe maintained, contrary to the evidence, that the best of the working classes were enfranchised already, and, in the second place, his illustration had no meaning unless it expressed the danger of a suffrage which admitted them in larger numbers. Mr. Lowe had not been fortunate in his experience of the populace at Kidderminster, where his life was imperilled by the violence of the mob. He now represented nominally the people of Calne, and really the Marquess of Lansdowne. The struggle over this Bill came to be in its essence and substance a duel between him and Mr. Gladstone. In after years, when all possibility of rivalry had long vanished, Mr. Gladstone was wont to say that he had never crossed swords with a more formidable antagonist. In many respects the combatants were well matched. Both were Oxford men and trained logicians. Both were classical scholars, with Virgil in particular at their fingers' ends. In age there was but a year or two between them. In practical ability, if not

Lowe and Gladstone.

[1] Sir Spencer Walpole has shown that this language was borrowed from Canning. — *History of Twenty-Five Years*, vol. ii. p. 124.

1866. in sheer cleverness, Mr. Gladstone was far ahead of his competitor. But this was Mr. Lowe's hour and his theme. Although he had sat for many years in Parliament, and filled high offices of State, he had shown hitherto scarcely a sign of the eloquence, the fervour, the vigour, the ingenuity, which he displayed in the session of 1866. Not since the days of Burke had the fetish worship of Constitutionalism been expressed with such glowing wealth of imagery and such wide grasp of philosophic principle. The fundamental difference between the two antagonists was that Gladstone regarded the suffrage as a right to which every taxpayer not disqualified by circumstances was entitled, while Lowe considered it merely as an instrument for obtaining the most efficient House of Commons. "Show me," said Gladstone, "why the working classes should be excluded from political power." "Show me," said Lowe, "why the character of this House should be changed." Next to the Chancellor of the Exchequer and the Member for Calne the most prominent speaker was Mr. Bright. In his happiest vein, and with his raciest humour, he compared the party of Mr. Lowe and Mr. Horsman with the Scotch terrier, so covered by hair that you could not tell which was the head and which was the tail. In the same speech, his speech on the first reading, he made use of a political metaphor which has not been staled by age or withered by custom. He compared Mr. Horsman, a showy, shallow person, very prominent at the time, with the Hebrew chief who gathered round him in the cave of Adullam every one that was in distress, and every one that was discontented. The Whig malcontents were at once christened Adullamites, and a group of rebellious politicians have ever since been known as a cave.[1]

The Cave of Adullam.

[1] "The House of Commons became, after the death of Lord Palmer-

1866.

The Conservative party had immediately to decide whether they would join forces with Mr. Lowe and the rest of the Adullamites. They were not long in making up their minds. On the 16th of March they held a meeting at Lord Salisbury's house, with Lord Derby in the chair, and determined to oppose the Bill. Four days afterwards, before the House of Commons adjourned for the Easter recess, Lord Grosvenor[1] gave notice of an amendment to the second reading, which objected to further progress with an incomplete scheme; and, to show the unity of the Opposition on both sides of the House, it was announced that the amendment would be seconded by Lord Stanley. In other words, the Conservatives and Adullamites, instead of meeting the proposals of the Government with a direct negative, fixed upon the plausible point that reduction of the franchise should be accompanied by redistribution of seats. Then Mr. Gladstone made a mistake which a smaller man, a mere man of the world, would have avoided. During the Easter holidays he was entertained at a public dinner by the reformers of Liverpool, his native town, and made one of those spirited, fiery, pugnacious speeches so dear to the hearts of a friendly audience, especially when they have well dined. After expressing regret, which implied a rebuke, that the mover and seconder of the amendment should both have been selected from a privileged and aristocratic class, he announced, amid vociferous cheering, that the Government staked their credit on passing the Bill. "We have passed the Rubicon," he said, "we have broken the bridge, and burned the boats behind us." Nothing could

The policy of the Opposition.

Gladstone's speech at Liverpool.

ston, thoroughly disorganised and demoralised. . . . It was a Parliament that had no faith in any principle, no enthusiasm in any cause, and no fidelity to any leader."— The Duke of Argyll in the House of Lords, June 18, 1869.

[1] Afterwards Marquess and first Duke of Westminster.

1866. be better for the purposes of the moment, and of the evening. But the speeches of great men are read as well as heard, and the House of Commons was never more proudly sensitive than in 1866. It had indeed reached the summit of its power. From its thraldom to the House of Lords it was emancipated in 1832. The mass of the people were still without votes, and the constituencies seldom exercised much pressure upon their Members. For twenty years no Government had commanded a regular, or at least a large majority, and the House of Commons had done exactly what it chose. The idea that their new leader was appealing against them to the public outside excited the wrath of many respectable Palmerstonians.

The debate on the second reading.

Thus, when, on the 12th of April, the debate upon the second reading of the Bill began, the omens were not favourable to the Government, and Mr. Gladstone found it desirable to meet the Opposition half way. He undertook that before going into Committee the House should be made acquainted with the whole scheme of Reform, including the Redistribution Bill and the Bills for Scotland and Ireland. But to Lord Grosvenor's amendment, which called for this disclosure before the second reading, Ministers still objected, and upon that narrow issue the trial of strength was nominally held. The real subject of discussion was, however, the Bill itself, and the real speakers were two. There was nothing to prevent the opponents of the measure from continuing the debate as long as they pleased, and they were pleased to continue it for eight nights. Lord Grosvenor was merely an ornamental figurehead. His seconder, Lord Stanley, intellectually the ablest member of the Conservative party, stuck to his text, and dwelt upon the risk that accident might assign the privilege of dealing with redistribution to a new

and more democratic Parliament. The eloquence 1866.
of Sir Edward Bulwer-Lytton was always ready to flow with equal vehemence and volume on either side of reform. Sir Hugh Cairns, almost alone among his contemporaries, spoke with the same effect as a statesman and as a lawyer. Mr. Disraeli, wary and adroit, used the Adullamites without allowing them to use him, and attacked the Bill while he kept his own opinions to himself. But the waves of time have long since obliterated all traces of this verbal conflict, except the memorable duel between Mr. Gladstone and Mr. Lowe. Lowe and Gladstone.
Without Lowe the Cave would have been contemptible, and the Conservatives would have allowed the second reading to pass unchallenged. He was the brains and heart of the Opposition. Gladstone had the advantage of being able to make two speeches, whereas Lowe could make only one. But in his first speech the Minister was scrupulously mild, and did not go beyond entreating the House of Commons to be "wise in time." The combination of Lowe and Disraeli was required to draw from him the most magnificent specimen of Parliamentary eloquence which the oldest Member of Parliament could recollect. In Lowe's eyes the Bill was the first step on the downward path to that democracy which, more than anything else, he dreaded and loathed. He held up as a warning the dangerous power of Trade Unions, and showed, in language which must have given some ground for reflection to Mill, how unsound was the democratic finance of the self-governing Colonies. "Look at Free Trade," he cried. "If we have a precious jewel in the world, it is our Free Trade policy. It has been everything to us. With what eyes do democracies look at it? . . . Canada has raised her duties enormously, and justified them upon Protectionist principles. The Prime Minister

1866. of New South Wales at this moment is a strong Protectionist. The Ministry in Victoria were Free Traders, but by the will of the people they have become converted, and have become Protectionists." After making the singularly unfortunate prediction that responsible government in France could not coexist with universal suffrage, he concluded, amid the enthusiastic applause of the party opposite to which he sat, "Surely the heroic work of so many centuries, the matchless achievements of so many wise heads and strong hands, deserve a nobler consummation than to be sacrificed at the shrine of revolutionary passion or the maudlin enthusiasm of humanity. Uncoerced by any external force, not borne down by any internal calamity, but in the full plethora of our wealth and the surfeit of our too exuberant prosperity, with our own rash and inconsiderate hands we are about to pluck down on our own heads the venerable temple of our liberty and our glory. History may tell of other acts as signally disastrous, but of none more wanton, none more disgraceful." This powerful, if somewhat extravagant harangue was delivered on the 26th of April. When, at one o'clock in the morning of the 28th, the Chancellor of the Exchequer rose to reply, a crowded House, eager for the division and not unmindful of repose, was spellbound for two hours by the magic of his words as he reviewed with consummate dexterity the whole course of the debate. Although he followed Disraeli, his real antagonist was Lowe. "At last, sir," he began, in an abrupt and vigorous exordium, "we have obtained a clear declaration from an authoritative source; and we now know that a Bill which in a country with some five millions of adult males proposes to add to the present limited constituency two hundred thousand of the middle class, and two hundred thousand of

the working class, is, in the judgment of the leader of the Tory party, a Bill to reconstruct the constitution on American principles." Mr. Disraeli, with unusual want of tact and sense, had taunted him with having opposed the Reform Bill of 1831 in the Oxford Union. This rather absurd gibe gave the orator an opportunity of explaining his political growth. "I was bred," he told the House, "under the shadow of the great name of Canning; every influence connected with that name governed the first political impressions of my childhood and my youth; following Mr. Canning, I rejoiced in the removal of religious disabilities from the Roman Catholic body, and in the free and truly British tone which he gave to our policy abroad; following Mr. Canning, I rejoiced in the opening he boldly and wisely gave towards the establishment of free commercial exchanges between nations; with Mr. Canning, and under the attraction of that great name, and under the influence likewise of the yet more venerable name of Burke, I own that my youthful mind and imagination were impressed with those same idle and futile fears which still bewilder and distract the mature mind of the right honourable gentleman." 1866.

But he speedily left the leader of the Opposition and came to his leading opponent. With Lowe's academic denunciations of the working classes he contrasted their heroic endurance of the cotton famine in Lancashire. Coming to close quarters with Lowe's so-called dilemma, Gladstone denied that it was a dilemma at all. He answered the question whether he thought the franchise was a good thing in itself, or whether he wished to improve the institutions of the country, with a double affirmative. It was a good thing, and, because it was a good thing, it would make other

1866. things better. The working classes were worthy of enfranchisement, and therefore the Cabinet proposed to enfranchise them. Why should that reasonable proposal be resisted by a great party? What had the Conservatives gained by opposing Catholic Emancipation, the first Reform Bill, the repeal of the Corn Laws? All these measures had been carried in spite of them, and since 1832 the Whigs or Liberals had been in power for at least five years out of six. Then, raising his tone, Mr. Gladstone was bold enough to prophesy that, as the cause was above the men, those who fought against it were fighting against the future. "Time is on our side. The great social forces which move onwards in their might and majesty, and which the tumult of these debates does not for a moment impede or disturb, those great social forces are against you; they work with us; they are marshalled in our support. And the banner which we now carry in the fight, though perhaps at some moment of the struggle it may droop over our sinking heads, yet will float again in the eye of heaven, and will be borne by the firm hands of the united people of the three kingdoms, perhaps not to an easy, but to a certain and to a not distant victory." To the sound of this magnificent peroration the House divided. Never had it been more excited. Never had it been so crowded. Six hundred and thirty-one Members being present, the Government were saved from defeat by five votes alone. No wonder the Conservatives cheered themselves hoarse. No wonder Mr. Lowe and other denizens of the Cave stood up and waved their hats in triumph over the heads of the colleagues they had deserted. For although, after the rejection of the amendment, the Bill was allowed to be read a second time in silence, it had received a mortal blow, and the official lives of the

The division.

Ministers who introduced it were not worth a quarter's salary. 1866.

A majority not smaller on a question less important induced Lord Melbourne's Government to retire from office. Lord Russell and Mr. Gladstone adopted a milder course. They accepted the rebuff, and promised to bring in their Redistribution Bill at once, so that it might be considered in Committee at the same time with the Franchise Bill. Meanwhile the Chancellor of the Exchequer opened his Budget. No one was better able than Mr. Gladstone to turn from any subject, however engrossing, if another subject demanded his attention. The Budget of 1866 was not in any way remarkable. There was as usual in those days a handsome surplus,[1] part of which was applied by Mr. Gladstone to removing the oppressive duty on foreign timber and the inconvenient duty on pepper. The tax on hackney carriages was brought down from a penny to a farthing a mile, and wine imported in wood was put on an equality with wine imported in bottle. Having explained these comparatively small changes in the tariff, the Minister came to his principal point, by which his financial statement of this year will always be remembered. He besought the House of Commons, with characteristic earnestness, to make some provision by a substantial repayment of national debt for the time when the coal-fields of Great Britain would be exhausted. It was not the first time that the two topics had been brought together, or that the moral had been drawn. Dr. Arnold, who died in 1842, expressed pity for the generation that should find the coal worked out and the debt unpaid.[2] But Gladstone was the first Chancellor of the Exchequer who treated the former contingency as

Meekness of the Government.

May 3.

The Budget.

Coal and the National Debt.

[1] £1,350,000.

[2] See Stanley's *Life of Dr. Arnold*, vol. i. p. 163.

1866. a practicable and possible danger.[1] Quoting the authority of Sir Roderick Murchison, the geologist, and Mr. Stanley Jevons, the economist, he estimated that the country was only supplied with coal for a hundred years, and as some step towards coping with the difficulties which would then arise, he proposed a scheme for the reduction of the debt by half a million for the first year, and by such an increased annual charge in future as would pay off fifty millions in forty years. The alarm excited by Mr. Gladstone's speech was soon forgotten, and it subsequently appeared that the adepts upon whom he relied had seriously underrated the extent of the British coal-fields. But whether the period be one century or several centuries, the time must come, and there is no answer to Dr. Arnold's warning.

Commercial panic.

The spring of 1866, however, was signalised by a convulsion in the commercial world which drove away all thought of coal and posterity. The year 1865 had been a period of wild speculation in bubble schemes, which brought no profit to any one except their promoters. The Limited Liability Act was an encouragement as well as a protection to investors, and means were found for evading it by the issue of shares not fully paid up. The holders of these were liable not merely for the amount of their money invested in the business, but for the face value of the shares they held. From the beginning of 1866 a high rate of interest testified to the scarcity of available capital. Railway stock was perturbed, and one or two country banks suspended payment. But there was no general panic till the 10th of May, when the great firm of bill discounters, Messrs. Overend and

[1] There is also, of course, a possibility that long before the actual exhaustion of the coal-fields the supply might be seriously limited and the price proportionately raised.

Gurney, had to acknowledge their insolvency, with liabilities estimated at nineteen millions. The next day, "Black Friday," was one of unexampled confusion in the City of London, and Lombard Street was blocked by a surging mob of terrified investors. The crisis was worse than it had been in 1857 or in 1847. Overend and Gurney were followed by the English Joint Stock Bank, by Agra and Masterman's Bank, by Peto and Betts, the contractors. The Bank of England advanced on Black Friday upwards of four millions sterling to the bankers, merchants, and bill-brokers of London, which left them with less than three millions in reserve. Of this circumstance the Directors informed the Government, and thereupon the Bank Charter Act was for the third time suspended. No Minister was more reluctant than Mr. Gladstone to interfere with the ordinary course of trade, even at moments so critical as this. But the facts were too strong for him. Not only was the crisis more sudden and violent than on any previous occasion; it also involved the credit of banks, which is more important to the trading community than the failure of any mercantile firms. The letter authorising the Bank to make further loans on the credit of the nation at not less than ten per cent had the desired result in composing the public mind. But the distress caused by the stoppage of so many undertakings, small and large, was widely spread and deeply felt. It fell chiefly upon the middle class, the least ready of all classes to complain, and it was borne with patience, though it was heavy. Yet no more was heard of repealing the Bank Charter Act. Although the panic of 1866 resulted in grievous loss to individuals, it did not affect the aggregate possessions of the community nor the total volume of trade. It was a severe lesson in financial prudence, and a caution which all men

1866.

1866. could read against accepting shares that only pay high interest because they are liable to calls.

During the gloom and disturbance of the commercial atmosphere which reached on Black Friday their climax, but not their close, the House of Commons plunged once more into the tumultuous discussion of Reform. When Mr. Gladstone fulfilled his promise by bringing in his Redistribution Bill it was found that he intended, not to disfranchise small boroughs, but, as had already been done in Wales and Scotland by the Reform Act of 1832, to group them. If the Government hoped by this device to conciliate opposition, they very soon discovered their mistake. The Conservatives, after the division on the second reading of the principal Bill, were like hounds upon a good scent. They were not to be held in, even if any one had wished to hold them. The leader of the House had originally pleaded want of time as a ground for passing a Reform Bill without redistributing seats. Sir Rainald Knightley, a Tory of the Tories, and an earnest opponent of Reform, proposed that the Committee on the two Bills should be empowered to deal also with bribery and corruption. Although such an idea was impracticable, and even absurd, the motion was carried against the Government by a majority of 10. A ministerial crisis now seemed imminent. But Mr. Gladstone contented himself with the ironical remark that the clauses which the honourable baronet had doubtless framed in his own mind for the prevention of bribery would be dispassionately considered from the Treasury Bench when they saw the light, and the debate was adjourned. The next obstacle was raised from the Liberal side of the House. Among the boroughs to be grouped was the beautiful little city of Wells, which the Government proposed to unite with Westbury. The Member for Wells was

Redistribution Bill, May 7.

May 28.

Captain Hayter,[1] the son of a Liberal Whip. Hereditary instincts of discipline, which effectively controlled his subsequent career, led the gallant captain into the lobby against Lord Grosvenor's amendment. But when the integrity and independence of his own borough were menaced, Captain Hayter drew his sword, and manfully attacked, in the shape of an amendment before going into Committee, the whole principle of grouping. On this dry and prosaic aspect of the great question Mr. Lowe delivered what, from a literary point of view, must be pronounced the finest of all his speeches. By this time the orator saw democracy in everything, and he drew the most lurid conclusions from the proposal that two or three towns should return a single representative. "Democracy," he exclaimed, "you may have at any time. Night and day the gate is open that leads to that bare and level plain, where every ants' nest is a mountain, and every thistle a forest tree." Magnificent Virgilian rhetoric to have been produced by the simple fact that a young Whig had more confidence in the electors of Wells than in the electors of Westbury. But at this point it became manifest that the Cave of Adullam was not a cave of harmony. Captain Hayter had voted against Lord Grosvenor. Lord Grosvenor would not vote with Captain Hayter. That conscientious, if not very clear-headed, nobleman declined on this particular occasion to join in a course which might remove Lord Clarendon from the Foreign Office. Mr. Gladstone having intimated that the Government did not regard grouping as a vital principle, Captain Hayter, to the disgust of the Opposition, sheathed his sword, and allowed his amendment to drop.[2] Then the House

1866.

June 4.

[1] Afterwards Sir Arthur Hayter.

[2] As the Conservatives objected to its withdrawal it was negatived without a division.

1866. went into Committee, and in a few days the final blow fell. Lord Dunkellin, Lord Clanricarde's son, who had fought, or had at least been taken prisoner, in the Crimea, moved to substitute a rating for a rental suffrage in boroughs. Since houses are usually rated a good deal below their letting value, the amendment would have considerably diminished the numbers enfranchised by the Bill. That this, not the mere question between rental and rating, was the real issue at stake, is plain from the whole course of the debate, and from the fact that the Committee had already adopted the measure of rental in counties, where the value of the house was to be fourteen pounds, and not seven pounds, as in the boroughs. It was wittily said of Lord Dunkellin and the other Adullamites that they spelt rating with two t's. But bad spelling is no bar to success. Notwithstanding the joint efforts of Mr. Gladstone and Mr. Bright, the amendment was carried by a majority of 11 votes. The long struggle was at an end, and the Government of Lord Russell was released from a position which had become painfully humiliating. To dissolve a new Parliament would have been unpopular, and in the circumstances unjustifiable. The nominal majority for the Administration was 70. But it had been cast for a Government of which Lord Palmerston was the head, and there sat on the ministerial benches, alongside of ardent reformers, men who detested the very name of reform. Lord Russell's Cabinet survived Lord Palmerston eight months, and the meeting of Parliament a little more than four. Mr. Gladstone, though incomparably the first debater in the House of Commons, had hitherto failed in his efforts as a leader. He was too impulsive, too impetuous, and though never intentionally discourteous, he did not make sufficient allowance for

Lord Dunkellin's amendment.

Defeat of the Government, June 19.

the slowness of ordinary minds. With the country he was steadily growing in popularity and power. His ascendency in the House of Commons had yet to come. 1866.

Before Lord Russell and his colleagues left office they virtually carried a small measure of justice to Roman Catholics which the House of Lords had rejected the year before.[1] It was then in the hands of a private member, himself a Catholic, Mr. Monsell. On that occasion, in 1865, Lord Derby procured its defeat, and made use of the phrase about muzzling which was said to have lost him the Catholic vote.[2] In spite of their emancipation, Catholic Peers and Members of the House of Commons were still required to abjure the doctrine of Papal supremacy, and to promise that they would not do anything inconsistent with the maintenance of the Established Church. This oath was at once nugatory and vexatious. It exacted from Catholics what was not demanded from Protestant Dissenters, and it could not restrict the competence of Parliament to disestablish the Church, or the right of any Member to vote for disestablishment. Sir George Grey's Bill, amended by Mr. Disraeli to protect the Act of Settlement, substituted a uniform oath, still unnecessarily complicated, for Protestants and Catholics alike. Lord Derby, whose pious horror of Rome was only equalled by his Christian hatred of Geneva, yielded this time to a practically unanimous House of Commons, and the Bill became law. The Catholic Relief Act.

Unluckily a much more important measure for improving the law of landlord and tenant in Ireland perished, like the Reform Bill, with the Government that introduced it. Mr. Fortescue, An Irish Land Bill.

[1] It did not actually become law till the end of the session. But all resistance to it in the House of Lords had been abandoned before the Liberal Government resigned.

[2] See vol. ii. p. 378.

1866. as Chief Secretary for Ireland, proposed that Irish tenants, if evicted by their landlords, should receive compensation, to be fixed by a public officer, for any permanent improvement they had made in their holdings. This proposal was a great advance from Lord Palmerston's doctrine that tenant right meant landlord wrong, and might, if then adopted, have avoided much future evil. For, although Fenianism was not an agrarian movement, it would not have been really formidable if the mass of the Irish population, attached to the soil as few Englishmen are, had been contented. Mr. Fortescue was the first Chief Secretary who understood the value of Irish principles in Irish administration. Even so sagacious a statesman as Mr. Cardwell had carried in 1860 a Land Bill which assumed that in Ireland, as in England, the relations of landlord and tenant were founded upon simple contract, whereas they really rested upon immemorial custom, which was followed as generally as if it had been the law of the land. In England the squire spent as much as he could afford upon his farms in order that he might let them at the highest possible rent. In Ireland, though a few large estates were managed on the English system, the bulk of the squireens did nothing but draw their rents, and left the tenants to reclaim the land. So long as the rent was not raised this system answered well enough. But often the landlord was impecunious, or in debt, and insisted upon extracting from the farmer in the shape of higher rent what was really a fine for improving the soil. Purchasers under the Encumbered Estates Act, regarding their investment as purely a matter of business, claimed under threat of eviction as much as the land-hunger of an agricultural community would enable them to procure in the open market. It was as a remedy

against this injustice that Mr. Fortescue's Bill had been framed. Lord Naas opposed the Bill on behalf of the Conservative party. But Mr. Lowe was its most formidable critic. Although he knew a great deal about most things, he knew nothing at all about Ireland. To him the question seemed absolutely simple. Land was a commodity like any other. The landlord was entitled to what he could get for it, and if the tenant did not like to pay he could go. The debate, interesting as the first of its kind, is now chiefly memorable for Mr. Mill's reply to Mr. Lowe. Mr. Mill had no special knowledge of Irish questions. But he had studied the agrarian systems of Europe and of the world. He reminded, or rather informed, the House of Commons that the English system was the exception, and the Irish system the rule. The rule, at least in Europe, was that the tillers of the soil should hold it direct from the owner, and that the rent should be fixed by custom, with permanence of tenure. In England alone was land habitually let in large patches to capitalist farmers, who employed labourers to cultivate it for weekly wages. To argue, therefore, that Irish agriculture should be governed by English rules was to show double ignorance of the Irish position and their own. Nothing in Mill's brief Parliamentary career did him more honour than this outspoken deliverance, nor could a better example be found of the manner in which a truly philosophic intellect extends the scope and raises the level of political debate.[1] 1866.

[1] Perhaps a note may be the least unfitting place in which to mention, that before Lord Russell left office an Act was passed enabling the police in garrison towns to arrest and forcibly examine, for sanitary purposes, all women plying their vocation in the streets. Lord Clarence Paget, representing the Admiralty, conducted the Bill through the House of Commons, where it was opposed on political grounds by a Radical, Mr. Ayrton, and on religious grounds by a Tory, Mr. Henley. The Duke of Somerset took charge of it in the House of Lords, where it passed without discussion.

## CHAPTER II

### THE EDUCATION OF THE CONSERVATIVE PARTY

1866. IF it had depended on the Queen there would have been no change of Administration in the year 1866. Six hundred miles from the seat of Government, at the most critical period of a critical session, Her Majesty kept the even tenor of her way in her Highland retreat at Balmoral. But she was following, as usual, with close attention the move-

The state of the Continent. ment of Continental affairs, and they appeared to her far more important than an adverse vote in the House of Commons. Before Lord Dunkellin's amendment had been carried, Prussia and Italy were virtually at war with Austria, though fighting

Aug. 14, 1865. had not actually begun. Ever since the Treaty of Gastein Count Bismarck[1] had been seeking a quarrel against the power which disputed with Prussia the supremacy of Germany. Indeed it is difficult not to believe that the Treaty itself was deliberately so drawn by that astute Minister as to

Bismarck's designs. make war inevitable. For while each of the two States which divided the Elbe Duchies between them held one of them in trust for herself and her partner, Holstein, the nearest to Prussia, was put under Austrian sway. But before Bismarck ventured upon a policy which must either make or mar his fortunes, he had to ascertain the views of the French Emperor, and to anticipate his

[1] Created a Count on the 16th of September 1865.

plans. With this object he went to Biarritz, as 1865.
Cavour had gone to Plombières eight years before. Oct. 4.
Bismarck did not, like Cavour, succeed in making, if he designed to make, a positive agreement with Louis Napoleon. But a week after his arrival at Biarritz he was able to inform his own Sovereign that nothing need be feared from France. He had discovered the two facts which most concerned the King of Prussia and himself. The first was that the Emperor did not feel jealous or afraid of Prussian aggrandisement, and the second was that he wished Venetia to be Italian. An Italian alliance against Austria seemed, therefore, clearly to be the best line he could take. At the very moment when he was consulting the French Oct. 9.
monarch the Italian Premier, General La Marmora, was secretly sounding the Austrian Government about a possible sale of Austrian possessions in Italy. To Bismarck's relief this negotiation failed, and he then began to press upon the Italian Government the comparative cheapness of taking Venetia by force. For complete and absolute cynicism his proceedings at this time are not surpassed even in his own career. La Marmora and Ricasoli aimed at expelling intrusive aliens from Italian soil. Bismarck was bent on the aggrandisement of Prussia by plundering and humiliating a rival power against which his own country had no legitimate grievance. His complaint that Jan. 26, 1866.
Austria tolerated disorder in Holstein was the merest pretext for a rupture, and the refusal of Count Mensdorf-Pouilly, the Austrian Chancellor, to recognise Prussia's right of interference was Feb. 7.
diplomatically correct. But the Mendsdorf-Pouillys of this world, a numerous and a highly respected body, are no match for a man of genius. Bismarck continued to urge upon Italy the importance of a definite alliance until a secret treaty April 8.

1866. April 30. May 4. was signed between her and Prussia. Then he demanded that Austria should disarm, expecting and desiring the prompt refusal which he received. At the last moment, however, the cup almost slipped from his hand. Austria, seeing clearly, as she might have seen long ago, that Prussia meant war, offered France the cession of Venetia to Victor Emmanuel as the price of French and Italian neutrality. But Italy remained faithful to her ally and refused the overture, though she would not comply with Bismarck's earnest wish that she should relieve the peculiar conscience of his royal master by declaring war first.

British neutrality. The British Government wisely abstained from interfering with matters which did not concern Great Britain. Palmerston would have tried to find some ground for taking a side, and would have taken, quite unnecessarily on this occasion, the side of Italy. But Palmerstonianism died before Palmerston. It was extinguished when the majority of the Cabinet refused to help Denmark in retaining provinces inhabited chiefly by Germans. Scarcely any one in England desired intervention between Prussia and Austria, who were generally, and not unnaturally, regarded as robbers quarrelling over their ill-gotten gains. From only one quarter did the European public expect that action would be taken. The mysterious figure at the Tuileries might alone, it was thought, preserve the peace. But the flower of his army was locked up in Mexico; he knew more about the rest of it than he would have cared to tell; and to take any step against Italy might have cost him more than his throne. One thing he was always ready to do, and that he did. He proposed a Congress. Prussia and Italy, who had nothing to lose, accepted it. Austria, who had nothing to gain, imposed the preliminary condition that none of the powers convoked should

French inaction

May 26, May 29. June 1.

claim any territorial increase. Both England and Russia, who had supported the French proposal, as well as France herself, perceived that Austria's answer amounted to a refusal, and that hostilities could no longer be avoided. A week afterwards the Prussian General Manteuffel entered Holstein, and on the 18th of June the war began, though it was not till the 20th that Italy could be persuaded to throw in her lot with Prussia.[1] 1866. June 8. The war.

It is difficult to see what in these circumstances Her Majesty expected from the continuance of the Liberals in office. They could no more have prevented the war after the 18th of June than they could have stopped an avalanche. Whatever might have been possible before, and it was not much, nothing could be done now. The Queen, however, argued strongly for reconsideration. "The state of Europe was dangerous; the country was apathetic about reform; the defeat had only touched a matter of detail; the question was one that could never be settled unless all sides were prepared to make concessions."[2] But the Government had made concessions, and even submitted to defeat. They could not have remained in office without personal humiliation, or without lowering the standard of Parliamentary life. The question between rating and rental was in itself technical and capable of adjustment. But the object of Lord Dunkellin's amendment was to restrict the enlargement of the franchise, and such would have been its effect. At the Cabinet held to consider the Queen's letter the Prime Minister inclined to be content with a vote of confidence, which Mr. Crawford, a London merchant of high reputation and Member for the City, was prepared to move. But to this Mr. Gladstone, as leader of The Queen's opinion.

[1] De la Gorce, *Histoire du Second Empire*, iv. 558–622.
[2] Morley's *Life of Gladstone*, ii. 208.

1866. The decision of the Cabinet.

the House of Commons, would by no means assent, and when the Queen arrived at Windsor on the 26th of June, it was to receive the resignation of all her Ministers.

Lord Derby Premier.

The Queen sent for Lord Derby, who became for the third time Prime Minister without a majority. His first step was an overture to the other side. Never since 1852 had he trusted his own. Lord Clarendon must have received Lord Derby's offer with some surprise, for it was not many days since Mr. Disraeli had made a bitter personal attack upon him in the House of Commons. He at once declined, and so did his colleague the Duke of Somerset. Nor was Lord Derby more successful with the Adullamites. Lord Lansdowne, Mr. Lowe's patron at Calne, died suddenly while negotiations were in progress. Lord Grosvenor, the titular chief of the Cave in the House of Commons, refused on behalf of his section to join the Government, while promising that rather slippery kind of assistance known as an independent support. As if to show his sympathy with the working classes Lord Derby also invited the assistance of Lord Shaftesbury. But eminently qualified for office as he was, Lord Shaftesbury thought he could do more good outside the Government than inside it, and that was the only consideration which ever weighed with him. There was no particular reason why, if he could get the votes he wanted, Lord Derby should go outside his own party for colleagues, and, as a matter of fact, his third Administration was as much stronger than his second as his second was stronger than his first. If the changes were not very numerous they were all for the better. Sir Edward Bulwer Lytton, disqualified for the Cabinet by physical infirmity, went to the House of Peers as Lord Lytton, and joined Lord Houghton as a representative of

Refusal of the Adullamites.

Lord Derby's third Government.

literature in that illustrious, but not over-cultivated Assembly.[1] The Colonial Office was given to Lord Carnarvon, the most accomplished of the younger Conservative Peers. Lord Malmesbury luckily felt himself, as others had long felt him, unequal to the Foreign Office, which Lord Derby placed under the sagacious control of his own son, Lord Stanley, and was more safely entrusted with the Privy Seal. Lord Cranborne devoted his great abilities to the India Office; Sir Stafford Northcote, the best Conservative financier, became President of the Board of Trade; and Mr. Gathorne Hardy was rewarded for defeating Mr. Gladstone at Oxford with the Presidency of the Poor Law Board. Otherwise the caste was much the same as before. A Cabinet which contained such men could not be called weak, nor did it appear on the surface to be otherwise than harmonious. 1866.

While the new Government was being formed history was made in central Europe with almost unexampled celerity. In this shortest of all great wars Austria never had a chance. Her Generals were equal to her diplomatists, or in other words to nothing at all. With Bismarck was Moltke, the first scientific soldier of the age; and the head of the War Office at Berlin, General von Roon, who for administrative ability may be compared with Carnot, had provided the Prussian troops with a breech-loading rifle called the needle-gun. Prompt measures were taken with the North German States which showed Austrian sympathies. Hanover was occupied on the 17th of June, Dresden on the 18th, and Cassel on the 19th. A few days later the King's cousin, Prince Frederick Charles, a born soldier, invaded Bohemia, where the fortune of war was to be decided. At

The defeat of Austria.

[1] Lord Stanhope the historian, and Lord Strangford the philologist, sat, of course, by hereditary right.

1866. the same time the Italians crossed the Mincio, and were defeated at Custozza. On the 3rd of July Prince Frederick Charles, co-operating with the Crown Prince, destroyed Benedek's army of Austrians and Saxons at the battle of Königgrätz, afterwards known as Sadowa. The immediate consequence of this decisive victory was an offer of Venetia by Austria to France with a request for the mediation of the French Emperor. The proposal can hardly have surprised him, since he had already received the promise of Venetia as the price of his neutrality.[1] He had not hitherto counted for much in the European drama which was rapidly drawing to a close, and he was the more eager to seize the opportunity presented him by the message of Francis Joseph. He simultaneously telegraphed the suggestion of an armistice to the King of Prussia and the King of Italy. But in both quarters he encountered difficulties of a serious kind. At Berlin patriotic enthusiasm, as was natural, had reached concert-pitch, and neither the performers nor the audience were in a mood to be interrupted. It is more remarkable that there should have been hesitation at Florence. But Ricasoli, who had succeeded La Marmora, was the proudest of men, and he could not, even after Custozza, bear the idea of obtaining Venice otherwise than by conquest. His refusal of the armistice was unfortunate. At Custozza the Italians had only been beaten. At the
July 23. naval battle of Lissa in the Adriatic they were disgraced, and their Admiral, Persano, was dismissed the service for his cowardice. Bismarck had no inclination to quarrel with France, or to dismember Austria. A French demand through Count Benedetti, the Minister at Berlin, for compensation on the Rhine was summarily refused,

[1] De la Gorce, *Histoire du Second Empire*, iv. 627.

and a project for the French annexation of Belgium, one of Louis Napoleon's miscellaneous fancies, was kept for future use.[1] But Italy was at last compelled to suspend hostilities, and to accept a noble province as the result of two defeats. By the Treaty of Prague the preliminaries of Nikolsburg were ratified, and Austria escaped, so far as territory was concerned, with the loss of Holstein and her Italian dominions. France was further gratified by the restoration of independence to Saxony, while Hanover, Hesse-Cassel, Nassau, and the free city of Frankfort were punished for supporting Austria by annexation to Prussia. Austria agreed to the dissolution of the old German Bund and the establishment of a North German League, from which she was excluded. The South German States, in spite of their having sided with Austria, were ostensibly left to themselves. But by a secret treaty of the highest importance for the future they agreed to place their armies at the disposal of Prussia in the event of war.[2] Bismarck's policy was triumphant all along the line. Italy, in spite of her naval and military rebuffs, was at last free from the Alps to the Adriatic. The French troops, or some of them, were still in Rome. But by a Convention signed on the 15th of September 1864, between France and Italy, they were to be withdrawn before the end of the present year, and in the month of December they actually took their departure. The King of Italy was bound in return to make Florence, not Rome, his capital, which he was by no means loth to do, as it was more central, more convenient, and a good deal nearer his ultimate goal, than Turin.

1866. Aug. 23. July 26.

[1] For a different view of this matter, which I find myself unable to accept, see M. de la Gorce's *Histoire du Second Empire*, vol. v. p. 68.

[2] De la Gorce, *Histoire du Second Empire*, v. 70.

1866.

The foreign policy of the Government.

On the morrow of Sadowa, and while its consequences were still uncertain, Mr. Disraeli, having become once more Chancellor of the Exchequer, addressed his constituents at Aylesbury in a statesmanlike speech. He had never up to this point of his career been in favour of an aggressive policy, and there would have been nothing inconsistent with his past in the simple advocacy of non-intervention. But commonplaces were not in his line, and he succeeded in imparting freshness to a familiar theme without straying from the facts. "The abstention of England from any unnecessary interference in the affairs of Europe," he said, "is the consequence, not of her decline in power, but of her increased strength. England is no longer a mere European power. She is the metropolis of a great maritime Empire, extending to the boundaries of the furthest ocean." He proceeded to argue, with much force, though perhaps with some exaggeration, that England was an Asiatic, an African, an Australian, rather than a European State, and had therefore a larger sphere of activity than any of her neighbours. He might have added that English opinion had always been favourable to the principle of Italy for the Italians, and that there was nothing in the growth of Prussia to cause this country any concern. The substitution of Count Bismarck for the Emperor Napoleon as the principal personage on the Continent might be regarded by an austere moralist as no great improvement. But Bismarck had the clearer head and the sounder mind. He knew what he wanted; he was by nature straightforward; and though he did not mould his conduct by the precepts of the Sermon on the Mount, he seldom told unnecessary lies.[1]

[1] He used, indeed, to boast that he gave people the truth when truth was the last thing they expected from him.

Despite the disturbance and re-arrangement of foreign affairs, Lord Stanley was not the Minister upon whom the first troubles of his father's Government fell. While Lord Derby was engaged in making his Cabinet the people of London were expressing their opinion upon the subject of reform. Hitherto the agitation for an enlargement of the franchise had been almost entirely confined to the north of England; but by the defeat of the Bill and the change of Ministry the calm was changed into a storm. The temper of the people was not altogether favourable to Her Majesty's late advisers and their unsuccessful proposals. Ten thousand persons assembled on a summer's evening in Trafalgar Square, where they were then allowed to meet without hindrance, while deprecating "the advent of the Tories to power," called for manhood suffrage, and censured Lord Russell's Cabinet for not dissolving Parliament. There was one member of that Cabinet, however, whom the crowd were so far from blaming that they greeted the mention of his name with the utmost enthusiasm. Raising cries of "Gladstone and liberty," they proceeded to his residence in Carlton House Terrace, and called for him with loud cheers. Mr. Gladstone was not at home, and they then, in a thoroughly English fashion, demanded that Mrs. Gladstone should appear. At the request of the police, who represented that nothing else would induce the people to disperse, Mrs. Gladstone showed herself on the balcony with her daughters, and was greeted with rounds of applause which she must have thoroughly enjoyed. For, though Mrs. Gladstone was no politician, the sunshine of her husband's popularity, then only in its dawn, always warmed her heart. After that the crowd, as they poured along Pall Mall, showed their gratitude for the past by cheering the Reform Club, and their

1866.

The agitation for reform.

June 29.

Popular enthusiasm for Gladstone.

1866. ignorance of the future by hooting the Carlton, until they melted away towards their respective abodes. They were chiefly, if not entirely, composed of respectable workmen, under the guidance of Mr. Lucraft, a leading Trade Unionist, and they exhibited no semblance of disorder.

But three weeks afterwards scenes of a very different kind were enacted in the metropolis. Notice had been given by a body called the Reform League of a political demonstration to be held in Hyde Park on the 23rd of July, with the object of pronouncing in favour of manhood suffrage and the ballot. Sir George Grey, before he left office, following his own unlucky precedent of 1855 in the case of the Sunday Trading Bill, informed the Commissioner of Police, Sir Richard Mayne, that the Park must not be used for such a purpose, and his Conservative successor, Mr. Walpole, gave public notice to that effect. The law was beyond question on the side of the authorities. Hyde Park is the property of the Crown, and the Crown, that is the Government, had the right of excluding the public from it. But never was there a clearer example of St. Paul's distinction between what is lawful and what is expedient. The Park was a far more convenient meeting-place than Trafalgar Square; and when a large class of sober, decent citizens believe that they have a grievance, no wise statesman will wantonly give them another. The Home Secretary not merely committed that mistake. Events showed that he had also issued a prohibition which it was beyond his power to enforce. The Reform League determined to carry out their programme, at least so far as making a claim of right. Mr. Gladstone took no part in the agitation which the loss of his Bill produced, and he even went to Rome in the autumn that he

The riots in Hyde Park.

[1] See vol. i. p. 416.

might be out of the way. But Mr. Bright, though 1866.
he did not himself join in the demonstration, wrote to the Council of the League one of those letters which stirred the feelings of his countrymen only less than did his speeches. Upon what foundation, he asked, did the liberties of Englishmen rest if millions of honest, intelligent men were denied the franchise, and if there were no right of public meeting in a public park? This letter was written on Friday the 20th of July. On Monday the 23rd, but not till the afternoon, a printed notice was posted up in various parts of London, bearing Sir Richard Mayne's signature, and announcing that the Park gates would be closed at five oclock. The Committee of the League declined to draw back. Their chairman, Mr. Edmond Beales, was not a Member of Parliament, but a lawyer, a graduate of Cambridge, and one of the revising barristers for Middlesex. According to the arrangements made by him, by Colonel Dickson, and by the rest of the Committee, numerous processions of reformers marched from the east end through the City, Holborn, and Oxford Street to the Marble Arch. The City Police, who are the servants of the Corporation, treated them with sympathetic respect. The Metropolitan Police, who are under the Home Office, were much less indulgent, and a good deal of heat had been generated by friction before the Park was reached. The gates being closed, and the police having declined to open them at the request of Mr. Beales, an attempt was made to carry them with a rush. This effort failed, and the leaders of the movement then returned to hold an indignation meeting in Trafalgar Square. By this time the Bayswater Road, as well as Park Lane, was thronged with masses of people, and the line was too long for the police to defend. The railings were torn down in

1866. several places, and the Park was invaded by the rougher portion of the mob. Then ensued a number of scuffles with Sir Richard Mayne's men; stones were freely thrown; iron bars were used; and some serious, though no fatal injuries were received. A breach of the peace was the last thing desired by the Reform League, and among those who exerted themselves most strenuously to prevent it was Charles Bradlaugh, a man of great physical strength, as well as great mental power, long afterwards the centre of a much fiercer and more protracted struggle. The Guards were called out. But it was too late for them to do anything, except receive a friendly ovation from the populace, who, having accomplished their object, went their way.

The leaders of the Opposition did not criticise with any great severity the conduct of the Government on this occasion. Had they been otherwise inclined to do so Sir George Grey would have been an insuperable obstacle. But the Home Secretary was not easy. Mr. Walpole's humane temper shrank from the use of force against fellow-citizens who were free from all criminal intent, and he was sincerely anxious that the question raised by the League should be settled by a judicial tribunal. He invited a small deputation, of which Mr. Beales was spokesman, to an interview at the Home Office, and was so much affected by their conciliatory tone that there were tears in his voice when he replied. It was long before Mr. Walpole, whom everybody that knew him liked and respected, heard the last of the emotion thus inopportunely displayed. The practical result of the conversation, according to Mr. Beales, was a mutual agreement that the League would make no further attempt to hold a meeting in Hyde Park, except on the next ensuing Monday, when the Government

July 25. Mr. Walpole's tears.

would permit one to be held with the object of testing the law. But as Mr. Walpole repudiated this construction of his words, and as he was supported by Mr. Holyoake, another member of the deputation, the meeting in the Park was abandoned for one held, without much success, in the Agricultural Hall.[1] On account of his share in these proceedings Mr. Beales was removed by the Lord Chief Justice from the office of Revising Barrister for Middlesex. The act had the appearance of harshness, for it was not pretended that Mr. Beales had done anything illegal or in itself wrong. But revising barristers, who decide the claims of applicants for the Parliamentary franchise, occupy a peculiar position. They are bound to be impartial, and at the same time their duties are closely connected with politics. They are appointed, for a year only, not by the Government, but in the country by the senior Judge of Assize, and in London by the Chief Justice of England. They must not be Members of Parliament, nor must they stand for any constituency. Mr. Beales had certainly taken as prominent a part in politics as most candidates, and in the circumstances Sir Alexander Cockburn had some justification for departing from the usual course and declining to renew his appointment. There can, however, be little doubt that he increased the political influence of the man whose income he thus diminished. A few days afterwards some thousands of artisans, jointly convened by the Reform League and the London Working Men's Association, assembled at the Guildhall. The Lord Mayor, Alderman Phillips, sprung from a race which knew very well the meaning of exclusion from civil rights, had the

1866.

The treatment of Mr. Beales

[1] That the League did not meet in the Park was due to the advice of Mr. Mill, who received on this occasion the effusive thanks of Mr. Walpole for his services to law and order. — See Mill's *Autobiography*, p. 291.

1866. good sense not only to lend the famous old hall where Pitt made his last speech, but to take the chair himself. The meeting, like others, passed resolutions in favour of manhood suffrage and the ballot. Taken literally, they of course condemned the authors of the late Reform Bill as well as its opponents. But in politics people are in the habit of asking for a good deal more than they expect to get, and the agitation of which the League was a symbol resulted from the denial of the suffrage to working men. The pace of the movement was immensely accelerated by the destruction of the Liberal Bill. Before the 18th of June England south of the Trent seemed to be apathetic about reform, and even uninterested in the subject. The session had not yet closed when the watchful, keen-eyed Chancellor of the Exchequer discovered that in London, as in other great towns, reform was the strongest card he could play.

The growing strength of reform.

Close of the session. To wind up the business of the session so soon as possible was naturally the object of a Government which came into office in the month of July. Next year, said Lord Stanley to his constituents at King's Lynn, was a long way off, and of Parliamentary conflicts there had been, for the present, enough. The Irish policy of Lord Derby and his colleagues was severely simple. They dropped the Land Bill, and renewed the suspension of the Habeas Corpus Act from September to March. The only measure which they accepted in its entirety from their predecessors was the tiny instalment of Catholic relief dispensing with the oath of abjuration. That part of Mr. Gladstone's Budget which remitted taxation was adopted. But his scheme for the redemption of debt, always an unpopular enterprise, was abandoned, and the half-million which would have been required for the purpose during the current financial year was

absorbed in supplementary estimates. On this subject there is a curious and interesting entry in Lord Malmesbury's diary for the 21st of July:— "Disraeli made a speech on economy. Pakington[1] showed the navy to be in a very low state, and wished to build six turret-ships. The late First Lord, the Duke of Somerset, had spent much time and money in experiments, and there are not ships enough for our reliefs. The navy of France is superior in ironclads to ours, and that of Italy and Russia combined equal to ours. Disraeli would not believe this, and refused even fifty thousand pounds to begin the turret-ships." This must be the account of a Cabinet and not of a Parliamentary debate, if only because the 21st of July 1866 was a Saturday, and the House of Commons was not sitting. Mr. Disraeli, whose incredulity had more foundation than Sir John Pakington's alarm, was still a vigilant economist, and might, so far as his own personal opinions were concerned, have joined the Cobden Club, which held its first meeting at Richmond that very day, with Mr. Gladstone in the chair. But the most strenuous guardian of the public purse, either in Downing Street or at St. Stephens, could not object to General Peel's proposal for converting the Enfield rifles of the British army into breech-loaders. The effect of the needle-gun at Sadowa, like the effect of armour-plating in Hampton Roads, was equally immediate and widespread. Men with muzzle-loaders attacking men with breech-loaders would have been led as sheep to the slaughter.

1866.

The introduction of breech-loaders.

Both the session and the season of 1866 were shortened by an alarming outbreak of cholera in the east end of London. France, Germany, and Austria had suffered severely from the disease. But so satisfactory had been the progress of sanitary

The cholera in London.

[1] First Lord of the Admiralty.

1866. science in England since the last appearance of this scourge in 1854, that it was practically suppressed within a month, and did not appreciably increase the rate of mortality for the year.[1]

July 20–Aug. 20. Legal patronage.

Sir Robert Peel used to say that the distribution of patronage was the heaviest of all the burdens of office. Mr. Gladstone, taking a more robust view, said that patronage, like other official duties, was all in the day's work. But the legal patronage of Lord Derby and Lord Chelmsford in the second half of 1866 was so extraordinary as to attract either the envy or the commiseration of subsequent Ministers. The Judicial Bench of England has been since the Revolution of 1688 creditably free upon the whole from political partisanship. That the best men are always selected to fill legal vacancies only a simpleton would assert. Prime Ministers and Lord Chancellors are prone to act upon the assumption that the spoils belong to the victors.[2] Still, there have been many exceptions, and it would be strange if competent men could not be found in the ranks of either party. There are, however, occasions when the genial practice of providing for supporters leads to curious results, and seldom indeed have they been more remarkable than they were in 1866. There is no rule of superannuation for a judge. He retires when he sees fit, and not before. When Lord Russell resigned, the Lord Chief Justice of Ireland, Mr. Lefroy, was ninety, and old for his age. His infirmities had for some years been visibly increasing, nor did they seem likely to diminish. The attention of Parliament had more than once been drawn to his Lordship's painful weakness by Irish Members, and the

[1] No one was more active in relieving the sufferers from this epidemic than the Bishop of London and Mrs. Tait.

[2] The Lord Chancellor, in the name of the Crown, appoints the Puisne Judges. Legal offices above that rank are in the patronage of the Prime Minister, who may or may not take his Chancellor's advice.

official answer always was that no judge in Ireland could be compared for practical efficiency with this evergreen veteran. Once in the House of Commons his son defended him, though forced to confess that he himself had been excused from serving on committees by reason of his advanced age. Yet no sooner had Lord Derby formed his Administration than the nonogenarian Chief Justice felt himself unequal to the further discharge of his onerous duties, and was succeeded by Mr. Whiteside. At the same time Sir Frederick Pollock, a mere boy of eighty-three, perceived the desirability of retiring from the Court of Exchequer with a baronetcy, and Sir Fitzroy Kelly, aged seventy, became Lord Chief Baron. Before the end of October Sir James Knight-Bruce sent in his resignation, and Sir Hugh Cairns, the new Attorney-General, was made a Lord Justice of Appeal in Chancery. Next month Sir William Erle ceased to preside over the Court of Common Pleas, and his place was taken by the new Solicitor-General, Sir William Bovill. Vice-Chancellor Kindersley, who accompanied him into his well-earned retirement, was succeeded by Mr. Malins, Member for Wallingford from 1852 to 1865. Not one of these five vacancies was caused by death. In every case one Conservative gave way to another. Four of the new judges were Members of Parliament, and the fifth had only lost his seat at the last General Election. None of them, except Sir Hugh Cairns, would have been appointed on purely professional grounds, and one of them, Sir Richard Malins, was distinguished by all the qualities, except corruption, which a judge ought not to possess.[1] It is much to the credit of 1866.

[1] I must in fairness add that the next vacancy amongst the Lords Justices was offered successively by Lord Derby to two political opponents, of whom Sir Roundell Palmer refused, and Vice-Chancellor Page Wood accepted it. Both selections were wholly admirable.

1866. the Conservative party that after this singular windfall of official promotion they could secure the services of such excellent law officers as Sir John Rolt and Sir John Karslake.

The Anglo-American telegraph.

The Speech proroguing Parliament on the 10th of August contained a single sentence which far exceeds in permanent interest all those that precede and follow it. Her Majesty had "great satisfaction in congratulating the country, and the world at large, on the successful accomplishment of the great design of connecting Europe and America by the means of an electric telegraph." This great international work was due to the private enterprise of Mr. Cyrus Field, an American citizen, who had explained his scheme to a meeting of merchants at Liverpool ten years before; but it was a British ship, the *Great Eastern*, the largest afloat, which laid the Atlantic cable, so that the honours of the undertaking were divided between the countries concerned. Its completion on the 28th of July was celebrated by telegraphic messages exchanged between the Queen and Lord Monck, Governor-General of the North American Provinces, as well as between Her Majesty and the President of the United States.[1] No political measure has done more to promote the unity of the British Empire than this wonderful victory of applied science, which brought Ottawa within speaking distance of London.

The Federation of Canada.

One political measure, however, which had been prepared by the Liberal Government before they left office, and which their successors had the good fortune to inherit, was an outward and visible sign, not to be mistaken, of British power beyond the seas. In 1760, after Wolfe's capture of Quebec, which cost him his own life, had transferred the French provinces of North America to Great

[1] Andrew Johnson.

Britain, their population was estimated at seventy thousand. This was probably below the mark; for in 1774 Sir Guy Carleton, who by his wisdom preserved these provinces from joining the American rebellion, told the House of Commons that it was about a hundred and fifty thousand, almost all Catholic, and almost all French.[1] In 1866, when there were more Protestants than Catholics, and fewer French than English, the inhabitants of Canada, Nova Scotia, and New Brunswick amounted to four millions. Lord Durham's Report of 1838, which led to the union of Upper and Lower Canada, had suggested Federation as a final settlement. At that time, and for many years afterwards, defective means of communication were a fatal obstacle to this scheme, and it was now proposed to remove the difficulty by constructing a railway from Halifax to Quebec. Since 1858 Ottawa had been the capital of the Dominion. But it was at Quebec in 1864 that the first Conference of Delegates was held to promote a formal Federation of the North American Provinces. Lord Palmerston's Government expressed cordial sympathy through Mr. Cardwell, a statesman with the rare gift of foresight, who acted on the two principles of giving the Colonies perfect liberty, and providing, by the recall of British troops, that they should be no burden on the British tax-payer. Lord Carnarvon, adopting his predecessor's policy, introduced the Federation Bill into the House of Lords at the beginning of the new session. There it was warmly welcomed by Lord Russell, and unanimously read a second time. All its stages in both Houses were equally smooth, and the opposition of Nova Scotia, which had long impeded its appearance, was overcome. British Columbia and Vancouver Island on one side of the Continent,

1866-7.

Feb. 19, 1867.

[1] Trevelyan's *American Revolution*, Part II. vol. i. p. 78.

1866. Newfoundland and Prince Edward Island on the other, refused to join the new union.[1] But Canada, Nova Scotia, and New Brunswick were confederated, with the consent of their respective Legislatures, under the common name of Canada, with a Governor-General and a central Parliament sitting at Ottawa. Each Province was to have a Lieutenant-Governor and a separate Legislature for dealing with local affairs, while questions affecting the whole Dominion were reserved for the Dominion Parliament. This simple piece of constitution-making, which really emanated from the Canadians themselves, was both interesting in itself and successful in its results. But very few Englishmen, if any, appreciated its true significance at the time. It was regarded by most people as a step towards independence rather than a fresh guarantee for the unity of the whole by the greater strength and independence of the parts. Although Lord Carnarvon was unfortunately wrong in expecting that the larger Dominion would adopt a policy of Free Trade, he would have committed a far more serious mistake than any erroneous prophecy if he had attempted to restrict the commercial freedom of the Confederation. But the new Secretary of State was more felicitous than some of his political opponents when he described the Bill as removing for ever "all chances of disunion, and difference, and jealousy which could exist between the mother country and her child." Mr. Bright suggested the alternative courses of independence or annexation to the United States; and even Lord Russell, who had taken as Prime Minister a sympathetic interest in Colonial progress, went out of his way to declare that Canada should be allowed to set up for herself whenever she pleased. A politician of a different

[1] British Columbia joined the Dominion in 1871. It now includes all North American possessions of the Crown, except Newfoundland.

school, the able journalist who was then writing the Annual Summaries of the *Times*, remarked, after many months of calm reflection, that the Colonial Office, "once the most onerous department in the Imperial Government, was now in a great measure relieved of its legislative and administrative functions." Mr. Disraeli was silent. He had not found out the value of the Colonies in the development of party. Lord Derby did indeed propose for the Dominion an exquisitely felicitous motto in Latin,[1] which was unfortunately not adopted. But neither he nor any of his contemporaries believed that the magnet would gravitate towards the more distant pole. The Federation Act was accompanied by a guarantee of three millions, being three-fourths of the sum which the Quebec and Halifax railway was expected to cost. Although this loan met with some opposition from strict economists, especially from Mr. Lowe, it received the powerful support of Mr. Gladstone, who had approved of it as Chancellor of the Exchequer, and it was carried by a very large majority. The security was perfect, being the revenues of the Colony, not the profits of the line, which would furthermore assist Canadians in making provision for their own defence. 1866.

The outbreak in Jamaica, and the measures taken for its suppression, did not divide the front benches in the House of Commons. The new Government adopted the Report of the Commission and the recall of Mr. Eyre. Indeed Lord Carnarvon condemned the cruelties practised upon negroes and negresses more strongly than his predecessor. For a Governor of Jamaica he wisely had recourse to that great school of administrative capacity, the Civil Service of India. He appointed Sir John Peter Grant, the second of the

[1] Juventas et patrius vigor. — Horace, *Odes*, IV. 4, 5.

1866. two eminent men bearing that name and title, under whose impartial and virtually despotic rule the island soon recovered its normal tranquillity. After the Report of the Commissioners had been published the subject was brought before the House of Commons by Mr. Charles Buxton, son of the famous emancipator; and the House, without mentioning names, unanimously "deplored the extensive punishments which followed the suppression of the disturbances of October 1865 in the parish of St. Thomas, and especially the unnecessary frequency with which the punishment of death was inflicted." But if the House of Commons, much to its credit, was unanimous, the country was not. On the twelfth of August 1866 Mr. Eyre arrived at Southampton, and immediately became the object of flattering attentions from enthusiastic admirers. In Southampton he was entertained at a public dinner, where the Reverend Charles Kingsley, by the caprice of Lord Palmerston Professor of Modern History at Cambridge, spoke in the strange company of Lord Cardigan, and selected for special praise the humanity displayed by the guest of the evening. A more illustrious personage came forward on the same side. The great hero-worshipper of the age found in Mr. Eyre a congenial hero. All the light that had yet reached Thomas Carlyle on Mr. Eyre and his history in the world, "went steadily to establish the conclusion that he was a just, humane, and valiant man, faithful to his trusts everywhere, and with no ordinary faculty for executing them; and that his late services in Jamaica were of great, probably of incalculable value, as certainly they were of perilous and appalling difficulty." "The English nation," as he truly remarked, "have never loved anarchy." But neither have they loved cruelty, and all the charges made against Governor Eyre

The return of Mr. Eyre.

1866.

related to things done after anarchy had ceased to exist. For the reasons which he thus expressed, and perhaps also from his dislike of "Quashee," as he called the negro, Carlyle became chairman of the Eyre Defence Fund, to which Tennyson and Ruskin were among the subscribers. The Government refused to prosecute Mr. Eyre for murder. They regarded Eyre as a strong man who had put down a rebellion by his promptitude, and prevented its renewal by his severity. But in England prosecutions may be set on foot by private individuals, and a Jamaica Committee, with John Stuart Mill as chairman, was formed for the purpose of bringing Eyre to justice. Mill was earnestly supported by Huxley, by Thomas Hughes, by Herbert Spencer, and by Mr. Goldwin Smith, who had lately resigned the chair of Modern History at Oxford. It was in furtherance of the Committee and their aims that Goldwin Smith delivered his incomparably brilliant lectures on the "Three English Statesmen," Pym, Cromwell, and Pitt, though Pitt would have transported the Committee, and Cromwell did far worse things than Eyre. A Government, said Mr. Smith, should uphold their representatives in difficulty always, in error sometimes, in crime never. Zealots cited the precedent of Joseph Wall, Governor of Goree, who was hanged in 1802, after twenty years, for murders committed in his official capacity. It was certainly not Mill's desire that Governor Eyre should perish on the scaffold, but that the honour of the country should be vindicated by an authoritative exposition of the law. Few subjects so little discussed in Parliament have so sharply divided public opinion as the conduct of Governor Eyre. Political leaders took the line of treating the Report as conclusive, and desired that no more should be said about it. But

The Eyre Defence Fund.

The Jamaica Committee.

1866. neither those who elevated Mr. Eyre into a hero, nor those who execrated him as a tyrant, were content with this middle course. The working classes were for the most part hostile to him, and burnt him in effigy on Clerkenwell Green. The upper and middle classes, especially such of them as were Conservatives in politics, regarding him as the saviour of Jamaica, subscribed freely to his defence. The Jamaica Committee, however, a
1867. Liberal, though not altogether a democratic body, were determined to enforce the law. The first
Prosecution of Nelson and Brand. proceedings were taken against Lieutenant Brand, the president of the court-martial which convicted Gordon, and Colonel Nelson, who confirmed the sentence of death, afterwards approved by the Governor. As they resided in London, they were brought before Sir Thomas Henry, the Chief Magistrate of Bow Street, who committed them for
Feb. 8, 1867. trial at the Central Criminal Court. The prosecutors were Mr. Mill, and Mr. Peter Taylor,
And of Eyre himself. member for Leicester. Mr. Eyre himself, the really responsible person, was living at Adderley Hall in Shropshire. Two of the Shropshire magistrates had subscribed to the Eyre Defence Fund; and though they took no part in the proceedings, it is not likely that they were out of sympathy with their neighbours. Having heard Mr. Fitzjames Stephen,[1] a jurist, for the prosecution, and Mr. Hardinge Giffard,[2] a lawyer, for the prisoner, the magistrates refused to commit Mr. Eyre,
March 27. Eyre's discharge. and he was discharged. This decision cannot be seriously defended; for the facts were not in dispute, and the grave constitutional issues which they raised were quite beyond the competence of half a dozen country gentlemen to determine. The question next came before a far higher

[1] Afterwards Mr. Justice Stephen.
[2] Afterwards Earl of Halsbury.

authority, but it did not come in the most convenient form. The trial of Nelson and Brand at the Old Bailey was fixed for the April Sessions. By the law of England no one can plead the orders of a superior officer, military or civil, as an excuse for breaking the law. But law is one thing, and common sense is another. Eyre had apparently escaped all criminal liability for his acts, and it was not in accordance with popular notions of justice that the subordinates should be punished in lieu of the principal. Between the defendants and their actual trial there was still a venerable institution called the Grand Jury, a number of substantial gentlemen, varying from twelve to twenty-four. The Grand Jury do not hear counsel on either side, nor any witnesses for the defence. They are not even bound to hear all the witnesses for the prosecution. If they have heard enough to convince them that there is evidence to be answered, they at once find a true bill, and the trial ensues. At the Central Criminal Court the Grand Jury are charged by the Recorder of London, who in 1867 was Mr. Russell Gurney, a member of the Jamaica Commission, or, in his absence, by the Common Serjeant. The judge upon the list for the trial of prisoners at these April Sessions was Baron Channell, a learned but rather somnolent personage, of whom it used to be said that, when he was not taking down the evidence, or charging the jury, nothing woke him except bad law.[1] But on this occasion the most authoritative exponent of criminal jurisprudence in the country conceived that a problem had been raised which his personal intervention was required to solve. The Lord Chief Justice of England went down to the Central Criminal Court and

1867.

The Chief Justice on martial law.

[1] It was alleged by the friends of high prerogative that he kept awake during the whole of the Chief Justice's charge.

1867. charged the Grand Jury himself. For the practical object, which he apparently desired, of getting the defendants tried, the best means would have been a brief statement of the evidence for the prosecution, accompanied by a clear opinion that the circumstances, being full of legal pitfalls, ought to be thoroughly investigated in public, with the assistance of counsel on both sides, especially as the Government had made no secret of their intention to provide men who had acted under orders with professional aid. But Chief Justice Cockburn took a different view. He was a man full of eloquence, full of fire, deeply interested in constitutional questions, and profoundly impressed with the magnitude of his own office. He had been so much horrified by loose writing about "martial law" in the Press, and still looser speaking on platforms, that he deemed the time to have come for delivering an exhaustive treatise upon the limitations of the Royal prerogative and the securities for personal freedom. A charge to a Grand Jury, by whomsoever delivered, has not quite the same value as the considered judgment of a Court. But this particular charge, which occupied the attention, or at least compelled the attendance of the Grand Jury for nearly six hours, has ever since been regarded as a paper of great value to all students of the Constitution.

Cockburn's charge. The Lord Chief Justice, after a brief account of the formidable aspect which the outbreak at first wore, and of its complete collapse so soon as the soldiers appeared, proceeded to inquire by what authority the Governor had proclaimed martial law in Jamaica. As he had proclaimed it under a local statute, this question need not in strictness have been raised. But Sir Alexander Cockburn was determined that the whole subject of military courts, and their right to try civilians, should be

sifted to the bottom. Had the Governor, he asked, the power of proclaiming martial law because he was invested with the prerogative of the Crown? And was there any such prerogative? In a Crown Colony, he said, the power of the Sovereign was absolute. But Jamaica, though acquired by conquest from Spain in 1655, became under Charles the Second a settled colony, and in a settled colony the common law prevailed. Thus emerged the question whether, in case of rebellion, the Sovereign could proclaim and establish martial law in England itself. Rebels taken in arms might be summarily put to death. But even when in the reign of Richard the Second the followers of Wat Tyler were executed without a trial after resistance had ceased, it was thought desirable to pass an Act of Indemnity. After dealing with various instances of martial law in subsequent reigns, all of which he declared to be illegal, the Chief Justice came to the Petition of Right, by which the Parliament of 1628, so soon as it met, declared all commissions for the trial of British subjects by martial law to be unlawful. The Petition of Right, in spite of its name, is an Act of Parliament, and has never been modified or repealed. Since it was passed no monarch, not even James the Second, has ventured in this country to proclaim martial law. It was proclaimed in Ireland during the rebellion of 1798, and Wolfe Tone, who had been captured on board a French ship of war, was sentenced by court-martial to be hanged. But the Court of King's Bench at once granted a writ of *habeas corpus*, and Wolfe Tone would have been brought up for the purpose of being discharged if he had not cut his own throat in prison. Even in Ireland, whenever martial law was proclaimed, Acts of Indemnity were afterwards passed by the Irish Parliament. What, 1867.

1867. then, was martial law? It was either military law, or it was nothing; and military, which includes naval law, was applied to the two services only by the Mutiny Act, an annual statute. The right of putting down mutiny or rebellion by force was part of the common law, and not martial law at all. In 1792 Lord Loughborough, who had ceased to be, if he ever was, a friend of popular rights, held that no such thing as martial law existed in England. Returning to the particular case before him, the Chief Justice ruled that to put a man to death without jurisdiction was murder, but that an excess or misuse of jurisdiction was not. The history of Jamaica for the last hundred years showed that martial law, with or without authority, had been often proclaimed, and that rebellious negroes had been punished with the most horrible cruelty, being often burned alive. A local Act of 1846, a restraining Act, after describing martial law as "one of the greatest of evils," provided that the Governor might only resort to it when he had summoned a Council of War, and obtained their approval. That was precisely what Governor Eyre did, and so far his action was entirely legal. But martial law did not extend to Kingston, where Gordon was arrested. He should, therefore, have been handed over to the ordinary tribunals, which were open, and had jurisdiction to try him. His removal from Kingston to Morant Bay made for him the difference between life and death; for the evidence upon which he was convicted would not have been received by any competent Court, military or civil. But, having been brought, however improperly, into a proclaimed district, he might, in the opinion of the Lord Chief Justice, be lawfully tried there. Yet, again, there was a flaw; for the incitements to rebellion of which Gordon was accused were earlier in date than the

establishment of martial law, and therefore did not bring him within it. Once more, the Court, consisting of a lieutenant in the navy and an ensign in the army, was not duly constituted. A Military Court must be composed solely of military officers, and a Naval Court solely of naval officers. They could not be blended, and any court-martial must have a commission to sit from a superior officer, which this Court had not. Still, if Brand honestly thought (he was capable of thinking anything) that he had jurisdiction, and if he exercised it in good faith, he was not guilty of murder. The whole of the proceedings were irregular in the highest degree. There was no Judge-Advocate to advise the Court. Depositions made behind the back of the accused by persons who might have been called were accepted in defiance of all law, though the deponents might well have thought that they were securing their own safety by giving information against Gordon. Gordon's own proclamation to the people of St. Ann's, which was of course evidence, did not incite to rebellion, but was merely such as any demagogue might have issued. Public opinion in the Colony considered Gordon morally responsible, though, as the Chief Justice thought, upon inadequate grounds. Was it in the circumstances credible that the defendants should have sincerely believed that he had been proved guilty of treason by sufficient evidence? The idea that a man could be convicted under martial law, if mischief had resulted from his acts which was beyond their scope, and contrary to his own intention, he denounced as repugnant to elementary justice and to English jurisprudence. The Grand Jury slept over this charge, and considered it for three hours the next morning. The result of their deliberations was startling, if not unexpected. The substance of Chief Justice Cock- 1867.

1867. burn's argument was that they should find true bills, and that martial law was unknown to the British Constitution. The Grand Jury ignored the bills, and recommended that martial law should be more clearly defined by legislative enactment.

Mill congratulates himself in his *Autobiography*[1] upon the success which the Jamaica Committee had achieved. "We had elicited," he says, "from the highest criminal Judge in the nation an authoritative declaration that the law was what we maintained it to be." As this was Mr. Mill's opinion, it is the more to be regretted that he did not 1868. induce the Committee to rest and be thankful; for their subsequent proceedings merely tended to throw doubt upon the law, and to give their own conduct the appearance of vindictive persecution. Having obtained a *mandamus* from the Queen's Bench, which had jurisdiction under the Colonial Governors Act, they brought up Mr. Eyre at Bow Street, and at last procured his committal for trial. This time the Grand Jury was charged by Mr. Justice Blackburn, who dissented in some important respects from the opinions of his chief. He held, quite unnecessarily for the decision of the case, that the Crown might have power to declare martial law in time of peace, and he considered that, if the Governor were acting in good faith, he would not be criminally answerable for the removal of Gordon from Kingston to Morant Bay. The Grand Jury threw out the Bill. But the Lord Chief Justice took the unusual course of protesting in open Court that Sir Colin Blackburn's charge did not represent the deliberate judgment of his colleagues. Mr. Justice Blackburn, who had more professional learning than the Chief Justice, but less knowledge of constitutional history, and smaller experience of

Further action against Eyre.

June 2, 1868.

[1] Pages 298–299.

affairs, contented himself with accepting the sole responsibility for his address, and the matter dropped. Mr. Eyre was not further molested, except by a civil action for damages, which failed. But though he lived to be an old man, he was never again employed in the service of the Crown.[1] 1868.

The great problem Lord Derby's Government had to face was whether they should, or should not, introduce a Reform Bill. Mr. Disraeli lost no time in showing his hand. Whatever may be thought of his conduct as a leader of Opposition from February to June 1866, no one can accuse him of practising any deceit after his acceptance of office in July. Before he took his seat in the House of Commons as Chancellor of the Exchequer, he told his constituents that he and his colleagues had as much right to deal with Parliamentary Reform as any body of statesmen in existence. The great Reform Bill, he said, with considerable latitude, was "mainly devised" by Lord Derby, and the best Reform Bill introduced since 1832, the Bill of 1859, was his own. Mr. Disraeli knew, of course, perfectly well that the fatal year for his argument was not 1832, nor yet 1859, but 1866. Cynical, however, as his language was, to the verge of effrontery, it was absolutely frank. No one after reading it could doubt that the two chief Ministers of the Crown were in favour of legislation, but it remained to be seen whether they could carry their colleagues along with them. Mr. Gladstone expressed no horror at this sudden change of front, and in a speech at Salisbury, made before he left England for Italy, he promised fair consideration of any well-digested scheme. Meanwhile the temper of the unenfranchised classes throughout the country 1866. The Tories and reform. Sept. 7.

[1] His legal expenses were paid by a Liberal Government in 1872, and he received a pension from a Conservative Government in 1874.

1866. was steadily rising. At Birmingham, on the 27th of August, though the day was wet, two hundred thousand persons assembled in Brook Fields to demand reform. Similar gatherings were held at Sept. 27. Oct. 16. Manchester and at Glasgow. Mr. Bright was present on all three occasions, and spoke as he alone could then speak to great crowds. The resolutions demanded "residential manhood suffrage," and vote by ballot. In November, Nov. 17. Edinburgh followed with a great popular assembly at the Queen's Park. In London, too, the agitation was renewed. Lord John Manners, in whom, as First Commissioner of Works, the control of the Royal Parks was vested, refused to allow a meeting of the Reform League in Hyde Park, though it was asked as a favour and not claimed as a right. A procession of Trade Unions thereupon marched from Whitehall to Lord Ranelagh's grounds in Kensington, lent by Dec. 8. the owner. At a meeting of the same bodies in St. James's Hall the next night harmony was interrupted by a curious incident. A well-meaning but tactless Member of Parliament, afterwards a Minister of the Crown, found fault with the Queen for not appearing at the windows of Buckingham Palace to recognise the demonstrators. Mr. Bright repudiated the charge in language which was not soon forgotten either by the public or by the Sovereign. "I am not accustomed," he said, "to stand up in defence of those who are possessors of crowns; but I could not sit and hear that observation without a sensation of wonder and of pain. I venture to think there has been, by many persons, a great injustice done to the Queen in reference to her desolate and widowed position; and I venture to say this, that a woman, be she the Queen of a great realm, or be she the wife of one of your labouring men, who can keep alive in

Bright's defence of the Queen.

her heart a great sorrow for the lost object of her life and affection, is not at all likely to be wanting in a great and generous sympathy with you." No audience could listen unmoved to such words as these, and they went straight to the hearts of the men whom Mr. Bright was addressing. They knew very little, and had not much chance of knowing more, about the Queen, but they knew what sorrow and fidelity were. They understood the happiness of domestic life, and what was meant by the breaking up of a home. They would not allow the offender to explain himself. They cheered again and again. Mr. Bright's splendid eloquence was never more effective than in the autumn of 1866. It was then that he visited Ireland, and spoke in the Rotunda at Dublin that justly famous passage which may almost be said to have become a part of Irish literature: "You will recollect that the ancient Hebrew poet in his captivity had his window open towards Jerusalem when he prayed; you know that the follower of Mohammed, when he prays, turns his face towards Mecca; and the Irish peasant, when he asks for food, and freedom, and blessings, his eye follows the setting sun, the aspiration of his heart reaches beyond the Atlantic, and in spirit he grasps hands with the great Republic of the West." But Mr. Bright's speeches were not merely eloquent. They made it dangerous to refuse reform. "Residential manhood suffrage" was practically household suffrage, of which, with a provision for lodgers, Mr. Bright had been in favour since 1859. The names of Gladstone, Bright, and Mill were mentioned with honour in all the resolutions passed at this time. But the popular hero was undoubtedly Bright.

1866.

Oct. 30.

Effect of his speeches.

To Mr. Gladstone this agitation, however flattering, was not altogether welcome. "I do not

1866. like what I see of Bright's speeches,"[1] he wrote from Rome to Mr. Brand,[2] the Liberal Whip. Mr. Disraeli probably liked them well enough. He appreciated Bright's immense influence, and knew how to make use of it. On the other hand, he cordially detested Lowe, and had no sympathy with the Adullamites. Even in 1866 his speech on the second reading of the Reform Bill contained only one sneering reference to Lowe, while it was full of attacks upon Bright, which were really compliments in disguise. He was not the sort of man who yielded to intimidation, and at this conjuncture he certainly did not require it. He desired to have the credit of settling Reform by a policy of Thorough, and the Prime Minister was quite of the same mind. But they were almost alone in the Cabinet, and events out of doors were useful in assisting them to convert their more timid colleagues.

1867. The frequent Cabinets of the autumn produced in public nothing more valuable than conjecture. Yet there was little surprise in any quarter, even Feb. 5, 1867. in the mind of Mr. Lowe, when the Queen's Speech formally announced that attention would again be called to the representation of the people. Then began a series of rapid, dramatic, revolutionary changes without a parallel in the annals of Parliament since Pitt defeated the Coalition in 1784.

Feb. 11. Within a week from the opening of the session, Mr. Disraeli excited a good deal of laughter by expressing an opinion that Parliamentary reform should no longer determine the fate of Cabinets. If he had adopted that principle the year before there would have been no reason and no opportunity for appealing to it now. The practical upshot of his novel theory was that the House

[1] Morley's *Life of Gladstone*, ii. 223.
[2] Afterwards Viscount Hampden.

would be asked to proceed by Resolutions, and thus give the Government a friendly lead. These Resolutions, of which there were a baker's dozen, consisted for the most part of harmless platitudes.[1] They were not meant by their ingenious author to be illuminating.[2] So far as any definite proposals could be disentangled from the mass of verbiage laid upon the table of the House, they were that franchise should be regulated by rating; that there should be plurality of votes; that no borough should be wholly disfranchised; that bribery should be put down; that voting-papers should be recognised; that all expenditure for bringing voters to the poll should be illegal; and that the boundaries of Parliamentary boroughs should be enlarged. Under combined pressure from Gladstone, Lowe, and Bright, backed by the evident sense of the House, these Resolutions were, after a futile resistance from Disraeli, withdrawn. Their death revealed the secret of their birth. The Cabinet was seriously divided, and the Resolutions were a vain attempt to reconcile irreconcilable opinions. Two Bills, a large and a small one, had been under the consideration of Ministers. On Saturday the 23rd of February they agreed to adopt the more extensive of the two. On the morning of Monday the 25th Lord Cranborne, having spent a miserable and arithmetical Sunday, informed Lord Derby that, in consequence of his calculations, he must resign. Lord Carnarvon took the same course, and General Peel intimated that he must follow their example. The Cabinet could not be collected till half-past one. Lord Derby was to address the Conservative party at half-past two, and Mr. Disraeli had to explain his scheme in the House of Commons at half-past four. In ten minutes it was decided to

1867.

Disraeli's Resolutions

Feb. 26.

[1] *Annual Register*, 1867, pp. 22–23.
[2] Martin's *Life of Lord Sherbrooke*, ii. 315–316.

1867. maintain unity by reverting to the narrower plan.[1] The withdrawal of the Resolutions, which implied that the larger Bill would after all be brought in, led to a fresh crisis, and to the final retirement of the three dissentient Ministers. It looked at first as if the Government were breaking up. Except the Prime Minister, the Chancellor of the Exchequer, and the Foreign Secretary, the two ablest men in the Cabinet were Lord Carnarvon and Lord Cranborne. No one in the House of Commons was by both sides more heartily respected than General Peel. Of their successors only Sir Stafford Northcote, the new Secretary for India, was known to the public. The Duke of Buckingham, who became Colonial Secretary,[2] and Mr. Corry, who went to the Admiralty, whence Sir John Pakington was transferred to the War Office, were mere names, and shadowy names, to the people of England.

The Conservative Reform Bill.

But the Conservative leader, or rather the leader of the Conservatives, in the House of Commons, was a man of dauntless courage and unlimited resource. In language slightly reminiscent of Mrs. Micawber, he declared that he would not desert Lord Derby, and that he would introduce the original Bill on the 18th of March. Three days before that date Lord Derby held a meeting of his party, and announced that the Bill would provide for household suffrage in boroughs, subject to the essential conditions of two years' residence and the personal payment of rates. There would

[1] For these details the public are indebted to a speech made by Sir John Pakington at Droitwich on leaving the Admiralty for the War Office, a transference which then involved re-election.

[2] The Duke was not fortunate in his tenure of the Colonial Office. He recalled from New Zealand Sir George Grey, the most popular Governor that Colony ever had; and he suffered without remonstrance the purchase from Russia by the United States of the territory known as Alaska, which would have been worth its weight in gold to the Canadian Dominion.

also be educational, professional, and property fran- 1867.
chises with the dual vote. The county franchise would be reduced from a rental qualification of fifty pounds to a rating qualification of fifteen. If this Bill were rejected the Government would dissolve. These last words were the most effective in Lord Derby's speech, and it is not difficult to guess who prompted them. A penal dissolution has always been regarded as a legitimate weapon for a Minister in an emergency to use. But it means, of course, that every Member who votes against the Government will subject himself, if he succeeds, to a fine of some hundred pounds. The immediate effect of the speech was almost everything that the Prime Minister could desire. Mr. Henley, who had resigned rather than assent to the Reform Bill of 1859, and was not a member of the present Government, signified his hearty approval of household suffrage with payment of rates, and the only voice of disapproval at the meeting came from Sir William Heathcote, a model squire and churchman, but not an influential politician. When the Bill was introduced it was found to correspond closely enough with Lord Derby's sketch. The fancy franchises, however, lent themselves to ridicule. The payment of one pound a year in direct taxes (not being licences, so as to exclude Mr. Bright's "rat-catcher with two dogs") was to give a vote, and, to a householder, two. Fifty pounds in the funds or in a savings-bank, and membership of the learned professions, would also confer the right of voting. It is strange and almost incredible, but there seems, no doubt, that Mr. Gladstone contemplated a course so unwise as opposition to the whole Bill.[1] But a meeting of the party at his own house convinced him that this could not be done, and he contented himself with an exhaustive criticism of

[1] Lord Selborne's *Memorials*, vol. ii. 68–69.

1867. its principal provisions. Mr. Bright took the same line. After attacking the Bill and the Government in a tone severe even for him, declaring that they were the enemies, not the friends, of reform, and that it contained nothing clear, generous, or statesmanlike, he allowed it to be read a second time March 26. without a division. This was just what Mr. Disraeli wanted. He had got a unanimous vote for his Bill, and at the same time he could ask his followers in the country how a Bill so much disliked by Radicals could possibly be a Radical measure. It was a masterpiece of successful strategy, and his opponents played into his hands. Their next card suited him still April 5. better. After another meeting held at Mr. Gladstone's house, it was arranged that a rising lawyer on the Liberal side, afterwards Lord Chief Justice of England,[1] should move an Instruction to the Committee. An Instruction empowers the Committee to do what could not otherwise be done, as, for instance, in this case to amend the law of rating by relieving small occupiers from liability to rates, and thus fix a limit for household suffrage. Short of direct resistance to the Bill nothing could have been more impolitic than this proposal. It seems to have originated with Mr. Bright. At least it is quite in accordance with a passage in his speech on Bright's *residuum.* the second reading. "In all our boroughs," he said, "as many of us know, sometimes to our sorrow, there is a small class which it would be much better for themselves if they were not enfranchised, because they have no independence whatever, . . . and there is no class so much interested in having that small class excluded as the intelligent working men. I call this class the *residuum*." A strenuous effort was made to embroil the working classes with Mr. Bright on account of this phrase. But they knew their friends from their enemies, and would take

[1] Mr. Coleridge.

quite good-humouredly from Mill or Bright what they would have bitterly resented from Lowe. Nevertheless the Instruction was ill advised, and its first result was the Tea Room Party. Forty or fifty Liberal Members, meeting in the Tea Room of the House, resolved that they would not vote for the restrictive part of the Instruction, and it was accordingly withdrawn. Mr. Coleridge moved only the words which gave the Committee power to amend the law of rating, and they were contemptuously accepted by Mr. Disraeli. At this moment the Liberal party was rotten with intrigue. "I have never seen anything like it," said Lord Halifax,[1] a Parliamentary veteran. Yet the Tea Room Party was not the mere offspring of intrigue, nor was it identical with the Adullamites. One of its constituents was Henry Fawcett, the blind Member for Brighton, Professor of Political Economy at Cambridge, a marvellous example of the completeness with which intellect and courage may triumph over apparently hopeless disaster.[2] On this occasion Fawcett, with characteristic intrepidity, acted against Gladstone, Bright, and Mill, the three public men whom he most warmly admired. His "one aim was to get the largest measure of reform, whether it should come from the hands of the Government or the Opposition."[3] Mr. Gladstone then stepped upon the scene himself. He had given notice of a whole series of amendments, and on the 11th of April he moved the first, which would have enfranchised every householder, whether he himself or his landlord were personally rated to the relief of the poor. In other words, the compound householder was to have a vote. But Mr. 1867.

[1] Formerly Sir Charles Wood. He was created Viscount Halifax on his retirement from the India Office in 1866.

[2] Fawcett was accidentally shot by his own father, just after taking a brilliant degree at Cambridge. The sight of both eyes was entirely destroyed.

[3] Leslie Stephen's *Life of Fawcett*, p. 223.

1867. Gladstone fatally weakened his position with his Radical followers by proposing, in a subsequent amendment, to exclude all householders whose premises were rated below five pounds. This point, however, was not raised. The debate on the first amendment lasted for two nights, and was most animated in tone. Mr. Gathorne Hardy defended the Bill with the impetuous eagerness which distinguished him, and Mr. Beresford Hope, a disaffected follower of the Government, announced, with the awkward facetiousness which mistakes itself for humour, that he should vote against the "Asian mystery." Mr. Disraeli's retort was one of the happiest to be found in Hansard. "I can assure the honourable gentleman," he said, "that I listened with great pleasure to the invectives he delivered against me. I admire his style; it is a very great ornament to discussion, but it requires practice. I listen with the greatest satisfaction to all his exhibitions in this house, and when he talks about an Asian mystery I will tell him that there are Batavian graces in all that he says, which I notice with satisfaction, and which charm me." The division showed a majority of 21 for the Government, and the House adjourned for the Easter Recess.

Gladstone's amendment.

His defeat. April 12.

Mr. Disraeli's triumph was signal, not the less so because of the discomfiture inflicted on his great adversary. The blow to Mr. Gladstone's authority was serious, and nobody perceived the fact more clearly than Mr. Gladstone himself. He contemplated resigning the lead of the party, and, in reply to his faithful supporter Mr. Crawford, announced that he should move no more amendments to the Bill. It seems to have been at this time, if at all, that Mr. Disraeli said he would "hold Gladstone down for twenty years."[1] Twenty minutes would

[1] *Life of Bishop Wilberforce*, iii. 227. The Bishop records the saying at the end of the session. But it would then have been long out of date.

have been nearer the mark; for now the tide began to turn. During the Easter holidays the country had the opportunity of hearing what the idol of advanced Reformers thought of Mr. Gladstone. "Who is there in the House of Commons," asked Mr. Bright at Birmingham, "who equals him in knowledge of all political questions? Who equals him in earnestness? Who equals him in eloquence? Who equals him in courage, and fidelity to his convictions? If these gentlemen who say they will not follow him have any one who is equal, let them show him. If they can point out any statesman who can add dignity and grandeur to the stature of Mr. Gladstone, let them produce him." At this meeting, and at many others held in the Easter recess, the removal of all restrictions upon household suffrage, and a franchise for lodgers, were demanded. The Reformers had not long to wait. Consideration of the Bill in Committee was resumed on the 2nd of May, and Mr. Ayrton's amendment reducing the period of qualification from two years to one was carried against the Government by 81 votes. The Government yielded without discredit to the decision of the Committee. But another instance of submission was not equally fortunate. The Reform League having summoned a meeting in Hyde Park for the 6th of May, Mr. Walpole issued a notice signed with his own name to warn all persons against attending it. The League replied by urging all persons to attend it, and Lord Derby announced that as it was perfectly legal nothing would be done to prevent it. It was accordingly held in great numbers and perfect order. Although there were at least two hundred thousand people in the park, not a plant was disturbed, nor the leaf of a flower touched. Colonel Dickson rather happily addressed the crowd as "My friends and fellow-trespassers." But satis-

1867.

The turn of the tide. April 22.

1867. factory as the result was from Colonel Dickson's point of view, the position of Mr. Walpole, a man too good for this world, had become intolerable. He resigned the Home Office, and was succeeded by Mr. Gathorne Hardy. Events outside strengthened the Liberal party in the House of Commons, and Mr. Gladstone, receiving a deputation to express confidence in him as a leader, denounced the "absurd, preposterous, and mischievous distinctions of personal rating." Mr. Disraeli was, or professed to be, much shocked by this language. But he soon had more important matters to occupy his mind. Liberals were coming together again, and were showing a disposition to follow the advice of a sturdy democrat, who remarked that as Disraeli was bent on manipulating democracy, they should take his democracy, and treat his manipulation as the wicked would be treated at the Day of Judgment. Mr. McCullagh Torrens, the biographer of Sir James Graham and Lord Melbourne, proposed the enfranchisement of lodgers, and to this the Government agreed, only stipulating that the lodgings must be worth, unfurnished, ten pounds a year, or about four shillings a week. A still more important change followed. Mr. Hodgkinson, Liberal Member for Newark, a local solicitor little known
May 17. in the House, moved "that no person other than the occupier shall be assessed to parochial rates within the limits of a Parliamentary borough." So little did Mr. Hodgkinson dream of success that he estimated the probable majority against him at about a hundred. To the surprise of every one, and the consternation of his own followers, Mr. Disraeli at once accepted the amendment, which was added, without a division, to the Bill. Mr. Gladstone has left it on record that no episode in the romantic career of the "mystery man" astonished him more than this, adding that Mr. Disraeli made up his

mind before he had consulted the Cabinet, who were afterwards summoned to hear from an eminent statistician, Mr. Lambert,[1] the numerical effect of the change.[2] Thus, of Lord Derby's two main safeguards, a two years' residence and personal rating, one had already gone, and the other had become a farce; for, although every borough voter would be personally rated, so would every resident in a borough, which was household suffrage, pure and simple, without restriction or modification. The compound householder ceased, from a Parliamentary point of view, to exist, and a silence, only to be broken by the historian, fell upon the burning question of lobby gossip and dinner-table talk. Well might Bernal Osborne declare that the Chancellor of the Exchequer was the greatest Radical in the House. The fury of Mr. Lowe almost exceeded his very considerable powers of speech. He implored the gentlemen of England, "with their ancestry behind them, and their posterity before them" — a natural position which they shared even with compound householders — to "save the Constitution from the hands of a multitude struggling with want and discontent." What was to become of the House of Lords? The country and the Conservative party were alike ruined. Sir Rainald Knightley, who had helped to destroy the far milder Reform Bill of the previous year, complained bitterly of desertion. But Mr. Disraeli remained passive and imperturbable, satisfied that, in Lord Derby's phrase, he had "dished the Whigs" with a vengeance. Then the pace became fast and furious. Mr. Mill's proposal for woman's franchise was dismissed with the dreary jocularity considered suitable to such occasions. Mill's speech in moving his amendment is the ablest and clearest statement of the case for

1867.

Disraeli's acceptance of household suffrage.

[1] Afterwards Sir John Lambert.
[2] Morley's *Life of Gladstone*, ii. 225–26.

1867. the political enfranchisement of women. Much of it was too high-flown and romantic for the House of Commons. But the purely Parliamentary arguments are very strong. All other barriers to the suffrage, said Mill, could be surmounted by obtaining the requisite qualification. This alone could not. An unrepresented woman might pay twice as much in taxation as a represented man. If politics were "not a woman's business," neither were they a man's, unless he happened to be a Member of Parliament. If "indirect influence" were equivalent to representation, rich men ought to be disfranchised on account of their wealth. Power without responsibility was the most mischievous kind of power. The closing of professions to women, and the absolute right of husbands to take their wives' property unless it was protected by settlement, were grievances which would not be redressed until women had votes. Prophecy is always dangerous, and this one has not been more fortunate than others. But that such arguments should not have been deemed worthy of a serious reply is discreditable to the House of Commons, and especially to its leaders. Neither of them took part in the debate. Gladstone voted against the amendment. Disraeli did not vote at all. The copyhold franchise fixed by the Government at ten pounds was next reduced to five, and the occupation franchise in counties was brought down from fifteen pounds to twelve. The educational franchise was abandoned, despite the protest of Mr. Fawcett, who clung to the belief that education would make every one a Liberal. The property franchise followed, and the dual vote, which Mr. Gladstone had always opposed, died without an epitaph or a tear. The same fate befel Mr. Mill's scheme, or rather Mr. Hare's, of enabling electors to vote for "Members of Parliament in general" if

they disliked their own candidates, which almost justified Mr. Bright's objurgatory remark about great thinkers, "The worst of them is that they so often think wrong." On this occasion also Mill addressed the Committee with great ability, and Lord Cranborne administered a dignified rebuke to his fellow-members for the indifference with which they had received such a speech from such a man. Outside the sphere of religion there were not many things which Lord Cranborne respected. But intellectual eminence was one of them. 1867.

The disfranchisement of three boroughs for bribery led to the subject of redistribution and to another defeat of the Government. The Bill would have left Cockermouth, with a population of seven thousand, to return the same number of Members as Liverpool, with a population of nearly half a million. As a small step towards electoral justice, Mr. Laing carried an amendment to deprive of one Member all boroughs with a population of less than ten thousand. Mr. Laing's victory led, after the Whitsuntide recess, to a considerable change in the redistributing clauses of the Bill. Even in their new form they were absurdly inadequate. But still they were an appreciable though a very short step towards a system of numerical representation. London received four new Members for the two new boroughs of Hackney and Chelsea. After several debates at a later stage, in the course of which General Peel observed that nothing had so little vitality as a vital point, that nothing was so insecure as a security, and that nothing was so elastic as the conscience of a Cabinet Minister, a third Member was given to Birmingham, Manchester, Liverpool, and Leeds. Salford and Merthyr received a second. The new boroughs created, nine in number, were Hartlepool, Darlington, Middles- Redistribution. May 31.

1867. brough, Burnley, Dewsbury, Stalybridge, Wednesbury, Gravesend, and Stockton. The University of London was made for the first time a constituency, with a single representative. Twenty-five seats were bestowed on the counties; South Lancashire, for which Mr. Gladstone sat, being further divided into South-East and South-West. The new seats were obtained, not by increasing the numbers of the House, but by the partial disfranchisement of small, doubly represented towns. The use of voting-papers, the last remaining barrier against a turbulent populace and the luxury of the elderly, the indolent, the distant, the infirm, was expunged from the Bill on the 20th of June by a majority of 38, and thus the Liberal party were victorious all along the line. Everything for which Mr. Gladstone asked had been extorted or conceded. The lodger had been enfranchised in the precise form recommended by Mr. Bright seventeen years before;[1] the compound householder was no more; the property franchise had followed the dual vote into oblivion; voting-papers had gone after them; the educational suffrage had been rejected with scorn. No wonder that on the third reading the honest opponents of reform, few as they were, spoke their minds without reserve. Lord Cranborne, who had already described the monarchical principle as dead, the aristocratic principle as doomed, and the democratic principle as triumphant, now denounced "a political betrayal which had no parallel in our annals, and which had struck at the roots of that Parliamentary confidence upon which alone the strength of our representative system was maintained." Mr. Lowe declared that England had "gained a shameful victory over herself," and referred to "the shame, the rage, the scorn, the indignation, and the despair with which

The Liberal triumph.

July 15.

The Tory protest.

[1] *Public Letters of John Bright*, pp. 71–4.

the measure was viewed by every Englishman who is not a slave to the trammels of party or dazzled by the glare of a temporary and ignoble success." Mr. Lowe's practical moral that we must compel our future masters to learn their letters was very much to the point, and a good deal more valuable than his highly artificial invective. Mr. Bright's patronising approval must have been less to Mr. Disraeli's taste than the attacks of Lord Cranborne and Mr. Lowe. But in truth he cared very little for either the one or the other. For him the supreme test of human affairs was success, and if he succeeded he attributed hostile criticism to the pique engendered by failure. It was not his Bill, but it had passed, and he, not his adversaries, sat upon the Treasury Bench. "Sing, riding's a joy! For me, I ride." They had their rhapsodies of conscious virtue. He led the House of Commons. Nor can the severest judge of his singular and cryptic character deny that there is something more wholesome than Mr. Lowe's splenetic outburst in the spirited sentences with which Mr. Disraeli concluded his aggressive apology: "I think England is safe in the race of men who inhabit her; that she is safe in something much more precious than her accumulated capital, her accumulated experience; she is safe in her national character, in her fame, in the tradition of a thousand years, and in that glorious future which I believe awaits her."

1867.

Disraeli's success.

Next day the Bill was brought to the Bar of the House of Lords, and the second reading was fixed for the 22nd of July. Those who study the British Constitution in books of authority learn that Parliament consists, besides the Sovereign, of two Houses, one hereditary and the other elective. The elective House, dependent upon the constituencies, is penetrated with the spirit of party, amenable to Whips and wirepullers, swayed

July 16. The Reform Bill in the Lords.

1867. from one side to another by the breath of the popular will. The hereditary House, on the other hand, is entirely removed from the influence of political connection, and judges public issues entirely on their merits. Having no electors to please, and being placed above vulgar inducements by the fortunate accident of birth, the Peers can afford to sink every consideration except that of regard for their country's welfare, of which the responsibilities involved in their lofty eminence forbid them to lose sight. Not being told (for it has nothing to do with the theory of the constitution) that the Lords, like the Commons, are divided into parties, with their respective leaders and Whips, the student would conclude that this illustrious assembly paid no heed to the frivolous question whether a Bill had been introduced by a Liberal or a Conservative Ministry. What then, according to the doctors of the law, would have been the duty of the Upper House in July 1867? A Bill was laid before them at the close of the Session involving large and hazardous alterations of the political system which had been in vogue for five-and-thirty years. It had never been submitted to the judgment of the country, unless the country was represented by the Reform League. It had been turned upside down in Committee, and was much wider in its scope than a Bill which the same House of Commons had refused to pass the year before. That Bill would at the most have added half a million electors to the constituent bodies. This Bill would add at least a million, most of them uneducated, and some of them the poorest of the poor. There could hardly be a stronger case for the suspensory action supposed to be exercised by a Chamber of Review. This very session the Lords rejected Bills for the abolition of Church rates, and for the removal of religious tests in the

Universities, which had been repeatedly passed by the Commons. What happened? The leader of a great party, the Prime Minister of England, summoned what in America was called a caucus. Before the debate on the second reading he assembled at his own house a hundred Conservative Peers, and told them that he wished the Bill to pass with the fewest possible amendments in the shortest possible time. He intimated, not obscurely, that if it failed to pass he should resign. He had threatened in the event of its rejection by the Commons to dissolve. But a dissolution has no terrors for the Peers, whereas they dreaded a Liberal, perhaps a Radical, Government as the worst of calamities. Accordingly, after two nights' debate, the Bill was read a second time without a division. The speeches were not remarkable, but Lord Derby heard a good deal of plain speaking from Lord Carnarvon, who proclaimed and lamented, in language borrowed from Disraeli's attack upon Peel, that Conservatism was an organised hypocrisy. The Prime Minister, with his accustomed frankness, explained that he did not intend for a third time to be made a mere stopgap until it should suit the convenience of the Liberal party to forget their dissensions, and bring forward a measure which should oust him from office and place them there. Lord Shaftesbury delivered the ablest attack upon the Bill, and Lord Cairns the ablest defence of it.[1] But a discussion which is not to be followed by a trial of strength in the lobbies has seldom much life in it, and this was no exception to the rule. Some important changes were made in Committee. But as only one of them was accepted by the House of Commons and became law, it is needless to 1867.

[1] Lord Justice Cairns had been raised to the Peerage on the 22nd of February.

1867. recapitulate the others.[1] Lord Cairns, taking up a suggestion made by Lord Russell, proposed that in constituencies returning three Members no one should vote for more than two candidates, nor in the City of London, which returned four Members, for more than three. This idea of representing minorities was less objectionable than the cumulative vote which Mr. Lowe had vainly proposed in the House of Commons. Although Bright, Gladstone, and Disraeli united in disapproving of it, it was accepted for the sake of agreement between the Houses, and became law, perhaps the single instance of a political innovation made by a judge.

The leap in the dark. Lord Derby's final speech on the motion that "this Bill do pass" contained his frank and famous acknowledgment that he was "taking a leap in the dark." His next words, however, were an expression of confidence in the sound sense of his fellow-countrymen, and ignorance of the future is not the charge against the Government of 1867. The Act was on the whole useful and beneficial. The county franchise was indeed merely tinkered, and the scheme of redistribution little better than a sham. But the borough franchise, both for householders and for lodgers, was placed upon a firm and solid foundation which has stood the test of time. If the characters of public men were of no public importance, this would be a conclusive defence for Lord Derby and Mr. Disraeli. But it was impossible for them to deny either that in 1866 they opposed and destroyed a Reform Bill much more Conservative than their own, or that in 1867 they abandoned safeguard after safeguard which they had pronounced essential to the welfare

[1] Among the humours of these debates it may be mentioned that Lord Lyttelton, a senior classic, handed to the clerk at the table an amendment which that functionary was unable to decipher. It proved to be a proposal for the disfranchisement of those who could not write a legible hand.

of the State. Mr. Disraeli's own account of the matter was given with characteristic humour at a Conservative banquet in a very Liberal town. "I had," he said at Edinburgh, "to prepare the mind of the country, and to educate — if it be not arrogant to use such a phrase — to educate our party." What did Mr. Disraeli mean by this educational process? Did he mean his influence in the Cabinet? Did he mean his speeches in the House of Commons? Did he mean anything at all? Unless education simply consists in the object-lesson of voting one way in office and another way out of it, the metaphor or analogy is obscure. Mr. Disraeli did not refer to the Duke of Wellington, and he could hardly refer to Sir Robert Peel. The Duke's adoption of Catholic Emancipation and Sir Robert's conversion to Free Trade were the stock examples which ordinary Conservatives could cite. But the first soldier of the age frankly preferred capitulation to civil war, and Peel's gradual progress to economic Liberalism could be traced from the great Budget of 1842. The most ingenious sophist could hardly suggest that between June 1866 and May 1867 the minds of the Prime Minister and the Chancellor of the Exchequer had undergone a subtle intellectual change. They defended themselves, as people so often do, against the accusation which was hardest to establish and easiest to meet. If they had not been guilty of pure faction in 1866 there would have been no point in the denial of their right to solve the problem in 1867. 1867. Oct. 29.

In the course of his witty and amusing speech Mr. Disraeli entertained his hearers at the expense of the *Edinburgh* and *Quarterly Reviews*. He compared them with the boots of the *Blue Bell* and the chambermaid of the *Red Lion*, who "embrace, and are quite in accord in this — in

1867. denouncing the infamy of railroads." From the *Edinburgh*, then edited by Henry Reeve, and the organ of fossilised Whiggery, he could not have expected much support. The article on the "Conservative Surrender" in the *Quarterly*[1] was a more serious affair. It appeared in the recognised mouthpiece of Conservatism, which from the days of Croker had never loved Disraeli, and it suggested in every page the extremely forcible style of a late colleague in the Conservative Government.[2] The reviewer pithily described the action and the fate of those who, like himself, had turned the Liberal Government out, and put the Conservative Government in: "To defeat a proposal which they feared might ultimately result in universal suffrage, they ousted Mr. Gladstone from power; and when they greeted that victory with tumultuous applause, no presentiment crossed a single mind of the utter ruin of their hopes and their cause which by that victory they had accomplished." The most malignant but by no means the most effective attack upon Disraeli at this time appeared in *Shooting Niagara*, an example of a great man writing his best about things which he does not understand. Carlyle's sombre and satiric eloquence was always apt to be unnecessarily vituperative in tone; and when he came to treat of politics he clothed himself with cursing as with a garment. Other Englishmen might turn out to be honest. Politicians were almost certainly rogues. There was something strangely perverse in Carlyle's estimate of current events. While sensible people were rejoicing that a difficult question had been settled, and high moralists were regretting that it had not been settled without shameless tergiversation, Carlyle deplored the fact, and could only derive comfort

The "Conservative Surrender."

*Shooting Niagara.*

[1] October 1867. [2] Lord Cranborne.

from the cynicism of the author: "Soft; you my honourable friends: *I* will weigh out the corpse of your mother — mother of mine she never was, but only step-mother and milch-cow — and you shan't have the pottage — not yours, you observe, but mine." The sarcasm is not unworthy of Swift. But Swift, himself a statesman, understood statesmen, and could make them feel. If Disraeli read *Shooting Niagara*, he probably congratulated himself on having a better digestion than the author. 1867.

Two constitutional changes of some importance were made by the Reform Act of 1867. One, which originated in the Commons, provided, just too late for Sir John Pakington, that a Member of Parliament holding office under the Crown should not vacate his seat if he accepted a second office in lieu of the first. The other was due to Lord Stanhope, the most quietly effective legislator in the House of Lords, who succeeded in repealing the law that a dissolution of Parliament must follow the demise of the Sovereign. It illustrates the intense Conservatism of Englishmen that this irrational and inconvenient provision should have lasted so long. Minor changes in the Act.

The Budget was one of remarkable simplicity. Notwithstanding the continuance of much distress and embarrassment from the panic of 1866, the state of the Revenue was satisfactory. The Chancellor of the Exchequer had a surplus of twelve hundred thousand pounds, and with exemplary virtue he devoted almost the whole of it to the reduction of the national debt. He thereby secured the support of Mr. Gladstone, and the Budget passed with unusual smoothness. But Mr. Gladstone took the opportunity of once more protesting against the maintenance of the shilling duty on corn, which prevented England from becoming The Budget. April 4.

1867. the great receptacle of grain from all parts of the world.

Although the Reform Bill almost engrossed the attention of the House of Commons, Mr. Hardy, before he went from the Poor Law Board to the Home Office, introduced and carried an excellent measure for the relief of the London poor. He established a metropolitan asylum for sick and insane paupers, who were removed from the ordinary workhouses. The workhouse infirmaries were at the same time relieved of patients suffering from fever and small-pox, who were separately accommodated. A considerable step was also taken towards equality in the metropolitan poor-rate by charging the salaries of medical officers and some other similar expenses upon the common fund, of which Mr. Lambert was appointed receiver. By this new apportionment a single poor parish, St. George's, Southwark, paid only two-thirds of what it had been paying hitherto, while the rates of the richer parishes were of course increased. The Bill might well have gone further. But, such as it was, it did great credit to the zeal and humanity of the new Minister.

The Metropolitan Asylum Board.

As Home Secretary Mr. Hardy took up a much more difficult, and a much less agreeable task. The law officers of the Crown, like their predecessors in 1855, assured the Government that there was no legal right of meeting in the Royal Parks. But everything illegal is not criminal. The land-owners of England, either ignorant themselves, or relying on the ignorance of others, are in the habit of announcing that trespassers on their estates will be prosecuted. So far as the validity of the threat goes they might as well say "executed" at once. Trespass is not a crime, but the infringement of a civil right, to be enforced by action, not by prosecution. Inasmuch as to bring

The Royal Parks Bill.

an action against a mob is not less futile than to draw an indictment against a nation, Mr. Hardy proposed that to hold a meeting in the Parks without leave should be a misdemeanour, punishable with fine or imprisonment. A large majority read the Bill a second time. But a determined minority made such good use of its strength in Committee that Mr. Hardy, albeit unused to the melting mood, relented so far as to withdraw his Bill. Two years later a Minister would no more have ventured to propose such legislation than to repeal the Petition of Right. 1867.

Flogging in the army.

An urgent and most salutary reform came within an ace of accomplishment in 1867. Mr. Otway[1] moved and carried by a majority of one a resolution against flogging soldiers in time of peace. He was supported in debate by three military officers, and by the wholly unsentimental argument that corporal punishment checked recruiting. But Sir John Pakington, in his plea for the lash, was upheld by his predecessor, General Peel, and by the cited testimony of the Duke of Cambridge that it was necessary for discipline. The Government refused to be bound by a bare majority, and carried by seven votes the re-insertion of the flogging clause in the Mutiny Act. But they could not have escaped defeat even by that narrow margin unless they had cut down the number of offences for which the cat might be applied from seventeen to two. These were mutiny and insubordination, accompanied by personal violence. The moral victory was in every sense Mr. Otway's, and his object was achieved, while the Conservatives were still in office, by the Mutiny Act of 1868, which finally abolished flogging except during war.

1867 was a critical year in the history of organ-

[1] Afterwards Sir Arthur Otway.

1867. Trade Unions.

ised labour. The leaders of Trade Unionism[1] could not always control the smaller Unions. In October 1866 the house of a man named Fearneyhough, who had left the Saw-Grinders' Union of Sheffield, was blown up with gunpowder. Sheffield had already acquired an evil reputation for outrages of this kind. In 1858, and again in 1862, similar crimes had been committed by agents of a Trade Union. In Fearneyhough's case the Master Sawyer offered a reward of a thousand pounds for the conviction of the culprits, and a hundred pounds were promised by the Government. The leaders of the principal Trade Clubs in Sheffield denounced the crimes, and demanded a public inquiry. A deputation from the London Trades Council visited Sheffield, and condemned the "abominable practice of rattening," or seizing a workman's tools as punishment for not complying with the rules of the Union. It was plain, however, that much worse things had been done than that, and that to get at the truth by ordinary methods was impossible. By a curious coincidence, while the Government were considering the question the subject of Trade Unions and their powers was suddenly raised in a totally different form. The treasurer of the Boilermakers' Union at Bradford withheld a sum of money due from him to the Society. He was summoned before the magistrates under the Friendly Societies Act of 1855, and they dismissed the case on the ground that a Trade

The outrages at Sheffield.

The Bradford case.

[1] William Allan, Robert Applegarth, Daniel Guile, Edwin Coulson, and George Odger were at that time the most influential. "To perfect self-respect and integrity they added correctness of expression, habits of personal propriety, and a remarkable freedom from all that savoured of the tap-room. In Allan and Applegarth, Guile, Coulson, and Odger, the traducers of Trade Unionism found themselves confronted with a combination of high personal character, exceptional business capacity, and a large share of that official decorum which the English middle class find so impressive." — *History of Trade Unionism*, B. and S. Webb, p. 222.

Union was not within the statute. An appeal to the Court of Queen's Bench led to unexpected and even startling results. A full and strong Court[1] held not merely that the magistrates were right, but that, apart altogether from the Friendly Societies Act, a Trade Union could not take action under its rules against any one, those rules being in restraint of trade. The Unions could, therefore, as it seemed to laymen, be defrauded with impunity by their own paid servants, even if they could not, as Mr. Justice Blackburn hinted that they could, be tried for conspiracy at common law. No doubt a strike restricts business while it lasts, and if it lasts long, it may inflict much suffering upon persons quite unconnected with it. But inasmuch as no movement for raising wages, or for shortening hours, can be efficacious without the power of ceasing work unless the men's terms are granted, the decision of the Queen's Bench was almost fatal to the industrial right of self-defence. It appeared, however, from a subsequent case that the decision against the Boilermakers' Union had been exaggerated and misunderstood. At the Spring Assizes for Manchester in 1868, William Dodd, treasurer of the Operative House-Painters' Association, was indicted for having embezzled eight hundred pounds belonging to the Society. His counsel naturally took the point that an illegal association could not hold property, and therefore could not be defrauded. But Mr. Justice Lush, a member of the Court which gave the former judgment, held that though a Trade Union did not come within the Friendly Societies Act, it was not illegal in any other sense, and condemned Dodd to penal servitude for five years. Although the punishment of a rogue is always satisfactory, the position of

1867. Jan. 16, 1867.

[1] Cockburn, C. J., Blackburn, Mellor, and Lush, J. J.'s. The case was Hornby *v.* Close, reported in L. R. 2 Q. B., 153–160.

1867. Trade Unions in the eye of the law became after this ruling more ambiguous than ever.

The Trade Union Commission. Early in February it was announced that a Royal Commission had been appointed, with Sir William Erle, formerly Chief Justice of the Common Pleas, as chairman, to investigate and report upon the law. The Commission was afterwards enlarged, and its scope extended, so as to embrace all interests, and include the whole issue of combination or conspiracy. The ultimate consequences of this inquiry, which were most important and beneficial, will be fully described hereafter. For the moment public attention was almost entirely directed to the mysterious terrorism exercised at Sheffield, and in a smaller degree at Manchester. A Royal Commission has no authority to compel the attendance of witnesses, or to insist upon their answering questions when they attend. The requisite powers were in the present instance expressly conferred by statute. But there are obviously some questions which, unless he is assured against risks, a man would rather go to gaol than answer, and the Commissioners were therefore further empowered to grant certificates of indemnity to those who told everything they knew.

The inquiry at Sheffield. The task of eliciting the truth at Sheffield was delegated to three barristers,[1] who soon accomplished it with complete success. The worst case they brought to light was the murder of James Linley. Linley broke the rules of the Saw-Grinders' Union by keeping a number of apprentices. Two scoundrels named Crookes and Hallam were hired by a still more infamous ruffian called Broadhead to shoot Linley. Crookes shot him with an air-gun in August 1858, and in the following February he died of the injuries he then received. The manner in which these simple facts were brought

[1] Mr. Overend, Mr. Barstow, and Mr. Chance.

out was highly dramatic. Hallam at first refused to speak, and was committed to prison. After a few days' reflection and seclusion he thought better of it, and came before the Examiners again. Asked whether he was seen with a pistol in his pocket the Saturday night before Linley was shot, he said, after a long pause, that he was. Asked what he had the pistol for, he fainted. At last, after many struggles, and much reluctance, he said, "To shoot Linley." He added that he compelled Crookes to shoot him. Crookes confirmed the story, with the appendix that they were both hired by Broadhead. Broadhead afterwards confessed to having paid several other wretches for committing a whole series of outrages. It is curious that, while these appeared to give him very little uneasiness, the further disclosure of letters which he had written in abhorrence of the acts caused him to weep. He thought that his hypocrisy, not his crimes, would bring upon him "the execration of the whole world."

1867.

Confession of the culprits.

June 19.

Although the murder of Linley, which could not of course be punished, was the most atrocious of the revelations at Sheffield, there were many others only a degree less bad. The excuse for rattening, a very poor one, was that there were no legal means of enforcing a contract between a Union and its members. For other and more heinous acts of tyranny and oppression there could be no excuse at all. The Saw-Grinders' Union had the longest list of offences to their charge. But eleven other Unions were found by the examiners to have been implicated in outrages of a more or less serious kind. In one case, for which the Fender Grinders were responsible, a woman, whose husband had refused to join the Union, was burnt to death by an explosion, and another, her lodger, was so badly injured that she lost her senses, and

Report of the Examiners.

1867. remained for six weeks in the infirmary. Very few of the offenders were brought to justice, and without the Commission they would not have been discovered. There was, however, a curious, though by no means encouraging, instance to the contrary.

In December 1861 the nailmakers employed by a firm at Rotherham struck, and during the strike the shops of two men who refused to come out were blown up with gunpowder. Two men were convicted of this crime and sentenced to transportation for fourteen years. They were pardoned and released. They, and a third person not indicted, were found in the Examiners' Palace of Truth to have been guilty of the crime. The books of several Unions had been mutilated or destroyed in order to conceal the fact that payments had been made for felonious purposes.

This lamentable and disgraceful story excited just and general indignation, especially when the Saw-Grinders' Union refused to expel Broadhead and Crookes. But the picture was not wholly black. Sheffield stood almost alone in its bad eminence, for in Manchester only a single Union, the Brickmakers', had any such charge brought home to it. Even in Sheffield four-fifths of the Unions, sixty against twelve, were innocent, and the examiners reported to the Commissioners that outrages had diminished since 1859, the year when they were most rife. It is creditable to the Government and to the Legislature that the publication of the evidence, shocking as it was, produced no inconsiderate panic and no hasty measures. On the contrary, such steps as Parliament took were intended for the benefit of the working classes. Lord St. Leonards carried a pacific, though not very practical, Bill for the establishment of Joint Councils, Councils of Conciliation, between em-

Lord Elcho's Act. ployers and employed, while Lord Elcho provided

a remedy for a grievance which the working classes justly resented. If a labourer under a contract left his work without notice, or otherwise committed a breach of contract with his master, he could be arrested on warrant, taken out of his house, or even out of his bed, and sent to prison with hard labour. If, on the other hand, the master withheld wages legally due, the workman could only proceed against him by civil action. Lord Elcho's Bill, which became the Master and Servant Act of 1867,[1] provided that both classes should have their remedy by summons before the justices, who might simply order the fulfilment of the contract or inflict a moderate fine. By this salutary change in the law, for which the Trade Unions had long contended, the workman was enabled to give evidence on his own behalf, which when treated as a criminal he could not do. Although the Government supported the Bill, and it met with no opposition, the credit belongs to Lord Elcho, afterwards Earl of Wemyss, a Liberal Conservative and Member of the Adullamite Cave, hitherto less known as a politician than as a zealous and efficient volunteer. 1867.

But neither of these Bills dealt with the question of "picketing," which had long smouldered and now suddenly blazed. An Act of George the Fourth, passed in 1826, provided that any person who by threats or other similar means forced or endeavoured to force any journeyman to depart from his hiring, or prevented him from hiring, that is from accepting employment, should be guilty of a misdemeanour. A later statute of 1859 so modified the former one, as to protect from indictment workmen who persuaded others peaceably Picketing.

[1] 30 and 31 Vict. c. 141. This statute is described by Mr. and Mrs. Webb as "the first positive success of the Trade Unions in the legislative field." — *History of Trade Unionism*, p. 236.

1867. and in a reasonable manner, without intimidation, direct or indirect, to work or to cease from working. In April 1867 the tailors of London went on strike to obtain from their employers a universal time-log, fixing a time for the completion of every garment and every separate part of it. They also formed an alliance with the tailors of Paris and Brussels, so as to prevent their own vacant places from being filled by Frenchmen or Belgians. During the course of this bitter and prolonged struggle, which lasted for several months, the Operative Tailors' Association adopted an elaborate system of picketing, for which a number of them were brought to trial at the Old Bailey. With one or two trifling exceptions, which came within the law of common assault, they used no violence. But they gathered in groups round the masters' shops, followed the men who continued to work as they came out, hooted them, and called them cowards, with other terms of abuse. On the other hand, the masters put up in their shop windows, "Good hands wanted: no Unionists need apply." The defendants were charged with conspiring by unlawful means to impoverish Henry Poole and others in their business, in restraint of trade and of personal freedom. This was treated by the Judge, Baron Bramwell, as a conspiracy at common law. He held the common law to have been embodied in the Act of 1826, and, as he laid it down, it had not been materially altered by the Act of 1859. An agreement to do what would affect the liberty of others by annoying them or making things unpleasant for them was, according to him, a criminal conspiracy. A conviction against most of the defendants followed as a matter of course from this ruling, and with that Baron Bramwell was satisfied. He inflicted no punishment except in two cases of assault. But he read the men a good-humoured lecture on the blessings

The tailors' case.

of individualism, the favourite creed of the comfortable classes. Himself an orthodox economist, and a disciple of the school which held that the removal of restrictions from industry and commerce was the beginning and end of political wisdom, he told the defendants bluntly that it was impossible to have an effectual system of picketing without a breach of the law. The statute of 1859 was thus judicially declared to be useless for all practical purposes. "Everybody knows," said this most learned and able judge, "that the total aggregate happiness of mankind is increased by every man being left to the unbiassed, unfettered determination of his own will and judgment as to how he will employ his industry and other means of getting on in the world." "Everybody" did not include Thomas Carlyle, who threw ridicule upon this theory as the doctrine of "devil take the hindmost." That there is a good deal of truth in it nobody except a thoroughgoing Socialist would now deny. But the right of combination is the great weapon which the weak have against the strong, and those who refuse to combine are naturally considered as traitors by their own class. It is the duty of the State to protect them against violence to their persons and injury to their goods. But a tradesman who advertises that no unionists will be employed in his establishment is fighting the Unions by means which can hardly be called persuasion, and to be debarred from earning a livelihood is a heavier penalty than to be called bad names. The tailors' strike terminated in the complete victory of the masters, and edifying homilies were addressed to the unfortunate strikers by pedants without a tithe of Baron Bramwell's knowledge. Writers who had just enough acquaintance with political economy to use its phrases in their articles warned the working classes that in

1867.

Oct. 19.

1867. seeking to improve their condition except by harder labour they were fighting against immutable laws. As if it were a "law" in any sense of that much abused word that the price of labour should be fixed by the employer, or that collective was not more efficient than individual bargaining.

The uncertainty of the law. Meanwhile the industrial problem was left in the worst possible condition. The Trade Unions, though steadily increasing in size and strength, were under the ban of the law in the proper sense of the word. It was certain that they could not protect their own funds from embezzlement. It was far from certain that a mere combination to raise wages, with or without a strike, was not a conspiracy and a misdemeanour. Peaceful picketing was undoubtedly a crime, though it was apparently lawful for any combination of masters to agree that they would not employ members of Trade Unions. Although the appointment of Sir William Erle's Commission was probably the best course the Government could in the circumstances have taken, the workmen would have been very different from the average mass of humanity if they had not resolved to use their votes when they got them for the purpose of amending a law which was not immutable, namely, the law of the land.

The state of Ireland. In the year of reform there was no Reform Bill for Ireland.[1] The state of the country was such that Ministers, after much consideration, declined to be responsible for introducing one. The Queen's Speech indeed announced that Ireland was now tranquil enough to be governed by the ordinary law. But this praiseworthy intention was not destined to be fulfilled. Lord Abercorn and his advisers were deceived or deceived themselves. Before the month of February was out the

[1] A Reform Bill for Scotland was introduced, though want of time caused its postponement to the following year.

Habeas Corpus Act had been again suspended till May, and in May the arbitrary powers of the Lord Lieutenant were continued till the following March. The first revival of active Fenianism, however, occurred not in Ireland, but in England. On the 11th of February a number of Fenians, mostly young men, entered Chester, having come, it was believed, from Liverpool, Manchester, Preston, and Halifax. Their place of origin was New York. The police had been forewarned just in time that an attempt would be made to seize the arms and ammunition of the garrison at the Castle. The shops were closed and special constables were sworn in. Without this timely warning the shops would probably have been pillaged, and the Castle, which was defended by about half a dozen soldiers, would almost certainly have been taken. As it was the precautions adopted were successful, and the attempt failed. A company of the 54th Regiment arrived from Manchester early in the afternoon, and their presence had a wholesome effect upon the strangers. But confidence was not fully restored till the morning of the twelfth, when the first battalion of the Scots Guards emerged from a special train at Chester station, and all danger of a riot was at an end. Almost simultaneously with this abortive raid there began on the other side of St. George's Channel an irregular series of spasmodic attacks upon the British Government in Ireland. They were planned and led, so far as any definite plan or any practical leadership can be attributed to them, by Irish Americans who had fought in the Civil War. But the Irish agitator who said, or is supposed to have said, that his countrymen would rise as one man if they were not afraid of the police, was less absurd than his language. The Royal Irish Constabulary are a military force, with

1867.

Alarm at Chester.

Movements in Ireland.

1867. the arms, the drill, and the discipline of soldiers. They made short work of the ragged regiments who in the ice, wind, and snow of a severe winter and a still severer spring[1] descended upon their barracks and stations. The Fenian winter, as it was called, played havoc with sedition, and carefully planned manœuvres were frustrated by snow. Defeated and dispersed by their own countrymen, the rebels, if they deserve that name, melted away, leaving most of their chiefs in the clutches of the law. A Special Commission was held in Dublin for the trial of some three hundred prisoners on charges of high treason and treason felony. The former category might well have been merged in the latter. For the men in the dock were precisely the sort of mischievous rather than dangerous conspirators at whom the Treason Felony Act of 1848 was aimed, and though some lives had been lost in the confusion of putting them down, these were the lives of Fenians. Some doubt was thrown upon the necessity for suspending the Habeas Corpus Act by the readiness of the Dublin juries, when they had proper evidence, to convict, and two men, Burke and Doran, were sentenced, in the barbarous formula which still prevailed, to be hanged, drawn, and quartered. The posthumous part of the penalty was at once remitted, and Doran, who had been recommended to mercy by the jury, was soon afterwards reprieved. There remained Burke, and he was left for execution. But in England, as well as in Ireland, a powerful and influential movement was set on foot to invoke on his behalf the most gracious prerogative of the Crown. It had become a settled belief with Englishmen that the punishment of death should be reserved for murderers alone, and though most people were aware that treason was still a capital

Trials at Dublin.

[1] February and March.

offence, they did not expect a modern prosecution under a statute of Edward the Third. In ordinary circumstances the case would have been decided by the Lord Lieutenant. But treason touches the Crown as no other crime touches it, and Burke's fate was submitted to the Cabinet. They decided, after communication with Lord Abercorn, that the law must take its course. Public feeling, however, grew stronger and more outspoken. An important deputation was received by the Prime Minister at his private house in St. James's Square on Saturday the 25th of May. Mr. Mill, who was strongly opposed to the abolition of capital punishment, introduced it, and among the numerous Members of Parliament who accompanied him was Mr. Dodson, the Chairman of Committees. The *Times*, the especial representative of authority and order, pleaded for mercy. With evident reluctance, clothed in dignified and becoming language, Lord Derby promised to consult his colleagues again at another Cabinet the same afternoon. This was understood as amounting to concession, and on Monday both Houses were told that the Queen, by the advice of her Ministers, had been pleased to grant Burke a respite from the last penalty of the law. Public interest in Fenianism was at once extinguished. Burke's punishment was commuted into penal servitude; other Fenians convicted of treason felony received the same penalty in various degrees; and, except for a few acts of isolated brigandage, Fenianism in Ireland closed its inglorious career.

1867. Reprieve of Burke.

In Ireland, not in England. Two men, named Kelly and Deasy, arrested in Manchester as vagrants, were found to be Fenians, and remanded for further inquiries. On their way from the police court to the gaol a determined attempt was made to rescue them from the prison van. Thirty or forty armed

Rescue at Manchester. Sept. 18.

1867. Fenians, commanded by William O'Meara Allen, fired at the van, surrounded it, and stopped it. The prisoners were in the custody of Charles

Murder of Brett. Brett, a sergeant of police, who heroically refused to save his life by giving up the men, and was shot dead by Allen. The door was then forced open, and Kelly and Deasy were released. Unfortunately they were never recaptured, and made their way to the United States. But so audacious an outrage in the heart of a great city demanded exemplary punishment. Allen, and more than twenty other persons, suspected of being his accomplices, were apprehended. Altogether twenty-six

Oct. 27. were committed for trial, and a Special Commission

The trials at Manchester. of two Judges[1] was sent down to try them. Five men, including Allen, were convicted of murder and condemned to death. Others were sent into penal servitude, and there were numerous acquittals. There is no reason to question the general fairness of the juries. But the practice of trying men in batches is dangerous, and on this occasion it almost led to a terrible miscarriage of justice.

Nov. 1. Allen, Larkin, Gould,[2] Shore, otherwise Condon, and Maguire were simultaneously found guilty of murder, and simultaneously condemned to be hanged. Against four of them the verdict was beyond all question in accordance with the evidence. But Maguire was as innocent as the Judges themselves. He was serving in the Royal Marines, and had come home on furlough. He had never had any connection with Fenianism, and seven respectable witnesses swore that he was in his own house at the time of the rescue. Yet the jury convicted him, apparently without hesitation, and Mr. Justice Mellor sentenced him to death without a qualm. A judicial murder was avoided

[1] Blackburn and Mellor, J. J.
[2] Whose real name was O'Brien.

by the energetic intervention of persons who had heard the evidence without being sworn to try the issue,[1] and Maguire, having received a free pardon for an offence which he did not commit, was restored to his position in the Marines. Shore, an American citizen, a Fenian, and a man deeply implicated in criminal designs, was also pardoned, ostensibly because he had not carried a revolver. There remained Allen, Larkin, and Gould. The evidence against them was overwhelming, and their crime was murder according to English law. The objection that Kelly and Deasy were in custody without a formal warrant was a pettifogging quibble, and the means adopted by the friends of the convicts were the reverse of wise. A disorderly mob broke into the Home Office, and when the Home Secretary most properly refused to see them, they declined to leave the premises. Their ringleader proclaimed then and there that if the prisoners at Manchester were executed, the lives of Ministers would "not be held sacred." Such wicked and foolish talk increased the difficulty of reprieving the three culprits. Nevertheless it would have been prudent and politic to spare their lives. That their crime should go without serious punishment was clearly impossible. No Government could deserve or retain the confidence of the nation which did not protect the police in the performance of their duty. Young as they were, Allen, Larkin, and Gould were desperate men, reckless of consequences to themselves or others, ready to die for Ireland, or, if they had entered the British army, such is the ironic texture of things Irish, to die for England. Their death in the flower of their youth surrounded them with a halo of romance which the ignominious severity

1867.

Pardon of Maguire.

[1] A number of reporters for the Press, who had been in court on business, signed a petition to the Home Secretary.

1867. of penal servitude could not have conferred. But the Home Secretary, Mr. Gathorne Hardy, a man just and courageous in all his dealings, was not equally well qualified to decide between two courses where the highest form of expediency called statesmanship could alone assist him. He could see that a brave constable had been cruelly murdered. He could not see that the Irish race throughout the world would regard the scaffold at Manchester as a pinnacle of fame. So the law took its course, and the "Manchester Martyrs" their allotted place in the sinister political hagiology of Ireland.

Execution of the "Manchester Martyrs." Nov. 23.

They had succeeded in their object. Kelly and Deasy were seen by the police no more. Three weeks after their execution London was horrified by a Fenian outrage as futile in its results as it was barbarous in its means. Two Fenians, Burke and Casey, were confined in Clerkenwell gaol. With the object of enabling them to escape, the wall of the prison was destroyed by an explosion of gunpowder for a distance of sixty yards. Sir Richard Mayne had received an anonymous letter at Scotland Yard, in consequence of which the prisoners, who would have been taking exercise at the time of the explosion, a quarter to four, were kept in their cells. Otherwise they might have suffered severely from the attentions of their friends. But ruin and havoc were wrought upon the small houses opposite the gaol in Corporation Lane. Six persons were killed outright, six died afterwards from wounds or shock, and more than a hundred were injured.[1] This abominable crime, against which the police, being forewarned, might have been forearmed, excited intense popular in-

The Clerkenwell explosion.

Dec. 13.

[1] Mr. Disraeli was justly applauded for his promptitude in acting on his personal authority as Chancellor of the Exchequer, and sending public money for the relief of the sufferers without the sanction of Parliament or the Cabinet.

dignation, and the counsel instructed to defend Burke was so much frightened that he withdrew from the case.[1] For the murder of a woman who lost her life in the explosion five men and one woman were tried at the Central Criminal Court. The case against the woman, and one of the men, was stopped by the Lord Chief Justice. Three men were acquitted by the jury. One alone, Michael Barrett, was convicted and executed. No one has ever attempted to make a martyr of Barrett, though his demeanour in the dock was neither undignified nor unpatriotic. But the Clerkenwell explosion had consequences of which its authors could have hardly dreamed. It was the last in a chain of events that brought all the resources of British statesmanship to bear upon the condition of Ireland.

1867.

April 20-27, 1868.

Although England, since she emerged from Palmerstonian influence, had ceased to regard the affairs of Europe as her own, her advice and counsel were not the less regarded because she was not always obtruding them. Lord Stanley, who differed from Lord Palmerston as much as one Foreign Secretary can differ from another, had no ambitious designs of aggression or interference. But his prudence, ability, and good sense gave him a useful and conspicuous part in solving a difficult problem, a legacy of the Six Weeks' War. Since April 1839 the Grand Duchy of Luxembourg had been an independent State, though the Grand Duke was also King of Holland. But it was part of the German Confederation, and the town of Luxembourg, its capital, had had since 1815 a garrison of Prussian troops. Now that the old Confederation had come to an end,

The case of Luxembourg.

[1] This was Dr. Kenealy, afterwards so unpleasantly notorious, and elected, by a strange freak, to the House of Commons, after he had been expelled from the Bar.

1867. and since Luxembourg did not belong to the new one, the Emperor Napoleon conceived that it might furnish him with an opportunity for reaping some advantage to set against the manifest aggrandisement of Prussia. The population of the Grand Duchy did not amount to a quarter of a million. But its strategical position was important, and the Emperor was unpleasantly conscious of the need for showing France that he had not become a mere cipher in the European account. He
Feb. 28. suggested to the King of Holland, through the Marquis de Moustier, Foreign Minister in succession to M. Thouvenel, that Luxembourg was more naturally French than Dutch, and the King was not unwilling to gratify his powerful neighbour. But his Dutch Majesty forgot that he had more neighbours than one. The people of Luxembourg were German, and the idea of handing them over to France was intolerable to the German mind. Count Bismarck did not ostensibly interfere. But his influence, felt rather than seen, prevented the conclusion of the compact, and the Emperor had once more to acquiesce in a rebuff which he had brought upon himself.[1] Baffled in his main object, Louis Napoleon fell back upon the comparatively harmless, and in the circumstances most reasonable, suggestion that Prussia should evacuate a fortress which was not now on German soil. From this second position he could scarcely have afforded to recede, and the peace of Europe hung, as it seemed, upon the advice tendered by Bismarck to his Sovereign. "Peace or war," wrote Lord Stanley to Lord Malmesbury,[2] "depends on whether Bismarck consents to withdraw the Prussian garrison from Luxembourg. If he consents, France will raise

[1] De la Gorce, *Histoire du Second Empire*, vol. v. pp. 158–75.
[2] *Memoirs of an Ex-Minister*, ii. 369.

no difficulties as to the disposal of the territory. If he refuses, the Emperor must fight." Lord Stanley, on behalf of the British Government, advised Prussia to give way on a point of no real importance. The Queen wrote strongly in the same sense to King William. Russia proposed a Conference, and this was held in London at the beginning of May. Lord Stanley, a born man of business, presided; and though the plenipotentiaries only met on the 7th, by the 11th the Treaty was signed. Luxembourg was to be evacuated, the fortress demolished, and the territory neutralised under a joint guarantee.[1] Seldom indeed has a question so critical been settled so rapidly, in so friendly a manner, and with such complete success. 1867.

At the time when this Treaty was concluded the Italian Peninsula had become once more a scene of disturbance and a cause of anxiety. Although Louis Napoleon had literally fulfilled his part in the Convention of September by formally evacuating Rome, he had allowed French officers to enlist in the Pope's service without forfeiting their rank in his own army. As the Papal troops were largely recruited from the French Reserves, his Holiness could still command the assistance of French bayonets. This fact, irritating to Italian pride, was more than enough to excite the susceptible patriotism of Garibaldi. In February, 1867, the famous chief arrived at Venice from Caprera, and proclaimed himself Governor of Rome.[2] No step could have been less welcome to the Italian Government, who, though as anxious as Garibaldi himself to Garibaldi's march on Rome.

[1] Lord Stanley laid stress upon the fact that the guarantee was joint, not several; but his interpretation was not generally accepted, either in this country or abroad. Most statesmen, including Mr. Gladstone, held that the guarantee was several, as well as joint.

[2] De la Gorce, *Histoire du Second Empire*, vol. v. p. 267.

1867. see Rome the capital of Italy, were by no means prepared for a quarrel with France. The loss of Cavour was indeed irreparable. Rattazzi, at that time Premier, was good enough for ordinary times, but for a great crisis he had not the head nor the nerve. He allowed the relations between the two countries to drift into a perilous strait, lest he should offend public opinion upon the one hand or provoke the Emperor upon the other. When two hundred Garibaldians, without Garibaldi, invaded Papal territory at Viterbo, they were dispersed by the soldiers of the King. But Garibaldi himself was suffered to pursue without molestation his designs against the Temporal Power. The Emperor, if left to himself, would probably have allowed the Holy See to make the best terms it could with the Government at Florence. But he was afraid of the Church, he was afraid of the army, and his own position was less secure than ever. At the height of his outward grandeur, when the Paris Exhibition was drawing crowds from all countries in Europe to the capital of luxury and refinement, there appeared the handwriting on the wall. The official organ of the French Government announced, some days after the news had become generally known, the death of the puppet "Emperor" Maximilian, shot on the 19th of June 1867, by order of the Mexican Republic, after a military trial at Queretaro. The sentence was legal, and it was too much to expect of President Juarez that he should pardon a foreign usurper who had treated as rebels Mexicans fighting for their independence. But the chivalrous character of a young and misguided Prince enhanced the baseness of his desertion by the intriguer who had used him as his tool. The Mexican expedition, one of the darkest chapters in French history, had ended in defeat and disgrace. The ominous name of

Conduct of the French Emperor.

July 4.

Execution of Maximilian.

Bazaine had been associated, not for the last time, with untoward events, and the United States had no sooner established peace in their own borders than they gave effect to the Monroe doctrine by insisting that France should withdraw from Central America. After all that had come and gone the discredited head of a tottering dynasty could not venture to risk the consequences of another rebuff. His friendship for Italy was perhaps as nearly genuine as any sentiment of his crooked mind and shallow heart. But if he deserted the Pope after deserting Maximilian, he could hardly expect to receive again the blessing even of such priests and bishops as those who consecrated the 2nd of December. Yet there was no ground for his interference. The Pope feared his own countrymen as a man who fears God seldom fears any one. But he had a large foreign force in his pay, and Victor Emmanuel was loyal, as always, to his word. Garibaldi tried his Sovereign severely. As summer faded into autumn, he became more conspicuous and more dangerous every day. Early in September he attended at Geneva a Peace Congress, which, notwithstanding its title, proclaimed war against the Pope. A fortnight later he was apprehended at Arezzo, and conveyed to Caprera, from which towards the end of October he escaped to Florence. Rattazzi resigned in a panic, and General Menabrea became Prime Minister. Garibaldi, however, was not really so dangerous as he seemed. Though quite determined to march on Rome, he had not the means of taking it. His capture of the Papal garrison at Monte Rotondo only delayed his advance, and on the 3rd of November his ragged followers were totally defeated by the Papal troops at Mentana. The French troops, with their new rifle, the chassepot, turned the defeat into a rout;

1867.

Oct. 26.

Battle of Mentana.

1867. a thousand Garibaldians were killed; and fifteen hundred were taken prisoners.[1] For this futile battle and ruthless butchery the responsibility must be divided between Garibaldi and Napoleon. It was criminal to throw away lives in a hopeless contest against the French contingent from Toulon, the Italian army, and the mercenaries of the Pope. On the other hand, the Garibaldians would have been as effectively dispersed with far less slaughter if the Emperor had not interfered. Nor was there the slightest necessity for the French reoccupation of Rome, inasmuch as the King of Italy had shown himself ready to protect the Pope. Nevertheless the language of Lord Derby and his colleagues was not altogether wise. In expressing a hope that "his Imperial Majesty would find himself enabled by an early withdrawal of his troops to remove any possible ground of misunderstanding between His Majesty's Government and that of the King of Italy," they expressed the general opinion of Englishmen. But they also gave a challenge to France, which was quickly, and not very pleasantly, taken up by M. Rouher, the French Minister of State, or "Vice-Emperor," as he had come to be called. "Never," exclaimed Rouher in the Legislative Body, "never shall Italy possess herself of Rome. Never will France endure such an outrage to her honour and to the Catholic faith." "In politics," said the Emperor to his Minister next day, borrowing a phrase from Sir Robert Walpole, "one should not say 'Never.'" Neither Sovereign nor statesman had any idea of the irony with which the words were fraught.

Reoccupation of Rome. Nov. 6.

Nov. 19.

Dec. 4.

The Queen's Speech was delivered in November 1867, and not in February 1868, because money had to be voted for a military expedition to Abyssinia. The king of that country, which lies

The Abyssinian Expedition.

[1] De la Gorce, *Histoire du Second Empire*, vol. v. p. 307.

south of Egypt, between the Red Sea and the Blue Nile, was a Christian, but not a civilised monarch. For years he had nursed a grievance against the British Government, because a letter he had addressed to the Queen in October 1861, when Lord Russell was Foreign Secretary, had never been answered. But it was not until Captain Cameron, the British consul, following the bad example of his predecessor, Consul Plowden, who met with a violent death in 1860, began to meddle with Abyssinian affairs that King Theodore violated the law of nations by putting him in custody. Writing to Colonel Staunton, the British consul in Egypt, Lord Russell said that "Captain Cameron, in going to Bogos, acted without orders, and incurred the displeasure of his own Government." Rather more than a year later, Lord Stanley, adopting the policy of his predecessor, instructed Colonel Staunton that there should be no interference between native tribes. But whatever may have been Captain Cameron's indiscretions, they could not justify the conduct of the King, nor excuse the forcible detention of an Englishman representing his own Sovereign. Peaceable means for the Consul's release were tried first, and Hormuzd Rassam, a Syrian Christian in British service, was sent to negotiate with Theodore. But he was treated as Jehu treated the messenger from Ahab, and detained in custody himself. To him succeeded, at the King's own suggestion, a German missionary, Herr Flad. The King, however, who seems to have been insane, rejected the overtures he had himself proposed, and it became necessary for the Government to decide whether they would leave the prisoners in their captor's hands or compel their release by force. The question was not quite as simple as it looked; for Cameron, Rassam, and the rest might at any time effect

1867.

Oct. 1865.

Dec. 1866.

1867. their escape, whereas it was at least possible that the despatch of an expedition would be the signal for their murder. But the captives themselves, about thirty in all, of whom only three were British subjects, were willing to run the risk, and the Government rightly judged that the honour of the nation required a supreme effort to be made. In the month of August a peremptory demand was addressed to the King, with a distinct intimation that it would be backed by arms. It was arranged that Indian troops should be employed, and General Sir Robert Napier, Commander-in-Chief at Bombay, was selected to be their head. He speedily justified the choice of the Government. With about twelve thousand soldiers, mostly natives of India, he conducted to a successful and almost bloodless issue an enterprise, if not of great pith and moment, at least of much difficulty, which called for skill, prudence, and energy to surmount it. When
Nov. 19. Parliament met the advance guard had landed at Annesley Bay in the Gulf of Aden, from which there stretches a sandy plain to the ridge of mountains on which stood Magdala, the capital of Abyssinia, where Theodore's victims were confined. No serious opposition to the policy of the Cabinet came from any quarter of the House except from Mr. Lowe, who would have objected to anything proposed by the Government that had left him in the lurch. A point raised rather than pressed was the employment of Indian revenues beyond the limits of India in violation of the Indian Government Act. But, as in the case of China seven years before, the plea of sudden emergency was allowed to prevail, and a vote of credit for two millions received the unanimous sanction of the Committee. To meet part of this charge the Income Tax was raised from fourpence to fivepence for the rest of the financial year, the re-

mainder being taken out of the balances in the Exchequer, or in plain English borrowed. There was some difference of opinion, though not so much as there ought to have been, upon the shabby proposal to burden the people of India with the payment of the Indian troops and shipping employed against the Abyssinians. Mr. Gladstone indeed argued, with technical accuracy, that the resolution would not make India one shilling the poorer, and that to reject it would not make her one shilling the richer, since the men would have to be paid in any case. But his reasoning was transparently fallacious. If India wanted the troops they ought not to be taken away from her; and if she did not want them she ought not to pay for them. Although Mr. Fawcett had very little support in resisting the demand, it was by this and similar efforts, not founded on special knowledge of the country, but on general principles of justice, that he acquired the honourable title of the Member for India. A speech from Sir Henry Rawlinson, eminent as a soldier and as an Oriental scholar, who alleged that India was interested in the maintenance of British "prestige," drew an emphatic protest from Lord Cranborne. If this war, said Lord Cranborne, was undertaken to procure the liberation of a British Envoy, it was justifiable. If its object was the maintenance of "prestige" it was a wicked war; and he wished that they could banish from their political vocabulary a word which had so unpleasant an etymological connection with deceit. His wish was not destined to be fulfilled. But no one would have joined in it more heartily than the Leader of the Liberal party in the House of Commons. 1867.

It was not till the beginning of January 1868 that Sir Robert Napier arrived in Abyssinia, and Magdala could not be attacked before the middle 1868.

1868. of April. During the march no resistance was offered to the invaders; and provisions, being punctually paid for, were readily supplied. The real obstacles were the unhealthiness of the climate and the steepness of the tracks. It was only after the expedition had crossed the river Bashilo and ascended the Arogee Pass, which leads to Magdala, that King Theodore's men fired upon a mountain battery under Colonel Milward. But they did not kill a single member of Napier's force, and only wounded nineteen; whereas the Snider rifles and the mountain guns, directed by Sir Charles Staveley, killed about five hundred of them, and wounded some fifteen hundred more. Already the King had set his prisoners free, nor had he, in spite of gloomy prognostications, touched a hair of their heads. But he waited till the last moment, and

Capture of Magdala. he waited too long. Magdala was carried by storm, and as the British soldiers entered it he

Suicide of King Theodore. blew out his brains. Sir Robert Napier, in the picturesque language of Mr. Disraeli, hoisted the standard of St. George upon the mountains of Rasselas. In ordinary prose he burned the city, destroyed the guns, removed the small European population, and left Abyssinia to itself. Seldom has a general been so completely successful with so little bloodshed; and Sir Robert Napier came

July 2. home to receive the thanks of Parliament, with the title Lord Napier of Magdala. It was natural that Mr. Disraeli should exaggerate the importance, as he underrated the cost, of the first military expedition for which he had been responsible in Cabinet. But efficiency may be shown in small things as well as in great, and in this instance, if considered apart from economy, it could not be too highly praised.

## CHAPTER III

### THE IRISH CHURCH

THE education of the Conservative party in 1867 did not extend to Ireland. Yet the arch-educator knew very well, no man better, the conditions of the Irish problem. Almost a quarter of a century earlier, on the 16th of February 1844, when he was organising the Young Englanders, and writing those political novels which have never in their own kind been surpassed, he told the House of Commons what the Irish policy of an English Minister should be. With epigrammatic terseness and pungency he described the causes of Irish discontent as a starving population, an absentee aristocracy, and an alien Church. Ireland had also the weakest Executive in the world. What would any intelligent and unprejudiced observer propose as the remedy for such a state of things? Revolution. But England prevented revolution. "What, then, was the duty of an English Minister? To effect by his policy all those changes which a revolution would accomplish by force. That was the Irish question in its integrity." Wise words, if only they had been followed by deeds. Memorable words in any case, not to be omitted in any record or estimate of the speaker's career. The time had now come when the capacity of Lord Derby's Government was to be tested, not by the mere suppression of Fenianism, an easy task

1868.

Disraeli's view of the Irish question.

1868. enough, but by their power or impotence to cure the deeply rooted malady of which Fenianism was the outward manifestation.

A formal recognition of their duty Ministers were willing enough to make. Before the adjourned meeting of Parliament in February Lord Stanley attended a public dinner at Bristol. He declared on that occasion that the painful, dangerous, and discreditable state of Ireland was hardly ever absent from the mind of any person who took part in public affairs. "I suppose," he said, "there never was a time when Englishmen of all parties and all classes were more anxious to give all reasonable satisfaction to Irish demands, and even, as far as can be done without national injury, to humour the feelings and prejudices of the Irish people." Ireland, he added, was the question of the hour, though a dying Parliament could not save it. So far, therefore, as the Foreign Secretary was concerned, the crimes of a few reckless men would not be allowed to stand between the Irish people and the concession of their just claims. Yet when the Houses met again for business on the 13th of February, what was the measure proposed for Ireland? Another suspension of the Habeas Corpus Act, the fourth in two years, to last till the 1st of March 1869. Of course the Bill passed without serious opposition. Even the Irish Members would not vote against it. But, strange to say, the House of Lords displayed a more critical spirit than the House of Commons. Lord Russell plainly and boldly denounced the Irish Church as a badge of conquest, and Lord Grey, the least sympathetic of men, referred to Irish sympathy with the "Manchester Martyrs" as a proof that remedial as well as coercive legislation was required. It was obvious that things could not go on as they were.

Jan. 22. Lord Stanley's Irish sympathies.

More coercion.

Feb. 24.

At this moment the great Churchman who presided over the councils of the Ministry was compelled to abandon his post. Although Lord Derby had not yet completed his seventieth year, his constitution had been shattered by constant attacks of gout, and for a few days in February his friends despaired of his life. The immediate danger passed away. But on the 24th of February his resignation was announced in the House of Peers by Lord Malmesbury, and in the House of Commons by his own son. Throughout his life he had been faithful to one institution only, and that was the very institution now so vigorously assailed. His son cared nothing for Churches, and to his official successor they were cards in the game of politics. Mr. Disraeli became Prime Minister by the choice of the Queen, and with the acquiescence rather than the approval of his party. That he should have reached such a position at all is one of the greatest personal achievements in the history of England. Pitt, indeed, was younger by some forty years when he rose to the highest office under the Crown. But Pitt was the son of the greatest Minister in the eighteenth century, and he was educated for statesmanship from his mother's knee. Disraeli, though not without early friends, and even patrons, had to contend against the prejudice of race, the belief that he was unscrupulous, and the mass of indefinite reprobation which is summed up in the word "adventurer." He puzzled, he dazzled, he interested, he amused. He led the House of Commons with wonderful skill, and in the county of Buckingham no opponent had a chance against him. But serious people did not take him seriously, nor had he succeeded in acquiring the confidence of any one except a very few friends, such as Lord Stanley, Lord John Manners, and

1868.

Lord Derby's resignation.

Mr. Disraeli Prime Minister.

1868. Sir Stafford Northcote. Mr. Lowther's saying,[1] that "he did not see how he could meet his constituents after having refused a moderate measure from a good Christian and taken an extreme measure from a bad Jew," expressed with the bluntness of Newmarket and the Jockey Club what many Conservatives felt both before and after the educational speech at Edinburgh. Yet a distant spectator at once so able and so entirely different from Disraeli as Professor Döllinger, the celebrated scholar and theologian of Munich, could describe him as the greatest man born of a Jewish mother since the Emperor Titus. Except the Reform Act, which was not really his own, he had not passed any measure of importance; as a financier he was of no account; and his foreign policy had yet to be revealed. His biting sarcasms, his felicitous epigrams, his wit and humour were less valuable, if more conspicuous, than his inexhaustible patience, his imperturbable temper, and his ready tact. His attitude towards the Church of England, which, now that he was to be the dispenser of ecclesiastical patronage, became a practical question, was not on the whole displeasing either to bishops or to curates. He attended her ordinances, protected her interests, patronised her doctrines, and amused himself at her expense. Holding religion to be a secret of the Semitic race, he could not afford to lose the favour of so Conservative a body as the clergy, while his apparent prejudice against High Churchmen was probably due to the facts that he thought them unpopular, and that Mr. Gladstone was one of them. If he respected anything it was the House of Commons, where his life had been spent and his laurels had been earned. The predominant quality in his character was ambition, and now at

[1] Reid's *Life of Lord Houghton*, vol. ii. p. 175.

last he had obtained his reward. But it was not merely in Parliament that his position was improved and his influence increased. He had never been in favour with Prince Albert, and the Queen was, if possible, more disposed to be guided by her husband's opinion after his death than when she had the advantage of his presence to sustain her. Mr. Disraeli, however, was an incomparable courtier. By a judicious mixture of personal deference with regard for the Sovereign's comfort and study of her tastes, he gained such a complete ascendency in the precincts of the Palace as none of his predecessors or successors throughout the longest reign in English history, except Lord Melbourne, whose relations with the Queen were rather paternal than ministerial, ever approached. 1868.

Mr. Disraeli did not make many changes in the composition of the Government. He gave up the Exchequer to Mr. Ward Hunt. This was a weak selection. Mr. Hunt had been Secretary to the Treasury, and had distinguished himself by the success of his practical suggestions in the debate on the Cattle Plague. He was a genial, fox-hunting squire, and a respectable Chairman of Quarter Sessions; but to direct the finances of the greatest commercial country in the world was beyond his powers.[1] Mr. Walpole retired from the Cabinet, where he had sat without office since he had ceased to be Home Secretary.[2] But the greatest change of all was the abrupt removal of Lord Chelmsford from the Woolsack and the appointment of Lord

Promotion of Mr. Ward Hunt.

[1] "He is a giant in body, being six feet four and weighing twenty stone. When he knelt to kiss hands, he was even in that position taller than the Queen." — *Memoirs of an Ex-Minister*, vol. ii. p. 379. I have been told that when Her Majesty asked the Prime Minister what Mr. Ward Hunt was like, Mr. Disraeli replied, "Madam, he is elephantine in bulk; he is also elephantine in sagacity."

[2] He refused to serve under a Minister whom he suspected of inspiring a personal attack upon him in the *Times* (*A History of Twenty-Five Years*, vol. ii. p. 199).

1868. Cairns. It is one of the many anomalies in the British Constitution that, whereas the other Judges have a Parliamentary tenure, and can only be removed after an address from both Houses, the highest of them all can be dismissed without notice by the Crown. Lord Chelmsford complained that he had not had even the month's warning given to a cook, and consoled himself with the harmless witticism, "The late Government was the Derby, this is the Hoax." Mr. Disraeli is supposed to have resented Lord Chelmsford's vehement championship of Jewish disabilities. A simpler and more probable motive was his desire to strengthen the Government in the House of Lords, where the loss of Lord Derby was accentuated by the substitution of Lord Malmesbury as Leader.

The new Premier's declaration.

At a meeting of the Conservative party the new Premier declared that there would be no change in the policy of the Government. But, indeed, it was hardly for him to say what the policy of the Government would be. They had to cut their coat according to their cloth, and the provision of that material was scanty. The majority was in opposition, and there were ominous signs that Ireland would unite the Liberal ranks as they had never been united before. An Irish Reform Bill was now acknowledged to be an immediate necessity, so that while personal freedom in that country was suspended, political privileges were enlarged. The last Irish Reform Act had fixed the occupation franchise in counties at twelve pounds, and at eight pounds in boroughs. The county franchise was not now further reduced; but in boroughs it was brought down to four pounds, and the right of voting was given to lodgers on the same terms as in England. A scheme of redistribution met with so little favour that it had to be abandoned. Although the Bill was nominally identical with

The Irish Reform Bill.

the English Act, inasmuch as Irish occupiers of houses below four pounds were not rated to the relief of the poor, it was contended on good authority that a twelve pound suffrage in Irish counties was not less restrictive than one of thirty pounds on this side of the Channel. The Bill, however, passed more smoothly than the corresponding measure for Scotland, on which the Government suffered two serious defeats. The first was on a proposal to give Scotland seven more representatives by increasing to that extent the members of the House. The House, wiser than the Government, preferred a plan for disfranchising smallest boroughs in England, and transferring their representation to Scotland.[1] Mr. Bouverie's amendment to omit the rate-paying qualification was also carried against the Government;[2] but the Committee afterwards agreed that an elector must pay his rates before he could vote. With these changes the Bill passed, and Glasgow received a third Member, subject to the operation of the minority clause. To the four Scottish Universities were allotted two Members, Edinburgh being combined with St. Andrews, and Glasgow with Aberdeen. A Bill founded on the Report of the Boundary Commission completed for the present the work of Reform. The local petitions against it were so many that they were referred to a Select Committee, which recommended that in some of the largest towns, such as Birmingham, Bristol, Liverpool, Manchester, and Nottingham, the old limits should be retained. The Government were unwilling to adopt this recommendation. But they were once more defeated, and the views of the Select Committee prevailed. This rather dry

1868.

The Scottish Reform Bill.

[1] These boroughs were Arundel, Ashburton, Dartmouth, Honiton, Lyme Regis, Thetford, and Wells.

[2] There were no compounders in Scotland.

1868. question was the cause of a lively scene in the House of Peers, where Lord Russell, Lord Granville, and the other Liberals walked out in a body as a protest against an attempt to alter the boundaries of Birmingham and Birkenhead. Their reason for this unusual course was that Lord Malmesbury, as Leader of the House, had accepted an amendment in breach of a compromise to which the Prime Minister was a party. Whatever may have been the justification for the protest it had the merit of success; for the objectionable amendment was withdrawn, and the Bill passed the Lords as it left the Commons.

The Irish question. But while Parliament did many things in 1868, it thought only of one thing: Ireland, always Ireland. A very few weeks after the change of Government, on the 10th of March to be precise, an eloquent and highly respected Irishman, John Francis Maguire, Member for Cork, moved that the House of Commons should resolve itself into a Committee for considering the state of Ireland. The Church and the land were his subjects. His argument was that England should either govern Ireland justly, or let her govern herself, but he expressed no preference for the second alternative. An Ulster Tory[1] made an admission which had been long forgotten when in after years it was repeated by more eloquent lips. "It was in fact," he said, "only when there was a rumour of an attack on Chester Castle, when the Fenian attack on the police van at Manchester was made, and when the Clerkenwell explosion took place, that the minds of the people were thoroughly aroused." The inferences drawn from this fact may be the subject of controversy. That it is a fact cannot be denied. Ireland had been neglected for nearly twenty years, when Fenianism proved once more

[1] Sir Frederick Heygate.

that unsettled problems have no mercy on the repose of nations. The Chief Secretary, Lord Mayo,[1] himself an Irishman, set forth the Irish policy of the Government. The only novel or interesting part of it was a proposal to establish a Catholic University, with a Royal Charter and a Parliamentary grant. This idea was not welcome to either political party, and in the course of the summer, after much fruitless negotiation with the Catholic Prelates of Ireland, it was formally abandoned by Lord Mayo. Meanwhile the debate continued and led to memorable results. Mr. Bright illustrated it by one of his noblest orations, and by the most humorous of all his similes. "I recollect," he said, "that Addison, a good while ago now, writing about the curious things that happened in his time, said there was a man in his county — I don't know whether it was Buckinghamshire or not — he was not a Cabinet Minister, he was only a mountebank, but this man set up a stall, and to the country people he offered to sell pills that were very good against the earthquake." Mr. Bright did not think much of Universities, and such, in his opinion, was the relation between Lord Mayo's peddling scheme and the realities of Irish life. His own remedies, like Mr. Maguire's, were the disestablishment of the Church and the reform of the land laws. These were not the remedies of the Fenians. Nothing short of an Irish Republic would have satisfied them. But every statesman knows that the success of revolutionary and even criminal fanatics may indicate the existence of real grievances which are felt by millions of law-abiding men. Bright's advocacy of disestablishment, powerful as it was, would have

1868.

A Catholic university.

Bright's speech.

[1] In 1867 Lord Naas succeeded to the Earldom of Mayo. As the Peerage was an Irish one, he retained his English seat in the House of Commons. He was Member for Cockermouth.

1868. passed unheeded if it had not been followed by a direct and emphatic support from the responsible Leader of the Liberal party. Lord Russell had not indeed formally retired. But he had intimated that he would not again take office, and Mr. Gladstone must therefore have felt that he spoke with new authority when on the last night of the debate he rose to define his position. It was one of open hostility to the Irish Establishment. Lord Russell favoured the old Whig nostrum of concurrent endowment. Mr. Gladstone agreed with Mr. Bright that this was contrary to the spirit of the age, and Mr. Maguire had repudiated on behalf of the Irish Catholics the wish or intention to take a single penny from the revenues of the disestablished Church. So far as these consisted of public funds intended for the ecclesiastical purposes of the whole nation, and not of private bequests in recent times, Mr. Gladstone held that they belonged to Ireland as a whole, and should be applied to her general but exclusive benefit. Vested interests would, however, be scrupulously respected, and the property of which the Church after disestablishment would be left in possession was estimated at three-fifths of the whole. The doctrine of religious equality further required that the public grant to the Catholic College of Maynooth, and the subsidy to the Irish Presbyterians, known as the *Regium Donum*, should be discontinued. He concluded, in words of which it was impossible to mistake the import, that, when the case was proved and the hour had come, justice delayed was justice denied. Mr. Disraeli's reply to this epoch-making speech was not one of his happiest efforts. He committed himself to the surprising proposition that a religious people would always be in favour of ecclesiastical endowments, thus calmly assigning to the domain of irreligion the whole

March 16. Gladstone's policy.

population of the United States, the British self-governing Colonies, and all the Protestant Dissenters of England, including the mighty orator who represented the not insignificant town of Birmingham. But the Irish Church, with its squalid fabrics, its scanty flocks, its frowsy sinecures, and its wasted revenues, did not appeal to Mr. Disraeli's imagination, and by the unimaginative reason it stood condemned. 1868.

Mr. Maguire's motion, having served its purpose, was withdrawn. A greater actor had appeared upon the stage, and the plot was hastening to its development. Although Mr. Gladstone was sometimes slow in making up his mind, yet when he had made it up he did not let the grass grow under his feet. Just a week after his declaration of policy he gave notice that he would move three resolutions on the subject of the Irish Church. The first, while saving vested interests, condemned it as an establishment. The second and third, which were really one, declared it inexpedient to exercise public ecclesiastical patronage in Ireland, and prayed the Queen to place so much of that patronage as was hers at the disposal of Parliament. The issue was raised by the first of these resolutions in a clear and definite form. But inasmuch as they dealt with religion, they had all to be considered in Committee, and this gave the Government an opportunity of putting off the evil day. To the motion for going into Committee Lord Stanley proposed an amendment which would have left the question for the next House of Commons to consider. This amendment and the vague, colourless speech of the mover did not satisfy the Conservative party as a whole. Lord Cranborne fiercely denounced the Government for acting as if they intended to betray the Irish Church. "In 1865," he exclaimed, "the noble

Gladstone's resolutions.

Lord Stanley's amendment March 30.

1868. Lord seconded a resolution which, like this, made general admissions and pleaded for delay, and the end of it was household suffrage." He would not vote for such an unworthy and ambiguous course. Nor did Lord Stanley represent the views of all his colleagues on the Treasury Bench. Mr. Gathorne Hardy, though bound to vote for the amendment, spoke in almost exactly the same sense as Lord Cranborne, and proclaimed with a vigorous, manly eloquence which always delighted the House, a policy of no surrender. The Irish Church upheld the light of the Reformation which must never be quenched. Mr. Lowe, on the other hand, was as emphatic and as oratorical in his assault upon the Irish Church as he had been in his declamation against reform. He declared, with much point and with substantial truth, that out of an average hundred Irishmen seventy-eight were Roman Catholics, eleven belonged to the Protestant Endowed Church, and ten were Presbyterians, while the remaining individual might be classed with the waifs and strays. Mr. Disraeli argued, fairly enough, that Lord Palmerston, under whose auspices the House had been elected, was a political supporter of the Irish Church, and pleaded, as a Conservative Premier naturally would plead, against the confiscation of ecclesiastical endowments. Then, in one of his audacious flights of rhetoric, he drew a picture of Mr. Gladstone as a sort of Guy Fawkes, the agent of Ritualists and Romanists, High Churchmen and Papists, in England and Ireland. In a letter from Hughenden, which he was careful to date "Maunday Thursday," instead of the 9th of April, the Prime Minister assured a clerical and remonstrating constituent that the Liberation Society, to which some of the shrewdest and hardest-headed men in England belonged, was a mere instrument of this

confederacy, and would be the first victim of its spiritual despotism. The House of Commons, however, was not alarmed. Lord Stanley's amendment was defeated by a majority of 60, and by a majority of 56 the House agreed to go into Committee. At the cost of shedding Lord Elcho the Liberal party was reunited once more, and in this strange House of Commons the dormant majority awoke more than two years after it had been returned. The General Election of 1865 was accurately mirrored in the division upon Lord Stanley's amendment. 1868. Defeat of the Government.

The Easter holidays were given up to an agitation of which the Irish Church was the centre. Lord Russell presided over a Liberal meeting in St. James's Hall, and while avowing his own preference for a policy of concurrent endowment, acknowledged that this was now impossible, and accepted Mr. Gladstone's scheme as the only alternative. He also expressed a generous confidence in Mr. Gladstone as the Leader of the Liberal party and his own. When the House of Commons met after the recess Mr. Gladstone's first resolution was carried in Committee by a majority of 65. To their former defeats the Government had tamely submitted, and Lord Derby had advised them not to give way. But after this third crushing reverse they came to the reluctant conclusion that they must either resign or dissolve. Their proper course was resignation. They had been three times severely defeated on the question which engrossed the political world, and it was plain that they did not possess the confidence of the House. An immediate dissolution would have been a farce; for, as the law then stood, the new electors could not have voted before the 1st of January 1869. In these circumstances Mr. Disraeli took a line which became

Lord Russell's support.

Mr. Gladstone's victory.

April 30.

1868. The Government and the Queen. May 4 and 7.

the subject of adverse comment in the House of Commons. He did indeed tender his resignation to the Queen. But at the same time he advised Her Majesty that an appeal to the country upon the conduct of her Ministers would be a preferable alternative. The Queen, unnecessarily placed in this dilemma, refused to accept the resignation of the Government, and thereupon the Prime Minister recommended that a special law should be passed for taking the opinion of the new constituencies before the close of the year. That the nation should be consulted upon the fate of the Irish Church was acknowledged to be right and proper. The criticism of the Liberal leaders was directed to another point. They complained, with some justice, that the Prime Minister had used the name of the Sovereign for the purpose of influencing opinion, and that he had, in fact, asked from her the guidance which it was his duty to give. There can be no doubt that Mr. Disraeli endeavoured to strengthen his position, which certainly needed it, by the authority of the Throne. The Queen, a staunch Erastian, was opposed to the disestablishment of the Irish Church, and by obtaining the rejection of his proposal to surrender his office Mr. Disraeli exhibited her to the public as his ally.

But, while the use thus made of the Queen's name by Her Ministers was not in accordance with strict constitutional propriety, the result achieved was what both parties expected and desired. The question whether the Irish Church should be disestablished and disendowed had been answered in the affirmative by a House of Commons elected on other issues under the influence of a statesman who did not live to meet it. That question would now be submitted to an electorate enlarged by the Reform Act of 1867, and the Government, with the concurrence of the Liberal

party, carried a Registration Bill which enabled the new voters, as well as the old, to exercise the suffrage in November. It was thus with the certainty that this session would be its last that the Parliament of 1865 proceeded to deal with Mr. Gladstone's remaining Resolutions, and with the Bill which he founded upon them. The Government wisely abandoned further resistance to the Resolutions, which were passed after some unseemly wrangling among the majority over the future disposition of the funds. As the third Resolution had taken the form of an Address to the Crown, and was in direct conflict with the declared opinion of Her Majesty's constitutional advisers, her reply, for which they would be responsible, was awaited by some with anxiety and by others with amusement. The period of doubt, however, was not long. The Resolutions passed through Committee on the 7th of May, and were reported on the 8th. On the 12th the Controller of the Household, Lord Royston,[1] appeared at the Bar, and said, in the name of the Queen, "I desire that my interest in the temporalities of the United Church of England and Ireland in Ireland may not stand in the way of the consideration by Parliament of any measure relating thereto that may be entertained in the present session." Mr. Disraeli was too wise and too loyal a man to bring the Crown into direct conflict with the representatives of the people. In accordance with the terms of this answer Mr. Gladstone forthwith introduced a Bill suspending the execution of ecclesiastic patronage in Ireland by the Crown or the Ecclesiastical Commissioners till the 1st of August 1869. The Bill passed easily through all its stages in the House of Commons, where the subject was exhausted, and the

1868.

Agreement to dissolve in November.

The Queen's answer.

The Suspensory Bill.

[1] Afterwards Earl of Hardwicke.

1868. strength of parties was known. But in the House of Lords its reception was very different. The Conservative Peers had a strong case, and they made the most of it. Although the rejection of a temporary measure, such as this, was necessarily final, the Lords were justified, even on Liberal principles, in refusing to pass it. For, while it neither disendowed nor disestablished the Irish Church, it prejudiced the very question upon which both sides had agreed that the country
June 25. should pronounce. Lord Granville, who moved the second reading, confined himself, as far as possible, to the four corners of the Bill, and Lord Grey, who moved its rejection, was opposed on principle to the continuance of the Irish Establishment in its present form. But, even if the rules of debate in the House of Lords had been much stricter than they were, it was inevitable that the discussion should take a wider range. Lord Derby, free from the trammels of office, and always a passionate supporter of the Irish Church, declaimed with an energy which overbalanced his physical weakness against a proposal that he could not distinguish from the spoliation of private property. Even the Bishop of London,[1] most Liberal of ecclesiastics, argued that disestablishment would be followed by the predominance of Roman Catholicism and the repeal of the Union. Lord Carnarvon was the only Conservative Peer who supported the Bill, and he, a victim of the great transformation in 1867, advised the Irish Church to trust their open enemies rather than their false friends. On the other hand, Lord Salisbury[2] denounced the Bill as crude, violent, and useless. The Duke of Argyll defended it

[1] Dr. Tait.

[2] Viscount Cranborne succeeded his father as Marquis of Salisbury in April 1868.

with brilliant eloquence, and the Bishop of Oxford replied with equal brilliancy, marred only by a sneering reference, in the worst possible taste, to the Duke's Presbyterian creed. The best and fullest statement of ministerial policy came from the Woolsack. Lord Chancellor Cairns justified his appointment, if it required justification, by an extremely able and powerful, though rather too forensic, harangue from the Ulster Orangeman's point of view. Lord Cairns was at heart as much a Presbyterian as the Duke of Argyll, and both were members of Established Churches. If the Church of Scotland had been at stake the Duke might have agreed with the Chancellor. Both were staunch Protestants. Neither cared much for Bishops. But on this occasion Lord Cairns had to defend an Episcopal body, and he did so on the broad ground that the State had no right to interfere with the execution of a trust so long as it was properly executed and the object of the trust remained. He forgot, or ignored, the fact that the so-called Church of Ireland ministered to something like one-eighth of the population, while it was principally maintained by a tax upon the soil. But he was undoubtedly right in his contention that the disestablishment of the Irish Church would contravene the Act of Union, which by its fifth article declared that "the Churches of England and Ireland, as now by law established, shall be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland." At three in the morning the Lords divided, and rejected the Suspensory Bill by 192 votes against 97. Thus the whole subject was remitted to the last court of appeal, and to the verdict of a General Election.

1868.

The rejection by the Lords.

As if the Irish Church had not been enough for any man's energies, Mr. Gladstone undertook in

1868. 1868, though an unofficial Member of Parliament, to legislate for the English Church as well. He carried through the House of Commons, and, with the help of Lord Russell, through the House of Lords, a Bill for the abolition of compulsory Church Rates. Ever since the Braintree case in 1853 the Church had depended for these levies upon a majority of the rate-payers in vestry assembled.[1] But for ten years the Lords had frustrated every attempt to relieve Nonconformists from a genuine grievance, and the Church from a just reproach. Mr. Gladstone was not a Churchman for nothing, and he knew how to gild the pill. While the principle of compulsion was removed, the machinery of collection was preserved, so that a voluntary rate could without inconvenience to any one be raised. Rational Churchmen and Conservatives perceived that it was best to terminate the struggle by closing with the offer. Lord Cranborne, before his succession to the Peerage, supported the Bill in the Commons, and after a parting malediction from Lord Derby, it passed through the House of Lords, to the great advantage of the Established Church. Change was in the air, and the Lords, though not prone to innovation, effected a little reform themselves by abolishing proxies. The right of a Peer to vote by proxy was an ancient one, and Mr. Disraeli, of all people, attached peculiar importance to it. A letter to Lord Malmesbury, dated the 10th of July 1867, set forth in his most pompous style his views on this curious privilege.[2] "The Estates of the Lords Spiritual and Temporal," he wrote, "being very limited in number, their members can easily meet in their own chamber. The Estates of the Commons being, on the contrary, very

The abolition of Church rates.

Termination of Peer's proxies. March 30.

[1] See vol. ii. pp. 40–43.

[2] *Memoirs of an Ex-Minister*, ii. 371.

numerous, choose, for convenience, representatives, 1868.
instead of holding general meetings, like the Polish Diets. The House of Commons is not an Estate of the Realm; its members are only the proxies of an Estate. The Lords, in using proxies, possess and exercise the same privilege as the Commons, no more; and if it is not convenient for them to attend the meetings of their order, they have the right to choose their representatives." This is the language of an ingenious antiquary, such as Mr. Disraeli's father was, and not of a practical statesman. It made a great impression upon Lord Malmesbury, who argued in favour of proxies when he proposed, as Leader of the House, to follow the recommendation of a Select Committee, and get rid of them.[1] But the Peers were men of the world, and showed more sense than their fantastic champion. The right now challenged was already subject to stringent limitations. Since the reign of Charles the Second no Peer had been able to hold more proxies than two, and they could never be called in Committee. It was nearly four years since they had been employed, and the last instance, the vote of censure on the Danish policy of Lord Palmerston's Government, was not a fortunate one. For, as Lord Stanhope shrewdly observed, Lord Russell, the Foreign Secretary, was on that occasion acquitted by those Peers who did hear his defence, and condemned by those who did not. The credit of the Standing Order which discontinued this bad practice is really due to Lord Stanhope, whose political efforts were always successful, perhaps because they were never on a large scale.

Although a large part of the session in 1868

[1] When Lord Malmesbury wrote up his diary, he was under the impression that this motion was made by "the late Lord Stanhope." It was really his own.

1868.

was devoted to Irish debates which had no immediate result, the legislative record of the Government was substantial, and in the circumstances remarkable. Public executions, an odious relic of barbarism, were abolished.[1] The control of the telegraphic system was acquired from the companies by the Post Office, at a serious cost to the revenue, which, however, was much more than repaid by general public advantage. It cannot, indeed, be said that the triumphs of the Government were financial; for Mr. Ward Hunt, hampered by the Abyssinian Expedition, the price of which he underestimated at five millions, could not help raising the Income Tax from fourpence to sixpence. A small charge was, however, recovered from the Consolidated Fund by stopping the annual payment of twenty thousand pounds to the Church of England in the West Indies, and leaving the West Indian colonists to provide for their own ecclesiastical requirements. This step, though in itself sensible and judicious, gave a considerable advantage in controversy to advocates of disendowment in Ireland. No party capital could be made out of the Public Schools Act, which fulfilled the recommendations of Lord Clarendon's Commission appointed in 1861, and should have been passed by the Government of which Lord Clarendon was a member. Under this Act new governing bodies were established for seven out of the nine public schools into which the Commission inquired; St. Paul's and Merchant Taylors being, unwisely, excluded on account of their connection with rich and influential companies in the City of London. The effect upon the seven included schools of passing into new and vigorous hands was beneficial and immediate.

Discontinuance of public hanging.

Acquisition of telegraphy by Government.

Ward Hunt's Budget.

Disestablishment in the West Indies.

Public Schools Act.

[1] The last man hanged in public was Michael Barrett, the Clerkenwell murderer.

The old classical education was not impaired. But the comparative variety and elasticity given to the system redeemed the public schools, perhaps the most peculiarly and distinctively English of all our institutions, from the reproach of teaching little or nothing which was not taught in the Middle Ages. 1868.

The most important Act of 1868, if importance may be gauged by the standard of Parliamentary interest, was that which dealt with Election Petitions. The Government believed that the best way of putting down bribery and corruption was to set up a new Court. Hitherto the House of Commons had jealously guarded its sole right to determine the validity of a contested election. Originally petitions against the return of a Member came before the House itself. Grenville's Act in 1770 substituted a Committee of thirteen, "selected by the sitting Members and petitioners from a list of forty-nine chosen by ballot."[1] This system, obviously open to grave abuse, lasted till 1839, when Sir Robert Peel, though not in office, carried a Bill reducing the Committee to six members, afterwards five, appointed by an impartial body, to be called the Committee of Elections. The intrusion of party spirit was thus avoided, as in Committees on Private Bills. But it was thought that Members of Parliament, Conservative or Liberal, were too lenient to each other, and in 1867 a Select Committee deferred to public opinion by recommending that the trial of Election Petitions should be entrusted to the Judges of the land. The Government were ready and willing to legislate in that sense. But they found an unexpected obstacle in their path. Lord Chancellor Chelmsford courteously consulted the Judges through the Lord Chief Justice on the method by which their Election Petitions Act.

[1] May's *Constitutional History*, vol. i. p. 309.

1868. services could best be made available. Instead of the practical advice for which he hoped, he received an eloquent expostulation. "I have consulted the Judges," wrote Sir Alexander Cockburn, "and I am charged by them, one and all, to convey to you their strong and unanimous feeling of insuperable repugnance to having these new and objectionable duties thrust upon them." After expressing their unanimous opinion that the trial of Election Petitions would degrade the judicial office, the Chief Justice, using a rather dangerous argument, added, "The functions which the Judges are called upon to discharge are altogether beyond the scope of the duties which, on accepting the office of Judges, we took on ourselves to fulfil."[1] As Mr. Lowe observed in the House of Commons, the duty of the Judges, as of other civil servants, was to discharge the functions with which Parliament chose to entrust them. The Chancellor bowed to the storm, and the Bill as originally introduced provided for the appointment of special Judges with smaller salaries for electoral purposes alone. Meanwhile Lord Chelmsford gave way to Lord Cairns, who knew little, and cared less, about the feelings of common lawyers. Mr. Disraeli, now Prime Minister, altered his Bill, and shaped it in accordance with a suggestion made by Mr. Lowe. There was one part of the Lord Chief Justice's letter which nobody could deny, and that was his assertion that the Judges had already on their hands as much work as they could do. In order that they might be able to undertake new tasks without neglecting the old, a Judge was added to the Court of Queen's Bench, another to the Court of Common Pleas, and a third to the Court of Exchequer. From each of these Courts a puisne Judge was annually to be chosen by his colleagues

[1] Cockburn to Chelmsford, 12th February 1868.

for the trial of Election Petitions in the borough or county where the election had been held. He was to sit without a jury, and to have the power of calling witnesses whom the parties might not choose to call.[1] His Report to the Speaker would be conclusive, and thus the control of Election Petitions by the House of Commons altogether disappeared. At the same time, any one proved to have offered or accepted a bribe was disqualified for seven years to sit in Parliament or record his vote. The gloomy vaticinations of Chief Justice Cockburn have not been fulfilled. No Judge, at least in England, has been charged with leaning to one side or to the other in the case of a contested seat. The Judges have neither suffered degradation nor inspired distrust. On the other hand, anticipations of a more hopeful kind have been equally disappointed. Mr. Gladstone thought that Judges, unlike Committees of the House, would go beyond the question which candidate was entitled to the seat, and would examine the general conduct of the electors, including the particular conduct of the candidates. But habit has been too strong. A man accustomed all the year round to determine issues between parties on the principle that the prosecutor or the plaintiff must prove his case, does not suddenly become an inquisitor resolved to extract the whole truth from unwilling witnesses, if so be that a constituency may incur disfranchisement. When a Judge has heard evidence enough to unseat a candidate, he does not see why he should waste his time, which he rightly regards as the time of the public, by hearing any more. Yet the whole case may have been arranged, for aught he knows, by the ostensibly rival solicitors, lest the true state of the borough should in all its foulness be dis- 1868.

[1] A Judge cannot do this in an ordinary case.

1868. closed. If to this consideration be added the fact that men accustomed to deal with thieves and murderers do not think much of bribery, it will be understood why the Act has done as little to satisfy the hopes of its supporters as to justify the fears of its opponents.

Although the Habeas Corpus Act had been suspended in Ireland till the 1st of March 1869, the July 8. Government were able to boast at the prorogation of Parliament that "the exercise by the Executive of exceptional powers" had for some time ceased. Such manifestations of Fenianism as had occurred during the year took place, not in Ireland, nor in England, but in the Colonies. The unsuccessful March 12. attempt upon the Duke of Edinburgh's life in New South Wales, and the murder of the Canadian April 7. statesman D'Arcy M'Gee at Ottawa, were commonly ascribed to Fenian agency, though in the former case there was no evidence to connect the criminal with any Fenian organisation. It was not the fault of the Government that to the paragraph in the Queen's Speech which dealt with Ireland they were unable to add an equally reassuring announcement concerning the United States. Lord Russell, both as Foreign Secretary and as Prime Minister, had obstinately refused to let the case of the Alabama, and other Confederate cruisers fitted up in England, go before a Court of Arbitration. Lord Stanley and the Alabama. Lord Stanley, who did not share the responsibility of his predecessor for the Alabama's escape from Liverpool, showed a truer patriotism and a higher wisdom. Perceiving the immense advantage of a restored friendship with the United States, and repudiating the idea that international justice could be at variance with national honour, he expressed his perfect willingness to let the claim for damages suffered by Federal shipping be submitted to an impartial tribunal. The failure of his negotiations

was entirely due to the unreasonable conduct of President Johnson's Government, who made, through Secretary Seward, the preposterous demand that British recognition of the Southern States as belligerents should also be treated as an article of charge. It is astounding that such a pretension should have been seriously put forward, not indeed by Mr. Johnson, the worst of American Presidents, but by a statesman of Mr. Seward's repute; for the belligerency of the Confederate States was a fact which had been recognised by the Supreme Court at Washington, and upon it depended the Federal right of blockading the Southern ports, which inflicted upon the cotton trade of Lancashire a loss far exceeding what the most exuberant fancy could attribute to the depredations of the Alabama. The speech in which Lord Stanley justified to the House of Commons his rejection of Mr. Seward's proposal was a model of courtesy, firmness, and lucid reasoning, which presents a striking contrast to the futile attempts at self-exculpation made a fortnight afterwards by Lord Russell in the House of Lords.[1] Lord Stanley was one of the best Foreign Ministers the country ever had, and his treatment of this difficult question materially contributed to its ultimate settlement at the hands of others.

1868.

Unfounded claims of the United States.

If, indeed, the General Election of 1868 could have been determined by the skill with which Lord Derby and Mr. Disraeli succeeded in governing the country without a majority, the Conservatives would have had no reason to complain of the result. But there were various causes why this could not

[1] Mr. Gladstone had already (Aug. 8, 1867), in a letter to a correspondent at New York, made a complete and handsome apology for his unfortunate speech at Newcastle five years before (vol. ii. pp. 340–341). His letter was excellent in tone and substance. But it would have had more effect if it had been written before the fall of Richmond and the triumph of the North. See Russell's *Gladstone*, p. 155.

1868. be so. First and foremost was the Irish Church, which from the moment of Mr. Gladstone's speech on Mr. Maguire's resolution became the leading topic of the day. Two other considerations exercised some influence upon the minds of the electors, both new and old. As Mr. Mill said, with pungent terseness, when Mr. Disraeli told the working classes that he had given them the franchise, they replied, "Thank you, Mr. Gladstone." They were quite shrewd enough to see that though the Reform Bill had been drawn up by the Ministry, the Reform Act was the work of the Opposition. Besides that, there was a widespread and not unnatural feeling that, after the decisive vote on the 30th of April, Mr. Disraeli had no moral right to remain in office and exercise the patronage of the Crown. That patronage, even in the secular sphere, was considerable.[1] To say nothing of the three new Judges appointed under the Election Petitions Act,[2] it included the most stately and commanding eminence within the limits of the British Empire. In the summer of 1868 the tranquil Viceroyalty of Sir John Lawrence, distinguished by much peaceful progress, and marred by one disastrous famine in Orissa, drew to its close. Frugal in his tastes, unostentatious in his habits, plain and blunt in speech, Sir John Lawrence devoted himself with unflagging industry to the social improvement of India. It was thoroughly characteristic of this great man that at the magnificent Durbar which he held at Lahore in 1864 his own dress was the simplest to be seen.[3] The two keynotes of his policy were the establishment of tenant right in the agricultural class, and the resolute abstinence

Retirement of Sir John Lawrence.

[1] The ecclesiastical part of it will be discussed in another chapter.

[2] Serjeant Hayes, Sir Baliol Brett (Solicitor-General), and Mr. Cleasby.

[3] Bosworth Smith's *Life of Lawrence*, vol. ii. p. 452.

from all intervention in the affairs of Afghanistan, or of the various tribes on the north-west frontier of India. It was his settled conviction that, if there were any danger from Russia in that quarter, the risk would be enhanced by meddling with the Afghans, and diminished by letting them alone. This system of "masterly inactivity," as it was called, though not by himself,[1] received the successive approbation of Sir Charles Wood, Lord de Grey, Lord Cranborne, and Sir Stafford Northcote. To succeed Sir John Lawrence was a tremendous task, and Mr. Disraeli's choice of Lord Mayo, the Chief Secretary for Ireland, raised a good deal of disapprobation in the Press. But in this instance Mr. Disraeli was wiser than his critics, and during his too brief term of office Lord Mayo proved himself no unworthy successor even to John Lawrence of the Punjab.

1868.

Appointment of Lord Mayo. Aug. 9.

The Parliament of 1865 was dissolved by Proclamation on the 11th of November 1868. The moment had at last come for taking the opinion of the country, deliberately challenged by the Government and the House of Lords, upon the disestablishment and disendowment of the Irish Church. A clearer issue was never presented to the nation, and it was as clean as it was clear. For the property of the Church was acknowledged on all hands to be exclusively Irish, so that no British elector could benefit in his quality of taxpayer by the proposed change. Mr. Gladstone argued the matter out in South-West Lancashire, the division of his old constituency which he had chosen to contest. He attacked the "upas tree" of Protestant ascendency in its three branches: ecclesiastical, agrarian, and academic. He said little on any other subject, except his favourite

The General Election.

[1] Mr. John Wyllie, foreign secretary to the Government of Bengal from 1862 to 1867, was, I believe, the original author of the phrase.

1868. and unpopular gospel of public thrift, which, if only because it is unpopular, no statesman worth his salt should ever cease to preach. His speeches showed for the first time the full extent of his democratic as distinguished from his Parliamentary power. In Lancashire, where the current of Conservatism ran strong, they failed, and he lost his seat, partly perhaps because he had already been elected for the borough of Greenwich. Lord Hartington also was defeated in the northern division of the same county, and took refuge in the Radnor Boroughs. But the total result was highly favourable to the Liberal party. Alike in England, in Scotland, and in Ireland, the forces of the Opposition triumphed. The Liberal majority was largest in Scotland, and smallest in Ireland. No Conservative was returned for any Scottish burgh. In England the proportion was about three Liberals to two Conservatives; in Scotland nearly five to one; in Ireland about four to three. The Liberal majority in the House of Commons was estimated at 121. The working of the Minority Clause did not give unmixed satisfaction to its promoters. In each of five counties, predominantly Conservative, it gave one seat to the Liberals. It gave the Liberals a seat at Liverpool and the Conservatives a seat at Leeds. At Manchester the only Conservative candidate headed the poll, so that two might have been returned. At Glasgow and Birmingham the Liberals were strong enough to elect three candidates by a judicious arrangement of their numbers. In the City of London, which had then four Members, the results were absurd. One of the four Liberals, Baron Rothschild, lost his seat, and regained it on the death of the Conservative a few months afterwards, because at a by-election there could be no representation of minorities. Although the metropolitan boroughs

Gladstone's defeat in Lancashire.

were almost entirely Liberal, the House of Commons suffered an irreparable loss in the defeat of Mr. Mill at Westminster. He never returned to Parliament, and it is a singular fact that no university attempted to secure the services of the only English philosopher whose reputation was European. Mr. Milner Gibson, Mr. Bernal Osborne, and Mr. Roebuck were also unseated. Mr. Lowe became, not inappropriately, the first Member for the University of London. But otherwise the only academic representative of an academic electorate was Dr. Lyon Playfair, Member for the united Colleges of Edinburgh and St. Andrews. From the House of Lords, which is not affected by dissolutions, an historic figure had disappeared before the appeal to the country was made. Early in May the long and chequered life of Lord Brougham, so triumphant in its earlier, so impotent in its later, stages, flickered out at Cannes, which he may be said, though his own physical health was perfect, to have discovered for the English invalid. Born in 1778, he entered the House of Commons when Mr. Percival was Prime Minister, and he lived to see Lord Derby succeeded by the author of *Vivian Grey*.

1868.

Death of Lord Brougham.

The immediate consequence of the elections was sudden and unexpected. We have seen in the case of Peers and their proxies that Mr. Disraeli could be pedantically, and even slavishly, constitutional. But on this occasion he made a great historic precedent by resigning office before the new Parliament met. A letter from the Premier to his supporters in both Houses explained at some length his reasons for this novel step. He frankly admitted that, when they dissolved the old House of Commons, Ministers did not anticipate the acceptance of Mr. Gladstone's Irish policy by the nation. Although "numerous and vast constituencies" had

Disraeli's resignation.

Dec 2.

1868. justified their opinion by returning Conservatives, it was clear that the Government would not command the confidence of the House. While, therefore, they retained their belief that the disestablishment of the Irish Church was wrong in principle, and would be mischievous in result, he and his colleagues regarded immediate resignation as due to their own honour and favourable to the public interest. The only fault to be found with this argument was that it would have applied with even greater force on the 30th of April than on the 2nd of December. For if clinging to office without necessity be dishonourable, Mr. Disraeli cannot be excused for remaining in Downing Street after his heavy and successive defeats on Mr. Gladstone's Irish Resolutions. That common sense and practical convenience were now on the side of resignation could not be disputed. A debate on a vote of confidence after a decisive Election, though it offers abundant opportunities for personal smartness in attack and defence, is pure waste of time. But Mr. Disraeli was not wont to be an economist in that respect, and it is curious that his devotion to the House of Commons did not prevent him from formally acknowledging that its Members were mere delegates to register the decree of the polling-booths. If he had been attached, as many of his followers and some of his colleagues were, to the Irish Church, he would probably have perceived, though they did not, that by resigning without a Parliamentary vote he surrendered that institution to its enemies. He admitted, what was no doubt the fact, that sentence of death had been passed by the court of final appeal.

Gladstone Prime Minister. The Queen at once sent for Mr. Gladstone, and he formed a Government without delay. He was the only possible Minister, and for the first time since 1846 there was a solid majority in the House

of Commons. Mr. Gladstone was approaching the completion of his fifty-ninth year in the full enjoyment of physical and mental vigour. Though not an old man, he had, as he said himself, followed many of his contemporaries to the tomb. Dalhousie, Canning, Sidney Herbert, Newcastle, had been cut off in the prime of life. Cornewall Lewis, in some respects the ablest of them all, had died five years before at the age of fifty-seven. Since the death of Lord Palmerston it had been plain that Lord Russell was only a stop-gap, and that Mr. Gladstone must become in name, as he had already been in fact, the First Minister of the Crown. Cabinet-making is a delicate art, and it was not the art in which Mr. Gladstone most excelled. He began with a serious blunder by offering the Chancellorship of the Exchequer to Mr. Lowe. Mr. Lowe had only one qualification for the post. He was a master of economic science, and that was all. He was not a man of business. He had no tact. The extraordinary reputation which he gained as a speaker in 1866 he had already lost, and it was impossible to forget the cause in which his eloquence had been employed. It was the cause of Eldonian Toryism, and he had pleaded it in such a way that the working classes hated him as they hated no other man alive. In a case of exclusive or conspicuous fitness unpopularity should be disregarded. But if Mr. Gladstone was not prepared to undertake the office himself, he would have found a better Chancellor of the Exchequer than Mr. Lowe in Mr. Childers, his First Lord of the Admiralty, or Mr. Goschen, his President of the Poor Law Board. That he should propose a place to Mr. Bright, the moral and political antipodes of Mr. Lowe, was inevitable. No man had done more to carry Parliamentary reform against the blind and obstinate resistance of Mr. Lowe and the

1868.

His Cabinet.

Mr. Lowe.

Mr. Bright.

1868. Cave. Even the Prime Minister himself had scarcely so much influence with the newly enfranchised householders of the boroughs, who would have thought twice about voting for a Government that was to include Mr. Lowe. Nevertheless Mr. Bright would have acted more wisely if he had followed his first inclination, and declined. "I have done it with extreme reluctance," he wrote in answer to a letter of congratulation, "but the pressure put upon me was more than I could withstand."[1] He was fifty-seven, and had had no experience of public business. Speech-making and agitation apart, he had never done any work at all.[2] He had the good sense to refuse the India Office, for which he would have been totally unfit, and went reluctantly to the Board of Trade, where he signed papers prepared for him by the officers of the Department. Lord Russell declined a seat in the Cabinet without office, and Sir George Grey had reached an age when he preferred independence to power. The Lord Lieutenancy of Ireland, which Lord Halifax rejected, fell to a very young peer, Lord Spencer. In three respects Mr. Gladstone was peculiarly fortunate. Lord Clarendon, whose knowledge of diplomacy was unequalled on either side of politics, returned to the Foreign Office, and Mr. Cardwell, an administrator of the highest order, became Secretary of State for War. Lord Granville, the Colonial Secretary, then regarded as holding almost a sinecure, was the ideal leader of a minority in the House of Lords. The Duke of Argyll, whose fame as an orator was inferior only to Gladstone's and Bright's, became for the first time a working Member of the Cabinet as Secretary for India.[3] Mr. Gladstone's greatest difficulty

Lord Clarendon and Mr. Cardwell.

[1] *Public Letters of John Bright*, p. 148.
[2] See Bryce's *Studies in Contemporary Biography*, p. 443.
[3] He had previously been Privy Seal.

was the Woolsack. Sir Roundell Palmer, though repudiated as too Liberal by the University of Oxford, and though favourable to the disestablishment of the Irish Church, had conscientious scruples against disendowment, which the highest prize of his profession could not overcome. Lord Cranworth was dead. Lord Westbury was impossible. Sir Alexander Cockburn had reasons for not desiring a peerage. In these circumstances the Premier's choice was Lord Justice Page Wood, in future Lord Hatherley, an eminent Judge, a Churchman as staunch as Sir Roundell Palmer, and a lifelong Liberal, who had won early distinction in the House of Commons. 1868. Lord Hatherley.

Although the new Parliament met, as originally designed, on the 10th of December, the resignation of the Conservative Government had left nothing immediate to be done except the re-election of Mr. Evelyn Denison as Speaker, and the issue of new writs for the seats vacated by Liberal Ministers. The Cabinet, on the other hand, where Lord Clarendon, the last of the Whigs, was half-amused, half-shocked, to find himself sitting cheek by jowl with Mr. Bright, had at once to undertake the formidable task of preparing a Bill for the disestablishment and disendowment of the Irish Church. The Queen's Speech was not delivered till the 16th of February 1869, when the Lord Chancellor announced in Her Majesty's name that the ecclesiastical arrangements of Ireland would be brought under the notice of Parliament at a very early date. The date proved to be the first of March. But before that time Her Majesty had begun to show, in a private and informal manner, her deep concern for the fate of the threatened institution.[1] Even before the beginning of the session the Queen had suggested that the Prime Minister should have a

[1] See an admirably clear and compendious account of these long and important negotiations in the *Life of Archbishop Tait*, vol. ii. chap. i.

1869. private interview with the Archbishop of Canterbury, and on the 19th of February the Archbishop received in confidence at Lambeth a full account of what the measure would be. Nothing, however, came of this communication at the time, nor of previous overtures made by Mr. Gladstone to the Archbishop of Dublin[1] for terms of compromise, which Trench regarded as surrender. On the appointed day, in a speech of three hours, stripped of rhetoric and full of matter, Mr. Gladstone expounded the scheme of the Cabinet to the House of Commons.[2] Complicated as the subject was, the Minister succeeded in making it appear simple. The Irish Church was to be disestablished, or disconnected with the State, from and after the 1st of January 1871, when the jurisdiction of the ecclesiastical courts in Ireland would cease, and the right of the Irish Bishops to sit in the House of Lords would determine.[3] The Queen in Council would be empowered to recognise any governing body of the Irish Church to which clergy and laity agreed as the best machinery for their joint representation, and this body would be incorporated by law. All the existing rules and usages of the Church would be treated as part of a contract into which its members had voluntarily entered. So much for disestablishment, to which even Sir Roundell Palmer had no objection. Disendowment, on the other hand, would be immediate, and the property of the Church, so far as it was affected by the Bill, would be vested in Commissioners nominated by Parliament for ten years.[4] Private

The Irish Church Bill.

[1] Dr. Trench.

[2] The Archbishop of Canterbury heard it from the Peers' gallery, well knowing beforehand what it would contain.

[3] One archbishop and three bishops sat by sessional rotation.

[4] The Commissioners, to whom no exception was taken, were Lord Monck, Mr. Justice Lawson, and Mr. George Alexander Hamilton, formerly Secretary to the Treasury. The first two were favourable, while the third was opposed to the policy of the Bill.

endowments given or bequeathed to the Church of Ireland after the Restoration in 1660 were exempted from the Bill. The fabrics of the churches, unless ruinous, and the parsonage houses, were handed over to the governing body or Synod. Full compensation was given for all vested interests in advowsons or benefices, clerical or lay. The lay patron would receive the value of his patronage. A beneficed clergyman might either continue to discharge his duties, and draw his income, for the remainder of his life, or accept a lump sum in commutation. Glebes and tithe rent-charges would be vested in the Church Commissioners. But, if the Commissioners sold the land thus acquired, they were directed by clauses primarily due to the suggestion, and popularly called after the name, of Mr. Bright, to give the existing tenants the right of pre-emption. Curates, if they had been in the same parish for two years, were entitled to compensation, which would, however, be deducted from the money received by their rectors. There would be no further payment to the Catholic Training College of Maynooth, nor to the Presbyterians in the form of the *Regium donum*. But in both cases compensation would be paid from the funds of the disestablished Church. Mr. Gladstone estimated the property of the Church included in the Bill at sixteen millions, and the deductions required by justice at eight millions and a half. The surplus of seven millions and a half would be devoted to the relief of unavoidable calamity and suffering for which the poor law did not already provide. 1869.

Such was the substance of the measure now laid before the House of Commons. To resist it there was practically impossible. The House had been returned to do this very thing. Mr. Disraeli showed none of his usual adroitness, and it was plain that

1869. The debate in the Commons.

the whole subject bored him. Mr. Bright supported the Bill in the only great speech he ever delivered from the Treasury Bench, with a loftiness of conception and a splendour of diction which he rarely, if at any time, excelled. Mr. Hardy, always ready to fight when he believed that the cause was just and knew that the weapons were fair, abounded in virtuous declamation, and was assisted by an eloquent Irish lawyer, Dr. Ball. A good deal more notice was taken of Sir Roundell Palmer's elaborately forensic argument, afterwards published as a pamphlet, that ecclesiastical property occupied a middle position between public and private, being alienable for other ecclesiastical purposes, but for those alone. The sacrifice Sir Roundell had made for his convictions gave an air of reality to his finely spun pleading which it would not otherwise have possessed. But both sides of the House of Commons, having threshed out the subject on the hustings, were beyond the reach of logic. Before the Easter Recess the Bill had been read a second time by the decisive majority of 118, which seldom fell in Committee below a hundred.

By the 1st of June the third reading had been carried,[1] and then the real fight began. The second reading in the Lords was fixed for the 14th of June. When we say that the House of Commons represents the nation, the minority of the nation is ignored. To ignore it may be constitutional, but it is there. In 1869 a large number of educated and intelligent Englishmen honestly believed that it was sacrilege for Parliament to touch the property of the Irish Church. They regarded the Bill not merely as impolitic, but as "highly offensive to Almighty God." They discovered that the prophet Malachi spoke of those who robbed God in tithes and offer-

[1] The majority at this stage was 114.

ings, which they construed to include rent-charges and glebes. They thought that the Church of England would be the next victim, unless a dismal priority were accorded to the Church of Scotland. They depicted the Cabinet as a gang of brigands, and Liberals in general as inspired by motives of cupidity, although not one penny of the Irish Church fund could be laid out in England or in Scotland. There was certainly no precedent for Mr. Gladstone's policy, and the alarm which it excited was undoubtedly sincere. In the House of Commons these opinions, though largely held, and, within the limits of order, freely expressed, were over-matched and outweighed. But there could be little doubt that if all the Peers voted in accordance with their personal predilections, the Bill would be lost, and no doubt at all that, if it were lost, the country would be menaced by the gravest constitutional crisis which had occurred since 1832. 1869.

Threatened opposition in the Lords.

On the 5th of June a meeting of Conservative Peers, held at the Duke of Marlborough's, decided that the second reading should be opposed, and that Lord Harrowby, an evangelical Churchman of the most intense respectability, should move its rejection. The Queen, in her distant home at Balmoral, where a political imbroglio usually found her, endeavoured to keep the unity of the Constitution in the bond of peace. She again had recourse to the Archbishop of Canterbury. Frankly admitting, through General Grey, that she disapproved of Mr. Gladstone's conduct in raising the question,[1] Her Majesty added that she could not regard without the greatest alarm the result of a hostile vote in the Lords. The Bill had been "carried . . . by an overwhelming and steady majority through a House of

The action of the Queen.

[1] It is dangerous to criticise so strict a constitutionalist as Queen Victoria. But high authorities have held that such an opinion on the part of the Sovereign should be expressed only to the Minister himself.

1869. Commons chosen expressly to speak the feeling of the country on the question," and there seemed "no reason to believe that any fresh appeal to the people would lead to a different result."[1] The Queen also wrote directly to Lord Derby. But Lord Derby, through all the changes of his career, had been faithful to the Irish Church, and he even held the singular doctrine that the Queen was bound by an oath taken before Parliament at her coronation to withhold her assent from a law which Parliament had passed. The idea that the Coronation Oath binds the Crown in its legislative, as distinguished from its executive capacity, was thought to have died with George the Third. Lord Cairns and Lord Salisbury energetically repudiated it. But the accomplished Chancellor of a learned university clung to a superstition which had been exploded by Henry Dundas.

The debate in the Lords.

The debate lasted for four nights, and the result was uncertain to the end. Never since reporting began had the House of Lords shown to such advantage. Lord Granville opened quietly, and Lord Harrowby was dull. The Archbishop of Canterbury, speaking with the solemn dignity which marked the man and became the office, declined the responsibility of a conflict with the English people. He had himself, as Bishop of London, moved, in St. James's Hall, a resolution against Irish disestablishment, which that staunch Erastian the Dean of Westminster[2] had supported. But since that time there had been a General Election, and in secular matters the people must, he held, decide. Lord Carnarvon, and even Lord Grey, who had moved the rejection of the Suspensory Bill, took the same view. The illustrious Bishop of St. David's[3] went further, and argued

[1] Morley's *Life of Gladstone*, vol. ii. p. 268.
[2] Dr. Stanley. [3] Dr. Thirlwall.

for the Bill on broad grounds of social justice. 1869.
The Duke of Richmond gave his voice for prudence, and the avoidance of a conflict which could only end in one way. The Bishop of Peterborough,[1] recently promoted from an Irish deanery, electrified the House by the fervour of his eloquence and the raciness of his wit. Read in cold blood after the lapse of years, his speech will not bear comparison with Dr. Thirlwall's. But at the moment it stirred a naturally cold and critical assembly to a pitch of unparalleled excitement and enthusiasm. Referring to the great account which they must all render for their deeds in this life, the Bishop exclaimed, "I cannot, I dare not, I must not, I will not, vote for this Bill."[2] Lord Derby, speaking, as he was careful to explain, only for himself, denounced a measure whose political folly was only equalled by its moral turpitude. Lord Derby's position was a tragic one. At the close of his life he saw the cause for which in his prime he had left the Government of Lord Grey condemned by the verdict of the men he had himself enfranchised through his leap in the dark. His speech was a magnificent effort. But it was the effort of a gloomy, isolated, dying man, and there was something awful in the concentrated energy with which he hurled at the Government the curse of Meg Merrilies.[3] The debate produced wisdom

[1] Dr. Magee.

[2] Yet, if Bishop Wilberforce is to be believed (*Life*, iii. 287), this same eloquent prelate, at a private meeting of his order on the 6th of May, said of the Bill: "I think it best to pass and amend it, for if we throw it out we shall have a worse. . . . If the Irish bishops vote against, I vote against. If the Irish bishops think amending best, let them openly say so, and we will act with them." Dr. Magee fulfilled his pledge; but he might in the circumstances have spared his allusion to the Day of Judgment.

[3] "Ride your ways, Laird of Ellangowan, — ride your ways, Godfrey Bertram! — This day have ye quenched seven smoking hearths — see if the fire in your ain parlour burn the blither for that. Ye have riven the thack off seven cottar houses — look if your ain roof-tree stand the faster." — *Guy Mannering*, Chapter VIII.

1869. as well as eloquence. The Duke of Devonshire, a scientific recluse who seldom addressed the House, compressed into a few sentences the case against a flagrant example of religious inequality. Lord Salisbury implored the Peers not to be made "the instrument of a faction by throwing out the Bill." Lord Stanhope, the most Conservative of historians, and Lord Nelson, the most ecclesiastical of Conservatives, joined with Lord Russell and Lord Westbury, who quaintly called the measure "profane," in deprecating resistance to the will of the people clearly expressed. But the leader of the Opposition in the Lords thought otherwise. Lord Cairns, who had been elected in February to succeed Lord Malmesbury, rose at one in the morning on the 19th of June, and for nearly two hours defended the Irish Establishment as the bulwark of royal supremacy in Ireland. After his powerful speech the House divided at three o'clock, and the second reading was carried by 179 votes against 146. Among the contents were thirty-six Conservative Peers, including Lord Salisbury, Lord Carnarvon, and Lord Lytton. The English archbishops declined to vote. Two other bishops, Wilberforce of Oxford and Jacobson of Chester, deliberately abstained, though the former would have voted for the Bill if he could have found an opportunity to explain his reasons.[1]

The second reading carried.

The House of Lords had never stood higher than at this moment in the esteem and admiration of the country. The annals of Parliament could show few such brilliant debates as that which had just concluded in the broad daylight of a summer morning; and if many Peers had yielded their own convictions to the judgment of their untitled fellow-countrymen, it was patriotism, not timidity,

[1] The only Prelate who actually voted for the Bill was Bishop Thirlwall of St. David's.

which had guided their counsels in the spirit of prudence. But the danger was not yet over. The Bill was not out of the wood. The great statesman who had steered its course with steady eye and unfaltering hand through Committee in the House of Commons could only watch its progress in silence from the steps of the Throne through the same ordeal in the House of Lords. Some Peers who had voted for the second reading did so with the avowed intention of altering its clauses as they thought fit. On the 29th of June they set to work, and thorough indeed their work was. With disestablishment they did not meddle, except that they substituted the 1st of May for the 1st of January 1871 as the date of its coming into operation. But when the Bill left the Lords, the Irish Church was practically re-endowed, being left in possession of thirteen millions, while at the same time entirely released from the control of the State. The life interests of the clergy were to be commuted at fourteen times their income. The compensation to curates was made a charge upon public funds. The glebe houses were handed over without any deduction for the building charges upon them. The Ulster glebes, on the ground that they had been included in the settlement of James the First, were restored to the Church. The exemption of private endowments was put back a century, to the second year of Elizabeth. The disposition of the surplus was diverted from the relief of suffering to such purposes as Parliament might direct, among them being the provision of houses for Catholic priests and Presbyterian ministers. This last proposal was stoutly resisted by Lord Cairns, a Protestant of the Protestants, who detested the policy of "concurrent endowment" as much as Mr. Gladstone or Mr. Bright. But it was carried against him, and

1869.

Havoc in Committee.

1869. on the 15th of July the mutilated Bill was returned to the House of Commons. The temper of the House was against all compromise, and the tone of the Minister was firm. One by one, on the motion of Mr. Gladstone, the House disagreed with all the substantial amendments of the Lords.[1] Men, he said, must have been living in a balloon who were so ignorant of what the country demanded and required. He consented, however, to give a lump sum of half a million[2] in lieu of private endowments, and to add another quarter of a million by increasing the total compensation. Otherwise the measure went back to the Lords as it had passed the Commons, and indeed as it had been introduced there. The Lords met to consider it again in a militant and angry mood. The Premier's use of the word "balloon" had given deep offence, and for once Lord Granville's conciliatory methods failed. Lord Grey, a supporter of disestablishment, made a bitter attack upon the Ministry, and the Duke of Argyll, equally pugnacious, called him in return the chartered libertine of debate. The heartless gibe of a Tory Peer about pauper lunatics drew from the Lord Chancellor an earnest and passionate protest, rather too strong for the occasion, in the name of outraged Christianity. All through the proceedings in Committee the House of Lords had been so full, animated, and excited that many of its members must have fancied themselves sitting once more on the green benches of another place. On this 20th of July the battle raged with more violence than ever, and there was no presiding officer to check the torrent of mutual recrimination. Few speakers confined themselves to the actual question, which

The firmness of the Commons.

July 20.

The anger of the Lords.

[1] They had made a good many drafting amendments, some of which were both useful and practical.

[2] This Lord Granville had already offered in the Lords.

was whether the Lords should adhere to their amendment of the preamble recognising the possibility of "concurrent endowment." Lord Salisbury, for all his strong support of the second reading, described the restored preamble as "false and foolish," and refused to bow before the arrogant will of an ambitious, arbitrary man. But for once Lord Salisbury missed the point. Mr. Gladstone was by no means the dictator he supposed. His majority would have fallen away from him if he had not stood firm. So strongly did he feel this himself that he wished Lord Granville to withdraw the Bill if the Lords insisted on their amendment. But that adroit man of the world perceived that this would be too extreme a course to take on a phrase which did not itself alter the law, and a desperate, or almost desperate, situation was averted. Still things were bad enough. Lord Cairns, though he abstained from the use of irritating language, clearly announced that he would restore all the important amendments, and after Lord Winchilsea had advertised his existence by declaring that he was ready for the block, a majority of 78 again reconstructed the preamble.[1] Lord Granville at once moved the adjournment of the debate, and the House broke up in confusion. The crisis was more acute than ever, and there was talk of summoning Parliament in the autumn, even of creating Peers. For while the precise literal effect of the vote was small enough, it was taken on both sides as an indication that the Lords would not give way. The real question was one of money, and the sum at stake amounted to several millions. A formal conference between the two Houses would have been worse than useless, and would have ended in still more embittered

1869.

The dead lock.

[1] In this division Bishop Wilberforce voted with the Government.

1869. feelings. The Lords do not sit on Wednesdays, and the debate had therefore been adjourned from Tuesday the 20th to Thursday the 22nd of July. On Wednesday the deadlock appeared to be hopeless, and the most provident statesman saw no way out. But the spirit of compromise is inherent in British politics. Before the Peers met on Thursday the difficulty had been honourably settled by the two leaders of the House, with the approval of the Archbishop, in a private interview at the Colonial Office. Lord Granville showed his usual sense and tact. But the chief credit for the solution is due to Lord Cairns. His position was extremely delicate. Himself an Ulsterman and an Irish Churchman, bred in the straitest sect of a somewhat narrow body, he disliked the Bill on religious as well as political grounds. He had been adopted as leader of the Conservative Peers by a rather irregular process only five months before, and it was known that Lord Derby was opposed to any compromise whatsoever. Lord Derby "was so angry," says Lord Malmesbury, "that he left the House" when the settlement was announced.[1] Lord Cairns did not belong to the aristocratic class, and many Peers who regarded him as eminently fit for the Woolsack distrusted him as a political chief. But he was a supremely able man, and a lawyer who knew not only when, but exactly how far, he was beaten. On Tuesday the Archbishop of Canterbury had asked for more than a million. Even at noon on Thursday Lord Cairns demanded eight hundred thousand pounds. Finally he took about a third of that sum, while the Government on their part conceded that the surplus should

Lord Granville and Lord Cairns.

[1] *Memoirs of an Ex-Minister*, ii. 390. He left it for ever, and died on the 23rd of October, leaving behind him a glittering reputation, the memory of a leap in the dark, and the great legislative achievement which abolished colonial slavery in 1833.

be applied in such manner as Parliament might direct. The crisis was over, and the constitution saved. It was a very bold part for a man to play whose own followers had deserted him, first on the second reading, and, secondly, on concurrent endowment. It was all the bolder because Lord Cairns himself had fought the battle on the Act of Union, which, by its fifth article, provided that the Established Churches of the two countries should be one United Church of England and Ireland. That the Disestablishment Bill was incompatible with the Act of Union could not be denied. The best answer was Mr. Bright's. The Act of Union, like every other Act, was one which Parliament passed, and which Parliament could repeal. It might also be pointed out that Ireland, as well as England and Scotland, was a consenting party to the change. When Lord Cairns made overtures to Lord Granville on Thursday morning[1] the fight was really at an end, and the compromise was one of which neither the Liberal party nor the House of Commons had any reason to complain. The Cabinet and the representatives of the people had proved too strong for the citadel of privilege to resist them. But on one point Lord Cairns achieved a success which he neither foresaw nor perhaps desired. If the surplus of the Irish Church has not been devoted to religious teaching or to the endowment of any sect, neither has it been chiefly employed for the charitable and philanthropic purposes contemplated by Mr. Gladstone and his colleagues. As we shall see, the words reserving it for distribution by Parliament have had a lasting, and on the whole a beneficial effect upon the intellectual and material condition of Ireland. The disestablished Church has been more prosperous, and also more clerical, than ever she

1869.

[1] Morley's *Life of Gladstone*, vol. ii. p. 276.

1869. was before. The Church of England has been strengthened rather than weakened by the severance of an artificial bond. Ireland has not been pacified nor satisfied by legislation which removed only a sentimental grievance, though, as was remarked at the time, a sentimental grievance means a grievance which is felt.

Other work of the Lords.

While the compromise to which the Lords agreed on the Irish Church Bill was for them a virtual surrender, they were able during the same session of Parliament to show their power in other ways. They threw out the Bill enabling Nonconformists to take Masters' degrees and hold fellowships at Oxford and Cambridge, which Sir John Coleridge, as a private Member and not as Solicitor-General, had passed through the House of Commons. They destroyed an Education Bill for Scotland which had begun with themselves, because the Commons' amendments came before them too late to suit their convenience. They refused also at the last moment to reform their own constitution. That veteran reformer, Lord Russell, introduced a Bill to give the Crown a limited right of conferring Peerages for life. It was read a second time without a division, and passed safely with amendments through Committee. But on the third reading Lord Malmesbury procured its rejection by a speech of which he was so proud that he inserted it in his *Memoirs*. But as Lord Malmesbury's principal arguments were that no gentleman, "no man with the usual amount of pride and self-respect," would accept a Peerage for life, and that "the very essence of nobility is in the succession of the title to posterity," we may perhaps surmise that there were Peers among the not-contents who had better reasons for their votes; such, for example, as the shrewd remark of Lord Cairns, that there were

The Life Peerages Bill.

risks, which he did not specify, in submitting the composition of one House to the criticism of the other. Lord Malmesbury, in the course of his speech, quoted Mr. Bright's description of the Bill as childish tinkering, and that has always been the opinion of Radicals, who, not desiring to strengthen the House of Lords, have wished rather to curtail its powers than to alter its nature, and would almost rather leave it as it is if they could not abolish it altogether. 1869.

The legislation of 1869, besides the Irish Church Act, was neither uninteresting nor unimportant. Mr. Lowe's first Budget was complicated and ingenious. His position was not altogether an enviable one, and the way in which he turned it to account was extremely clever. The business of the country had not recovered from the disastrous failures of 1866, and the revenue fell short of his predecessor's estimate. The expenditure on the Army and Navy had been reduced by more than two millions, almost equally divided between them. But the Civil Service estimates, especially the Education Vote, had increased. Nevertheless there would have been a surplus of four millions and a half if the Chancellor of the Exchequer had not had to provide for the Abyssinian campaign. Lord Napier of Magdala, though he had been brilliantly successful in avoiding needless bloodshed, had poured out money like water, and the total cost of releasing the captives, which the late Government had put at five millions, turned out to be nine. Of this sum a moiety had still to be found, so that the surplus would be swallowed. The natural inference was that no taxation could be remitted, even if fresh taxes were not imposed. But, for good or for evil, Mr. Lowe was not like other men, and he had a surprise for the House. He proposed that the income tax, the land tax, The Budget. April 8.

1869. and the inhabited house duty should be paid in one amount instead of two before the end of the financial year.[1] By collecting these in January 1870 he calculated that on the 31st of March he would have a surplus of nearly three millions and a half. How was this surplus obtained? Mr. Lowe always denied that he had exacted five quarters' income tax in one year. It is certain, however, that by altering the time of payment he had increased the receipts of the Treasury for one year, and for that year alone. With the sum thus obtained, upon which it was, of course, impossible to reckon after the 31st of March 1870, he reduced the income tax from sixpence to fivepence, abolished the shilling duty on imported corn, and greatly reduced the taxes on locomotion. The duty on corn, which brought in nine hundred thousand pounds a year, had been left by Sir Robert Peel when he otherwise got rid of the Corn Laws, and was the last remnant of Protection upon the British Tariff. Mr. Gladstone had three times warned the public, both in office and in opposition, that it could not be regarded as permanent,[2] and it was by his express desire that Mr. Lowe now proposed its repeal.[3] Although it was called a registration duty it was not wanted for any such purpose, and if not large enough to be oppressive, it was too small to protect native agriculture. So far as it went, it raised the price not merely of the foreign corn on which it was levied, but also of the British corn which escaped, thus costing the consumer about twice as much as it brought into the public purse. Mr. Lowe characteristically justified its repeal, to which there was no opposition, on purely

[1] They were also to be collected, not as heretofore by local authority, but by officers of Excise.

[2] In 1861, 1864, and 1867. See vol. ii. pp. 276, 375.

[3] Morley's *Life of Gladstone*, vol. ii. p. 650; and vol. iii. pp. 95, 96.

theoretic grounds. If, he said, it was retained, we might as well burn our books on political economy; a holocaust which many of his audience would have witnessed without any disagreeable emotion. The large remissions in the duties levied on horses,[1] flies, and cabs, impeding access to railway stations for people without private carriages, were also suggested by Mr. Gladstone, as was the discontinuance of licenses for the sale of tea. The tax on insurance against fire, which had been long and persistently assailed from both sides of the House, was now finally abandoned. In the course of the debate on this clever Budget, Mr. Lowe excited anger and alarm in the City by protesting that he did not care a straw about the money market, and that the Bank of England was a private institution. If there were not a stone wall ready built against which he could run his head, Mr. Lowe would always build one for the purpose. But the Budget, as a whole, when at last it was fully understood, met with general approval, and passed without difficulty into law. 1869.

The other Bills of the Government were also, with a single exception, successful and judicious. The statute for the Suspension of the Habeas Corpus Act in Ireland, which had been itself suspended by the late Ministry, was allowed to expire, and some Fenian prisoners were released in the hope, the too sanguine hope, that a policy of conciliation would tranquillise Ireland. For England two useful, though unambitious, measures were carried: one dealing with the Law of Bankruptcy, and the other with Endowed Schools. Lord Westbury's Bankruptcy Act, not altogether through his own fault, had proved a failure. The administration of a bankrupt's estate was still wasteful and extravagant.

[1] Mr. Lowe, a cyclist born before his time, predicted that the horse would be superseded by the "velocipede."

1869. Imprisonment for debt, though under stringent limitations, could still be inflicted. This power was now abolished, although the Court of Bankruptcy and the County Court could nevertheless send a debtor to gaol for refusing to pay an instalment which it had been proved that he had the means of paying. This salutary change in the law had the incidental effect of abolishing the one important privilege, freedom from arrest, which still belonged to Peers and Members of the House of Commons. For this freedom was confined to arrest on civil process, and did not extend to crime. The Bill also gave the right of dealing with an insolvent estate to the creditors, who could either agree to a composition, accept a deed of arrangement, or proceed in bankruptcy. If they took the last of these three courses they would nominate their own unofficial trustee to represent them under the control of the Court. A debtor would no longer be allowed to make himself a bankrupt and even after his release his property would be liable for the payment of his debts for six years, unless he had previously paid a dividend of ten shillings in the pound. Lord Westbury's scheme for the appointment of a Chief Judge was at last carried out, and was received with the more favour in the House of Lords because the Lord Chancellor announced that Mr. Bacon, one of the Commissioners in Bankruptcy, had been selected for that office. Both as Chief Judge and afterwards as Vice-Chancellor, Sir James Bacon had one great distinctive qualification besides his caustic humour and his knowledge of the law. His judgments are literature, and can be read with pleasure for their style. The Act of which he became the first principal administrator did not prove a permanent settlement of the question. It was only an experiment, like another. But it lasted much longer

Bankruptcy Act.

than its predecessor, and was well received by the commercial community.[1] 1869.

A report had recently been presented to Parliament upon the state of the endowed schools in England and Wales, which were neither elementary schools on the one hand, nor public schools on the other. England has always been justly proud of her old grammar schools, in which some of her greatest sons, and the greatest of them all, were educated. But, like the schools above them, and the schools below them, they needed reform. The Commissioners had recommended the establishment of Provincial Boards throughout the country to take over the management of the endowed schools, which ranged in size from Christ's Hospital to the smallest charitable foundation for secondary teaching. The Bill which Mr. Forster, himself one of the Commissioners, and now Vice-President of the Council, introduced, did not go this length. It proposed to set up an examining Council of twelve, half nominated by the Government and half by the Universities, for giving certificates to pupils at endowed schools who deserved them. But this comprehensive scheme was struck out by the Select Committee which considered the Bill, and as finally passed the Act dealt merely with the trust-deeds of the schools. These deeds were in many cases antiquated, and in some cases absurd. Three Commissioners[2] were empowered by the Bill to draw up schemes for this purpose, which would be laid before the Committee of Council, and ultimately before Parliament. Over trust-deeds framed within the last fifty years they had no jurisdiction. But as there were comprised

The Endowed Schools Act.

[1] There were really two Acts, imprisonment for debt being made the subject of a separate measure. But for convenience I have treated them as one.

[2] Lord Lyttelton, Mr. Arthur Hobhouse, and Canon Robinson.

1869. in the scope of the measure three thousand schools with a total income of more than half a million, they were not likely to find themselves insufficiently provided with occupation for the three years over which their duties were spread. A further provision that obsolete charities might be devoted to educational uses was seriously hampered by an amendment of the Select Committee, which required the consent of the Managers. Still, it was a long step towards a good system of intermediate education, for which Matthew Arnold and other enlightened adepts had long been pleading. A less happily inspired piece of legislation was Mr. Secretary Bruce's Bill, introduced in the House of Peers by Lord Kimberley,[1] the Privy Seal, for the improvement of habitual criminals by putting them, after the lapse of their sentences, under the supervision of the police. The fears of Lord Shaftesbury, who dreaded the consequence of driving men into desperate ways, were justified; for the Bill did more to prevent men tired of a lawless life from gaining an honest subsistence than to protect the public from the predatory classes. Something also was done this year to improve the legal position of Trade Unions, which had become a scandal, not to say a farce. The latest illustration of its chaotic absurdity was the case of Farrer *v.* Close, which equally divided the Court of Queen's Bench on the old question whether the officer of a Union could be punished for stealing his employers' money. Close was secretary of the Amalgamated Carpenters and Joiners' Society at Bradford, from whom he had pilfered forty pounds. The justices of Bradford held that he could not be prosecuted under the Friendly Societies Act[2] because the funds of

Police supervision.

July 8.

[1] Lord Wodehouse had been created Earl of Kimberley on the resignation of Lord Russell's Government in 1866.

[2] 18th & 19th Vict. cap. 63.

the Amalgamated Carpenters might be spent on strikes, which were in restraint of trade. On appeal to the Queen's Bench two Judges[1] held that the magistrates were right, and two others[2] that they were wrong. The result was that Close escaped. This decision, which was certainly not in restraint of thieving, was fortunately the last of a series. A short provisional Act, introduced by the Home Secretary, and not opposed in either House, gave Trade Unions the same protection for their property as other Friendly Societies enjoyed. Although the Habitual Criminals Act did more harm than good, the amount of legislation carried in 1869, besides the principal and most controversial measure of the year,[3] was highly creditable to the endurance of the Legislature and the energy of the Cabinet.[4]

1869.

Trade Unions and their funds.

Not the least active department was the Foreign Office. Lord Clarendon took up the negotiations with the United States which Lord Stanley had dropped, and concluded with Mr. Reverdy Johnson, the American Minister, a Treaty submitting all the differences between the two countries to arbitration. The dangerous latitude of this instrument affected British rather than American interests. Nevertheless it was almost unanimously rejected by the American Senate, and Reverdy Johnson was recalled by the new President, General Grant. Mr. Charles Sumner, the American statesman, denounced in the Senate the idea of arbitration, as injurious to the honour of his country, and demanded an apology from Great Britain, with a fine of some five hundred millions sterling. In support

Jan. 14.

April 13.

[1] Cockburn, C. J., and Mellor, J.

[2] Hannen and Hayes, J. J. For Farrer *v.* Close see L.R. 4 Q.B. 602–622.

[3] The Irish Church Act.

[4] The abolition of compounding for rates in Parliamentary boroughs, by which household suffrage was effected in 1867, had proved so inconvenient to municipal authorities that it was reintroduced this year without of course altering the franchise. See 32 & 33 Vict. cap. 41.

1869. of these preposterous claims Mr. Sumner referred to the hostile tone of English clubs and drawing-rooms at the time of the Civil War. Mr. Forster reminded him, in a manly speech at Bradford, that there was another side of the picture. "Is it come to this," he exclaimed, "that Republican Americans are to judge of England by her fashionable clubs and her drawing-rooms? If they wanted to know what England felt, they, the Republicans, the men of the people, ought to have gone to the workshops of the people, and the hearths of the people. There they would have found — in that workshop in Lancashire which was no longer a workshop because of their war, by that hearthstone which was cold and dreary, where there was hardly a meal that could be cooked because of that war — there they would have found their friends; and it is not fair for Mr. Sumner, or for any American, to forget those friends, and merely to remember those fashionable men who after all did not direct the destinies of England."[1] Mr. Forster's spirited and patriotic remonstrance, though it proceeded from one who had been a true friend of the North in time of need, would not have saved the Treaty, even if it had come in time. The principal reason for the rejection was the extreme unpopularity of Andrew Johnson's Administration. The result was to postpone the settlement of the claims for an indefinite period, and greatly to embitter public feeling in England.

[1] *Times*, May 22, 1869.

## CHAPTER IV

### PARTIES IN THE CHURCH OF ENGLAND

1866.

March 29, 1866. The death of Keble.

THE death of Keble in his seventy-fifth year left Dr. Pusey undisputed leader of the sacerdotal party in the Church of England. Although Keble, with all his austere and rigid dogmatism, had none of Pusey's pugnacity, or controversial zeal, the beauty of his character, the simplicity of his life, and, above all, the singular influence of his ecclesiastical poems, gave him a commanding position with those who thought as he did of the Church, and there were pious souls who resorted to his vicarage at Hursley as to the oracle of God. Mr. Gladstone, whom Keble always supported in politics, pronounced him to be not merely a poet, a scholar, and a saint, as he certainly was, but a philosopher, and "a person of most liberal mind."[1] This is going altogether beyond the mark. Keble was a man of the highest literary cultivation, and of exquisite natural taste. But he was no more a philosopher than Mr. Gladstone himself, and though he could see the political injustice of a purely Erastian institution, such as the Established Church of Ireland, he was not liberal enough to separate doctrinal error from moral obliquity. His loyal devotion to the Church of England was never shaken, and his indifference to all earthly rewards was at that time more conspicuous than it should have been in

[1] Morley's *Life of Gladstone*, vol. ii. pp. 181–182.

1866. his sacred profession. Except the chair of Poetry at Oxford, he held no public post, and he died, as he had lived, a country clergyman. The Oxford Movement has often been traced to his Assize Sermon on National Apostasy in 1833. But it is his *Christian Year*, published six years earlier, when, as he would have said, the note of the Church was anything rather than spiritual, that keeps his memory green. Neither John Donne, nor Henry Vaughan, nor yet George Herbert, though poets of a far higher order than Keble, and quite as devout, have ever attained the popularity of his metrical companion to the Book of Common Prayer. There are men for whom the Church of England is too large, and others for whom it is too small. It was exactly the right size for Mr. Keble, and he characteristically declared that it should be kept alive in his parish, if it died out everywhere else.

Bishop Colenso's position.

At this time the bugbear of High Churchmen was Bishop Colenso of Natal. We have seen[1] how his so-called "Metropolitan," Bishop Gray of Capetown, tried to turn him out of his See, and how this manœuvre was foiled by the Judicial Committee of the Privy Council. The next step was taken by the Council of the Colonial Bishoprics' Fund, including Mr. Gladstone and Vice-Chancellor Page Wood, who refused to pay Colenso his modest salary of six hundred a year. "We," wrote Mr. Gladstone to Miss Burdett-Coutts, who had, however, too much sense to take any part in the proceedings, "founding ourselves on the judgment [of the Judicial Committee] say there is no See of Natal in the sense of the founders of the fund, and therefore, of course, no Bishop of such a See." Mr. Gladstone and his co-trustees were soon undeceived. Colenso, who had a thoroughly English tenacity in maintaining his rights, filed a Bill in Chancery

[1] Vol. ii. p. 401.

calling upon the Council to keep the bargain they had made with him on his appointment. The case was argued in June 1866 by Mr. James,[1] for the Bishop, and by the Attorney-General[2] for the trustees. People find ecclesiastical cases dull, because they read what the clergy say about them, and not what is said by the lawyers. Nothing can be more tiresome in this case than the comments of Mr. Gladstone, who in such matters was rather a clergyman than a layman. Few things, on the other hand, could be racier than Mr. James's reply to the arguments of Sir Roundell Palmer. "I have," he said, "to maintain against the Bishops and Archbishops that the Church may be extended to the Colonies without coercive jurisdiction; against the first Law Officer of the Crown, the rights of the Crown as to patronage; and against the trustees of this fund, that they have not been guilty of a breach of trust." Lord Romilly, Master of the Rolls, who heard the case, had been a member of the Court that refused to acknowledge the metropolitan jurisdiction of Bishop Gray. He now delivered an elaborate judgment, in which the position of Colonial Bishops and of Colonial Churches was fully and exhaustively considered. The decision of the Judicial Committee had, he said, been in some respects misunderstood. Colenso, like Gray, was a Bishop of the Church of England, though, like Gray, he had no coercive powers. He had been appointed by the Crown, and the Royal license had been obtained for his consecration. He was duly qualified to perform all episcopal functions, not only in Natal, but in any part of the world. But he had no legal authority. If resistance were offered to his directions in Natal, he must resort to the civil tribunals of the Colony, who

1866.

Nov. 6.

Lord Romilly's judgment.

[1] Afterwards Lord Justice of Appeal.
[2] Sir Roundell Palmer.

1866. would enforce them if they were in harmony with ecclesiastical law, and not otherwise.[1]

Lord Romilly emphatically denied that there was any such thing as a South African Church. The bishops, clergy, and laity of the Church in Cape Colony and in Natal belonged to the Church of England as much and as completely as the Archbishop of Canterbury himself. Collectively they were an integral part of the National Church, although in these and other constitutional Colonies no ecclesiastical body had been established by law. "A bishop in England," said the Master of the Rolls, "is bishop over all the inhabitants within the diocese; a bishop in the Colonies is bishop only over all the members of the Church of England resident within the Colony." He proceeded to lay down in uncompromising terms the doctrine that the Sovereign, as head of the State, was head also of the Church, and that no man could be consecrated a bishop of the Church of England without the licence of the Crown. That licence having been obtained in Colenso's case, he answered the requirements necessary for enabling him to demand his salary from the Council for Colonial Bishoprics, which had acted hitherto in concert with the Government of the Queen. If, indeed, the defendants had alleged Colenso's heresy as a ground of their refusal to fulfil their agreement, Lord Romilly would have felt bound either to determine that issue himself or to provide for its

[1] Before he purported to depose Colenso, Gray had gone through the form of depriving a clergyman named Long for refusing to obey the decrees of a local "Synod." Upon that occasion the Judicial Committee, which was supreme over all colonial courts, held that the Church of England in South Africa was a voluntary association, and that by joining it Mr. Long had contracted to fulfil all the obligations of a priest in the United Church of Great Britain and Ireland. Inasmuch, however, as the acknowldgment of Bishop Gray's synod was not one of them, the sentence of deprivation was set aside.

determination elsewhere. But they had deliberately refrained from doing so, and had relied upon the allegation that the order of the Queen in Council against Bishop Gray fundamentally altered the terms upon which the funds in their hands were voluntarily subscribed. As to that, Lord Romilly held that, even if it were possible, which it was not, to put both parties back into the situation they occupied before the contract was made, the law had merely been declared, not changed, and ignorance of the law was no answer to a legal claim. He therefore gave judgment for the plaintiff with costs, and the trustees prudently abstained from wasting further money on an appeal. Bishop Colenso continued to discharge the duties of his episcopate till his death, many years afterwards, and took the noblest of all revenges by setting an example of practical Christianity to the assailants of his Biblical views. 1866.

Bishop Gray, who was not distinguished for sense, learning, or manners, described Lord Romilly's dignified, impartial, and exhaustive decision as "a most impudent judgment, artfully framed to crush out all life and liberty from our Churches."[1] The Bishop, though possessed of a fiery and reckless daring never quelled by defeat, was one of those impracticable fanatics who give more trouble to their friends than to their enemies, and do more harm to the cause they espouse than to the cause they attack. Not satisfied with pretending to depose Colenso, he had already proceeded further to excommunicate him. Usurping the functions of a higher tribunal than the Rolls Court, he declared "John William Colenso to be separated from the communion of the Church of Christ," and "to be taken by the whole communion of the faith- Bishop Gray's performances.

[1] *Gray's Life*, vol. ii. p. 306.

1866. ful as a heathen man and a publican."[1] This was a perfectly harmless, if not a very dignified act. It was not, however, in Bishop Gray's nature to stop there. His next step was to procure from the Convocation of Canterbury an acknowledgment that he had the power of doing what he had assumed to do. This was prevented by the opposition of Bishops Tait, Thirlwall, Jackson, and Harold Browne. Bishop Tait, after observing that Gray was fully entitled to hold opinions differing from his own, and from those held by the majority of the English Bishops, added, "I think there is this fault in his character, that he is not content with merely holding these opinions, but that he wishes to make every other person hold them too." The sensible refusal of the Upper House of Convocation to contravene the law of the land filled Bishop Gray, who had described Bishop Colenso as personally instigated by the devil, with the "deepest alarm" lest the candlestick of the Church of England, whatever that may be, should be removed. Having put his own private extinguisher, which was far from large enough for the purpose, upon Colenso, he embarked upon a voyage of discovery in search of another bishop. He forgot that in his zeal against heresy he was himself becoming a schismatic. The schism began in the diocese of Natal itself, over which he had assumed control, and five of the ten clergymen in Natal refused to take part in the contumacious election of the Reverend William Butler, Vicar of Wantage.[2] The question which next arose was whether the Archbishop of Canterbury[3] would consecrate Mr. Butler. The Archbishop, a good, weak man, usually under the influence of Bishop Wilberforce, but sometimes

[1] *Gray's Life*, vol. ii. p. 248. The Bishop did not explain whether he meant by "publican" a collector of taxes or a licensed victualler.
[2] Afterwards Dean of Lincoln. [3] Dr. Longley.

controlled by Bishop Tait, hesitated and vacillated, shifting from one side to the other, but finally persuaded Mr. Butler, a High Churchman of the best type, to withdraw his name. 1866.

Meanwhile he had, as Primate, invited the whole Anglican Episcopate, including the Bishops of the United States, as well as the Colonies, to meet him in conference at Lambeth Palace. This novel proposal, which came originally from the other side of the Atlantic, did not approve itself to all the Archbishop's Suffragans. Bishop Thirlwall objected to it because he thought that the American and Colonial Bishops might be induced to over-rule the Bishops at home on the case of Dr. Colenso, who had not been invited to the Conference, thus suffering the only penalty, or, as some might say, enjoying the only privilege, which his heresy ever entailed. Bishop Gray's proposal that Butler should be invited in his place could not, of course, be for a moment entertained. Thirlwall was supported by the Archbishop of York[1] and five other Bishops. Their objections were, however, removed by the terms of the Primate's letter convoking the Conference, which clearly stated that the meeting would not be competent to define or declare any point of doctrine, and to Thirlwall he gave a private assurance that Colenso's case should not be raised at all.[2] The Conference met on the 24th of September, and sat in private. Bishop Tait's *Diary*, however, has lifted the veil, and disclosed a striking scene. When the question of Natal was raised, "its introduction was most strongly opposed by St. David's,[3] who declared that he came there in reliance on the Archbishop's programme, and ended his speech with the appeal: Feb. 22, 1867. The Anglican Conference

[1] Dr. Thomson.
[2] *Life of Archbishop Tait*, vol. i. p. 375.
[3] Thirlwall.

1867. 'I throw myself on your Grace's honour and good faith.' I wish," Tait concludes, "I could have had a good photograph of the old man as he pronounced these words with the utmost vehemence and solemnity of manner and voice."[1] This confidence was not altogether well founded. An American Bishop celebrated his temporary escape from a Free Church by moving a comminatory resolution against Colenso, which fell to the ground. Bishop Selwyn of New Zealand, who had been long out of England, made a personal attack upon Thirlwall, which led to a remonstrance from Harold Browne, and a declaration by that accomplished divine that "the Bishop of St. David's was not only the most learned prelate in Europe, but probably the most learned prelate who had ever presided over any See." This, however, was an interlude. Bishop Gray, who was watching his opportunity, and was not without cunning, rose at the last moment of the Conference, when some of his colleagues had gone away, and declared that he would resign his See if the Resolution of Convocation about Natal were not adopted by those present. Archbishop Longley should, in accordance with his undertaking, have refused to put the question. But he could not bring himself to resist the majority, and finally, after Gray had been detected by Tait in leaving out a hypothetical clause, the Conference almost unanimously voted that "if it were decided that a new Bishop should be consecrated," the Church in Natal would not thereby sever itself from communion with the Church of England. Having obtained this equivocal success by equivocal means, and misrepresented it as a vote in favour of consecration, Gray devoted his energies to finding a new candidate in place of Butler. This was not an easy task. For the

[1] *Life of Archbishop Tait*, vol. i. p. 375.

office was one which no sensible man would covet. 1868.
At last, in January 1868, a certain Mr. Macrorie, possessed, as *Punch* unkindly explained, by "an itching for lawn," accepted the offer. But how, where, and by whom, was Mr. Macrorie to be consecrated? The Primate, after much hesitation, forbade the rite to be held in the Province of Canterbury. The chapel of St. Augustine's College, St. Mary's, Oxford, and an Episcopal Church at Edinburgh, were all in turn suggested. But after an earnest remonstrance from Bishop Tait the Scottish Bishops declined to take any part in the consecration, and the Government refused to grant any licence for the purpose. Driven from pillar to post, Bishop Gray left England in October 1868, and in the following January himself consecrated Macrorie in the Cathedral at Cape Town, where no licence was required. Mr. Macrorie thus became, according to Lord Romilly, not a Bishop of the Church of England, but a Bishop at large. In order that there might not be two titular Bishops of Natal, he called himself Bishop of Maritzburg, and soon returned to the obscurity from which he had so recently emerged. He was, however, the first Colonial Bishop not appointed by the Crown.[1]

Consecration of Macrorie.

Lord Derby made a happier precedent in the relations of the Colonial Church with the Church at home, by translating to the diocese of Lichfield George Augustus Selwyn, Bishop of New Zealand, a man not endowed with much worldly wisdom, but zealous and intrepid as a missionary of the Gospel, eager not merely to endure hardships, but, if need were, to suffer martyrdom for the Christian faith.

Translation of Selwyn, Dec. 13.

The victory of Bishop Colenso over Bishop

[1] The Colonial Bishops are now selected by local synods, with the Archbishop of Canterbury's concurrence.

1867. Gray, like the victory of the Essayists and Reviewers over Bishop Hamilton, was a powerful argument for an Established Church. Had Colenso, or the Essayists, been left to the tender mercies of Convocation, of the Lambeth Conference, or of any ecclesiastical assembly, they would have been driven from the body of which they were ornaments. When Gray anathematised the Government, the law courts, and even the Upper House of Convocation, because they did not approve of his pontifical intolerance, he was rendering an unconscious tribute to the width of the Church and the sagacity of some at least among her prelates. It would have been well if the party of excommunication and persecution had paid some heed to a voice which was seldom raised except on behalf of human freedom. Bishop Wilberforce was delighted when Carlyle, who could not in any sense of the word be called a Christian, growled in one of his splenetic moods that the Essayists and Reviewers ought to be shot for deserting their posts. That was precisely what they, and Colenso after them, refused to do. For their refusal they could claim an authority at least as impartial as Carlyle's, and far more deliberately expressed. Mill was above the paltry vanity of supposing that, because he stood outside all Churches, therefore the proceedings of religious bodies were beneath the notice of intelligent men. When Carlyle had called an argument "shovel-hatted" he imagined that he had refuted it. Mill, though he had no more dogmatic belief than Carlyle himself, and he could not have had less, was interested as an Englishman and a moralist in the national organ of religion. In the philosophic treatise on education which he delivered as his Rectorial Address to the University of St. Andrews, he expressed a strong opinion upon the position of

Mill's address at St. Andrews. Feb. 1, 1867.

those Liberal clergymen whom the most famous Lord Rector of Edinburgh[1] would have shot. "I hold entirely," said Mill, "with those clergymen who elect to remain in the National Church, so long as they are able to accept its articles and confessions in any sense or with any interpretation consistent with common honesty, whether it be the generally received interpretation or not. If all were to desert the Church who put a large and liberal construction on its terms of communion, or who would wish to see those terms widened, the national provision for religious teaching and worship would be left utterly to those who take the narrowest, the most literal, and purely textual view of the formularies; who, though by no means necessarily bigots, are under the great disadvantage of having the bigots for their allies; and who, however great their merits may be, and they are often very great, yet if the Church is improvable, are not the most likely persons to improve it." These are wise counsels, and in accordance with the example set by Colenso. Yet, if it had not been for Erastian Judges, the Liberal school of clergymen, in the theological sense of the word, would have been almost destroyed. 1867.

It is the practice at the Scottish Universities for the students to choose some eminent person as their Lord Rector, who in return delivers them an address. Distinguished politicians have often held these posts, but have seldom said much that deserves to be remembered. Among all these innumerable discourses none are worthier of honour and remembrance than Carlyle's at Edinburgh in 1866, and Mill's at St. Andrews in 1867. Mill surveyed the whole field of education with his luminous calm, defending the classics as the fountain of style and taste, mathematics and

[1] Carlyle.

1867. natural science as the criterion of certainty, logic as the means of distinguishing good reasons from bad, and art, including poetry, as the cultivation of the beautiful. It was not, he most wisely and truly insisted, the function of a University to train adepts in particular branches of acquired knowledge. Rather it was their duty, and should be their aim, to develop the faculties of the mind, and fit them for the subsequent use of such opportunities as life might bring. Above all, he exhorted his young hearers to foster unselfishness and public spirit as the highest motives of action and conduct. "I do not," he continued in golden words, "attempt to instigate you by the prospect of direct rewards, either earthly or heavenly; the less we think about being rewarded in either way the better for us. But there is one reward which will not fail you, and which may be called disinterested, because it is not a consequence, but is inherent in the very fact of deserving it — the deeper and more varied interest you will feel in life; which will give it tenfold its value, and a value which will last to the end. All merely personal objects grow less valuable as we advance in life; this not only endures, but increases." Carlyle's address was very different from Mill's.

April 2, 1866. Carlyle's address at Edinburgh.

Although in Mill's youth the two men had been friends, they had gradually drifted apart, and Carlyle, who could not always tolerate divergence of opinion, spoke with unbecoming contempt of Mill's philosophic belief in the progress of the world. Giant Despair in Doubting Castle could not have had less faith in the future than Carlyle. He was as much a pessimist as Mill was an optimist. But his long life of toil and poverty; his noble indifference to worldly honours and success; the kindness, and even tenderness, of heart which his support of slavery and tyranny

concealed, were admired by no one more than by Mill. All Scotland was proud of her illustrious son, a peasant like Burns, like Burns a humourist, and, after quite another fashion, a poet too. When he visited Edinburgh as Lord Rector he was at the very climax of his influence and power. He had been elected against Mr. Disraeli by more than two to one as a "Liberal candidate" (surely the strangest specimen of a Liberal that the world ever saw), and the students received him with unbounded enthusiasm. His address was eloquent, pathetic, unreal. A voluminous author, and an incessant talker, he insisted that silence was the eternal duty of a man. Speaking a year after the death of Lincoln, and while the greatest administrative genius of the age was still in charge of British finance, he alleged that England and America "were all going to wind and tongue"; as if Richmond had fallen, like Jericho, to a shout, and the tariff of the United Kingdom had been reformed by rhetoric. "We have got into the age of revolution," he exclaimed, meaning that the Government had proposed to give the working classes some small control over the taxes they paid. He reminded those who had elected him by universal suffrage and a majority that there was a nobler ambition than the gaining of all the gold in California, or the votes of the whole planet; as if political ambition, the incentive to so many great deeds, were on a level with personal cupidity. But he ended on a higher key, and with more obvious sincerity, by inculcating the homely virtues of patience, endurance, and hope. For if his copious and irrepressible eloquence, genuine as it was, had made him rather the subject of words than their master, he was yet a man of genius, and his character, though not his intellect, was simple, candid, and true. 1866.

1867. It was not long before some of those who had been loudest in their attacks upon Colenso found themselves in peril, not of excommunication, but
Ritualism. of the law. At some fashionable churches in London, and, much less frequently, in the country, novel practices had within the last few years been adopted which gave offence and caused alarm. The wearing of coloured vestments by the clergy at the celebration of the Holy Communion, the burning of incense, the use of candles on the Lord's table at the time appointed for the sacrament, were regarded by thousands of Protestant churchmen as symbols of the Mass, and movements towards Rome. The Bishops did not always succeed in persuading refractory incumbents to obey their godly admonitions, and the public were roused to anger by what was popularly known as Ritualism. Lord Shaftesbury, the best representative of Evangelical opinion, brought the subject before the House of Lords, and it became impossible for the Government to ignore the
The Ritual Commission. June 3, 1867. question any longer. Lord Derby very sensibly determined to appoint a Royal Commission upon the rubrics, orders, and directions for regulating the course and conduct of public worship. This Ritual Commission of clergymen and laymen, with the Primate[1] at its head, and the Archbishop of Armagh[2] to represent the Church of Ireland,
Aug. 19. lost no time in agreeing upon their first Report, which dealt with the raiment of the officiating minister. "We are of opinion," they said in the principal paragraph of this document, "that it is expedient to restrain in the public services of the United Church of England and Ireland all variations in respect of vesture from that which has long been the established usage of the said United Church, and we think that this may be best

[1] Dr. Longley. [2] Dr. Beresford.

secured by providing aggrieved parishioners with an easy and effectual process for complaint and redress." Although Bishop Wilberforce drafted this recommendation, and flattered himself that he had steered successfully between the two extremes, it annoyed the Ritualists far more than their opponents, and it came as a great shock to Dr. Pusey. Pusey considered it a "complete extirpation of the vestments, root and branch," and would have preferred any Bill that Lord Shaftesbury, who was not a Commissioner,[1] could have carried.[2] There was not much point in the Bishop's argument that "restrain" did not mean prohibit, for there was no limit to the amount of restraint; nor in his plea that there must first be a grievance, for the number of the parishioners was not specified. At the same time Dr. Pusey might have quieted his immediate fears if he had reflected how many stages divide the Report of a Commission from an Act of Parliament, or if he had considered the absorption of the political world in the future of that "low" branch, the Irish Establishment. The second Report, however, which appeared in May 1868, was, from the Puseyite point of view, more serious. This Report showed less unity of opinion than the first. Six of the twenty-nine Commissioners did not sign it at all, while four, including Bishop Wilberforce and Dean Stanley, signed it with qualifications. It recommended that in respect of vestments, incense, and lights, the custom of three hundred years should be the rule of the Church, any deviation from which might be disallowed by the Bishop. From him there would be an appeal to the Archbishop, who, or the Bishop himself, if he thought fit, might lay any

1867-8.

[1] He had declined to serve.
[2] *Life of Bishop Wilberforce*, vol. iii. p. 215.

1868. legal difficulties involved before the Court of Arches, subject to the final jurisdiction of the Queen in Council. Dean Stanley, who had no sympathy with the Ritualists or their opinions, feared that these proposals might endanger the liberty which he regarded as essential to the welfare and even the continuance of an Established Church. The High Churchmen, however, successfully asserted themselves at Oxford by the foundation of Keble College in memory of the man to whom the Anglo-Catholic revival was mainly due. Pusey and Wilberforce both took part in the inauguration of this college, designed exclusively for members of the Church of England. The moment was not altogether opportune for a fresh endowment of sectarianism in a national university, from which the sectarian principle was being gradually expelled. But the simplicity and economy of living which the new foundation encouraged was an example well worthy to be followed by older and wealthier colleges. In this wholesome direction another step was taken the same year by the statute which abolished the requirement of residence within some college or hall as a condition for membership of the universities. It is, however, a great disadvantage for an Oxford or Cambridge man to be deprived of collegiate life, and the case of Keble showed that provision for unattached students was not the only way of opening an academic career in England, as it had always been open in Scotland, to a poorer class of the community.

Keble College.

April 25, 1868.

Unattached students.

In the autumn of 1868 Mr. Disraeli had to discharge a duty for which he had very slender qualifications. The head of the English Church, under the Crown, died at Addington Park on the 27th of October in his seventy-fifth year. Headmaster of Harrow, Bishop of Ripon, Bishop of

Death of Archbishop Longley.

Durham, Archbishop of York, Archbishop of Canterbury, Dr. Longley had not impressed either boys or men, either laity or clergy, as anything more than a Christian gentleman, unimpeachably orthodox, dignified and scholarly, courteous and kind. The times demanded a more vigorous ruler, and public expectation pointed to the Bishop of London. But Mr. Disraeli was a politician rather than a Churchman; a General Election was imminent; and Bishop Tait, though never a party man, had always been a Liberal. The only other conspicuous candidate was Bishop Wilberforce, whose politics were uncertain, who was Mr. Gladstone's intimate friend, and whose attitude towards the Irish Church, though not openly hostile, was unsatisfactory to the friends of that institution. The Queen would have agreed to Wilberforce, though she preferred Tait. The Prime Minister did not wish for either. He proposed a Bishop with no particular recommendation except Conservatism, of whom Her Majesty would not hear. If Wilberforce's account of a conversation with Dean Wellesley on the 28th of November may be trusted, the scene in the Royal Closet must have been dramatic. "The Church," said the Dean of Windsor, the Sovereign's ecclesiastical confidant, "the Church does not know what it owes to the Queen. Disraeli has been utterly ignorant, utterly unprincipled: he rode the Protestant horse one day; then got frightened that it had gone too far, and was injuring the county elections, so he went right round and proposed names never heard of . . . thoroughly unprincipled fellow. I trust that we may never have such a man again." [1] Dean Wellesley, who was a Conservative, and the soul of honour, must have known all that was going on. There could be no better witness, though it is difficult to accept Wilber- 1868.

[1] *Life of Wilberforce*, vol. iii. pp. 268–91.

1868. force's statement that on this occasion he "talked with great reserve." How far his remarks may have been heightened and coloured by a man with so strong a sense of his own grievances as the Bishop is another question, for which allowance must be made. If it be true, as we are told on the same double authority, an authority weaker than if it were single, that "Disraeli agreed most reluctantly and with passion to Tait," the country as well as the Church had cause for gratitude to the Queen; for a better ecclesiastical appointment never was made, and, so long as the Church is established, the personality of the Primate cannot be indifferent to the nation. The new Archbishop was pre-eminently qualified for a post which, since the days of Tillotson, had had no such distinguished occupant. In religion he was a devout evangelical Churchman, belonging to the school of Ridley, and opposed to the school of Laud. He had, however, no taste for controversial theology, and not much aptitude for theology of any kind. What he had was the sagacity of a statesman and the impartiality of a judge.[1] As a preacher he was earnest, and not much more. As a speaker he had few equals, and very few superiors, in the House of Lords, and he gained in that Assembly an influence never surpassed by any wearer of lawn sleeves. Although he was not ambitious of a reputation for eloquence, his grave, dignified, deliberate choice of the right word in the right place was as impressive as the soundness of his arguments and the clearness with which he presented his views. He was a close student of politics, a careful observer of public opinion, and a remarkably shrewd critic of character.

Appointment of Archbishop Tait.

[1] I once asked an eminent lawyer who was the best Judge that in the course of his large practice he had known. He replied, without a moment's hesitation, "Archbishop Tait."

He never forgot that the Church of England was a National Church, composed of laymen as well as clergymen, and much better represented in Parliament than in Convocation. His temper, though it sometimes gave way under severe provocation, was singularly placable, and his language was as a rule devoid of all offence to those from whom he differed. A tendency to dry humour, which within episcopal limits he sometimes indulged, enhanced the effect of his deliverance in debate. On the Judicial Committee of the Privy Council he was thoroughly in his element, and less moved by private opinion than some of the lawyers with whom he sat. Tait was translated from the See of London at a critical moment, when both High and Low Churchmen required a restraining hand. His natural successor would have been Wilberforce, and he wished that masterful prelate, who had been the real Archbishop during Longley's Primacy, to succeed him. Mr. Disraeli, however, disliked or distrusted the Bishop of his own diocese, who had been one of Mr. Gladstone's chief supporters at Oxford, and the See of London was given to Bishop Jackson, of Lincoln, a tolerant Evangelical, less learned than pious, and less clever than good. 1868.

Immediately after the appointment of the new Primate, and just before the close of the year, a more authoritative utterance than the recommendation of any Commission perplexed the Ritualists, and delighted their opponents. Lord Cairns delivered the judgment of the Privy Council in the case of Martin *v.* Mackonochie.[1] Mr. Mackonochie, the incumbent of St. Alban's, Holborn, had been prosecuted in the Court of Arches under the Church Discipline Act for kneeling before the elements at the Holy Communion, using lighted Dec. 23, 1868. Martin *v.* Mackonochie.

[1] Moore's *Privy Council Cases*, N.S., vol. v. pp. 500-538.

1868. candles on the table at the same service, burning incense, and mixing water with the wine. The Dean of the Arches, Sir Robert Phillimore, eminent as a lawyer and as a Churchman, but perhaps more eminent as a Churchman than as a lawyer, admonished the defendant to give up the incense and the mixed chalice. The use of lights he pronounced to be legal, and the adoration of the elements to be a matter for the private discretion of the Bishop. Mr. Mackonochie did not appeal. But he put in an answer to the appeal of Mr. Martin, and appeared by counsel. The Judicial Committee, through Lord Cairns,[1] reversed the decision of the Court below, and ordered Mr. Mackonochie to pay all the costs of the proceedings. As regards the kneeling they held that it was unlawful, because the Rubric assumed that the celebrant would stand throughout the consecration. The case of the altar lights was much less clear. There was, of course, no pretence that they were required for illumination. They were purely symbolical, and the Dean of the Arches justified their employment "for the signification that Christ is the very true light of the world." These words are taken from a Royal Injunction issued in 1547 by King Edward the Sixth. Their Lordships decided that this Injunction was repealed in 1559 by the original Act of Uniformity, the First of Elizabeth, chapter two. But another question arose. For the Rubric in the Book of Common Prayer, authorised by the Second Act of Uniformity in 1662, directed that "such ornaments of the Church . . . shall be retained and be in use as were in this Church of England by the authority of Parliament in the second year of the reign of King Edward the Sixth." Lord Cairns, following

[1] Its other members were the Archbishop of York, Lord Chelmsford, Lord Westbury, Sir William Erle, and Sir James Colvile.

Westerton *v.* Liddell, interpreted these words to mean the Act of 1549, which is the Parliamentary sanction for the First Prayer Book of Edward the Sixth, and to exclude the Royal Injunction of 1547. From this it inevitably followed that the law remained as it was settled by the First of Elizabeth, and that the symbolical lights upon the table, which had not been in general use for three hundred years, must, even if they were "ornaments," which was more than doubtful, be illegal. Lord Cairns's judgments were always models of decorum, and never gave offence, like Lord Westbury's, to personal feeling or taste. There was, all the same, a weak point in his argument, which did not escape the keen eyes of Bishop Wilberforce, sharpened as they were by his dislike of Archbishop Thomson.[1] If the Injunction of 1547 was repealed by the Act of 1559, it must, he urged, have had Parliamentary authority, for otherwise Queen Elizabeth could have cancelled it herself without the sanction of Parliament. But if it had Parliamentary authority, it came within the terms of the Ornaments' Rubric, and therefore the Act of 1662 authorised the lighting of the candles. Bishop Wilberforce, with whom the imputation of motives was an incurable habit, accused Lord Cairns of acting as a judge "to please the *Times*." If Lord Cairns, an extreme Protestant, was guided by any other consideration than his own view of the law, he might well have delivered his judgment to please himself. At the same time, it was certainly unfortunate that by passing over such an obvious point as that described, instead of simply holding that candles were not ornaments, he should have given an active party in the Church a sense of 1868.

[1] The Bishop of Oxford had been told, and believed, that the lay members of the Court were equally divided, and that the determining vote was given by the Archbishop of York. It will be seen from the list printed in the preceding note that this was impossible. — *Life of Bishop Wilberforce*, vol. iii. p. 294.

1869. grievance and injustice. From that time a small but zealous number of clergymen who shared Mr. Mackonochie's views began to clamour for relief from the burden of the connection between Church and State.

The following year increased the ranks of these rebels against Erastianism, and, curiously enough, it was the action of the Prime Minister, a High Churchman if ever there was one, which provoked this fresh rebellion. During the session of 1869, after Mr. Gladstone had succeeded Mr. Disraeli, the Archbishop of Canterbury, with the support of the Government, carried a measure to facilitate the retirement of aged and infirm Bishops by providing them with pensions at the cost of their successors. As the Bill imposed no public charge it was easily passed, and Bishop Sumner was the first Prelate to take advantage of it. His resignation gave Mr. Gladstone an opportunity of befriending his favourite Bishop, and Dr. Wilberforce was translated from Oxford to Winchester. Sumner's career as a dignitary of the Church was not auspiciously begun, for it was due to the favour of George the Fourth, who, under the influence of Lady Conyngham, made him a Canon of Windsor at the ripe age of thirty-one. On Catholic Emancipation he sided with the Duke against the King. But by that time he was Bishop of Winchester, and the King could do him no harm. Having risen to this elevation before he was forty, Sumner did all he could to justify his appointment by the active and judicious administration of his diocese. As he retained in his retirement one-third of his official income, the change implied pecuniary loss to Wilberforce, and the story that this was his reward for friendly neutrality in the debates on the Irish Church Bill is an absurd fiction. Neither Jacobson, who abstained from opposing the Bill, nor

Translation of Bishop Wilberforce.

Thirlwall, who actively supported it, received anything; and it is quite certain that Gladstone would at any time have promoted Wilberforce to the highest place at his disposal. At the same time Dr. Temple of Rugby was gazetted Bishop of Exeter in succession to Dr. Phillpotts, who died at the age of ninety-two. 1869. Oct. 25, 1869. Sept. 18.

Mr. Gladstone was prepared for this appointment making "some noise."[1] It made a good deal more than he expected. The diocese of Exeter had been governed, time out of mind, by a champion of orthodoxy and a scourge of heretics. Dr. Temple was regarded by most clergymen, and even some laymen, as a prince of heretics, an heresiarch. The volume called *Essays and Reviews*, in which his Essay was the first, had been severely censured by Convocation, which did not distinguish him from the other contributors. A storm broke over the Prime Minister which in violence and ferocity exceeded that raised by Lord John Russell's nomination of Dr. Hampden to the See of Hereford. High Church and Low Church for once combined in protest against an "infidel" Bishop. A Committee was formed, with Lord Shaftesbury for its chairman, and for its vice-chairman Dr. Pusey; but there was nothing for it to do, except, as Lord Ellenborough said on a different occasion, to protest and go home. Dr. Pusey's fury exceeded the bounds not only of Christian charity, but of common decency. He described Dr. Temple, in language scarcely coherent, as "having participated in the ruin of countless souls," and as going about "with the blood of all those souls upon his head." "The agitation in the diocese," wrote the Dean of Exeter,[2] "grows stronger every day, and from all parts of the country I have Dr. Temple's promotion.

[1] *Life of Archbishop Tait*, vol. ii. p. 58.
[2] Dr. Boyd.

1869. letters about the sword of the Lord and of Gideon, exhorting us to go to prison, and promising to visit us there." The Royal supremacy proved too strong for the sword of the Lord and of Gideon. Dean Hook begged an infirm and aged Bishop not to resign "until Mr. Gladstone had been driven out of office" by an act which did not turn a by-election, and the choice of spiritual pastors was once more in Mr. Disraeli's hands. Mr. Gladstone himself was not perturbed. "The movement against Dr. Temple," he said, "is, like a peculiar cheer we sometimes hear in the House of Commons, vehement but thin."[1] Although he had no sympathy with Broad Churchmen, he recognised their claim to a share in the government of the Church, and he did not forget that Dr. Temple was a robust Liberal, who had made public speeches in favour of Irish disestablishment. Dr. Temple himself maintained a dignified silence, neither retracting, apologising, nor explaining. One distinguished High Churchman, Dr. Benson, then headmaster of Wellington, afterwards Primate of All England, came forward with an earnest letter
Oct. 22. to the *Times* in Dr. Temple's defence. Everything possible was done by the new Bishop's enemies to keep him from the Episcopal Bench, and it all came to nothing. His election in the chapter of Exeter was opposed by some of the Canons, but
Nov. 11. adopted by thirteen votes against seven. Sir Travers Twiss, the Vicar-General, departing from the precedent of Hampden's case, heard counsel
Dec. 8. against the confirmation in Bow Church, and decided that there was nothing in their arguments. Four Bishops protested against the consecration in Westminster Abbey, which four other Bishops, representing the Primate, absent through illness, performed. Not until he was legally Bishop of

[1] *Life of Archbishop Tait*, vol. ii. pp. 59–60.

Exeter did Dr. Temple, a singularly fearless man, announce that if there were another edition of *Essays and Reviews*, as in fact there never was, his own paper would be excluded from it. But in saying this he declined to withdraw anything he had written, or to imply any censure upon the other essayists. The book might, he observed, like Luther's writings, have done some harm. It had, however, done far more good, and he was wholly unrepentant. The best that could be said of Dr. Hampden as a Bishop was that he gave no further trouble. The worst that could be said of Dr. Temple was that his untiring energy fatigued ordinary men. He proved one of the ablest, strongest, and most respected prelates who ever presided over an English diocese. 1869. Feb. 11, 1870.

With all his passion and excitement Dr. Pusey saw the main point clearly enough. It was the Establishment, and the Establishment alone, which made the appointment of Dr. Temple possible, and enabled Mr. Gladstone to enforce his choice of a Bishop upon a recalcitrant clergy through the inherent right of the Crown. Dr. Pusey therefore demanded the liberation of the Church from the patronage and control of the State. Yet his logic, though irrefragable, was not convincing. Even if he had himself been seriously prepared to sacrifice the emoluments as well as the dignity of the National Church, and to put her in the same position with her Irish sister, he would not have carried with him one in a hundred of those who denounced Bishop Temple as a wolf thrust into the fold. They would have been glad, and perhaps satisfied, if the Chapter of Exeter had faced the penalties of *præmunire*, which would probably not have been inflicted, and compelled the Minister to nominate Dr. Temple by letters patent. They would have been, of course, still more pleased, and com- Dr. Pusey's demand.

1870. pletely triumphant, if all the prelates had followed the example of Wilberforce, and refused to consecrate the intruder. But they were more Erastian than they knew. Most of them set a far higher value upon their ancient and traditional connection with the Sovereign, and with Parliament as the representatives of the English people, than either Pusey or Gladstone. While a few High Churchmen, rational and clear-sighted, with minds and wills of their own, would have deliberately sacrificed privilege to freedom, the main body of the clergy, high or low, shrank from that supreme ordeal, and preferred a bondage so much disguised by ceremonial formalism that its true character seldom appeared. Many of them must also have reflected that when Temple, in a manly and reverent fashion, pleaded for free inquiry, from which true religion had nothing to fear, he showed more confidence in the Gospel which he preached than the advocates of suppression and exclusion. For there were men in those days, belonging to all Churches, and to no church at all, who had an enthusiastic, some might say a fanatic, belief in the prospect of attaining harmony by personal intercourse and friendly debate. The Metaphysical Society, founded in 1869 by the enterprise of Mr. Knowles,[1] editor of the *Contemporary Review*, was a practical expression of this idea. Wondrous indeed, and no less distinguished, was the company which Mr. Knowles brought, and for many years kept, together. Gladstone joined the Society, and Tennyson, and Manning, and Huxley, and the Duke of Argyll. Dr. Ward, the Ultramontane editor of the *Dublin Review*, the most pugnacious of controversialists and most genial of men, sat side by side, or face to face with Dr. Martineau, the apostle of Unitarianism, most learned, eloquent, and philo-

The Metaphysical Society.

[1] Afterwards Sir James Knowles.

sophic of all living Nonconformists. Bishop Magee of Peterborough, a consummate orator and brilliant humourist, but anything rather than a thinker, was unequally matched in the play of mind with Mr. Henry Sidgwick of Cambridge, who applied the Socratic method to the sophists of his own age. But of all that famous band, some of whom had no right to be called metaphysicians, not one approached in metaphysical genius Professor Clifford of University College, who had a reputation more than European for the acute subtlety and the daring originality of his intellect. The Society was a failure. There was neither equality of powers nor community of ground. Although candour and openness of mind are excellent gifts, they will not take the place of capacity and knowledge. A statesman in metaphysics, like a metaphysician in politics, may be a mere child. The most that such promiscuous gatherings could do was to illustrate the insignificance of the alarm about vestments, or the outcry against heresy, as compared with the radical differences which do not prevent men from acting together in common things. 1870.

# CHAPTER V

## THE CLIMAX OF LIBERALISM

1870.

The Irish Land Bill.

THE session of 1870 was distinguished by the enactment of two principal measures: one great in its consequences, the other great also in itself. The former was a Land Bill for Ireland, and the latter an Education Bill for England. Having cut down the first branch of the upas tree, Mr. Gladstone now attacked the second. This was a more difficult task. All Englishmen interested in politics, if indeed the qualification be required, understood the Irish Church, and were either for it or against it. Not one Englishman in ten thousand knew anything about Irish land. "You will have observed," wrote Mr. Gladstone to his Irish Secretary,[1] "the total difference in the internal situation between this case and that of the Irish Church, where upon all the greater points our measure was in a manner outlined for us by the course of previous transactions."[2] The recent history of the question was an almost blank record of Parliamentary indifference and neglect. The Devon Commission[3] had reported in 1845 that improvements in Ireland were made by the tenant; that the landlords had appropriated them by raising the rent; and that this constituted a grievance which resulted in crime.

[1] Mr. Chichester Fortescue.
[2] Morley's *Life of Gladstone*, vol. ii. p. 289.
[3] So called because the Earl of Devon was its chairman.

A Bill introduced by Lord Stanley in the House of Lords as a consequence of this Report was so ill received that the Government dropped it, and then came the famine. Since that terrible calamity, and the subsequent emigration, which between them reduced the inhabitants of Ireland to little more than half their former number, two Acts had been passed which were conspicuous examples of English ignorance in Irish matters. The Encumbered Estates Act of 1849 relieved insolvent landlords by finding them purchasers for their estates, who extorted the highest rents they could obtain without regard for the custom of the country or the equity of the case. On the other hand, Cardwell's Act of 1860, which laid down the principle that Irish tenants were simply contractors with Irish landlords, was so flagrantly opposed to the plainest facts that it had no result at all. Yet, if Ireland had been tranquil and pacific, the question might for an indefinite period have slumbered. The English people were aroused to the necessity of reform by Fenianism, not because they were afraid of the Fenians, but because they became suddenly aware of the discontent with which Ireland was seething. Although Mr. Gladstone had not hitherto studied the subject, he now devoted the whole powers of his mind to a practical solution of the problem. He had plenty of amateur assistance. Writers and thinkers outside Parliament, of whom Mr. Mill was the most distinguished, contributed pamphlets, articles, and letters. Even those who had thoughtlessly sneered at Protestant ascendency as a merely sentimental grievance could not well say the same about the appropriation of a tenant's improvements by his landlord. Before the subject was considered by the Cabinet in October 1869, Mr. Gladstone had recourse to the skill and experience of the Chief Secretary, the

1870.

1870. Irish Chancellor, and the Irish Attorney-General.[1] To their thorough knowledge and zealous co-operation he owed much. In the Cabinet itself the difficulties were serious. Lord Clarendon had a Palmerstonian dislike of tenant right, which must be the chief corner-stone of any possible Land Bill. Lowe and Cardwell, especially Lowe, who unfortunately did not resign, were committed against it by their own previous principles, and by their belief in contract as the foundation of tenure. Bright had a cherished scheme for the creation of a peasant proprietary, and was most reluctant to surrender it. Even Mill, who understood the agrarian history of Ireland far better than Bright, thought that the only plan was to buy out the landlords, and the general agreement of both parties, as well as of representative Irishmen, has since pronounced in his favour. Whatever might be the case thirty years afterwards, such an operation was then impossible, and Mr. Gladstone chose the only practicable course in aiming at provision for the security of the tenants.

Introduction of the Bill.

The Prime Minister conquered, and it was as the organ of a united Cabinet that he rose on the 15th of February to introduce the Irish Land Bill of 1870. His speech, which occupied three hours and a quarter, was a masterpiece in the art of persuasion. The Bill itself, though cautious and tentative, recognised for the first time that the Irish farmer had an estate in his holding. The Ulster custom of tenant right, and similar customs in other parts of Ireland, received the sanction of law. Compensation was given to tenants evicted for any other cause than not paying their rents, and they were also to receive the value of their unexhausted improvements. The Bright clauses of the Church Act were extended so as further to

[1] Fortescue, O'Hagan, and Sullivan.

encourage the acquisition of the soil by the occupying class. In a curious passage, for which a parallel could hardly be found in any other speech of the same kind, Mr. Gladstone expressed his acknowledgment of the help the Government had received from the political literature of the day. "Members of the Bar, to whose name the title of 'learned' is not a mere formal appendage; men versed in historic knowledge; men foremost in professional skill and in the knowledge of the principles of agriculture; Members of this House, too, I am glad to say, some who were with us in times past, and some who are here to aid us now — gentlemen whose names it might be invidious to enumerate, lest I should by chance be guilty of any omission — have rendered us by the results of their inquiries the most valuable assistance."[1] The great evil of the agrarian system in Ireland was that the tenant who improved the land could be more highly rented for improving it, or could be turned out altogether without being paid for what he had done. For this the Ulster custom, including compensation for improvements and the price of goodwill, was at least a partial remedy. Where no such custom prevailed there would be a scale of compensation for disturbance fixed by the Bill. An improvement must be suitable to the holding and must add to its letting value. With regard to all improvements the presumption of law would be reversed, and unless the landlord could prove that he made them, they would be held, on a claim for compensation, to have been made by the tenant. No tenant whose rent did not exceed fifty pounds could make a valid contract excluding himself from the benefits of the statute. If 1870.

[1] Not the least influential of these contributions to the subject were the letters by the special correspondent of the *Times*, Mr. O'Connor Morris, afterwards a Judge of County Courts.

1870. the landlord wished to get rid of such claims altogether, he could do so by granting a lease for thirty-one years. Even if the landlord evicted for non-payment of rent, the Court might find in the case of a small holding that special circumstances, such as an exorbitant figure, entitled the tenant to compensation.

When the Prime Minister sat down at the close of his luminous exposition, Lord Cairns told Lord Dufferin, then Chancellor of the Duchy, who was sitting next him in the Peers' gallery, that he did not think the Conservative party would oppose the main principles of the Bill.[1] Lord Cairns was right. Only eleven Members of the House of Commons voted against the second reading, and the House of Lords agreed to the same stage without a division. The proceedings in Committee were more troublesome, and the two parties once more fell into opposite camps. Upon the third clause, which provided for compensation in the absence of custom, Mr. Disraeli challenged the principle of tenant right by moving that compensation should be limited to improvements, and that there should be no damages for eviction in itself. He was beaten by a majority of 76, and thus the foundation of the Bill was established. Sir Roundell Palmer, who had no special knowledge of the question, and was misled rather than assisted by his experience of English law, proved scarcely less hostile to the measure than Mr. Disraeli himself. He was, in fact, the most dangerous enemy the Bill had, and his support of a Liberal amendment limiting compensation to farms rented at fifty pounds or less, which the Minister treated as vital, or rather mortal, was only rejected by 32 votes.[2] After this

Opposition of Sir Roundell Palmer.

[1] Morley's *Life of Gladstone*, vol. ii. p. 294.

[2] It was moved again in the House of Lords by Lord Salisbury, but rejected on Report, and finally abandoned.

obstacle had been surmounted the Bill was in smooth water until it had been read a second time in the House of Lords. The Duke of Richmond, who had succeeded Lord Cairns as leader of the Opposition in the Lords, announced that, so far as he and his friends were concerned, there would be no attempt to defeat the Bill, against which, however, Lord Malmesbury and some other like-minded Peers signed a protest. Even more surprising than their conduct was the declaration of the new Lord Derby, a man eminently judicious, that an Irish tenant had no more right to the holding he had improved, and for marketable purposes perhaps created, than a cook to the dinner she had prepared, or a bricklayer to the house he had built. In Committee the Duke of Richmond was characteristically moderate in his language, and Lord Salisbury characteristically extreme. Lord Granville had the valuable support of the Irish Chancellor, Lord O'Hagan, just created a peer, in resisting the serious alterations which were nevertheless made on behalf of the landlords. But some of these were rescinded on Report, most of the remainder were dropped after the Commons had disagreed with them, and the Bill became law with very little change for better or for worse. Although it was essentially, and almost entirely, Mr. Gladstone's scheme, public opinion associated it also with Mr. Bright, who would have made very different proposals. Mr. Bright was, unfortunately, disabled by illness throughout the session, and no stronger proof of his commanding influence could be given than the simple fact that a private letter from him approving of the Bill for which, as a Member of the Cabinet, he had been responsible, was read by the Prime Minister to the House of Commons. The Land Act of 1870 was not bold enough or large enough to be a permanent

1870.

The Irish Land Bill in the Lords.

June 11.

Bright's letter.

1870. settlement.[1] Its interest and its value lie in the recognition of a great principle and an intolerable wrong. The wrong was capricious eviction. The principle was that the Irish tenant is not a contractor for the occupation of a farm, but a partner in the ownership of the soil.

An Irish Coercion Bill.

The progress of this Bill was, unfortunately, interrupted by the necessity of passing one more measure for the preservation of the peace in Ireland. Armed men had been visiting farmers in County Mayo and forcing them to swear that they would break up their pasture lands for tillage. To

March 17. suppress these outrages the Irish Secretary proposed, and Parliament enacted, that till the month of August, 1871, the use of firearms should be illegal in districts which the Lord Lieutenant had proclaimed; that the police should be authorised to search dwelling-houses for arms, or for evidence to prove the authorship of threatening letters; and that persons wandering at night might be arrested on suspicion. The grand jury, with the consent of the judge, might levy compensation upon the district in case of an agrarian murder, and the Government might seize any newspaper which preached intimidation, subject to a right of suing the Crown for damages.[2] To ensure the administration of impartial justice, the venue, or place of trial, might be changed. Stringent as these provisions were, they interfered less grievously with personal freedom than the simple suspension of the Habeas Corpus Act, to which previous Governments on both sides of politics had resorted; and

[1] In March Mr. Gladstone had received from Manning a memorandum of ill omen from the Irish Bishops, setting out the amendments by them thought necessary. This paper included the principles of perpetuity of tenure for the tiller of the soil and the adjustment of rent by a Court. — Morley's *Life of Gladstone*, vol. ii. p. 296.

[2] This clause, without the accompanying proviso, was quoted by Count Bismarck as a precedent for interfering with liberty of the Press in Prussia.

1870.

Release of the Fenian prisoners.

they were so far effectual, in conjunction with the Land Act, that by the end of the year the Cabinet deemed it safe to release all the Fenians who were still in gaol. This was Mr. Gladstone's personal policy, to which he had some difficulty, even with Mr. Bright's support from a sick-room, in bringing Mr. Bruce and his other colleagues. The result was a compromise, which took all the grace from an act only to be defended as a message of conciliation and peace. The amnesty carried with it the condition that the convicts should reside beyond the seas for the remainder of their lives. They went, as a matter of course, to the United States, nursing vengeance instead of feeling gratitude, and were far more dangerous to England on the other side of the Atlantic than they would have been at home. Early in the next year Mr. Bright, receiving a deputation upon this subject, said that the Government could not go before public opinion and ought not to lag much behind it. They succeeded in doing both, and satisfied neither those who would have treated a Fenian like any other criminal nor those who thought that the time had come for blotting out the past.

Jan. 12, 1871.

The Education Bill.

The session of 1870 was not a merely Irish one. It will always be famous for the establishment of elementary education as an imperative duty of the State in England. "There are certain primary elements and means of knowledge," wrote Mill in 1848,[1] "which it is in the highest degree desirable that all human beings born into the community should acquire during childhood. If their parents, or those on whom they depend, have the power of obtaining for them this instruction and fail to do it, they commit a double breach of duty towards the children themselves and towards the members of the community generally, who are all liable to

Mill's theory.

[1] *Principles of Political Economy*, vol. ii. p. 578.

1870. suffer seriously from the consequences of ignorance and want of education in their fellow-citizens. It is therefore an allowable exercise of the power of Government to impose on parents the legal obligation of elementary instruction to children." Since the Duke of Newcastle's Commission reported in 1861, the notorious inefficiency of popular education had been a disgrace to the country, to Parliament, and to successive Cabinets. Appointed by Lord Derby, the Commission concluded its labours when Lord Palmerston was Premier, with ample leisure for social reform. But very little had been done, even by Mr. Lowe, and the able report of Mr. Fitzjames Stephen, Secretary of the Commission, was a damning witness to neglected opportunities. Except the Duke himself, and Mr. Nassau Senior, all the Commissioners were alive in 1870, and one of them, Mr. Miall, was in Parliament. Another, Mr. Rogers, then Rector of Bishopsgate, has given in his *Reminiscences*[1] a lively picture of education as they found it, when "in a private school in the Midlands the only educational apparatus which could be seen were a Bible and a stick"; when schools were kept by "persons who spell badly, who can scarcely write, and who cannot cipher at all."[2] Yet few people at that time thought the training of the young a national duty, and the evidence of Dr. Temple was regarded as quite eccentric because he urged its transcendent importance from a public point of view. Since the extension of the franchise it had become more urgent than ever, and it had no stronger friends than the working men in their trade unions. In 1869 there was founded the Birmingham League, which demanded that education should be unsectarian, compulsory, and free. Their platform was considered radical, if not socialistic, and even

[1] Kegan Paul, Trench, and Co., 1888. [2] pp. 142–4.

so zealous a friend of the movement as Henry Fawcett, though he joined the League for a time, was opposed to free education. Mr. Fawcett was indeed an educationalist pure and simple. He realised that to get the children into decent schools was the supreme necessity, and he despised the religious difficulty, as the difficulty about religion was called. While Englishmen were discussing what to teach their children, foreign children were being taught. "The vital question with Fawcett," says his biographer, "was that of universal compulsion."[1] The agricultural districts needed education the most, and would never get it in any other way. Foreign examples were not wanting. They could be found in America, in Prussia, and in Switzerland. For the recognition and adoption of the principle, felt by all who knew and understood the facts as a crying need, the country is mainly indebted to William Edward Forster.[2] Mr. Forster, though responsible to the House of Commons for the education estimates, was not the titular head of his department nor at this time a Member of the Cabinet. His technical superior, the President of the Council, Lord de Grey, was as true a friend of education as himself, and they were always on the most cordial terms. But to be outside the body that finally framed the Education Bill he himself introduced was a grave disadvantage, which his critics did not sufficiently appreciate, though such of them as were Radicals might have reflected that it was part of the aristocratic system they had so often denounced. The

1870.

Forster's policy.

[1] Stephen's *Life of Fawcett*, p. 256.

[2] The number of children in schools receiving aid from the State, and therefore subject to inspection, was 1,300,000. One million were in schools which received nothing, were not inspected, and were, for the most part, inefficient. The children who ought to have been at school and were not are estimated by Sir Henry Craik at two millions. — *The State in its Relation to Education*, pp. 84–85.

1870. privilege of being a Peer was at least as valuable in a Liberal as in a Conservative administration.

Chief among the risks which Mr. Forster dreaded, and had good reason to dread, were the absorption of Parliamentary time by the Irish Land Bill and the attitude of those Nonconformists who favoured delay because they thought that public opinion was not yet ripe for education universal, secular, and free. "The object should be," wrote Matthew Arnold in 1868, "to draw the existing elementary schools from their present private management and to reconstitute them on a municipal basis."[1] The Bill constructed by Lord de Grey and the Cabinet on the lines laid down in Forster's Memorandum was ready less than a week before the meeting of Parliament,[2] and on the 17th of February the vice-president brought it in. Forster was a speaker of an unusual type. The House of Commons is well accustomed to brilliant rhetoricians, and to masters of plain, business-like statement. Forster was a kind of cross between the two. He combined with a rough, almost uncouth, manner and a studied neglect of graceful diction a vein of natural eloquence which sometimes showed itself when it was least expected, and a habit of blurting out impressive phrases which was not so spontaneous as it looked. On the present occasion it was more important that he should be, as he was, a clear-headed man of business, accustomed to deal with figures and to arrange details. Whatever might be thought of his scheme, and opinions were various, nobody could fail to understand it. He proposed to "cover the country with good schools." There were some good schools already, and with them the Bill did not interfere. These voluntary schools, as they were called, because they were partly main-

His conduct of the Bill.

[1] *Matthew Arnold*, by G. W. E. Russell, p. 80.
[2] Wemyss Reid's *Life of Forster*, vol. i. p. 477.

tained by voluntary subscriptions, though partly also by grants from the Government and fees, were chiefly in the hands of the Church of England. Some, however, were Catholic, some Wesleyan, and some Jewish. Many of them were excellent, and those which received public money had to satisfy the inspectors of the Education Department that they were properly conducted. But they were inadequate in number to meet the requirements of the population, and the main object of Forster's Bill was to supply the deficiency. England and Wales were for this purpose divided into school districts, every municipal borough being a district in itself, while the unit adopted in the country was the civil parish. If in any such district the schools were found on inspection adequate in number, efficient in quality, and suitable in the sense of being open to all sects, no change would there be made, except that all schools receiving a Government grant would have to adopt a conscience clause. Where, as was the case in most districts, there was not accommodation enough for children between five and thirteen, reasonable time, first fixed at a year, but afterwards reduced to six months, would be allowed for making up the want by voluntary means. If this were not done a School Board would be elected to provide elementary teaching for the children of the district, with power to levy a rate. The Boards were to be chosen in the boroughs by the Town Council, and in the country by the Vestry. They were to consist of not more than twelve members and not less than three. They would have power to establish free schools in especially poor districts with the sanction of the Government, and to pay the fees of parents who could not afford to pay them themselves. The expenses were divided into three parts, of which one-third would come upon the parents, one-third

1870.

1870. upon the taxes, and one-third upon the rates.[1] The School Boards would be able either to build new schools or to assist those which were there already, on condition that all public elementary schools were treated on equal terms. Then came the crucial problem of the Bill, the question of religious training. Forster solved it by leaving absolute discretion to the local authority, who might have any religion taught, or no religion taught, just as they pleased. This was the first serious offence that he gave to the Secularists and militant Dissenters who were united on the Birmingham League. The second was his refusal to adopt at once the principle of universal compulsion. Compulsion in any form was denounced as "un-English" by men who secretly thought that education was un-English too. The Government, adopting a middle course, which had much to recommend it in the necessities of the day, proposed that any School Board should have the power, but should not be bound, to enforce the attendance of all children between five and twelve under a penalty of five shillings upon the parents, unless they could plead sickness, or unless there were no school within a mile. Forster himself was in favour of absolute compulsion, and was over-ruled by the Cabinet, so that he had to defend in the House of Commons the opinion of others against his own.[2] Even the modified form of compulsion in the Bill was subject to a veto by either House of Parliament upon every compulsory by-law. Industrial schools might also be established by the Boards.

Such was the main outline of this great and

[1] Here Mr. Forster fell into one of those errors to which all men who look beyond the present moment are liable, and prophesied that the educational rate would seldom be as much as threepence in the pound. To vary Mr. Lowe's maxim, cheap education is not efficient, and efficient education is not cheap.

[2] Reid's *Life of Forster*, vol. i. p. 479.

comprehensive scheme, which exposed its author to the most enthusiastic praise and to the most violent abuse. Much of the praise came from his political opponents, and much of the abuse from his political friends. The Conservative party as a whole, represented chiefly in the House of Commons by Sir John Pakington, always a zealous educationalist, were honourably desirous of aiding the Government in redeeming the State from the reproach that it neglected the instruction of the poor. The Tory theory, that education belonged exclusively to the Church of England, had disappeared with the Radical theory that education belonged exclusively to private enterprise. But while no Conservative was prepared to vote against the second reading of the Bill, the powerful and influential body of Liberals known as the Birmingham League attacked it with bitter hostility both inside and outside Parliament. The founder of the League and its chief spokesman in the House was George Dixon, Member for Birmingham, then the strongest fortress of Radicalism in England. He was actively supported by Henry Richard, Member for Merthyr; Edward Miall, Forster's colleague in the representation of Bradford; and by a far abler man than either of them, Henry Winterbotham, Member for Stroud, who, if he had lived, would undoubtedly have risen to great Parliamentary distinction. The League also included the names of Joseph Chamberlain, Chairman of its Executive Committee; William Vernon Harcourt, Member for Oxford; John Morley, editor of the *Fortnightly Review;* and Robert Dale, the Minister of the Wesleyans at Birmingham. These men carried weight out of all proportion to their numbers, and they uttered the sentiments of many Nonconformists who were not enrolled within their ranks. But their platform of free, compulsory, secular

1870.

Conservative support and Radical opposition.

The Birmingham League.

1870. education, with School Boards everywhere and voluntary schools nowhere, was quite beyond the range of practical politics. If they had concentrated their efforts, in the first instance, upon the single point of making education obligatory on all parents, they might possibly have succeeded. They preferred to begin with the religious difficulty, which Dean Hook bluntly described as a political squabble. Mr. Dixon's amendment to the second reading was directed against the discretion of the School Boards to give or to withhold religious lessons. Here Mr. Forster was strong. He could appeal, on the one hand, to the desirability of trusting representative bodies, and on the other hand to the fixed determination of Englishmen that their children should be taught the plain, undogmatic precepts of the Christian religion. That, in a country which contained tax-payers and rate-payers of all creeds and of none, the State should concern itself only with secular knowledge is a logical proposition. It is also logical, and has been urged by some, that the children of Roman Catholics should be taught at the public expense the Infallibility of the Pope, and the children of Atheists the folly of belief in God. Logic is a valuable instrument in the hands of common sense. It is a good servant, but a bad master. Mr. Forster was in favour of that unsectarian teaching pronounced by theorists to be impossible, and given in hundreds of schools every day. In this respect he was at variance with the Prime Minister, a strict denominationalist, who held that religion without dogma was a contradiction in terms. Mr. Gladstone, however, was at this time so much occupied with the Irish Land Bill that he had little time to spare for education, and confined himself to smoothing, so far as he was able, the waves of controversy in the House. Mr. Forster made the mistake of posing as the special

champion of religion, and implying that men like Richard, Miall, and Dale were indifferent to the faith they professed. He himself was neither Churchman nor Dissenter. He had been expelled from the Society of Friends for marrying Dr. Arnold's daughter,[1] and had never joined any other religious body. But he had been much engaged in educational work with clergymen of the Established Church, and one of them, Canon Jackson of Leeds, let fall a remark which made a lasting impression on Forster's mind. "Why," asked Mr. Jackson, "should the Bible be the only English book excluded from English schools?" A Nonconformist of Mr. Dale's type would have replied that it was not the Bible, but ecclesiastical comments on it; not the Word of God, but the interpretation of men, that he wished to exclude. When Forster said in the debate on the second reading that "if you go against religion you go against morality," he was misrepresenting his opponents, who did not think that the interests of religion would be promoted by permitting every School Board to choose its own creed. Equally irrelevant was the blood of his Puritan forefathers, which he mentioned to the House as still in his veins. The strength of his case was that he had resolved to pass his Bill, and that no error in its details could be half so mischievous as further delay. A conciliatory speech from Mr. Gladstone induced Mr. Dixon not to press his amendment, and the second reading was carried without a division. 1870.

A debate, otherwise serious and perhaps a trifle dull, was enlivened by Mr. Vernon Harcourt's description of a municipal contest after the Bill had passed. "There will be a great deal of religious discussion," he said, "and a good deal more of religious beer. Towards the afternoon of the

[1] Reid's *Life of Forster*, vol. i. pp. 265–66.

1870. polling-day there will be miraculous conversions of all kinds. Next morning people will find out that in the course of twenty-four hours they have held every known form of religious faith; while close upon four o'clock on the polling-day men will accept as many articles of faith as you may supply them with pints of beer, and the least sober will be the most orthodox."

March 18. During the three months which elapsed between the second reading of the Bill and the consideration of its clauses in Committee the League had been active in the constituencies, and the Cabinet felt that they must either do something to meet the views of their Radical supporters or abandon the measure. Happily for England they chose the former alternative, and Mr. Gladstone announced that the Government would accept Mr. Cowper-Temple's amendment, which provided, first, that no catechism or other distinctive formulary should be taught in a Board school, and, secondly, that voluntary schools should receive no assistance from the rates. Mr. Cowper-Temple[1] was not a Radical nor a Nonconformist. He was an evangelical Churchman and a Whig. Nevertheless the amendment would have gone a long way to satisfy the League if it had not been accompanied by a further proposal that the Parliamentary grant to all elementary schools, denominational or otherwise, should be in future one-half the total cost instead of one-third, thus relieving the voluntary subscribers of a guinea and a half in every three.

The Cowper-Temple clause. June 16.

The effects of compromise. The results of this concession to the Church, which would inevitably for many years to come get most of the money, were serious and lasting. Mr. Trevelyan, Civil Lord of the Admiralty, whose personal distinction gave him more importance

[1] Formerly Mr. William Cowper, Lord Palmerston's First Commissioner of Works.

than his office, resigned rather than vote any longer for the Bill. The Radicals, headed by Mr. Richard, opposed the motion for going into Committee, and mustered sixty votes in the lobby against Ministerialists and Opposition combined. The progress of the Bill was undoubtedly smoothed by the increase of the grant. But a rift had been made in the Liberal party which widened until a great catastrophe changed the whole political situation and set other forces at work. Sir Stafford Northcote divided against the Cowper-Temple clause in Committee, and was beaten by 252 to 95. Sir John Pakington might have saved himself the annoyance of being beaten on a proposal that the Bible should be read daily in all schools; for every School Board in England, even at Birmingham, has always insisted that it should be. Mr. Dixon found very few supporters for his amendment in favour of free education, then regarded with unreasoning prejudice as a crude form of Socialism, and Mr. Walter, the proprietor of the *Times*, was defeated by nearly three to one in his attempt to provide for a School Board in every parish. Some important changes were made by the Committee, the chief and best of which was that School Boards should be elected by the ratepayers, and not by the Vestries or Town Councils. The conscience clause was strengthened by a time table, providing that religion must be taught at the beginning or the end of the day. A much more doubtful alteration was due to Lord Frederick Cavendish, who succeeded in carrying the cumulative vote. This mode of representing minorities enabled an elector to heap all his votes upon one candidate, or to distribute them in any proportion he pleased. It operated principally in favour of Roman Catholics, and generally increased the power of small, well-organised communities. A

1870.

1870. single School Board for London was wisely preferred to the score originally proposed. The only part of the Bill which really excited the Opposition was a proviso that School Boards should be elected by ballot. One can hardly read without a smile Mr. Hardy's protest that the Department charged with the duty of educating the people in moral principles was introducing a system of hypocrisy, treachery, and baseness. Mr. Disraeli took the real point when he pleaded that an acutely controversial question should not be dragged into a Bill which enlisted the support and sympathy of both parties in the State. The ballot clauses were adopted in the House of Commons against an organised system of obstruction at half-past five in the morning. But the House of Lords, which otherwise made no important change in the Bill, rejected them except for London, where the ballot was already in use for the choice of vestrymen, and the Government abandoned secret voting elsewhere. It was on the third reading of the Bill in the Commons that the discontent of the Nonconformists, which had smouldered for weeks, broke out. Mr. Miall complained bitterly of having been led through the valley of humiliation, and declared, in less figurative language: "We can't stand this sort of thing much longer." Although Forster had just been deservedly admitted to the Cabinet, the task of replying was not left to him. The Prime Minister spoke, not only with warmth, but with passion. "I hope," he exclaimed, "my honourable friend will not continue his support to the Government one moment longer than he deems it consistent with his sense of right and duty. For God's sake, sir, let him withdraw it the moment he thinks it better for the cause he has at heart that he should do so." Then, in calmer and more dignified language, he reminded his dissatisfied

The ballot clauses.

July 22.

Gladstone and the Nonconformists.

followers that the Government of the Queen must rise above sectional interests, and legislate for the people of England. After that the opposition in Parliament ceased, and this great measure became law on the 9th of August 1870. 1870.

In November the first School Board for London was elected by ballot. At the head of the poll was a lady, Miss Elizabeth Garrett, a Doctor of Medicine in the University of London. Among the other members were Professor Huxley, and the Reverend William Rogers, Rector of Bishopsgate, a popular clergyman with a remarkable aptitude for secular business. Parliament had empowered the Board to elect a chairman from the outside. But in this case such a step would have been a gratuitous blunder. For among the members of the Board, and its first chairman, was John, Lord Lawrence,[1] the most eminent subject of the Queen. The Board speedily solved the religious question in a sensible and satisfactory way. Although Professor Huxley and one or two others stood out for purely secular instruction, Mr. William Henry Smith, the railway bookseller, a Conservative Churchman, who had ousted Mill from the Parliamentary representation of Westminster, seconded by Mr. Samuel Morley, a Liberal Nonconformist, carried a resolution in favour of scriptural and unsectarian teaching by an almost unanimous vote. The London School Board. March 1, 1871.

While the Education Bill was before the House of Lords, Lord Shaftesbury expressed his opinion of the religious difficulty in striking and memorable words. He did not, he said, believe that it had ever had any existence "except as a euphonious term for the assault and defence, oftentimes not wisely conducted on the part of the defenders, and certainly not justly on the part of the assailants, of the Established Church." If to the Church the The religious difficulty.

[1] Created a Peer March 30, 1869.

1870. Act was not merely fair, but also generous and indulgent, we must remember that many clergymen and many lay Churchmen had been staunch friends of elementary education when the teaching of children was grievously neglected by the State. The Cowper-Temple clause, though introduced by a Churchman, was not popular in ecclesiastical circles, and the increased grant to voluntary schools, though the Board Schools of the future would share in it, angered the Nonconformists to a quite unreasonable degree. The timidity of the Government in shrinking from universal compulsion, upon which Mr. Forster would have insisted, was the real blot on the Bill, and postponed for more than a decade the complete success of the new system. Unsectarian instruction in religion, attacked by zealots on one side as illogical, and by zealots on the other side as profane, presented no insoluble problem to practical schoolmasters, and has held its ground. The difficulty was not religious, nor educational, but administrative. It was not how to teach the children when they were at school, but how to get them to school at all. Upon that point Churchmen and Dissenters, Conservatives and Liberals, might well have concentrated their efforts. Mr. Gladstone's attitude towards the Act of his own Government is puzzling and hard to defend. Writing to Lord Lyttelton, on the 20th of October 1870, he described as "the popular imposture of undenominational instruction"[1] the arrangement to which he had formally assented in the House of Commons, and which had been incorporated in the Bill. He would himself, ardent pietist as he was, have preferred the secular system, which was repudiated by the great majority of Churchmen and Nonconformists alike. The Church, with more or less reluctance, accepted the measure. The

[1] Morley's *Life of Gladstone*, vol. ii. p. 306.

political Dissenters raised against it a fierce agitation, which Forster was not quite the man to quench. He did his best, and he had been praised by the Prime Minister for his conciliatory demeanour in the House of Commons. His demeanour out of the House was often the reverse of conciliatory, and he sometimes talked as if he had a monopoly of public virtue. Before the introduction of the Bill he had said to Lord Shaftesbury, who made the remark public, "I would rather have my right hand cut off than be the means of excluding the Bible from our day schools."[1] This sort of vain declamation helps neither a man nor a cause. It is theatrical, if not insincere, and implies that honest opponents are little better than knaves. If Forster's services to education were unhappily forgotten, and his reliance upon Conservative aid imputed to him as a crime, the fault was not wholly with the accusers. The compliments, for which he was certainly not responsible, showered upon him in the House of Lords did not increase his popularity with the Radicals, and a public meeting of his constituents in Bradford, after listening to his own defence of himself, carried a vote of censure against him.

1870.

Forster and the Radicals.

One of his colleagues, the President of the Board of Trade, would have supported it. Mr. Bright had been absent from the House of Commons, and from the Cabinet, throughout the session, and at the close of the year, being still in weak health, he retired from office. For the Bill in its original form he was really responsible, as he was constitutionally responsible for the whole of it. But he was in complete sympathy with the Birmingham League, and the knowledge of this fact increased their energy. The Act was destined to be a focus of dismal, unedifying agitation for many years. Forster could console himself with his unfailing

Bright's retirement.

Dec. 20.

[1] Reid's *Life of Forster*, vol. i. p. 491.

1870. belief that he was always right, and with the more legitimate satisfaction of toiling hard in his department to make the Act a success. Upon the true meaning of education little indeed throughout this barren controversy was written or spoken. No one, unless it were Matthew Arnold, remembered the immortal aphorism of the Greek philosopher, that education is not filling the mind with knowledge, but turning the eye of the soul towards the light.

Retrenchment. In no respect was the absence of Lord Palmerston more conspicuously manifest than in the policy of retrenchment adopted by a Liberal Administration. Before 1865 the Conservatives had been, as a rule, the more economical party of the two. Mr. Gladstone, as Chancellor of the Exchequer, did something to restrain the lavish expenditure of his chief. As First Lord of the Treasury, with the co-operation of Mr. Childers and Mr. Cardwell, he could insist where formerly he could do no more than suggest. The Navy Estimates for 1870 were the lowest since 1858; less by three-quarters of a million than the estimates of 1869, which were themselves a million below the figure of 1868. The Army Estimates had been reduced more than a million since 1869, and more than two millions since 1868. Mr. Cardwell was by no means unwilling to spend money on making the army more efficient, and the reduction was mainly due to his withdrawal of British troops from self-governing Colonies. Thus the Canadian Rifles, the Cape Mounted Rifles, and the West India Regiment were disbanded this year, in continuance of the deliberate policy which left the Colonies to provide for their own defence, and relieved the British taxpayer, so far as the army was concerned, from all responsibility on their account in time of peace. In the event of war they were, of course, entitled to

Withdrawal of British troops from the Colonies.

the complete protection of the mother country, which must of necessity be given by the fleet. Sir John Pakington protested against what he described as the alienation of the Colonies by stripping them of their military resources, forgetful of the fact that nothing had ever alienated a British Colony except interference from home. By these means, and the general prospects of the country, the Chancellor of the Exchequer was able to estimate for a surplus of more than four millions, with which he took off a penny from the income-tax, bringing it once more to fourpence in the pound, the lowest point it had ever reached; reduced the duty on sugar by fifty per cent; abolished the last tax upon knowledge, the newspaper stamp, and the duty on railway passengers; and instituted halfpenny post-cards, of which no one made more lavish use than the First Lord of the Treasury. The Post Office further undertook to deliver newspapers at a halfpenny rate, and a number of small taxes were repealed. The only addition made to the revenue was a gun license of one pound, which, however, did not confer the right to shoot game. This brilliant and popular budget redeemed for a time the credit of Mr. Lowe, whose powers of debate seemed to have been almost extinguished by office, so that Members who had not sat in the previous Parliament marvelled at his oratorical reputation, and Mr. Gladstone complained that in the discussion of the Irish Land Bill the Chancellor of the Exchequer was of no use at all.

1870.

April 11.

This full and satisfactory session was further distinguished by the Foreign Enlistment Act, which prevented the despatch of another Alabama, by making it a crime to build a ship for use against a friendly State engaged in war. Not less important was the Naturalisation Act, founded on the Report of the Royal Commission laid before Parlia-

The Foreign Enlistment Act.

The Naturalisation Act.

1870. ment in 1869. Hitherto British law had rested upon the old Latin maxim[1] that no man can divest himself of civil obligations, or cease to be a citizen of the country in which he was born. An Englishman might spend his whole life in France, an Irishman might emigrate in early manhood to the United States; one might become a naturalised Frenchman, the other a naturalised American; and yet both would retain their original allegiance to the British Crown. In the event of a war between the land of their birth and the land of their adoption their predicament was intolerable, and whatever course they took they could hardly escape the charge of treason. On the other hand, aliens resident in the United Kingdom were incapable, not only of voting at Parliamentary elections, which was obviously just, but of holding real estate, which, as they could possess personal property, including land or houses on lease, was anomalous, and even absurd. The same year in which the Commissioners presented their Report, a treaty signed by Lord Clarendon and Mr. Motley, which provided that British subjects naturalised in the United States, and American citizens naturalised in the United Kingdom, should be respectively recognised by the two countries, was ratified by the Senate. The Act of 1870 carried out this principle in its entirety, and for the first time enabled an Englishman to become a foreigner. He was to lose his own nationality by the fact of acquiring another. Aliens were in future to be legally capable of owning freehold land. But the rather loose system by which the Home Secretary had granted revocable certificates of naturalisation was made more strict, and it was provided that an alien should only be naturalised after five years' residence, upon taking an oath of allegiance and

[1] *Nemo potest exuere patriam.*

paying a small fee. At the same time the foreigner's doubtful privilege of requiring that only half the jury who tried him for a criminal offence should be Englishmen, though the rest need not be his countrymen, was taken away. Although this statute was the direct result of an arrangement between London and Washington, it applied equally to all States who would reciprocate it, and helped to bring the law of England into harmony with the principles of civilised jurisprudence. The ownership of British ships was still reserved to subjects of the British Crown, a ship being regarded as an available asset in time of war. 1870.

Mr. Secretary Cardwell was the ablest and most thorough-going reformer who ever presided at the War Office. On this point the testimony of a brilliant, distinguished, and thoroughly modern soldier is conclusive. "Cardwell," says Lord Wolseley,[1] "was the greatest Minister I ever served with at the War Office. . . . Honest, straightforward, able, clear-sighted, and determined, full of amiable qualities, he carried out the Herculean task he had resolved to attempt, but the effort killed him." It was impossible that he should even begin that task until he had established his own authority by destroying the dual control of the War Office and the Horse Guards. Under this mischievous system the Commander-in-Chief, appointed by letters patent for life, dispensed patronage and exercised power without consulting the Secretary of State, who was, nevertheless, responsible to the House of Commons. Mr. Cardwell determined that this conflict of authority should cease; that the Secretary of State should be supreme; and that as a symbol of unity in administration the Commander-in-Chief should shift his quarters from the Horse Guards to the War Office. Cardwell at the War Office.

Abrogation of the dual control.

[1] *Story of a Soldier's Life*, vol. ii. pp. 271, 273.

1878. This was more easily said than done. The tradition that the Sovereign is in some special esoteric sense the head of the army was cherished at Windsor, and the fact that unless the House of Commons voted the estimates the army must be disbanded was by courtiers overlooked or ignored. Mr. Cardwell had to invoke the puissant aid of his chief before, in the month of June, the warrant was signed which put an end to dual control. This important change was made without any application to Parliament by the simple exercise of the prerogative, with the reluctant assent of the Queen.

During this year also was made the first of those great legislative changes to which our modern army is due. If the doctrine of final causes could be admitted into history, the appearance of Mr. Cardwell might be ascribed to the need of refuting a popular superstition; for no man's, or at least no Englishman's, career more plainly disproves the theory that civilians cannot understand military affairs. When he went to the War Office he had, indeed, drawn up a paper on the need for military reform. But he possessed no more practical acquaintance with the army than any other educated man who had sat in Parliament and filled high offices of State. In technical details he relied, of course, upon his professional advisers, and especially upon Sir Henry Storks. But having consulted them he made up his own mind, and, with the support of the Cabinet, laid his proposals before Parliament. When he became Secretary for War our military system was inefficient, expensive, and aristocratic. When he resigned it was efficient, national, and cheap. His first measure, the Army Enlistment Act of 1870, established for infantry regiments the vital principle of short service, and with it by inseparable connection the permanent Reserve, which is the foundation of the modern

Short service.

army. This Act fixed twelve years as the longest, and three years as the shortest, period for which a man might enlist.[1] It was calculated that in ordinary cases six years would be spent with the colours, and six in the Reserve. To this measure there was no serious opposition in either House, and the Duke of Cambridge, though he evidently disliked it, was persuaded to speak in its favour. It would certainly not have been introduced if the army had been under professional control, and it brought upon Cardwell's head some slight instalment of the regimental abuse more plentifully showered in subsequent years. 1870.

Even this far-reaching reform did not exhaust the legislative achievements of a memorable session. The extradition of criminals had long been a source of difficulty with foreign Powers. On the one hand, the English people were determined that they would not abandon the right of asylum for political refugees. On the other hand, they had no wish that England should be an Alsatia for thieves and murderers who might succeed in escaping from the clutches of their own police. The Government had no legal right to expel either an Englishman or a foreigner from the country, and therefore no Treaty of Extradition they might make could be valid without the authority of Parliament. The Extradition Act of 1870 provided that when any such Treaty had been concluded, effect might be given to it by the Queen in Council. Stringent precautions were taken against any abuse of the power thus conferred. No political offender was in any circumstances to be given up. A list of the offences to which extradition must be limited was set out in the Schedule, and Extradition.

[1] Before the year 1847 enlistment was for life, or for twenty-one years. In 1847 enlistment for ten years was first allowed, much to the Duke of Wellington's disgust.

1870. it was expressly provided as a condition of surrendering any accused person, that he should not be tried in his own country on any other charge than that on which he had been surrendered. With that understanding a foreigner would be handed over to the representatives of his Government, if a magistrate at Bow Street held that there was evidence on which to commit, and if after the lapse of a fortnight a writ of *habeas corpus* had not been issued by any of the Superior Courts. Before this statute passed no Extradition Treaty could, as has been said, be ratified without the sanction of Parliament, and there were very few in existence. The result of general legislation is that we have such treaties with all civilised States, and that from the methods of cheating justice has been eliminated that of crossing the seas.

Abolition of forfeiture.

For some years the systematic study of ancient laws had been disclosing a number of obsolete and even barbarous enactments which escaped the notice of earlier reformers. Among them were forfeiture for treason and felony, attainder, and corruption of blood, whatever that may have implied. To punish the children for the sins of the fathers was a Jewish practice which even the prophet Ezekiel had outgrown, and which it was high time for a Christian nation to abolish. Parliament in 1870, by the Act for the abolition of forfeitures, provided that only a felon should be punished for his felony, and that his family should not lose his estate, nor, if he had one, his hereditary title. But it was at the same time, at the suggestion of a provident Treasury, directed that the costs of his conviction might be charged upon the property of which he stood possessed. The horrible direction, pronounced for the last time over some of the Irish Fenians in 1867, that the body of a traitor should be drawn and quartered after death was also obliterated and

repealed as inconsistent with the character of modern England. 1870.

At the same time a great, tardy, and most beneficial change was made in the administrative system of the country. By Order in Council, dated the 7th of June, all the Public Offices in the State, except the Foreign Office, were thrown open to public competition, and thus the proposals made in 1853 by Sir Charles Trevelyan and Sir Stafford Northcote were at last, after many years of opposition from the privileged classes, almost entirely carried out.[1] Mr. Gladstone had been in favour of them from the first, even when in other respects his opinions were Conservative. But until he became Prime Minister the resistance was more than he could overcome, and even in 1870 Lord Clarendon, who disliked the whole scheme, was strong enough to exempt the Foreign Office from its provisions. His successors have preserved the mixed principle of examination and patronage in that department. Otherwise the intellect of the country has been placed at the disposal of the State, subject to the drawback of low salaries and exclusion from Parliamentary life. The old Civil Service contained many capable and some extremely brilliant men. Since 1855, when a limited form of competition was introduced, mere dunces had been altogether excluded. The reform of 1870, however, raised the standard to a general level with which only the Civil Service of India, opened seventeen years before, can, except for purposes of contrast, be compared.

Competition in the Civil Service.

The friends of Greece in England were numerous, and it was only seven years since the accession of King George had been celebrated by the transfer of the Ionian Islands from a British Protectorate

Brigandage in Greece.

[1] The Education Department of the Privy Council, not being a separate office, was excluded. It was filled by men who had taken high degrees at the Universities.

1870. to Greek rule. But in the spring of this year a terrible crime, accompanied by ministerial incapacity which was little short of criminal, and by an appalling revelation of political shamelessness, disgusted even the warmest Philhellenists with a degenerate race. On the 11th of April a party of English travellers, with the Secretary of the Italian Legation, were captured by brigands between Marathon and Athens. Before starting from Athens for Marathon they had been assured of safety by the Greek Government, and furnished with a totally inadequate escort. The ladies of the party, after some trouble, were released. The men were held to ransom, and one of them was sent to Athens to obtain the sum of thirty thousand pounds, and an amnesty, which the captors demanded. The lot fell upon Mr. Frederick Vyner, who insisted that his place should be taken by a married man, Lord Muncaster. Mr. Erskine, the British Minister, exerted himself to the utmost, with the energetic support of Lord Clarendon, to obtain the terms required from the Government. But the King's servants seemed to have entirely lost their heads. On the one hand they raised technical difficulties about the King's right to pardon an offence which was not political. On the other hand, instead of paying the ransom, which, as they could not ensure the safety of foreigners in their country, was their proper course, they acted with culpable recklessness in sending an armed force against the brigands. As for the leaders of the Opposition, they were credibly reported to have communicated with the authors of the outrage, and persuaded them to insist upon an amnesty, in order that there might be an extraordinary session, and an opportunity of turning the Government out. Harassed by Greek troops under Colonel Theagenis, who was said to have exceeded his instructions, the brigands murdered Mr. Vyner

and his three companions, two of whom were English, on the 21st of April. Great indignation was expressed in both Houses of Parliament, and nobody had a word to say for the Government of Greece. Mr. Gladstone would not admit that it was the fault of the Greek people. "The difficulty of Greece," he said, "lies in the fact that the Turkish domination, which so long subsisted there, erased and effaced from Greek society all the natural influences of superior intelligence, education, rank, descent, and property, and left little but poverty on the face of the land." The truth and cogency of this remark are plain enough now. Greece has never recovered, perhaps never will recover, from the oppression of ages. But at the moment the cry was for vengeance, even for the destruction of the Greek kingdom. Vengeance was executed on the brigands, who were broken up, and almost exterminated; and although Greek politics were not purified, the suppression of brigandage has been effected by degrees. This, and the heroic conduct of Mr. Vyner, are the redeeming features of an otherwise unqualified disaster. 1870.

The Red River Expedition.

The last employment of British troops in Canada before the Dominion was finally left to the efficient protection of her own militia arose from a bargain between the Canadian Government and the Company of Hudson Bay. The territory owned by the Company under a Charter from Charles the Second was situated in the exact middle of the North American Continent, at an equal distance from the Atlantic and the Pacific. Known as Rupert's Land, and about the size of England, it had been bought by Canada in 1869 for the modest sum of three hundred thousand pounds. The negotiations were conducted for Canada by Lord Granville as Colonial Secretary, and for Hudson's Bay by Sir Stafford Northcote, who had acquired as chair-

1870. man of that Corporation the familiar name of the Arctic fox. On this occasion, however, the vulpine qualities were displayed by Lord Granville, who made an uncommonly, not to say unconscionably, hard bargain on behalf of the Canadians.[1] The French Canadians and half-breeds of Rupert's Land disliked the transfer, and just as Irish Fenians were making a ridiculous raid upon the Canadian border, from which they were driven by Canadian volunteers into the arms of American constables, Louis Riel raised a small rebellion at Fort Garry, a hundred miles beyond the Lake of the Woods. Riel, who was about five-and-twenty, described himself as "President of the Republic of the North-West." He collected a band of Indians and half-breeds, who attacked the Company's stores, and killed a Canadian volunteer, by name Hugh Scott. It became necessary to put them down, and Colonel Wolseley, who had with him a dashing young subaltern called Redvers Buller, was sent from Toronto for that purpose. He commanded fourteen hundred men, made up of Royal Rifles, a few artillerymen and engineers, and a force of Canadian militia. His masterly conduct of this little expedition was the first in a series of exploits which made the name of Wolseley familiar to the British race all the world over. On this occasion there was no fighting and no loss of life. The troops started in May, and when they arrived at Fort Garry on the 23rd of August, Riel had escaped into the United States. But Wolseley received high and just praise for the skill and enterprise with which he conveyed his troops a distance of more than six hundred miles, half of it through lakes and swamps, without losing a man, at the cost of a hundred thousand pounds.

[1] The land had been valued at a million in 1863. Lang's *Life of Sir Stafford Northcote*, p. 203.

The fertile province of Manitoba was at once incorporated in the Dominion of Canada, and was probably the cheapest acquisition ever made by a British Colony. For this bargain the Canadians, as we have seen, were indebted to Lord Granville, who was "too sharp to please" Sir Stafford Northcote and his colleague in the negotiations.[1] Lord Granville, however, was regarded as an unsympathetic Minister by advocates of imperial federation like Lord Carnarvon. It was said that he not only co-operated with Cardwell in withdrawing British troops from the Colonies, but gave his reasons with remorseless logic and uncomfortable candour. Yet colonial loyalty was not to be estranged by any measures which encouraged the independence of free and self-governing communities. Steps, however well intended, in the opposite direction would, on the contrary, have broken the tie. Although the New Zealanders protested against the removal of the soldiers before the Maori insurrection had subsided, they were pacified by a guarantee for the loan of a million, and an attempt by "absentee colonists" resident in London to promote a conference of colonial representatives met with no success. In reply to a circular letter from Lord Granville most of the colonial Governments repudiated the idea, and the House of Representatives in Victoria acknowledged, on behalf of their constituents, "the obligation to provide for the defence of the shores of Victoria against foreign invasion by means furnished at the sole cost, and retained within the exclusive control, of the people of Victoria." The Colonies in 1870 were equally resolved to remain within the British Empire, and to manage their own affairs without the smallest interference from Downing Street. The dissatisfaction with the colonial policy of the Govern-

1870.

May 19.

[1] *Id.* p. 204.

1870. ment was not of colonial growth. It was fostered by men who made the claim without having the right to speak for Canada, Australia, and New Zealand.

The session of 1870 may challenge comparison with any which preceded or have followed it for the extent and variety of its achievements. Between the 8th of February and the 10th of August Parliament took the first step, the step which costs, in remodelling the agrarian law of Ireland; established a permanent system of elementary education in England and Wales; introduced in the army the principle of short enlistment and a reserve; formed a code of neutrality in time of war; enacted a scientific theory of naturalization; provided for the extradition of criminals; and abolished the punishment of the innocent for the guilty inflicted by the forfeiture of a felon's estate. Of activity so various and so successful scarcely an example could be found since the days of the great Parliament which assembled in 1640 after eleven years of barren personal rule. Although Mr. Gladstone and his colleagues, especially Mr. Cardwell and Mr. Forster, were the principal agents in producing this splendid result, the entire credit does not belong to them. It was shared by their followers, by the Conservative party, and by the House of Commons as a whole.

The session of 1870.

# CHAPTER VI

## ENGLAND AND THE CONTINENT

1868. For more than twenty years the affairs of Spain had attracted little interest either in England or in Europe when, in July 1868, Queen Isabella's sister, the Duchess of Montpensier, her husband the Duke, Marshal Serrano, and several generals, were suddenly banished from the country. This arbitrary measure, the climax to a long series of lawless and oppressive acts, was immediately followed by a revolution. The intolerance of the Church and the tyranny of the State, which were really two sides of the same thing, had made the Queen and her Jesuit directors unendurably odious to the Spanish people. The first of living Spaniards, General Prim, a man equally distinguished for ability and integrity, was at that time an exile in England. He started in September for Spain, and arrived at Cadiz on the 17th of the month. The banished generals were at once through his agency restored; a Provisional Government was proclaimed, with Serrano as chief of the State; and after Prim had defeated the Royal troops near Cordova, the Queen fled on the last day of the month to France. Before October was out popular government had been established; the schools had been freed from clerical control; liberty of unlicensed printing had been granted, and the Jesuits had been suppressed; Prim had been appointed commander-in-chief;

Revolution in Spain.

Arrival of Prim.

Flight of Queen Isabella.

1869. and the Provisional Government had been recognised by England, France, Prussia, and Portugal. But though the people of Spain were practically unanimous in their determination to get rid of a bad Queen and her worse advisers, comparatively few of them were Republicans. A General Election held in January 1869, with manhood suffrage, returned to the Cortes two hundred and fifty Monarchists, and eighty advocates of a Republic. Among the Monarchists were included supporters of Don Carlos, who, according to the Salic law, would have been King of Spain. They were, however, in a small minority; and, when the monarchical principle had been adopted by the Cortes, the crown was offered to Dom Pedro, formerly King Consort of Portugal. Upon his declining the honour Marshal Serrano was installed as Regent, with Prim as his first Minister, an arrangement which made Prim the real ruler of Spain. This was, like the administration of Pericles in Athens, the government of the first man, and well would it have been for Europe if that happy state of things had continued. But the people of Israel in the days of Samuel were not more bent upon providing themselves with a monarch than the people of Spain in the days of Prim. They next tried the young Duke of Genoa, the King of Italy's nephew, a boy of fourteen, then at Harrow under the supervision of Matthew Arnold. The head of the House of Savoy, however, had too much sense to hear of any such proposal, and this offer also fell through. It seemed as if the throne of a haughty and once powerful nation would go a begging.

Royalist majority.

Regency of Serrano. Feb. 11, 1869.

June 18, 1869.

The search for a king.

Sept. 28, 1869.

Although the Spaniards had been allowed to expel their sovereign and settle their Constitution as they thought best, without interference from foreigners, or even the sort of advice which Palmer-

ston would certainly have given them, the spectacle of a nation in search of a ruler could not fail to disquiet those who remembered how wars of succession had convulsed the world. At the end of the year 1869 there were two Powers in Europe who seemed to be rivals in the dangerous policy of securing peace by preparing for war. It did not escape the notice of the veteran diplomatist who held the seals of the Foreign Office in Mr. Gladstone's Cabinet, that France was arming against Prussia, and Prussia against France. As an old friend of the French Emperor, Lord Clarendon thought he might exercise a personal influence upon him in the direction of disarmament. During a visit to Paris in September he pressed upon the Emperor the burden and the peril of all this military expenditure. The Emperor replied that he could do nothing while the King of Prussia lived, which was unfortunate, as the King's constitution was a good deal more robust than his own. A few months afterwards, however, in January 1870, the Foreign Minister of France, Count Daru, suggested that if England could persuade Prussia to disarm France might follow suit. It was the usual question, who should begin? Lord Clarendon wrote confidentially in the sense desired to the British Minister in Berlin, but he might as well have written to the *Times*. Neither Bismarck nor his Royal master would listen for a moment to the suggestion, although it came from a country which was steadily decreasing her own expenditure, and Lord Clarendon had to be satisfied with the approval of Mr. Gladstone and his own conscience. Bismarck saw in the month of February no likelihood that peace would be disturbed. But he saw also no justification for assuming that it would not.[1] Events proved that

1869.

Lord Clarendon's advice.

Jan. 31, 1870.

[1] Morley's *Life of Gladstone*, vol. ii. pp. 321–22.

1870. he was right. The situation of Louis Napoleon,

Ollivier's Cabinet. never easy, had become precarious in the extreme. The growing strength of the Liberal party in France could not be ignored, and he felt the need for making concessions to it. At the beginning of January he entrusted Emile Ollivier, a Liberal who had rallied to the Empire, with the formation of a Cabinet. He gave guarantees for the freedom of the Press, and Ollivier drew up a revised Constitution which was submitted to a popular vote. The vote was taken on Sunday the 8th of May. The nominal issue was whether Parliamentary government should be established in France. The real issue was between granting and refusing a new lease to the Second Empire. In the eyes of superficial observers the poll was a triumph for the Empire, since the Imperial majority was five to one. A closer scrutiny was exercised from the Tuileries and yielded less satisfactory results. The rural population were solid for Imperialism, while the great towns were decidedly the other way. Marseilles and Lyons, Brest and Bordeaux, Toulon and Angers, returned a negative vote. In Paris the hostile majority was three hundred thousand. What was still more ominous, fifty thousand soldiers showed by their ballot-papers the existence of a formidable opposition within the army itself. After the popular approval of the Constitution, for so the vote was officially called, the Emperor made several changes in his Cabinet, one of which deserves the epithet suicidal. In place of Count Daru, who had resigned, he chose as his Foreign Minister the Duke of Gramont, formerly French Ambassador at Vienna, a servile courtier and a devotee of personal government, who had a fixed belief that the smaller German States were only waiting for the lead of France to throw off the yoke of Prussia. Except Marshal Leboeuf, who

The vote of the people.

Appointment of de Gramont.

remained Minister for War, the Duke was the most incompetent member of the most incompetent Cabinet that France had ever known. While the Marshal directed military affairs as if peace could not be broken, the Duke did his best by diplomacy to ensure that it should not be kept. Scarcely had de Gramont been installed in office, when the English statesman who had most influence with the French Government passed suddenly away. Lord Clarendon died on the 27th of June in his seventy-first year, and was succeeded by Lord Granville as Secretary of State for Foreign Affairs.[1] The French historian of the Second Empire pays a splendid tribute to the memory of Lord Clarendon when he declares his opinion[2] that the death of the English statesman was an irreparable disaster to France. If Lord Clarendon had lived, says M. de la Gorce, the disturbing forces of the Continent might have been by his wise counsels allayed. Lord Granville had tact, adroitness, temper, knowledge of the world. He could not carry the weight of his predecessor, if only because his experience of the Foreign Office had been only two months long and was now eighteen years old.

1870.

Death of Lord Clarendon.

His successor.

Lord Granville had not yet received from Her Majesty the Seals of his new Department when the danger-signal went up. On Tuesday, the 5th of July, less than twenty-four hours before his official journey to Windsor, he was told that Mr. Hammond, the chief of his permanent staff, had never known foreign affairs in a more tranquil position, and that there was nothing for a new Minister to consider except the murders in Greece which have been already described. That was between three

[1] Lord Kimberley succeeded Lord Granville as Secretary for the Colonies; and Lord Halifax, who had been out of office since 1866, entered the Cabinet as Privy Seal.

[2] *Histoire du Second Empire*, vol. vi. p. 318.

1870.

Spanish adoption of Prince Leopold.

and four o'clock in the afternoon. At six o'clock, when Lord Granville was sitting in the House of Lords, and the House was proceeding to discuss the Irish Land Bill in Committee, a telegraphic despatch from Mr. Layard, British Minister at Madrid, informed him that Prince Leopold of Hohenzollern, brother to Prince Charles of Roumania, had been adopted by the Spanish Government as a candidate for the throne of Spain. Prince Leopold belonged to the Catholic branch of his house, and was so remotely connected with the King of Prussia that they had not had a common ancestor for five hundred years. The King, however, was the acknowledged head of the whole Hohenzollern family, and as such, though not as Prussian Sovereign, had approved of the nomination. It was not, therefore, new to him, and as a matter of fact he had known since February that the project was in the air. At that time, however, Leopold declined the proposal, and it was not till the 23rd of June that his acceptance could be communicated to the Government at Madrid. Before that time the French Emperor had become aware of the scheme, and had raised no objection to it whatsoever. Why should he? The Prince was connected through the Murats with the family of Bonaparte. Spain, on the other hand, had long ceased to be a great Power, and there was now no reasonable likelihood that a descendant of Louis Philippe would succeed to the Spanish Crown. On the 2nd of July, three days before Mr. Hammond's remarkable statement to Lord Granville, M. Ollivier said that at no epoch was the peace of Europe more assured, and that irritating questions did not anywhere exist. This was the day on which a deputation left Madrid with a formal offer to Prince Leopold of the throne he had already accepted.

1870.

The policy of Bismarck.

It is scarcely possible to doubt that Count Bismarck supported the candidature of the Prince with the deliberate intention of provoking France to war. He knew that Prussia was ready, he had good reason to believe that France was not, and he shrewdly suspected that Napoleon would, sooner or later, be driven by the army, or by public opinion, to fight for the German provinces of the Rhine. The moral guilt of sending thousands to their graves, and inflicting agonies not to be told upon thousands more, for a cause childish in its unreason, and revolting in its cynicism, must be divided in about equal proportions between the representatives of Prussia and of France. Both alike disregarded the wishes and interests of the Spanish people, who had the same right to choose Prince Leopold as the French had to choose Prince Louis, or the Greeks had to choose Prince George. The difference between Bismarck and de Gramont was intellectual, not ethical. The first diplomatist in Europe was matched against men whom he must have felt it a humiliation to outmanœuvre. The Emperor himself, though he still discharged his imperial functions, was little more than a grey shadow, once a man, or at least a nephew. Authority had well-nigh passed from him. He was in the grip of a mortal illness, and his personal share in what followed was probably almost as slight as he subsequently alleged it to be. With the decline of his force the influence of the Empress rose. It was only natural that she should look to the future, and think less of her husband than of her son. A devout Catholic, and an ardent friend of Austria, Prussia appeared to her as the double enemy of her country and of her faith. A Spaniard by birth, she detested the idea of a German Sovereign in Spain, and she longed for a Catholic alliance which would uphold the temporal power of the

The French Emperor's position.

Influence of the Empress.

1870. Pope. De Gramont was a Minister after her own heart, and she believed the assurance of Leboeuf that the army was prepared for a campaign.

The first overt sign of French objection to Prince Leopold was made on the 4th of July, when the Chargé d'affaires at Berlin formally protested against the candidature. Bismarck replied with the literal truth, which was sometimes his best instrument of deception, that the Prussian Government had nothing to do with the matter. Next day the Emperor sent a private message, in the vacancy of the Foreign Office, to Mr. Gladstone, informing him of the Spanish choice, and begging him to procure its withdrawal.[1] Mr. Gladstone, though not disposed to interfere with the affairs of Spain, consulted Lord Granville, who afterwards entreated the Spanish Government to abandon their project, and appealed to the King of Prussia's magnanimous wisdom against encouraging a scheme of which the secrecy alone had justly offended France. Unfortunately the despatch to Berlin was not sent with sufficient promptitude,[2] and in the meantime the language of the French Ministers in the *Corps Législatif* was as mischievous as it could be. Ollivier said that the Government wished for peace with honour. De Gramont used words of bluster and menace, declaring that France would not suffer a foreign Power to imperil her interests and disturb the European equilibrium by placing one of its princes upon the throne of Charles the Fifth. For de Gramont, as indeed for Bismarck, the Spanish people and their predilections did not exist. He thought simply of defying Prussia, and his object, like Bismarck's, was war. To that conclusion events were racing. Twenty-four hours after de

Lord Granville's appeal.

July 6.

De Gramont's speech.

[1] Morley's *Life of Gladstone*, vol. ii. p. 325.
[2] *Id.* vol. ii. p. 326.

Gramont's speech the Spanish Government officially notified Prince Leopold's adoption to Europe, and Count Benedetti, French Ambassador to the North German Confederation, arrived at Ems, where the King of Prussia was taking the waters. This was on the 7th of July. On the 8th de Gramont asked Lord Lyons, British Ambassador at Paris, to procure a voluntary renunciation by the Prince, and added on the 10th that if the Prince withdrew by the King's advice, the affair would be at an end. The Prince did withdraw his candidature through his father, Prince Anthony, with the King of Prussia's personal approval, and without consulting Spain, but the affair was not at an end. On the contrary both sides took immediate steps to prevent any such possibility.

1870.

Withdrawal of Prince Leopold.

Lord Granville, who throughout this tremendous crisis in the history of Europe acted on behalf of the British Cabinet with more wisdom than speed, entreated the French Government through Lord Lyons to abide by the Duke of Gramont's declaration, and to regard the incident as closed. But de Gramont, wrapped in his own ignorant conceit, was inaccessible to advice, even from a friendly quarter to which he had himself appealed. It is more than doubtful whether, after his reckless speech on the 6th, Bismarck, who was as anxious for war as he was, and on far better grounds, would have let him escape. The question never arose, for he played into Bismarck's hands. On the very day that Granville wrote, Benedetti, by de Gramont's instructions, demanded from the King of Prussia at Ems a formal abandonment of the Prince's candidature, and an undertaking that it should not be revived. The interview was conducted on both sides with perfect courtesy. The stories that the King and the Ambassador had insulted each other were deliberate inventions, for

Lord Granville's efforts for peace.

July 13.

Benedetti and the King of Prussia.

1870. which Bismarck is personally responsible. The ulterior demand, which would have been refused in any case, was made doubly offensive by de Gramont's preposterous suggestion through Baron Werther, Prussian Ambassador at Paris, of the terms in which King William should apologise to Louis Napoleon. For suffering himself to be employed as the channel of such a communication Werther was disavowed and recalled. Nor was further audience granted to Benedetti by the King.[1]

Bismarck's demands.

Bismarck, on the other hand, clearly showed his intentions by telling Lord Augustus Loftus, British Minister at Berlin, that the French Government must accept the withdrawal of Prince Leopold as a final settlement of the Spanish question, and must retract or explain the threatening language of de Gramont in the Legislative Body. War was really inevitable from the moment those threats were uttered. Bismarck, however, with all his appearance of grim determination, was not quite easy about the attitude of Southern and Catholic Germany. He deemed it essential to show that the issue had become not merely Prussian, but German, and with that object, which he doubtless considered patriotic, in view, he did not shrink from fraud. On the fatal 13th of July, while he was dining with the two greatest soldiers of Germany, Moltke and

The altered despatch.

Roon, a telegraphic despatch arrived in cipher from Ems. It was sent by Abeken, one of His Majesty's Privy Council, and contained the announcement of Benedetti's demand, with the King's refusal. Abeken pointed out that the interview was held before the King had been directly informed by the Prince of his retirement, and further stated that so soon as he received the Prince's letter he informed Benedetti of its con-

[1] De la Gorce, vol. ii. p. 277.

tents, with the remark that he had nothing further to say. Ominous as this message was, it did not satisfy the Minister and his guests. Roon and Moltke were so dispirited that they could neither eat nor drink. They feared that their Sovereign's moderation, for so it seemed to them, would give one more chance of avoiding war. They had underrated the resources or exaggerated the scruples of their host. The final words of Abeken's despatch gave Bismarck the option of publishing it, or keeping it to himself. He did neither. He rewrote it for publication. Suppressing whatever tended towards arrangement, or left a loophole for peace, he sent to the newspapers a bald statement that after the Government of France had received from the Government of Spain official news of Prince Leopold's withdrawal, the French Ambassador had demanded from the King a specific promise never to permit a revival of the candidature, and that thereupon His Majesty had declined to hold any further intercourse with Count Benedetti. The substance of the true and the false documents was much the same. The tone had been so entirely changed that thirst and hunger at once returned to the directors of the German legions. They ate, and drank, and blessed the Lord, knowing well the effect which this "red flag" would have upon the "French bull."[1] Its influence upon their own countrymen was no less exciting. When the journals containing the doctored telegram appeared, men cried in Berlin, "To Paris!" and in Paris, "To Berlin!" 1870.

While the two capitals were seething with enthusiasm for immediate war, Lord Granville, who was in daily and hourly consultation with Mr. Gladstone, proposed that Prussia should inform France of her consent to Prince Leopold's with- July 14.

[1] De la Gorce, vol. vi. pp. 282–84.

1870. drawal, if France on her part would abandon all claim to assurances for the future. Bismarck re-
July 15. jected the proposal, and next day war was virtually declared by a ministerial message to the *Corps Législatif*. "We have prepared," said the last Cabinet of incapables over which Louis Napoleon
War. presided, "we have prepared to maintain the war which is offered to us, leaving to each the responsibility which devolves upon him." There was certainly enough for both. Seldom in the history of nations has the ostensible cause of an armed conflict been so difficult to justify in the eyes, not merely of Christians and of moralists, but of sane and rational men. The ostensible cause, however, was not the real one. France could not forgive Sadowa. Prussia had not forgotten Jena. The French Empire was on the verge of collapse, and could only be strengthened by military triumph. The rise of Prussia, and the partial union of Germany, revived and kindled sentiments which had slumbered since the abdication of the Emperor Francis in 1806. Historically minded Prussians went even farther back. "Against whom are you fighting?" asked some one of the illustrious Professor Mommsen after the disappearance of the chief French actor from the scene. "Against Louis Quatorze," was the reply. Bismarck, who did not trouble himself much about historic feuds, had long seen in France the chief obstacle to his scheme of German unity and German ascendency in the counsels of Europe. Having disposed of Austria, he now addressed himself with equal confidence to a greater task.

Proposal of mediation. One more feeble attempt was made by the British Government to save Europe from the horrors of such a conflict as had not been known since Waterloo. Lord Granville suggested that
July 15. France and Prussia should invoke the mediation of

friendly Powers, as prescribed by the Treaty of Paris. But neither Prussia nor France would hear of this proposal, and the same day the French Chambers received a formal announcement of war. Next day Bavaria, taking the lead of Southern Germany, declared her adhesion to Prussia, and Moltke must have felt that his time had come. England could only issue a proclamation of neutrality and wash her hands of the business. 1870. Its rejection. July 19.

But suddenly a thunderclap burst over the Continent, and especially over this country, showing, as it were by a flash of lightning, how vain it was to pursue a policy of isolation in the modern world. On the 25th of July Count Bismarck caused to be published in the *Times* the project of a secret treaty by which, among other things, Prussia was to connive at the French conquest of Belgium, and even to assist France in the retention of her spoil. This offer, as we have seen, was made by the French Emperor through Count Benedetti in 1866,[1] and is perhaps the basest of all his intrigues. It was now formally denied, doubtless also on instructions, by Benedetti and by de Gramont. But the British Cabinet had good reason to know that it was genuine, and England could not look upon it with indifference. The integrity and independence of Belgium were under the guarantee of England, France, Prussia, Austria, and Russia, by the quintuple Treaty of 1839. Mr. Gladstone repudiated the doctrine of Lord Derby that such a collective guarantee, being joint, not several, imposed no obligation upon any single country to act without the others.[2] The Cabinet adopted a device at once ingenious and effective. They pro- The independence of Belgium. July 30.

[1] According to the dramatic narrative of M. de la Gorce, Benedetti was entrapped by Bismarck into putting this proposal on paper. But it is incredible that the French Minister would have ventured to make the suggestion without authority from his master. See p. 49.

[2] Morley's *Life of Gladstone*, vol. ii. pp. 357–58.

1870. posed to each of the belligerents a mutual agreement for the protection of Belgium against the other. This Treaty, to hold good for twelve months after the war, was signed by both the Powers, and before the prorogation the House of Commons voted two millions for increasing the Army and Navy by twenty thousand men. The number and the sum would, of course, have been totally inadequate in case of actual hostilities. But they were sufficient as a guarantee that Belgium would not be left to herself, and the national anthem of Great Britain was sung by a Belgian crowd before the British Legation at Brussels. Although Mr. Disraeli attacked the cheese-paring economy of Mr. Gladstone as sincerely as he had denounced the bloated armaments of Lord Palmerston, public opinion was satisfied with the demonstration that British honour had been pledged to the defence of Belgian freedom.

The double Treaty.

Aug. 10.

Never in the history of Europe have there been weeks more crowded with events than the summer and autumn of 1870. On the 2nd of August, in an unimportant skirmish at Saarbrück, the Prince Imperial, who had left Paris for the front with his father five days before, received what the French Emperor, in a phrase much copied by bad writers ever since, called his "baptism of fire," and we learn from the same high authority that "some of the soldiers wept at seeing him so brave." Four days later the French armies suffered at Wörth and Forbach defeats from which, despite the Emperor's ominous prophecy,[1] they never recovered, and next day the state of siege was proclaimed in Paris, where the Empress acted as Regent. On the 8th of August the French garrison marched out of Rome, where the Vatican Council had just proclaimed the infallibility of the Pope. On the 9th

German victories:

Wörth and Forbach. Aug. 6.

Evacuation of Rome.

[1] *Tout peut se rétablir.*

the resignation of M. Ollivier was accepted by the Empress, and a General officer, the Count of Palikao, was placed at the head of affairs. General Trochu became Governor of Paris, and Marshal Bazaine commander-in-chief at the seat of war. On the 18th the French were again defeated at Gravelotte, and on the 28th all foreigners were ordered to leave Paris. Then came the crowning disaster to French arms. At Sedan, on the 2nd of September, the Emperor in person, with four thousand officers and more than eighty thousand men, surrendered to the King of Prussia and to the army of his son, the Crown Prince. The Second Empire, conceived in perjury and murder, expired in ruin and disgrace. On the 4th the Republic was proclaimed in Paris, and a Government of National Defence was established, with General Trochu at its head. Jules Favre, the new Minister for Foreign Affairs, issued his too famous Circular, in which he declared that France would cede neither a stone of her fortresses nor an inch of her soil. The Empress hastily left Paris, and was conveyed in an English yacht to Ryde, from which she joined her son at Hastings, and took him to Chiselhurst. A few days afterwards M. Thiers arrived in London upon that patriotic journey to the neutral capitals, comprising also Vienna and Petersburg, which exhausted all that a veteran statesman could vainly do to make terms for his unfortunate country, and to free her from the armies of the invader. The British Government was not unfriendly; but, short of taking part in the war, which would have been foolish and criminal, there was no practical step which it could take. Whatever may have been the degree of Bismarck's guilt in forcing hostilities at the last moment by means unquestionably dishonest, the French Cabinet, now scattered to the winds, had contrived

1870.

Sept. 28. Resignation of Ollivier.

Battle of Gravelotte.

Emperor's surrender at Sedan.

French Republic.

Flight of the Empress.

Sept. 13.

1870. during their brief tenure of power to put France so hopelessly in the wrong that diplomatic intervention on her behalf was impossible. Parliament was not sitting, and no responsible politician seriously suggested such a course. Sir Henry Bulwer, indeed,[1] pleaded with passionate eloquence against a policy of selfish indifference "on the verge of horrors at the mere thought of which Christianity and civilisation shudder." But he had no public opinion behind him, and the vast majority of Englishmen agreed with Mr. Grote, the venerable historian, who, though suffering "extreme pain" for the miseries of France,[2] defended in an excellent letter the neutrality of England.

Italian occupation of Rome. One result of the war was an unmixed benefit to Italy and to mankind. The French troops, as we have seen, had left Rome in August. In September their places were taken by the soldiers of the King, and the Pope, who had acquired with old age a creditable dislike of bloodshed, gave orders that their entrance should not be resisted. They

Sept. 20. marched in through a breach of the walls at the Porta Pia, after which the inhabitants of Rome voted by almost thirty to one that they would shake off the ecclesiastical yoke, and that their city should be the capital of a united Italy. Pius the Ninth, who could never be persuaded that his kingdom was not of this world, appealed for assistance to the Protestant King of Prussia. But he, like the Catholic Emperor of Austria, felt that the Temporal Power was an anachronism, and had no mind to quarrel with Victor Emmanuel. So His Holiness had to be satisfied with his own infallibility, and shut himself up in the Vatican, from which he never again emerged, while his other palace, the Quirinal, became the residence of the King. Meanwhile Stras-

[1] *Times*, Sept. 25, 1870.
[2] *Personal Life of George Grote*, p. 319.

burg surrendered, and Paris was besieged. The 1870.
acceptance of the Spanish crown by Prince Amadeo, Oct. 19.
Duke of Aosta, Victor Emmanuel's second son, was
an ironical comment upon the ostensible causes of
the war, and Lord Granville's futile protest against Oct. 20.
a possible destruction of Paris only produced a
polite rebuff from Count Bismarck, who deprecated
encouragement of the French in a hopeless resist-
ance, saying plainly that no proposals could be
received by Prussia which did not come directly
from France. The war continued, with results still
more disastrous to the French, and on the 27th of
October, after a siege of seventy days, Marshal
Bazaine, a true imperialist of the Second Empire,
basely surrendered Metz to Prince Frederick Charles, Capitulation of Metz.
with two other marshals,[1] fifty generals, and a
hundred and fifty thousand men.

The independence of Belgium was not the only Russia and the Black Sea.
question directly concerning England which the
struggle between France and Germany raised.
The treachery of Bazaine had just completed the
ruin of French arms outside Paris, when Russia,
who had shown absolute indifference to the fate of
Belgium, took advantage of the situation by en-
deavouring to destroy the most important conse-
quence of the Crimean War. The reputation of
Russian diplomacy for unscrupulous craft and
abnormal subtlety derives small support from his-
toric fact. If a single instance could disprove it,
the conduct of the Russian Chancellor in 1870
would suffice for the purpose. By the Treaty of
Paris, the Treaty of 1856, the neutrality of the
Black Sea had been proclaimed, and, with insignifi-
cant exceptions, both Russia and Turkey were pro-
hibited from building or maintaining ships of war
upon it. This stipulation was justly described by
Bismarck, the first diplomatist in Europe, as inept,

[1] Canrobert, of Crimean fame, and Leboeuf.

1870. and even its warmest supporters, such as Palmerston, did not expect it to last more than ten years. It was designed to give Turkey an opportunity to carry out reforms which she never dreamed of adopting. Before 1870 every great Power, except England and Turkey, had expressed disapproval of it, and nothing would have been easier for Russia than to obtain its abrogation by means diplomatically correct. Prince Alexander Gortschakoff, however, took the one step which made it impossible that the demands of his country should be favourably received. Knowing, as he must have known, that the Prime Minister of England had in 1855 opposed the continuance of hostilities for the sake of enforcing these restrictions, and was therefore peculiarly accessible to argument on the subject, he addressed to the English Secretary for Foreign Affairs, along with the other representatives of the signatory Powers, a despatch which could only be answered in one way. Prince Gortschakoff, on behalf of his master, claimed the right to dispense with those clauses of the Treaty which concerned the Black Sea by a mere declaration that they were no longer binding. His sole excuse for a course internationally lawless and morally unjustifiable was, that the union of Moldavia and Wallachia into the single Principality of Roumania under Prince Charles of Hohenzollern was also an infraction of the Treaty of Paris. Of this concession to Eastern Christians it was Turkey, not Russia, who had a right to complain, and, as a matter of fact, Russia had congratulated Roumania upon it. Mr. Gladstone's position was not free from difficulty, inasmuch as his opinion upon the merits of the dispute was identical with Prince Gortschakoff's. But Lord Granville's reply to the Russian Circular, which Mr. Gladstone almost dictated,[1] contained

Gortschakoff's circular. Oct. 31.

The British answer.

[1] Morley's *Life of Gladstone*, vol. ii. p. 350.

a firm refusal to admit that one party to a treaty could without the consent of the others set aside any of its terms. "It is quite evident," wrote Lord Granville to Sir Andrew Buchanan, British Ambassador at Petersburg, "it is quite evident that the effect of such doctrine, and of any proceeding which, with or without avowal, is founded upon it, is to bring the entire authority and efficacy of treaties under the discretionary control of each one of the Powers who may have signed them, the result of which would be the entire destruction of treaties in their essence." Prince Gortschakoff's retort to this spirited and unanswerable despatch was a reiteration of his former plea, combined with a totally unfounded statement that all efforts to arrive at a joint arrangement had failed, and an unseemly, if not impudent, allusion to "the absence of a regular power in France," as if that had not been the precise reason for the Russian Chancellor's choice of an opportunity. Lord Granville drily refused to admit "that the Imperial Government could justify this proceeding by the failure of efforts which had never been made," and the deadlock appeared to be hopeless. In the meantime, however, the British Government had taken a wise step, which led to a sensible and honourable solution of the problem. They sent Mr. Odo Russell, one of the ablest men in the Diplomatic Service, on a special mission to the King of Prussia and his Minister, who were then at Versailles. The real point was the faith of treaties, and not the future of the Black Sea. Austria and Italy agreed with Gladstone and Bismarck in holding that the restrictions upon Russia could no longer be maintained. Both Count Beust and Signor Visconti Venosta argued, with as much cogency as Lord Granville, that Russia could not herself set it aside. Prince Gortschakoff indeed had not, in the homely

1870.
Nov. 10.
Nov. 20.
Nov. 28.
Nov. 12.

1870. phrase, a leg to stand on; for the fourteenth article in the Treaty of Paris, which made the Convention about the Black Sea part of the Treaty itself, ended with the words, "may not be either annulled or modified without the assent of the Powers signing the present Treaty." The British Envoy found Count Bismarck, as he must have expected to find him, preoccupied with plans very far from the Black Sea. As a practical statesman, Bismarck disapproved both of the clauses to which Russia objected and of the manner in which she objected to them. But his hands were full, and he was not disposed to interfere. It was only when Mr.
Nov. 21. Russell, judiciously exceeding his instructions, remarked that if Russia did not take back her Circular England would fight, with allies or without them, that he "came round to the British point of view."[1] Bismarck, for obvious reasons, did not want another war; and, having taken the matter up, he lost no time in carrying it through. He proposed, through
Nov. 27. Count Bernstorff, a Conference of the signatory Powers in London, to which Lord Granville assented on the understanding that Russia's pretensions to modify a treaty in her own favour were withdrawn. Delay was caused by the situation of France and the impossibility of procuring M. Jules Favre's attendance during the siege of Paris. He would not ask for a safe conduct, and unless he asked for it Bismarck would not give it to him.
Dec. 17. Jan. 17, 1871. At last the Conference met without a French delegate, and a month later, the day before the King of Prussia was proclaimed German Emperor in the palace of Versailles, unanimously resolved that no Power could liberate itself from the engagements of a treaty nor alter its stipulations. This was the point in dispute between Russia and England, or rather between Russia and Europe,

[1] Morley's *Life of Gladstone*, vol. ii. p. 353.

and it was settled in accordance with the principles of international law. While the Conference was sitting Paris capitulated, and a month afterwards a Treaty of peace was signed with Germany, providing for an indemnity of two hundred millions sterling, with the cession of Alsace and Lorraine, including the fortresses of Metz and Strasburg. Not till the last sitting of the Conference, on the 13th of March, did the Duke of Broglie attend as a representative of France, and by that time the matter was of course concluded. After Russia had given way on the preliminary and general question, there was never any doubt that she would obtain what she desired. Even Turkey did not wish to fight for the Black Sea, and the Conference, without a dissentient voice, repealed the prohibitory clause. At the same time it was agreed that the Sultan might open the Dardanelles and the Bosporus to the war-ships of friendly and allied Powers for the purpose of enforcing the Treaty of Paris.

1871. Jan. 28. Feb. 26.

Thus ended, in a reasonable and satisfactory manner, the last question arising out of the war in which England as a great Power was directly involved. In the case of Russia, as in the case of Belgium, and on every point that arose, she did her duty to her Allies without departing from the strictly impartial attitude which it behoved her to assume. The charges of unfriendly conduct which came from both belligerents were idle and groundless. How little Bismarck believed in them may be inferred from his treatment of Odo Russell, and it was England who was the first to supply the necessities of Paris at the close of the siege. On the other hand, those who remembered and admired the Palmerstonian method of dealing with foreign affairs deplored the cold aloofness of Mr. Gladstone and Lord Granville. Mr. Gladstone was inclined

1871. to protest against annexing Alsace and Lorraine without consulting the inhabitants. Lord Granville considered the indemnity too high. But Mr. Gladstone was overruled by his colleagues,[1] and Lord Granville's remonstrances were unheeded. The provinces which Germany recovered had been taken from her, and their population was as much German as French. Bismarck maintained, and the event proved, that France could well afford the sum demanded of her, and that there was nothing in the Treaty of Frankfort to deprive her of her position as a leading European State. After the horrors of the Commune, the revolutionary excesses provoked by the Second Empire and its collapse, France settled down under a Republic, described by M. Thiers as dividing Frenchmen the least, of which few then suspected the vitality and strength.

March 20, 1871. Louis Napoleon, who disappears from history after Sedan, once more sought refuge in England, where he lived with his wife and son at Chiselhurst. The Commune, which had been guilty of atrocious crimes, was put down with ruthless severity when the French troops under Marshal Macmahon entered Paris from Versailles. The man to whose courage, energy, and foresight France owed most at this crisis, M. Thiers, became first President of the third Republic, which had much difficulty in holding its ground, with his assistance, against Royalist reaction and Imperialist intrigue.

[1] Morley's *Life of Gladstone*, vol. ii. p. 346.

# CHAPTER VII

## ARMY REFORM

THE autumn of 1870 was saddened by a grievous disaster to the British Navy. Fervent at that time was the popular belief in turret ships, and among that class the *Captain* was conspicuous. Designed by a naval officer of distinction, Cowper Coles, she carried six heavy guns, and appeared to be a most powerful engine of war. Captain Coles was the inventor of turret ships, and so perfect was his faith in the *Captain* that he sailed in her himself. He had, however, omitted to observe that the builders, Messrs. Laird of Birkenhead, who were also the builders of the *Alabama*, did not conform to their instructions, but turned out the ship with a freeboard dangerously low. On the 7th of September, as she was cruising off Cape Finisterre in the squadron of Admiral Milne, she went down with Captain Coles, Captain Burgoyne, who commanded her, and five hundred men. Not since the loss of the *Royal George*, immortalised by Cowper, had such a terrible calamity occurred in time of peace to a man of war. The cause of it was only too clear. Both in the design and in the construction of the *Captain* the first principles of science had been neglected. Neither the able engineer, who had been Chief Constructor of the Navy, Mr. Reed,[1]

1870.

The loss of the *Captain*.

[1] Afterwards Sir Edward Reed.

1870. nor Admiral Sir Spencer Robinson, the Controller, approved of the *Captain*, with all her boasted strength in armaments, as a seaworthy vessel. That they were right was plain. For, although a strong wind blew at the time the *Captain* capsized, there was no gale, and the amount of sail she carried was "insufficient to have endangered a ship endowed with a proper amount of stability." These words are from the judgment of the court-martial held at Portsmouth in October upon Mr. May, a gunner, and the other survivors of the *Captain*, who were honourably acquitted of all blame. The Court also found that "the *Captain* was built in deference to public opinion, as expressed in Parliament and through other channels, in opposition to the views of the Controller of the Navy and his department." But even the original designs, faulty as they were, had not been followed, and the result of the discrepancy had been that the ship was too low in the water to be safe. Thus the responsibility seemed to be divided between the contractors, who were not responsible to Parliament, and the First Lord of the Admiralty, who was. Mr. Childers had given the strongest proof of his own faith in the *Captain* by allowing his son, who perished with the crew, to serve on her as a sub-lieutenant. But he became involved in an unfortunate dispute with Sir Spencer Robinson, who in consequence resigned, and the temporary failure of his health obliged him to retire from office himself before the session of 1871.[1] He was succeeded by Mr. Goschen, at whose appointment, one of the best

The finding of the court-martial.

Resignation of Mr. Childers,

[1] Mr. Childers asserted more strongly and definitely than his predecessors at the Admiralty the undivided power and responsibility of the First Lord (see his *Life*, by Colonel Childers, vol. i. p. 161). He was justified for his virtual dismissal of Sir Spencer Robinson by the severe censure which Lord Lawrence's Commission passed upon that officer in 1872.

that Mr. Gladstone ever made, the Conservatives expressed contemptuous incredulity. Mr. Goschen's place at the Poor Law Board was taken, with a seat in the Cabinet, by a Radical, Mr. Stansfeld, who had not resigned with Mr. Trevelyan on the introduction of the Education Bill. Early in January the Government suffered in moral weight, though not in practical capacity, by the resignation of Mr. Bright after a long and serious illness. His successor at the Board of Trade, Mr. Fortescue, Chief Secretary for Ireland, knew everything about Ireland, and nothing about trade; while Lord Hartington went to the Irish Office, perhaps the only place in the Government for which he was not well qualified. Mr. Gladstone was never distinguished for his knowledge of individual men. But he deserves credit, as he reaped advantage, from placing over the War Office and the Admiralty in anxious and stormy times such strong and excellent chiefs as Mr. Cardwell and Mr. Goschen.

1871.

and of Mr. Bright.

Although Mr. Cardwell was essentially a civilian, and would as soon have thought of walking down Pall Mall without his coat as of putting on a military uniform, he had studied the organisation of the Army before he came to the War Office, and drawn up a paper on it which may be read with profit even now.[1] He had already established by means of short service a competent Reserve, and his next step was to make the Army a truly national force. The state of the Continent had led the most economical Cabinet since the Duke of Wellington's to increase the Army estimates by three millions, and the case was therefore all the stronger for rescuing the service from private patronage, or, in other words, for abolishing the purchase of commissions. Mr. Cardwell required no Com-

Abolition of purchase.

[1] Sir Robert Biddulph's *Lord Cardwell at the War Office*, pp. 249–54.

1871. mittee from outside to provide him with a policy or a scheme. His Committee was the Cabinet, and when he had obtained the assent of his colleagues he made his proposals to the House of Commons. His chief professional adviser was that able soldier Sir Henry Storks, Member for Ripon, and Surveyor-General of the Ordnance. The Army Regulation Bill of 1871 contained many valuable provisions. But the two on which the Government laid most stress, and on which alone they finally insisted, were the abolition of purchase and the removal of the auxiliary forces from the management of the Lords-Lieutenant to the control of the Crown. About the second point there was not much trouble. Nobody could defend a system, or rather a chaos, which separated the militia and the volunteers from the jurisdiction of the Secretary for War and of the Commander-in-Chief. It is almost as hard now to understand the opposition raised to the main principle of Mr. Cardwell's Bill. That a commission in the Army, upon which the fate of a battle might depend, should be bought and sold, would have seemed in Germany too glaring an absurdity for a good farce. Nor was any tangible argument ever produced in support of a practice which rested upon the custom of two centuries and the authority of the great Duke. Officers who had purchased their commissions fought well in the Peninsula, at Waterloo, and in the Crimea. That was true, it was irrelevant, and it was all. But in 1871 the officers of the British Army, which was really their own, were so thoroughly penetrated with the spirit of caste that the idea of promotion by merit below the rank of Major-General appeared to them sacrilegious. "Never," says Lord Wolseley,[1] "was Minister in my time more generally hated by the Army, and by

[1] *Story of a Soldier's Life*, p. 273.

almost all its old-fashioned and unthinking officers, than Mr. Cardwell." How much help Mr. Cardwell got from the Duke of Cambridge may be inferred from the fact that he was obliged to declare in Parliament, with the authority of the Queen, "It is, of course, necessary for the Commander-in-Chief to be in harmony with the Government of the day." A change in the office was at this time most desirable, and Mr. Cardwell has been blamed for not making it. For the name of His Royal Highness was freely used in fashionable and regimental society with his knowledge and without any protest from him as an authority against the Ministerial Bill. But the Government were too timid, or the influence of the Court was too strong, for so drastic a step as his dismissal. 1871. Feb. 21.

The sale of commissions had been regulated by Royal Warrant in the reign of Charles the Second. That great soldier and statesman William of Orange put down the practice. But it was revived after his death, and, although prices were regulated by statute, sums largely in excess of the authorised amount were freely given and received. In 1871 both regulation prices, which were strictly legal, and over-regulation prices, which were not merely illegal but criminal, were charged as a matter of course. They were said to encourage promotion, and they certainly facilitated the rise of the rich. For the merely competent they did nothing, and among those whom till the close of his life they kept back from honour was the illustrious Havelock. Purchase was unknown at any time in the Navy, in the Royal Engineers, and in the Royal Artillery. It did not extend above the rank of Lieutenant-Colonel, and promotion from the ranks for merit, though exceedingly rare, was not unknown. The system, when once formally attacked, History of purchase.

1871. was not capable of serious defence, and Mr. Trevelyan, son of the man who had reformed the Civil Service, began from his entrance into Parliament in 1865 to plead for a national Army. Though no longer a member of the Government, he had now the satisfaction of giving an independent support to a policy which in truth and in fact was his own. Mr. Cardwell's Bill, introduced in that dry manner which masked the Minister's real ability, and often disarmed opposition, was generous to the officers as well as just in itself. For the loss of legal prices it was, of course, necessary that compensation should be paid. The Bill, however, went further, and, by way of effecting a final settlement without personal injury to any one, proposed that over-regulation prices, though given and taken by officers at their peril, should be included in the Parliamentary grant. Thus the nation was to give seven millions as the cost of buying back its own Army, for which, in the shape of estimates, it annually paid. Fair and wise and liberal as the measure was, it had no easy passage through the House of Commons. Mr. Disraeli, indeed, did not encourage active resistance to it. Military matters were not in his line, and he had no taste for fighting in Parliament a battle which it was impossible to win. By his advice the Bill was read a second time without a division, and, if he did not check, he certainly did not instigate the deliberate obstruction which it encountered in Committee. Lord Elcho, the special representative of London society, and a small knot of officers who became unfavourably known as "the Colonels,"[1] set themselves, in the words of a famous definition given long afterwards, to resist the will of the House otherwise than by argument. Alternative motions, which could in those days be moved without stint, that the Chairman report

The fate of the Army Bill.

[1] From Colonel Anson, the most conspicuous of them.

progress, and that he leave the chair, occupied hours and nights of the public time. At last Mr. Cardwell, the most patient of men, hinted, not obscurely, that, if the law, even as it stood, were enforced, over-regulation prices would disappear, and the Bill was sent to the House of Lords in the beginning of July. The leader of the Opposition in that Assembly, the Duke of Richmond, met it with a dilatory amendment, requiring the Government to produce a complete scheme of Army reform before the second reading was passed. No soldier, with the important exception of Lord Sandhurst,[1] spoke in favour of the Bill. But the weight attached to the hostile opinion of Lord Strathnairn[2] was counterbalanced by the fatal concurrence of Lord Lucan, a typical product of purchase, and Lord Derby disposed of the subject in a sentence by asking who could defend the sale of commissions before a meeting of electors. Lord Salisbury, however, surpassed himself in the violence of his invective, pronouncing that seniority tempered by selection meant stagnation tempered by jobbery, and the Duke of Richmond's motion was carried by 155 votes to 130.

1871.

The Duke of Richmond's amendment.

July 17.

The question now assumed another and a much more serious aspect. The representatives of the people had decided that the national Army should belong to the nation. The Peers, and the Peers alone, stood in the way. The Prime Minister, like his predecessor, had never taken any special interest in military affairs. But he thoroughly realised the responsibilities of his office, the power of the House of Commons, and his duty to the country, as well as to an invaluable colleague. It was not the first time that Mr. Gladstone had been brought against

Mr. Gladstone and the Lords.

[1] Sir William Mansfield had been created Baron Sandhurst on the 21st of March.

[2] Formerly Sir Hugh Rose.

1871. his own will into conflict with the Lords, and previous occasions of the same kind had given him at all events no reason to repent. They on their part had lost their control of taxation, and had done next to nothing for the Irish Church. There were two salient facts in the present situation. The first was that purchase, as Lord Derby had intimated in debate, could be abolished, on the advice of her Ministers, by the Queen. The second was that the Army Regulation Bill, though impeded, had not been rejected, so that Lord Northbrook, who had moved the second reading before, could move it again. Bearing these circumstances in mind, the Cabinet, which met the next day, decided upon prompt and effective action. The Queen was advised to sign a warrant abolishing purchase in the Army from and after the 1st of November 1871. Her Majesty, said Lord Halifax, Minister in attendance at Osborne, "made no sort of difficulty in signing the warrant," though she asked, naturally enough, for a minute of the Cabinet, which she of course received, to justify her in overruling the House of Lords.[1] On the 20th of July Mr. Gladstone announced to the House of Commons that purchase was no more, and that whether officers received their compensation depended upon the other House. Thereupon the Lords passed the Bill, accompanying it with a perfectly harmless vote of censure on the Government, in which Lord Russell and Lord Derby concurred. Even in the House of Commons that stalwart Radical Professor Fawcett denounced as mischievous what he called a resort to prerogative. Sir Roundell Palmer, on the other hand, in a letter to Mr. Cardwell, read in the closing moments of the session, while Black Rod was actually knocking at the door, justified the course taken by the Government as not only constitutional,

The Royal Warrant. July 18.

Censure by the Lords.

Fawcett's protest.

[1] Morley's *Life of Gladstone*, vol. ii. p. 363.

but practical and just. Whatever else it may have been, it was not an abuse, because it was not a use, of the prerogative. Prerogative means a right inherent in the Crown, and is not properly applied to a statutory power conferred as this was by Parliament so lately as 1809. Upon the power given to the Sovereign by the 49th of George the Third, chapter 126, the Royal Warrant regulating purchase was expressly founded, and the authority which regulated a pernicious traffic could do away with it. The strongest objection to the procedure of Mr. Gladstone's Cabinet was the waste of time which it encouraged in the House of Commons. To a mere Compensation Bill there would have been no obstruction, nor would it have been necessary to abandon other parts of the measure if the fate of purchase had been previously determined. Mr. Gladstone's argument that he could not abolish purchase without compensation, or assume that compensation would be granted, is too technical to be convincing, even if it did not condemn the course he finally took. But far more important than any such Parliamentary or Constitutional point is the vast improvement in the efficiency of regimental officers which the legislation of 1871 has produced. The Lords succeeded merely in showing that their censure of the Executive was nugatory, and that it did not even require, as in former days, to be answered by a vote of confidence from the House of Commons. Mr. Cardwell's appetite for reform was not satisfied by the abrogation of the dual control, the stoppage of purchase, and the establishment of short service with a Reserve. In 1872, while reducing the Army estimates by more than a million, and increasing the number of soldiers at home by withdrawals from the Colonies, he divided the country into territorial districts, each with a battalion of the line, two regiments of militia,

1871.

Military districts.

1871. and the local volunteers, all under the same Lieutenant-Colonel. His system of linked battalions provided for half a regiment being maintained abroad, and the other half in the United Kingdom, both officers and men to be interchangeable. No other Minister had done so much to make the Army efficient, popular, and cheap.

Linked battalions.

Abolition of tests at Universities.

The same year in which the Army was recovered for the country was also an epoch of emancipation for the Universities. Mr. Gladstone, who was never in any sense of the term an academic Liberal, had long fought for the retention of theological tests at Oxford and Cambridge. In the year 1865, with reference to a Test Removal Bill introduced by Mr. Goschen, he wrote, "I would rather see Oxford level with the ground than its religion regulated in the manner which would please Bishop Colenso." The phrase itself is mere rhetoric. Mr. Gladstone apparently meant that he would not trust the Bible to the results of free inquiry. Even so late as 1870 he would not let his Solicitor-General, Sir John Coleridge, a better Liberal than himself, and quite as good a Churchman, bring in on behalf of the Government the similar Bill which as a private member he had prepared. But the Nonconformists, especially those who had supported the Education Act, could not longer be ignored, and in 1871 a measure was introduced from the Treasury Bench which abolished all theological tests for professors, tutors, fellows, and scholars, with the unfortunate and thoroughly Gladstonian exception that the Theological Faculty would be still confined to clergymen of the Church of England. The Heads of Houses besides were, for the most part, required to be in orders. Clerical fellowships were also, in spite of Mr. Fawcett and of sound principle, retained. Clogged with these unlucky restrictions, the Lords passed the Bill, and refused to stand by

the Chancellor of Oxford,[1] who felt it incumbent on him to propose a new test in the shape of a promise that no tutor or lecturer would controvert the divine authority of the Scriptures. The Act would have had even greater success if it had been bolder and more comprehensive. But such as it was, it did much more than remove a Dissenters' grievance. It made Oxford and Cambridge really representative of the country, not merely of the predominant Church. It gave them the fresh intellectual air, which was the thing they chiefly needed; it freed all studies, except divinity, from the cramping influence of a sectarian system; and it taught the lesson that contact with all forms of opinion is no danger to honesty or to faith. 1871.

Every session has its failures as well as its triumphs, and the great failure of 1871 was the Budget. The increase of the Army estimates, and the cost of extinguishing purchase, left the Chancellor of the Exchequer with a deficit of nearly three millions[2] for the coming year. The obvious way of meeting it was to raise the income tax, which then stood at fourpence, to sixpence in the pound. Such a simple plan, however, was far too simple for the brilliant intellect of Mr. Lowe. He was in this respect the opposite and antithesis of his old friend and school-fellow Mr. Cardwell. If Cardwell, an administrator pure and simple, could carry his point in the House of Commons, he never cared for display, and he even found it useful to be thought humdrum. Lowe's cleverness was too obtrusive to be restrained by prudence, and he loved to show that he could do things which other people could not. He did indeed propose to raise the income tax, and to obtain in that way more than half the sum he wanted.[3] Yet even here he needs must innovate without cause. April 20.

[1] Lord Salisbury. [2] £2,713,000. [3] £1,800,000.

1871. Adopting a system of percentage, he raised the tax by six and eightpence in the hundred pounds, or about a penny farthing in the pound. The rest of his deficit was to be supplied by putting up the succession duties on the nearest of kin, and by taxing lucifer matches a half-penny a box if they were made of wood, or a penny a box if they were made of wax. If Mr. Lowe had previously consulted the Machiavellian leader of the Opposition, this is just the sort of Budget he would have been advised to bring in. For Mr. Disraeli, though he knew very little about finance, knew a great deal about human nature, and Mr. Lowe's proposals were not so much unsound from an economic, as unwise from a practical point of view. Nothing was easier than to discredit the enhanced duties on succession by appeals to the good old platitude that blood is thicker than water. Mr. Disraeli's trump card, however, was the match tax, of which its author felt so proud that he composed for it a Latin motto, *ex luce lucellum*, a little gain from light. Little it would have been, scarcely more than half a million. But its unpopularity was out of all proportion to its amount. There may be times when it is necessary to tax the necessaries of life, when all must contribute to bear a sudden and unforeseen load. No such crisis had occurred in 1871, when the country was prosperous, and the income tax as low as it had ever been. Forgetting that in the days of his struggle against democracy he had referred to the finance of the United States as a fruit of democratic ignorance, Lowe cited in his justification an American precedent. A more powerful plea was the pamphlet of that able economist, Mr. Stanley Jevons, showing, among other things, that the cost of the match tax to the poor would have been less than a third of the shilling duty on foreign corn which Lowe had

The match tax.

himself repealed. The Opposition did not rely so much upon economic arguments as upon the natural prejudice excited by a wanton interference with trade. Public indignation was so deep and general that the Cabinet had already determined to abandon the tax,[1] when Messrs. Bryant and May put it out of its misery by astutely organising a procession of match makers from the East End to Westminster, as if to exhibit the future victims of a tyrannical Minister.[2] It may well be doubted whether a single processionist, male or female, would have been dismissed from employment if the Budget had passed. But next day the tax was dropped, the succession duty followed it a few days afterwards, and the income tax was raised to sixpence, as it might have been without any trouble at first. Thus the Budget was in shreds, and the whole Government shared the loss of reputation which Mr. Lowe by his recklessness incurred.

1871. April 24. April 25.

It had not been intended that Ireland should occupy any Parliamentary time in 1871 after all which had been done for her in 1869 and 1870. But the Irish people do not consult the convenience of English Administrations, and the new Chief Secretary found the county of Westmeath subject to a reign of terror. The controlling authority was the Ribbon Society, which "excited such alarm that no landlord durst exercise the commonest rights of property; no farmer or other employer durst exercise his own judgment or discretion as to whom he should employ; in fact, so far did the influence of the society extend,

The Westmeath Act.

[1] Patchett Martin's *Life of Lord Sherbrooke*, vol. ii. p. 529.

[2] Mr. Lowe, whose sense of humour would have been perfect if it had acted as a restraining influence, is said to have composed, and was certainly fond of repeating, the delightful couplet—

*Ex luce lucellum* we very well know;
But if Lucy can't sell 'em, what then, Mr. Lowe?

1871. that a man scarcely durst enter into open competition in the fairs or markets with any one known to belong to the society." These words were used by Lord Hartington in the House of Commons when
Feb. 27. asking for a Select Committee to take evidence on the state of Westmeath, with parts of Meath and
March 2. King's County. The Committee was granted, and the witnesses fully bore out the statements of the Minister. But there was much point in Mr. Disraeli's remark that the case for inquiry was really a case for legislation without it, and he was not the man to neglect so favourable an opportunity for contrasting the promise of Mr. Gladstone's conciliatory measures with their result. In a comprehensive allusion to the Irish Land Act, the Irish Church Act, and the release of the Fenian prisoners, he exclaimed that at the Premier's bidding "We have legalised confiscation, we have consecrated sacrilege, we have condoned high treason." Although English statesmen are in the habit of "expecting all things in an hour" from Ireland, it is not likely that Mr. Disraeli was the dupe of his own eloquence. Ribbonism was a murderous conspiracy, existing only in a small part of Ireland, and its origin was rather American than Irish. It was not to gain the affections of Ribbonmen, but gradually to deprive them of the material upon which they worked, that penal measures had been accompanied by reform. Neither Lord Spencer, the Lord Lieutenant, nor Lord Hartington, the Chief Secretary, son of a great and excellent landlord, with estates in Ireland, was disinclined to meet lawlessness with force. The Westmeath Act, which ensued from the proceedings of the Committee, enabled the Lord Lieutenant to suspend the *Habeas Corpus* for two years in any specified district, and to arrest suspected persons by warrant in any part of Ireland

if they had been within the proclaimed region since the 1st of January. The statute was to continue in force till the 1st of June 1873, and the Peace Preservation Act of 1870, which would otherwise have expired in August 1872, was continued throughout Ireland to the same date. This legislation was immediately effective, and indeed produced important consequences even before it was passed, inasmuch as some of the ringleaders of Ribbonism avoided arrest by returning hastily to America. The Irish problem remained where it was, neither solved by the means that Parliament had adopted, nor apparently soluble by any means that Parliament would adopt. 1871.

The Trade Union Act.

In 1871 the time had come for giving effect to the Report of the Royal Commission on Trade Unions, dated 1869. The inquiries of Sir William Erle and his colleagues were exhaustive, insomuch that all subsequent writers on the subject have founded their theories of Trade Unionism, favourable or otherwise, upon the evidence which the Commissioners took and printed. The chief witness for the Unions was Mr. Applegarth, Secretary to the Amalgamated Society of Carpenters, who dispelled much ignorant prejudice by proving that the newer and larger societies, like the Engineers, or his own, desired neither secrecy nor coertion; and did not object to machinery, to foreign imports, to piecework, or to overtime. Their principal aims were to preserve the standard rate of wages and the standard hours of labour. The employers endeavoured, with doubtful relevance, to prove by the testimony of actuaries that the Unions could not pay, and they induced a majority of the Commissioners to declare that the workmen derived no economic advantage from combination. The workmen themselves knew better, and were not disturbed by the opinions of adepts who had got

1871. up only part of the case. On the other hand, so far from recommending legislation against the Unions, the Commissioners advised that they should be legalised, and that, if they were registered, they should be protected against misappropriation of their funds. Registration, however, was only to be granted where there was no interference by the Union with the mode in which the masters conducted their business. The full case for the Unions was stated, better than they could have stated it themselves, by Mr. Frederic Harrison of Lincoln's Inn, in an extremely able Report which Mr. Thomas Hughes and Lord Lichfield also signed. These three Commissioners recommended that all special laws affecting contracts for labour should be repealed, and that no act done by a number of men together should be punished as a crime if it were not criminal in itself. They also advised that Trade Unions should be guarded like Friendly Societies from embezzlement of their property without the necessity of legal incorporation, which would give them a legal right to sue, and impose on them a general liability to be sued.[1] After long and careful consideration of these Reports the Home Secretary, Mr. Bruce, brought in a comprehensive Bill which the House of Commons unanimously read a second time. The greater part of it gave general satisfaction. Trade Unions were formally declared to be neither criminal conspiracies subject to prosecution, nor illegal combinations incapable of themselves prosecuting those who defrauded them. Registration would give them ample means of bringing dishonest officers to justice, and they could not be refused the privilege of registration because their rules were in restraint of trade. On the other hand they were not, as was universally believed,

The Reports of the Royal Commission.

March 14.

[1] Webb's *History of Trade Unionism*, pp. 249–55.

to be saddled with the legal liabilities which attach to corporations. They had got what they wanted. But they also got a good deal more. If Mr. Bruce had been content with the emancipating and enabling clauses of his Bill it might have been followed by industrial peace instead of industrial strife. Unfortunately he tried at the same time to define the law of picketing, and in defining it he made it more difficult to obey than it was already. Not merely violence, molestation, obstruction, and hiding tools, but threats, persistently following, watching, and besetting, were made or declared statutory crimes. Thus peaceful picketing became practically impossible, and it could be said, with some show of truth, that "a strike was lawful, but anything done in pursuance of a strike was criminal."[1] To the Bill in the House of Commons there was little or no opposition after the Government had consented to make the picketing clause a separate Bill. Not a single workman had a seat, and the recent enfranchisement of the labouring classes had not yet diminished the predominant influence of the employers. The House of Lords sent back the Bill even more stringent than they received it, and actually made it an offence for one man to watch a factory during a strike. The Commons accepted this preposterous amendment with the modification of substituting private house for factory, and the Bill became law. But the Government soon found that the House of Commons did not represent the great mass of work-people, and a vehement agitation was set on foot to obtain for them equality before the law. There were some judges, however, for whom the Criminal Law Amendment Act of 1871[2] was not sufficiently severe. At the close of the year 1872

1871.

1872.

[1] Webb's *History of Trade Unionism*, p. 268.
[2] 34 & 35 Vict. c. 32.

1872. a strike of gas stokers led to their dismissal by the Gas Light and Coke Company, with an intimation that they would not be employed again. Some of their comrades, however, refused to work until the dismissed men were taken back, and five of them were indicted for conspiracy to intimidate the manager of the Company's establishment at Beckton. They were tried before Mr. Justice Brett,[1] who, with all his legal acumen, was apt to reflect with photographic accuracy the social prejudices of the day, and sentenced to twelve months' imprisonment. This excessive penalty seemed more commensurate with the anger in the judge's mind at the public inconvenience caused by the strike than with an accurate estimate of right and wrong in an industrial conflict. Mr. Justice Brett had altogether ignored the Act of the previous year, which limited the period of imprisonment for such an offence to three months. He was technically correct, because the Act itself expressly preserved other and earlier provisions of the criminal law. But it was felt that substantial injustice had been done; and though Mr. Bruce very properly refused to decide a legal question,[2] which in the first place had no substance, and in the second place was not for him, he mitigated the dangerous hostility of the labouring to the governing class by ordering the release of the prisoners after four of the twelve months had expired.

Jan. 31, 1873.

Mines' Regulation Act.

Another measure carried by Mr. Bruce, the Mines' Regulation Act of 1872, though timid and tentative compared with subsequent legislation, protected the miners by insisting on the certified competence of managers, and by providing that when wages depend on produce, it shall be calcu-

[1] Afterwards Viscount Esher.

[2] Whether the Act of 1871 limited the penalty to imprisonment for three months. It did not.

lated by weight, not by measure. More frequent inspection of machinery was accompanied by clauses to ensure the attendance at school of boys employed in mines. 1872.

The Ecclesiastical Titles Act, which had been for twenty years a public laughing-stock, and the opprobrium of the Statute Book, was in the course of this session repealed. Its provisions had been ostentatiously disregarded by the prelates of the Roman Church, and no Government, Conservative or Liberal, had taken proceedings against any of them. Mr. Gladstone was helped in getting rid of a measure which he had always opposed by an apprehension that it might possibly be employed against future bishops of the Disestablished Church in Ireland. No legal sanction was given to the diocesan titles of the Catholic episcopate, and those appropriated to the Church of England were still protected against infringement. The same general consent with which this grotesque emblem of intolerant panic was removed assisted Sir John Lubbock [1] in his philanthropic proposal to increase the too scanty leisure of shopkeepers and clerks. The 7th of August 1871, being the first Monday in the month, was the earliest Bank Holiday under Sir John Lubbock's Act, which included also Easter Monday, Whit Monday, and the day after Christmas, commonly called Boxing Day. Although the Act applied only to banks, the mercantile community took advantage of the occasion, and by this unpretending statute, due to an unofficial Liberal, who, besides being himself a banker, was a distinguished man of science, Parliament added a great deal of wholesome happiness to masses whose opportunities of enjoyment were curtailed by the hard necessities of their lives. 1871.

Repeal of the Ecclesiastical Titles Act.

Bank Holidays.

[1] Afterwards Lord Avebury.

1871. Unfortunately even Bank Holidays had their gloomy side, and exhibited the national vice of drunkenness. Advocates of temperance hoped much from a reforming Government, and they ought not to have been disappointed with the Home Secretary's Licensing Bill. Mr. Bruce successfully overcame the objections of colleagues in the Cabinet, and the Prime Minister's strange theory that "free trade," which means a tariff for revenue only, forbade legal restrictions upon the sale of intoxicating drink.[1] That the greater the consumption of drink the better for the country, is a paradox too strong for the House of Commons, and the experiment of "free trade in liquor" had failed disastrously in Mr. Gladstone's native city of Liverpool. Mr. Bruce brought in an excellent Bill, which, if it had passed, would have ranked with the greatest legislative achievements of the age. Setting out with the notorious fact that the number of public houses was excessive, he proposed to reduce them in the most efficacious manner with the least possible hardship to individuals. Recognising that there was no legal obligation on the part of the magistrates to renew a publican's licence, which has always been personal and annual, he acknowledged also that it was at that time always renewed, unless misconduct could be proved against the licence-holder. To grant compensation when no legal property was taken away would have been wrong. To change a universal custom without notice at the cost of a single class would have been harsh. The Bill, therefore, provided that holders of annual licences should be secured in their possession for ten years on payment of a small sum every year, varying from two to six pounds with the value of the premises. For the future the justices of a

Bruce's Licensing Bill.

[1] Morley's *Life of Gladstone*, ii. p. 390.

petty sessional division were first to determine how many licences the inhabitants required, and were then to confer them upon the highest respectable bidders. The money thus obtained would be applied to the public purposes of the district, and the rate-payers might by a majority of three-fifths reduce the number of licences down to a limit fixed by the Bill as reasonably required for a specified population. The appeal to Quarter Sessions, which has always stood in the way of diminishing public houses, was wisely abolished. Had this Bill become law an immense stride would have been taken in the path of rational temperance, and the controversy about compensation to publicans would have disappeared forever. But fate was adverse. Sir Wilfrid Lawson, and the other champions of local option, looked coldly upon a scheme which did not give entire control of licences to the rate-payers, and which did give the publican ten years' grace. They might have been enlightened by the attitude of the brewers and licensed victuallers, who held angry meetings throughout the country in the Easter recess, and threatened members voting for the Bill with the certain loss of their seats. A single trade proved too strong for a Government supposed to represent the country, and the Bill, introduced in April, was dropped in May. By this pusillanimity the Cabinet gained nothing. The trade never forgave those who had attempted to diminish the value of what they called their property by a sum estimated at nearly one-half, and they could not have been more indignant if the attempt had happily succeeded. But Mr. Bruce was too like Mr. Walpole to be a good Home Secretary. An amiable and accomplished scholar and gentleman, he was a prey to the softer emotions, and he lacked the power of making himself disagreeable which

1871.

Agitation against the Bill.

The Bill dropped.

1871. the holder of his office requires, unless he be a very strong man indeed.

The repeal of the Ecclesiastical Titles Act was a personal triumph for Mr. Gladstone. Soon after the close of the session, when the fame of the Government was somewhat tarnished by legislative failures, he performed a feat then almost without precedent in the annals of English politics. The occasion was commonplace enough. Even Prime Ministers have to remember their constituents, and Mr. Gladstone was thought, especially at Greenwich, to have neglected Greenwich too long. Accordingly he arranged to speak on the 28th of October in the open air at Blackheath. The audience, roughly estimated at twenty thousand, was not all friendly. At that time the Parliamentary borough of Greenwich included Woolwich, and the Government, in their zeal for economy, had discharged a number of men from the Woolwich dockyards. "It was," says Mr. Gladstone's biographer, "one of the marked scenes of his life. In the cold mist of the October afternoon he stood bareheaded, pale, resolute, before a surging audience of many thousands, few of them enthusiastically his friends, a considerable mass of them dockyard workmen, furious at discharge or neglect by an economising Government."[1] At first even Mr. Gladstone could scarcely make himself heard, and almost any other man would have given up the task in despair. But Mr. Gladstone's voice, his eloquence, and above all his courage, conquered at last. For half an hour he was, more or less, interrupted. Then the desire to hear him strengthened the British instinct of fair play, and he was allowed to explain in something like calm that whereas his Government had discharged fewer than fifteen hundred men from the dockyards, his predecessors,

Gladstone's speech at Blackheath.

[1] Morley's *Life of Gladstone*, vol. ii. p. 380.

whom he did not blame, had discharged more than four thousand. The figures are a conclusive answer to critics of greater personal pretension than the electors of Greenwich, for they show that neither the Prime Minister of that day, nor the Cabinet as a whole, were so bent upon economy as to disregard efficiency. The rest of the speech, which lasted for nearly two hours, was not otherwise remarkable than as a rare display of mental energy conquering physical obstacles. But it showed that the man who presided over the Cabinet, and led the House of Commons, was the equal of Daniel O'Connell himself in that severest of all ordeals for the Parliamentary debater, a mass meeting under the canopy of heaven. 1871.

Of such solace as his success on Blackheath could give Mr. Gladstone had need. His office was not a bed of roses, and in the struggle for economy which brought him so much abuse he did not always receive the support he had a right to expect. He has himself entered in his diary for the 14th of December 1871: "Cabinet 3–7. For two and a half hours we discussed Army estimates, mainly on reduction, and the Chancellor of the Exchequer did not speak one word."[1] The Court gave him even more anxiety than the Cabinet. There can be no doubt that a wave of Republicanism was in those days sweeping over the country. The seclusion of the Queen was misunderstood. Every one could see that Her Majesty lived at Balmoral during the busiest part of the political year and the fullest part of the London season. Few people were aware that the Sovereign had no real holiday, and never ceased for twenty-four hours to read public papers of importance. A period of mourning which had lasted almost ten years seemed excessive to ordinary folk, Gladstone and the Court.

[1] Morley's *Life of Gladstone*, vol. ii. p. 374.

1871. who did not know that after the death of her husband Queen Victoria, feeling unequal to social functions and public duty, chose duty as her occupation for the remainder of her life. The eclipse of the Crown fostered Republican sentiment, of which Sir Charles Dilke, then Member for Chelsea, became the most prominent mouthpiece. Mr. Gladstone endeavoured to overcome Her Majesty's aversion from public appearances.[1] But he was not a courtier, and he only irritated the Queen. The exuberant outburst of popular rejoicing that followed, in January 1872, the Prince of Wales's recovery from typhoid fever, of which he nearly died in December 1871, just ten years after the death of his father, did much to restore the power and influence of Royalty in England. But Mr. Gladstone's fears, though they may have been exaggerated, were not vain, and it was some years before the discontent which he noticed passed entirely away. Neither the Minister nor any one else could foresee the length of days that would be granted to a Sovereign who acquired in her old age a popularity unsurpassed by any of her predecessors.

[1] Morley, vol. ii. p. 427.

# CHAPTER VIII

## THE SETTLEMENT WITH AMERICA

THE relations of the United Kingdom with the United States had not improved since the fall of Richmond. For although many Englishmen, from Mr. Gladstone downwards, had manifested for the triumphant Union a friendship which they never displayed to the struggling North, the indiscreet language of English sympathisers with the South still rankled in the minds of the victors, and the more substantial grievance against the British Government which allowed Confederate cruisers to be equipped in British ports was still unredressed. The fact that the failure of previous negotiations had been the fault of American statesmen, who raised unfounded pretensions and pressed impossible claims, did not conciliate American opinion. The diplomacy of the old world was not the less exasperating because it had truth and reason on its side. Along with preposterous demands of compensation for acknowledging a belligerency without which there could have been no recognised blockade, appeared a sound claim for damage done to American shipping by the *Alabama*, and a resentment which could not be expressed in figures for the random utterances of prejudiced ignorance. Happily there was on the British side a sincere desire to be just and conciliatory, shared alike by both parties in

1871.

Treaty of Arbitration with America.

1871. the State. Lord Stanley, now Earl of Derby, and Lord Clarendon had done their best to heal the wound. Lord Granville was entitled to expect, and did not fail to receive, the support of his political opponents in negotiating a fresh Treaty of Arbitration. By the 1st of February 1871, the Cabinet of President Grant had agreed with Her Majesty's Ministers that a Joint Commission should be appointed to discuss all questions pending between the two countries. The British Commissioners were Lord de Grey, President of the Council; Sir Stafford Northcote, who represented the Opposition, with Mr. Disraeli's consent[1]; Sir Edward Thornton, British Minister at Washington; Sir John Macdonald, Prime Minister of Canada; and Mr. Mountague Bernard, Professor of International Law at Oxford. The debates were held at Washington in the spring, and the utmost friendliness prevailed. The difficulty was to find a standard by which the conduct of the British Government could be judged. International law, as Professor Bernard could tell his colleagues, is merely a collection of opinions expressed by more or less eminent persons, and in this case the authorities did not go so far as the Foreign Enlistment Act, passed by Parliament in 1870, long after the depredations of the *Alabama*. It was therefore proposed to lay down rules for the guidance of the arbitrators, which should be assumed to have been in force during the war. The rules themselves, if not very definite, were entirely sound, and indeed went very little beyond the principle that neutral Powers were bound to exercise due diligence in preventing ships from

Commission at Washington.

The new rules.

[1] Lord Derby declined, saying, very unlike himself, that firmness, not conciliation, was required in dealing with the United States. Morley's *Life of Gladstone*, vol. ii. pp. 400–1. Sir Stafford Northcote, like Lord Derby, had been throughout the war a staunch friend of the North.

being fitted out within their territorial waters to prey upon the commerce of a belligerent. Inasmuch as the municipal law of England forbade such enterprises, and as every one is bound to use due diligence, or it would not be due, the suggested propositions were neither alarming nor unfair. Nevertheless their retrospective application gave ground for adverse criticism, and three Members of the Cabinet[1] stood out against them. They submitted, however, to their more pacific colleagues, Lord Granville, Mr. Forster, and the Duke of Argyll, to whose position Mr. Gladstone inclined. The friendliness of the British Government would have melted the hearts of sterner men than American Senators. The British Commissioners expressed their regret for the escape and depredations of the *Alabama*. They also abandoned all right to be indemnified for the Fenian raids into Canada. These concessions greased the wheels, and quickened the pace of the Commission. The Commissioners first met on the 27th of February. On the 8th of May the Treaty of Washington was signed, and on the 19th the Senate ratified it, in spite of Mr. Sumner's opposition, by a majority of four to one. It was not confined to the *Alabama* claims, although their settlement was the most important part of it. It determined also the respective rights of Her Majesty's Canadian subjects, and of American citizens, by a process of give and take which ultimately satisfied both parties, to fish in the Gulf of St. Lawrence and on the eastern coast of the United States north of Washington. A matter still open respecting the interpretation of a clause in the Treaty of Oregon, the Treaty of 1846, which drew the boundary line between Vancouver's Island and the American Continent, was referred to the arbitration of the German Emperor, who

1871.

Treaty of Washington.

[1] Lord Halifax, Mr. Cardwell, and Lord Kimberley.

1871. Oct. 21, 1872. decided that the Island of San Juan, the real point in dispute, belonged to the United States.

In this reference there was nothing novel. The principle of international arbitration was as old as the Middle Ages, when it was exercised not only by the Pope, but by St. Louis of France, and our own Edward the Third. And if in more modern times it had fallen into comparative disuse, the Prime Minister could well remember the submission to the King of Holland of a dispute between the Dominion of Canada and the State of Maine. What was new and important in the Treaty of Washington is not the principle of arbitration, but the character of the arbitrators. For the first time there was constituted by the representatives of two great and jealous Powers a regular tribunal of lawyers and statesmen to decide international issues as if they were dealing with the complaints of private persons in a court of municipal justice.

The arbitrators. The five arbitrators under the Treaty were to be appointed by the Queen, the President of the United States, the King of Italy, the President of the Swiss Confederation, and the Emperor of Brazil. They were to sit at Geneva, and both parties bound themselves in advance to abide by the decision of the majority. Nothing could be fairer or more promising. But, unhappily, before the arbitrators could meet a storm swept over the diplomatic horizon which nearly prevented them from ever meeting at all, at least for any practical or useful purpose. On the 15th of December 1871 they assembled to elect a President, and chose Count Sclopis, the Italian, whose Sovereign was placed in the Treaty immediately after the Queen and General Grant. The British arbitrator was the Lord Chief Justice of England,[1] whose American sympathies certainly stood at zero, and

[1] Sir Alexander Cockburn.

the leading British counsel, leader also of the English Bar, was Sir Roundell Palmer. Fortunately for the peace of the world, and the future of all who speak the English language, the American arbitrator was Charles Francis Adams, who had been Minister of the Republic in London. It was arranged that the counter-cases of the disputants should be lodged by the middle of April, and that the arbitrators should meet to hear arguments on the 15th of June. The American case was almost immediately published, and became known in England at the beginning of January 1872. Popular feeling was exasperated to a dangerous point when it appeared that the American agent, Mr. Bancroft Davis, had not shrunk from including in his plea, together with much vituperative language, the outrageous demands known as the Indirect Claims. By these it was sought to fine the people of the United Kingdom not merely for the depredations of the escaped cruisers, but also for the increased rate of insurance, the loss of profits by transference of American cargoes to British ships, and, incredible as the statement seems, for the whole cost of the war after the battle of Gettysburg, when, Mr. Davis asserted quite erroneously, the resistance of the Confederates ceased on land. Therefore, so ran the argument, if England had fulfilled her obligations as a neutral, the struggle could not after Gettysburg have been prolonged. No one was more indignant than the Prime Minister at this insult to the law and comity of nations. With the practical eye of a trained financier he estimated that, if the Indirect Claims were admitted, the total award might exceed the amount of the National Debt.[1] In the House of Commons he was even needlessly vehement. When Mr. Disraeli, whose prudence and patriotism

1872.

The judicial claims.

Feb. 9.

[1] Selborne's *Memorials, Personal and Political*, Part II. vol. i. p. 231.

1872. throughout this long and complicated transaction are above praise, compared the Indirect Claims with the tribute extorted from a conquered people, Mr. Gladstone replied that such words were rather too mild than too strong, and that the Treaty excluded these Claims, "whether tried by grammar, by reason, by policy, or by any other standard." This was hardly the language of a statesman. For in the first place Mr. Gladstone's attempt to deny that he had accused the American Government of dishonesty was not successful;[1] and in the second place the injustice of the Claims was much more obvious than their exclusion by an ambiguous instrument. At once there arose a loud cry for the abrogation of the Treaty, in which the British arbitrator hastened to join.[2] Lord Granville, with unflagging tact and unfailing temper, argued the question out with Mr. Hamilton Fish, the American Secretary of State. President Grant was not of much avail. He had to consider his chance of re-election in the autumn, and, though a brilliant soldier, who had rendered priceless services to his country, he depended in politics upon wire-pullers whom Lincoln would have employed only as tools. During the first five months of the year 1872 anxious and uncertain negotiations between London and Washington never ceased. The Cabinet was divided. Only Lord Ripon[3] and Mr. Forster were in favour of leaving the Indirect Claims to the arbitrators.[4] Other Ministers pressed for a formal declaration that those claims could not be recognised, and Lord Russell, of all living men, as he afterwards came to see, the most responsible for
June 4. the mischief, moved the House of Lords in that

[1] Morley's *Life of Gladstone*, vol. ii. pp. 406–7.
[2] *Id.* vol. ii. p. 412.
[3] Earl de Grey had been created Marquess of Ripon on the conclusion of the Treaty of Washington.
[4] Morley's *Life of Gladstone*, vol. ii. pp. 408–9.

sense. Although Lord Westbury, a severe critic of the Government, refused to follow him, a division on an adjournment showed that the Lords would have adopted his unwise resolution if it had ever been put to the vote. But a barely intelligible letter from General Schenck, Minister of the United States, was sufficient to procure the withdrawal of a motion which should never have been made, and the authority of Mr. Disraeli prevented an exhibition of similar recklessness in the House of Commons. Still Mr. Fish would not, and Lord Granville could not, give way. When the arbitrators again met at Geneva on the 15th of June, the British Cabinet had only been able to agree upon a proposal to adjourn for eight months, which would have destroyed the arbitration as effectively as postponement for six months destroys a Bill. That enormous and incalculable disaster was averted by the American arbitrator, who ought to have a statue at Westminster as well as at Washington. He suggested that the Court should spontaneously, without protest or requirement from either side, declare the Indirect Claims to be outside the scope of international law. The 15th of June was a day of intense and unrelieved anxiety at Downing Street. Mr. Forster has described in his diary [1] how the Cabinet "had exhausted subjects of talk, and were listlessly looking at one another, when Lord Granville suggested a game of chess, which was played on three chairs outside the Cabinet room." The Cabinet had to meet again on the 16th, which was a Sunday, when they received a confidential despatch from the British agent, Lord Tenterden, telling them what Mr. Adams had proposed. Not till Thursday the 19th could it be announced in Parliament that the arbitrators had repudiated the Indirect Claims before

1872.

Mr. Adams's suggestion.

[1] Reid's *Life of Forster*, vol. ii. pp. 31–2.

1872. proceeding to business, that even Chief Justice Cockburn was satisfied, and that the Treaty was safe. Mr. Gladstone had prevented his Cabinet from breaking up, and Mr. Adams had kept two nations from falling out. It would be rash to assume that Mr. Adams had the harder task of the two.

The award. The actual hearing of the case at Geneva did not begin till the middle of July, and the award was issued with reasonable expedition in the middle of September. But there are other and less satisfactory aspects of the trial. We have the benefit of a lucid narrative written from personal knowledge by the accomplished lawyer who represented Great Britain in the Swiss capital.[1] The Government were not altogether fortunate in their choice of an arbitrator. The Lord Chief Justice, by virtue of his office, and of his many gifts, was more eminent and distinguished than any of his colleagues. He was able, well informed, and eloquent almost to a fault. When the oratorical stream was once turned on, nothing could stop it. A Palmerstonian Liberal in politics, he had not much liking for the Treaty under which he sat, and he was never quite able to sink the advocate in the judge. His mother was French, and Lord Granville supposed that it would give him an advantage over the American arbitrator to speak that language like a native. But, as Sir Roundell Palmer did not fail to observe, "while Sir Alexander was pouring eloquent French into the ears of his colleagues, Mr. Adams was studying the temper of their minds. The reserved and self-controlled man, who watched and husbanded his opportunities, was more than a match for the brilliant, excitable man, conscious of intellectual superiority, and at no pains to conceal what he felt." In short, Mr. Adams was a statesman,

[1] See Selborne's *Memorials, Personal and Political*, Part II. vol. i. pp. 242–79.

and Sir Alexander Cockburn was not. It is also probable that, after casting the Indirect Claims unceremoniously aside, the neutral arbitrators were inclined to give America something by way of make-weight or set-off. They were not, with the exception of the president, known as jurists, and their methods were not austerely judicial. They considered each question with closed doors first, and, after expressing their opinions in private, heard the arguments of counsel in public. Chief Justice Cockburn protested in vain against this singular course, and differed so much from the rest of the tribunal that he finally drew up a separate judgment instead of signing the award. Nevertheless, the Americans did not get anything like what, apart from the Indirect Claims, they asked. All the arbitrators agreed that Great Britain was liable for the mischief done by the *Alabama*, even Sir Alexander Cockburn, though he dissented on every other point, admitting that she ought to have been detained at Liverpool by the Commissioners of Customs while the Law Officers considered their opinion. All the arbitrators except Cockburn condemned this country in the case of the *Florida*, where there was no legal evidence upon which the Government could have acted; and in the case of the *Shenandoah* a majority of three to two held that she ought to have been detained at Melbourne, where in fact she recruited and coaled before going on her way. As regarded six other vessels the American demands were disallowed, and in respect of five no valid testimony was produced. The Government of the United States estimated the damages to which they were entitled at nine millions and a half sterling. They were awarded three millions and a quarter, which they found some difficulty in distributing among the comparatively few persons with a real right to compensation. 1872.

1872. Sept. 24. Cockburn's judgment. The judgment of Sir Alexander Cockburn, which appeared in the *London Gazette* with the official award, achieved at once the popularity of which its author was only too fond. His demonstration of flaws in his colleagues' reasoning was not only powerful but conclusive, and there can be little doubt now that, except in the case of the *Alabama*, they were wrong. He did not, however, confine himself to the legal aspects of the question. He judged the occasion suitable for a rather fulsome eulogy of Lord Russell, as well as for a still less timely panegyric on the "warriors and statesmen" who sustained in the civil war the cause of the South. There were many people who thought, as Mr. Lowe had the courage in a speech at Glasgow to say, that, as the Chief Justice advised acquiescence in the decision, he would have done better to withhold his criticisms, or, at least, to moderate his language. General feeling at the time was not inaccurately expressed by Sir John Duke Coleridge, who told his constituents at Exeter that "we were well out of a bad business." The verdict of history must be more favourable, because more serious. To have settled a quarrel which was growing more bitter every year, and to have given the world an example of the way in which civilised nations should close their differences, were achievements not estimable in gold or silver. So far from England having tarnished her national honour, she had enhanced its lustre and renown.

Sept. 26.

Oct. 25.

Mr. Gladstone's share in this beneficent transaction did not bring him immediate popularity, but it is now one of his greatest and most enduring titles to fame. The Geneva award, though in the main just, excited a good deal of discontent, which was not lessened when the German Emperor awarded the Island of San Juan to the United States. Various causes contributed to diminish

the credit of the Government with the more fluctuating sort of public opinion. The Royal Warrant had given Mr. Gladstone a reputation for high-handed intolerance of constitutional methods, and a legal appointment for which he was responsible in the autumn of 1871 encouraged this idea of him. An Act of that session provided for strengthening the Judicial Committee of the Privy Council by the addition of four paid members. Two of them were to have held judicial office in India, and the other two were to be Judges of the Superior Courts at home. The Indian nominations gave no trouble, and Sir Montague Smith was willing to leave the Court of Common Pleas. About the fourth post there was a serious difficulty. The salary was the same as a puisne Judge received, but no provision had been made for the payment of clerks. Two of the ablest men on the Bench, Willes and Bramwell, refused the office on that ground. The Lord Chancellor ascertained that Blackburn would follow their example, and neither he nor the Prime Minister relished the notion of hawking about so dignified a place. In these circumstances the Attorney-General, Sir Robert Collier, was induced to accept it, being first made a Judge of the Common Pleas to give him the necessary qualification. A not unnatural protest against evading an Act of Parliament followed, and the Lord Chief Justice addressed a highly rhetorical remonstrance to the Prime Minister, who curtly replied that he had forwarded it to the Lord Chancellor. The Chancellor politely requested the Chief Justice to mind his own business, using less circumlocution than that distinguished personage considered his due. Cockburn had no right to speak, as he purported to speak, "in the name of the Bench and Bar." For Mr. Justice Willes, a Judge of

1871.

Sir Robert Collier's appointment.

1872. unsurpassed learning, defended the appointment in a public letter, and Sir Roundell Palmer, whose eminence in his profession was higher than any that the favour of the Crown could give, took the same course in the House of Commons. Nevertheless the Government only escaped censure by 27 votes in the Commons, and by 2 votes in the Lords. The Parliamentary case against them was undoubtedly a strong one. The words of the Act seemed plain, and the argument that they required judicial status, not judicial experience, was too fine for an ordinary intellect. On the real merits of the question Mr. Gladstone and Lord Hatherley were quite free from reproach. Sir Robert Collier was admitted to be at the time, and proved himself to be afterwards, a perfectly competent lawyer; and if he had not stepped into the breach, the Supreme Court of Appeal for India and the Colonies might have been brought into contempt. An honourable and a sensitive man, Sir Robert Collier offered either to resign his post or to discharge the duties without pay. But it was obviously impossible to adopt either suggestion, and he continued for the remainder of his life to exercise his functions without any sort of hostile criticism from any one.[1] The appointment of Mr. Harvey to the Rectory of Ewelme was less easy to defend. For the Rectory, though in the patronage of the Crown, was by statute confined to graduates of Oxford, and Mr. Harvey was a graduate of Cambridge. There was no question of what is ordinarily called a job. Mr. Harvey was unknown to the Prime Minister,

Feb. 19, 1872. Feb. 15.

Harvey of Ewelme.

[1] Lord Hatherley was attacked with peculiar bitterness by Lord Salisbury in the House of Lords because he had recently made Mr. Beales, of the Reform League, a County Court Judge. The appointment was undoubtedly a political one. But Mr. Beales had been deprived of another office on political grounds, and it was not the Lord Chancellor who began.

himself an Oxford man; he was a Conservative in politics; and he had, besides a high character, a reputation for theological learning. But it could not be contended that there were no men educated at Oxford and equally well qualified. Mr. Gladstone excused himself in the House of Commons, where the matter was not pressed to a division, on the ground that the Oxford Convocation, over which he had no control, had voluntarily given Mr. Harvey the Mastership of Arts without which he could by no means have been instituted. But this is one of the pleas which it is better that a man should not have to urge. 1872. March 8.

Among Mr. Gladstone's many talents discretion was not the most conspicuous. When Parliament met in 1872, Speaker Denison retired from the chair,[1] and Mr. Gladstone chose as his successor Mr. Brand, Member for Cambridgeshire, who had been from 1859 to 1866 the principal Whip of the Liberal party. Mr. Brand's election was unanimous, and a more courteous gentleman never sat in the Chair of the House. But Mr. Disraeli, who on such a subject was almost infallible, held that a good Whip could not be a good Speaker, and, rightly or wrongly, Mr. Brand was always suspected of an unconscious leaning towards his own side. It was fortunate for Mr. Brand that during the first session of his Speakership, and within a few weeks of his election, the House of Commons enthusiastically adopted the half-past twelve o'clock rule. By this resolution it was ordered that no opposed business, except a Money Bill, should be begun more than half an hour after midnight. Mild indeed it was compared with subsequent restrictions of the same kind. But it was the first step in a process which has altered the whole character of Parliamentary life. Neither of the Feb. 7. Speaker Brand. March 15.

[1] He was created Viscount Ossington.

1872. Leaders liked it. The private members on both sides insisted on it. Mr. Gladstone procured the exception of Money Bills; and Mr. Disraeli, though he took no part in the debate, was known to hold the opinion that an assembly of gentlemen should not mind sitting up. It is easy to smile. But the House of Commons was most efficient for the transaction of business when it met at four in the afternoon, and sat until its work was done, or the Government had had enough.

April 16. Local taxation. During the session of 1872 the Government steadily lost ground. They suffered several defeats, of which the most serious concerned local taxation. The landed interest, stronger than either party, and drawing recruits from both, had long nursed as a grievance the immunity of personal estate from local taxation. Why, they asked, should not the fund-holder who lived in the country pay rates? To rate him would have been difficult, and Sir Massey Lopes, the spokesman of the squires, proposed as an alternative a grant of two millions from the Treasury for the cost of justice, police, and lunatics. In spite of strenuous opposition from Mr. Stansfeld and Mr. Goschen the motion was carried by a majority of a hundred, and thus the first in a long series of mischievous raids upon the public purse received the sanction of Parliament. Whatever may be said against making rural rates an exclusive charge upon the land, there can be no doubt that doles and subsidies encourage extravagance more than they relieve the rate-payer. A Parliamentary grant increases expenditure, because there is more to spend, and to spend it is more popular than reducing rates. This defeat of the Government was a symtomatic event rather than a solitary mishap. "As I sit opposite the Treasury Bench," said Mr. Disraeli at Manchester, "the Ministers remind me of

April 3. The "exhausted volcanoes."

one of those marine landscapes not very unusual on the coasts of South America. You behold a range of exhausted volcanoes. Not a flame flickers upon a single pallid crest. But the situation is still dangerous. There are occasional earthquakes, and ever and anon the dark rumblings of the sea." A few weeks later, in the month of June, he dipped into the future by recommending at the Crystal Palace an Imperial tariff and a Colonial Council in London. Mr. Disraeli's political theories were seldom translated into practice, but even a theoretical interest in the Colonies was a new thing with him. 1872.

It was Mr. Disraeli's cue at that time to represent the Government as powerless, though a source of peril. That Liberalism oscillated between tyranny and anarchy was one of his favourite themes. But, as a matter of fact, neither the magnitude of the *Alabama* case, nor the gravity of the issues which it involved, sterilised the legislation of the year. The Ballot Act of 1872 has not brought any of the evil its opponents predicted, nor done all the good its champions no less confidently foresaw. It has not impaired the manly self-reliance of the British character, nor turned fearless freemen into trembling slaves. On the other hand, while lessening disorder, it has not destroyed intimidation, nor that subtle form of bribery which consists in subscribing to everything, and putting everybody in hopes of more. The old arguments against the ballot were strong, and the Prime Minister was a reluctant convert to the system of secret voting. The Whigs, with the conspicuous exception of Macaulay, were opposed to it, holding that the suffrage was a trust, and that the non-electors for whose benefit it was exercised had a right to see how it was used. With the enfranchisement of the working classes in The ballot.

1872. boroughs this argument lost much of its force, and three years afterwards, in 1870, a Ballot Bill was promised by the Queen's Speech. No serious attempt, however, was made to pass it in that crowded year, and the Lords did not receive it till the 10th of August, 1871, when they unceremoniously rejected it for the ostensible reason that they had no time adequately to consider a measure of such vast importance. Their vote completed Mr. Gladstone's conversion, and he resolved that in 1872 the Bill should be carried, even if Parliament had to meet in the autumn for the purpose. Then the Lords, who were men of the world, perceived that the game was up, and read the Bill a second time
June 10. in a thin House by a majority of thirty votes. The absence of excitement, either in the House of Commons or in the country, they rightly attributed to confidence in the result, and not to want of interest in the ballot. Even Lord Shaftesbury, who had moved the rejection of the Bill the year before, and had thundered against it with all the fervour of a Puritan moralist, declined to support Lord Grey in deliberately provoking a conflict with the people. In Committee, however, the Lords made serious changes. Lord Shaftesbury's proposal to shut the public houses on polling-days was unfortunately lost, and his further amendment to lengthen the hours of voting was weakly abandoned by the Ministry. The conflict between the two Houses, which, though short, was severe, raged round the optional ballot, the provision for a scrutiny, and the amendment of Lord Beauchamp, which limited the operation of the Bill to a period of eight years. Against the optional ballot, which would have taken away the security just where it was most wanted, Mr. Gladstone and Mr. Forster, the author of the Bill, stood firm until the Lords gave way. Lord Beauchamp's amendment was accepted

for the sake of peace, and since 1880 the Ballot Act has been renewed every year by the convenient machinery of the Expiring Laws Continuance Bill. A more substantial concession was made to the Peers in the shape of the clause which provided for ascertaining the identity of voters on a scrutiny. Mr. Henry James, a rising lawyer of great promise, described a scrutiny as inconsistent with the principle of the ballot, and he was right. Scrutinies are expensive and rare. Without them it would be rather more probable (it is not impossible now) that a Member of Parliament should be returned by voters whose names ought to have been removed from the Register. But the proper safeguard against that danger is greater care in the court of the Revising Barrister. The fact that the Register is not absolutely conclusive, and that secrecy may in some cases be violated, has made it almost impossible to persuade the most dependent class of electors that the ballot really protects them from the vengeance of their employers. Provision for enabling an illiterate elector to give his vote through a clerk sworn not to divulge it was then generally accepted, though it has since been often challenged, and tends to become obsolete with the spread of education. If the example of the Australian Colonies, and of the London School Board, was favourable to the general adoption of the ballot in England, its necessity in Ireland seemed to be proved by the scandals of the Galway election. The demand for national self-government, happily christened Home Rule by a Fellow of Trinity College,[1] was represented in that county by a young Irish Catholic, Captain Nolan, who obtained a large majority over his Conservative and Protestant opponent, Captain Trench. But his election was set aside by Mr. Justice Keogh, who found that the

1872.

The Galway election.

May 30.

[1] Professor Galbraith.

1872. priests had exercised intimidation on his behalf, and the Irish Court of Common Pleas, by a majority, gave the seat to Captain Trench. Mr. Justice Keogh's judgment, which occupied nine hours in delivery, inflamed public opinion in Ireland to the highest pitch of excitement. In tone it was anything rather than judicial, and, even considered as Irish rhetoric, it carried vituperation to excess. The Judge, himself a Catholic, and formerly a member, along with the notorious John Sadleir, of the "Pope's Brass Band" in the House of Commons, denounced the "vile tongue" of one "audacious and mendacious" priest, and the "debauched evidence" of another; while a prominent supporter of Captain Nolan was described from the Bench as an "obscene monster." A Catholic Archbishop, McHale of Tuam, two Catholic Bishops, and a large number of the inferior clergy were reported as guilty of intimidation. All that Mr. Justice Keogh could do by his own intemperance to discredit his own judgment he did. But his colleagues in Dublin agreed with his conclusions, and the evidence clearly proved that the priests had ruthlessly employed a kind of influence which was beyond the reach of the landlords. The Judges gave to the landlords the representation of Galway, which they took from the priests. The object of the Ballot Act was to confer it upon the electors.

The Licensing Act.

Mr. Bruce's Licensing Act of this year was a much less ambitious measure than the Bill which he introduced and withdrew the year before. It aimed, not at reducing the number of public houses, but at shortening the hours for the sale of drink, and was rather popular with the publicans, to whose convenience it really, if not intentionally, ministered. There were also penalties for drunkenness and for adulteration. The principal effect of it, however, was to close public houses in London

at midnight; and elsewhere at eleven, unless the licensing justices should fix some other time between ten and twelve. This was the first genuine effort to regulate the sale of drink in towns, and it made the Government disliked by the large floating element who had accustomed themselves to believe that as free-born Englishmen they had a right to get liquor when they wanted it. The closing of public houses on Sundays before one o'clock, and from three to six, further exasperated these gentry, whose hero for the moment was the Bishop of Peterborough,[1] with his famous declaration that he would rather have England free than England sober. Freedom survived Mr. Bruce's Licensing Act; sobriety has not yet become a national virtue; and no observer of life would be bold enough to deny that every restriction upon the purchase of beer or spirits in the United Kingdom has hitherto been beneficial. 1872.

The regulation of the London Parks, in which Lord Derby's Government had so disastrously failed, was settled by statute in a reasonable manner before the close of 1872. The absolute right of the Crown over Hyde Park was legally incontestable, and had been authoritatively affirmed by the Court of Queen's Bench. But Mr. Ayrton's Bill for enabling the Office of Works to regulate public meetings where reformers had held them without leave excited Radical opposition, especially from Mr. Vernon Harcourt, and it was finally settled that the official rules should be subject to revision in Parliament after they had been drawn up by the First Commissioner of Works or the Home Secretary. Although the Act did not, as amended and passed, derogate from the authority of the Sovereign as defined by the Judges, it so far recognised the custom of 1866 and 1867 as to remove all ground of quarrel The Parks Act.

[1] Dr. Magee.

1872. between the police and the people. Once assured that there would not be any interference with orderly meetings, the public showed no disposition to meet on the flower-beds or pull down the shrubs. Their rational claims had been acknowledged, and the trouble was over.

Scottish education. An Education Act for Scotland was an inevitable corollary of the great measure passed in 1870 for England and Wales. The problem which had excited such stormy passions among English Churchmen and Dissenters was comparatively simple north of the Tweed. A universal system of School Boards and Board Schools without the Cowper-Temple clause suited the Scottish people. The three great Presbyterian Churches used the same formularies, and the children of Presbyterians were not forced to attend at Catholic or Episcopalian schools. There was no religious difficulty in Scotland, and no lack of enthusiasm for education, elementary or academic.

Profiting by his experience of the year before, Mr. Lowe introduced this year a simple and intelligible Budget, taking off the twopence which he had added to the income tax in 1871 for the abolition of purchase, and diminishing the duty on coffee by half. No Budget ever passed with more

April 25. The Budget. speed and less difficulty than this. It was hardly possible for any financier to say that in the circumstances he would not have done the same.

Murder of Lord Mayo, Feb. 8. The most conspicuous position in the British Empire outside the United Kingdom was vacated by a tragic catastrophe early in the year. The Governor-General of India, Lord Mayo, a man constitutionally fearless, was visiting one of the convict prisons on the Andaman Islands after dark, when a prisoner stabbed him, suddenly and fatally, in the back. He died at once, in his fiftieth year, and in the fourth year of a Viceroyalty not less

distinguished because it was short. None of his predecessors had been more successful in acquiring the esteem and goodwill of the native princes, whose friendship and fidelity are so important to British India. He was succeeded by Lord Northbrook, Under-Secretary for War, a member of the great financial house of Baring, and a better financier than his father, Lord Melbourne's last Chancellor of the Exchequer. 1872.

The Colonial policy of this period was most active in South Africa. In consequence of serious disorders due to the discovery of diamonds, and in compliance with a petition from the native chief, Sir Henry Barkly, the Governor of Cape Colony, with the approval of the Colonial Office, annexed Griqualand West, opposite the junction of the Vaal and Orange rivers, to the dominions of the Queen. In Cape Colony itself, also with the sanction of Lord Kimberley, a full system of Constitutional Government was for the first time established, with an Executive responsible to the Legislature. The effect of this change, against which Lord Salisbury raised his voice, was to complete the emancipation of the Cape from Downing Street, and also to increase the power of the Dutch. But the friendly relations which then subsisted between the two South African Republics and the Government of Great Britain seemed to preclude the idea of danger from a Dutch majority in South Africa. 1871. The Diamond Fields.

# CHAPTER IX

## THE CONSERVATIVE REACTION

1873. MR. GLADSTONE had come into office at the end of the year 1868 with a solemn conviction that it was his highest duty to pacify Ireland. Besides the release of political prisoners, accomplished before the close of 1870, against which might be set by Irishmen the Westmeath Act and the Peace Preservation Act, his methods of accomplishing this end were three. Two had been tried. That great symbol of Protestant ascendency, the Irish Church, was, as an Establishment, no more. The partnership of the Irish tenant in the soil had been, however imperfectly, recognised by Act of Parliament. It remained to deal with the problem of higher education, which Lord Derby and his colleagues had vainly endeavoured to solve in 1866. That wealthy and splendid institution, Trinity College, which was really identical with the University of Dublin, had opened its doors to Catholic students since 1794. But though they might come, and though some of them did come, professorships, fellowships, scholarships, and all places of honour or emolument were confined to members of the Church disestablished in 1869. Since that date Trinity College, a body more liberal than its constitution, had been willing to remove every religious test, except for theological chairs, and Mr. Fawcett's Bill for that purpose was

The Irish University Bill.

supported by one of the members for the University, Mr. Plunket,[1] who enabled his contemporaries to understand why the eloquence of his grandfather had become a Parliamentary tradition. The Government, most unwisely, opposed and even obstructed this measure, because it would, as the Prime Minister thought, have acknowledged and perpetuated the predominance of Trinity. Mr. Gladstone was determined to deal with the matter himself, and on the 13th of February, a week after Parliament met, he introduced his Bill. He spoke for three hours; and the glamour of his eloquence was such that it threw the House of Commons into a "mesmeric trance," besides reconciling those diametrically opposite critics, the head of the Roman Catholic Church in England and the editor of the *Times*.[2] But when the provisions of this strange measure came to be coolly examined in print, there was a general feeling of amazement that men calling themselves Liberals should have given their consent to such a scheme. The only Liberal part of it was that it removed disqualifications and opened endowments. Beyond that point there was nothing which would bear the light of calm scrutiny and impartial judgment in the mind of any real academic reformer. The University of Dublin was to be incorporated, which it did not want to be; the Roman Catholic University, an acknowledged failure, with the Queen's Colleges of Cork and Belfast, which were unsectarian, would be included in it, and put on a level with Trinity; the Theological Faculty would be separated from it, and handed over to the representative body of the disestablished Church. This new mosaic of a 1873.

[1] Afterwards Lord Rathmore.

[2] Archbishop Manning and Mr. Delane. Morley's *Life of Gladstone*, vol. ii. p. 439.

1873. University was subject to a Council of twenty-eight members, appointed at first by Parliament, and afterwards by a composite system which might have been so manipulated as to bring the highest education of Ireland under priestly control. But that was not all, or nearly all, that Mr. Gladstone and Mr. Lowe expected the House of Commons to swallow. A University which was the latest fruit of Liberal thought in the high places of Downing Street was to have no chairs of moral philosophy or modern history; and a Professor was made liable to punishment if he wilfully offended the conscientious scruples of his pupils, as, for instance, by telling them that the world was not all made in six days, but developed through countless ages. These "gagging clauses," as Professor Fawcett aptly styled them in debate, were enough to destroy the Bill and seriously to discredit the Liberal Ministers who proposed it. But it was, in fact, the Catholic Hierarchy of Ireland who dealt the blow. If they had been wise in their generation, they would have been guided by Archbishop Manning into accepting, with some politic show of reluctance, a Bill which was sure in time to give them all that they wanted. They were wise in nothing except their own conceit, and they followed Cardinal Cullen, a short-sighted, narrow-minded bigot, who would only take a University sectarian in form as well as substance. During the debate on the second reading Ministers received very little independent support, and Mr. Fawcett delivered against the Bill the ablest speech he ever made in his life. With him was Mr. Patrick Smyth, then the most eloquent of Irish Home Rulers, and a young English Liberal, Lord Edmond Fitzmaurice, who held that, where education was crippled no country could be free. So badly had the Government blundered, so fatally

The debate on the second reading.

had they mismanaged their case, that the root of the difficulty, the unwillingness of Irish Catholics to take advantage of the best education unless it were dogmatic, was altogether ignored. Mr. Gladstone, who rather expected an unfavourable issue, wound up the debate in a speech admirable for the beauty of its language, and still more so for the generosity of its temper. Replying to Mr. Disraeli's charge of arrogance in announcing that the Bill was essential to the honour and vital to the existence of the Government, he explained that they had made themselves responsible for the settlement of the question by their resistance to Mr. Fawcett's Bill. Mr. Disraeli's speech, extremely clever and adroit, had been an attack rather on the Government than on the measure; a successful attempt to bring into the same lobby those who thought that the Minister had gone too far and those who thought that he had not gone far enough to satisfy the claims of the Irish priesthood. "Having put our hand to the plough," retorted Mr. Gladstone, "let us not turn back. Let not what we think the fault or the perverseness of those whom we are attempting to assist have the slightest effect in turning us from the path on which we have entered. As we have begun, so let us go through, and with firm and resolute hand let us erase from the law and practice of this country the last — I believe it is the last — of the religious and social grievances of Ireland." With this too sanguine prediction, a proof at least of his own earnest sincerity, he sat down, and the second reading of the Bill was rejected by 287 votes against 284. The hero of the occasion was Mr. Fawcett, whose Bill, so far as it abolished tests, became law before the close of the session. The victims were the British Liberals and the Irish Catholics, who had

1873.

Rejection of the Bill. March 11.

1878. been respectively deluded by their Government and their Bishops. The man who ultimately profited by it was Mr. Disraeli.

Resignation of the Government. March 13. To the Cabinet Mr. Gladstone recommended resignation, adding that his own retirement from the Leadership of the Liberal party would probably follow. The Cabinet agreed to resign, and Mr. Gladstone waited upon the Queen for that purpose the same afternoon. But the astute and sagacious chief of the Opposition perceived that his opportunity was not yet fully ripe. When Her Majesty sent for him, he told her that while he felt himself quite able to form a Government, he was not prepared either to take office with the existing House of Commons, or to advise the dissolution of Parliament. Mr. Gladstone strenuously contested the moral competence of his rival to evade the results of a crisis he had deliberately brought about. In an elaborate letter to the Queen, which was really addressed to Mr. Disraeli, he proved by chapter and verse that no Leader of the Opposition since the Reform Act of 1832 had declined attempting to construct a Ministry of his own after defeating the Ministry in power.[1] Mr. Disraeli's reply, also in the form of a letter to the Queen, was wholly ingenious and partly sound. The House of Commons, he argued with great force, would not endure to be told that they must either displace a Minister or do as he bade them. Whatever may have been the private opinion of those who voted for the Bill, those who voted against it honestly believed it to be bad. Even the leader of a party cannot be expected to support a bad Bill merely because he does not wish to take office at the moment. On the other hand, Mr. Disraeli's elaborate excuses for not dissolving Parliament, which included the want of a clear issue on which

Mr. Disraeli's refusal of office.

[1] Morley's *Gladstone*, vol. ii. p. 451, and pp. 652–53.

to dissolve, were excuses, and nothing more. He saw clearly that the Government was growing weaker, and he judged rightly that if it had more time the downward progress would continue. There were men on his own side of the House, such as old Mr. Bentinck,[1] who not unnaturally feared that if Mr. Disraeli came in before a dissolution, he might concede more to the Irish Catholics than Mr. Gladstone had offered them. How would these men, and those who agreed with them out of doors, vote at a General Election? Always sure of himself, Mr. Disraeli was not yet sure of his party, and he preferred to wait. He carried his point; and on the 18th of March, a week after their defeat, the Liberal Cabinet determined that, as he would not come in, they must remain where they were. That the continuance in office of a weakened and discredited Ministry was a grave public evil which only an appeal to the country could cure, does not seem to have impressed the mind either of Mr. Gladstone or of Mr. Disraeli.

1873.

Mr. Gladstone's return.

When Sir Roundell Palmer returned from Geneva in the autumn of 1872, he found that Lord Hatherley had been compelled by the failure of his eyesight to retire from the Woolsack, and the Great Seal was once more offered to the man who had refused it in 1868. This time Sir Roundell accepted it, and with it the title of Lord Selborne. The appointment was not only excellent in itself, but especially advantageous to a Minister who thus converted a buttress into a pillar. As Mr. Whitbread, Member for Bedford, a shrewd observer of politics and Parliament, said in his letter of congratulation, "the spectacle of a Government relying so often and so much on the help of one man outside their own body, though very gratifying to the friends and admirers of the one man,

Lord Chancellor Selborne.

Oct. 15.

[1] Known as "Big Ben."

1873. had another and different aspect when viewed by those hostile to the Government."[1] Lord Selborne was of course responsible, as a Cabinet Minister, for the Irish University Bill, which he thought fit in his posthumous Memoirs to denounce. But, on the other hand, his Judicature Bill, introduced in the House of Lords simultaneously with the appearance of that ill-fated measure in the House of Commons, did something to redeem the session from barrenness. Lord Selborne, though not a very ardent Liberal in general politics, was a zealous reformer of the law, and his measure was a thorough one. The existence of separate and independent tribunals had long been a reproach to English jurisprudence, which was further complicated by the rival systems of equity and common law. Lord Selborne proposed to unite all the superior Courts in one Supreme Court of Judicature, and to give every Court the power of administering equity. The Supreme Court would, however, be divided into a High Court of Justice, comprising tribunals of first instance, and a Court of Appeal. The Courts of Chancery, of Queen's Bench, of Common Pleas, and of Exchequer would, for the present, and for the sake of convenience, be retained as divisions of the High Court. But unity was the object in view, and the Judges of one division would be empowered to sit in any other. Moreover, the number of divisions could be reduced by the Crown on a recommendation from the Judges themselves. So far Lord Selborne's Bill encountered little or no opposition. It was when he came to deal with appellate jurisdiction that formidable difficulties arose. With the praiseworthy object of saving expense, and diminishing the influence of mere wealth in litigation, Lord

The Judicature Bill.

[1] Selborne's *Memorials, Personal and Political*, Part II. vol. i. p. 291.

Selborne would have abolished, and did in terms abolish, double appeals in England. Hitherto appeals had lain from the Lords Justices in Chancery and from the Court of Exchequer Chamber to the House of Lords. Indian and Colonial appeals, as well as appeals in ecclesiastical cases, went to the Judicial Committee of the Privy Council. Lord Selborne's plan was to substitute for this duplicate machinery one Court of Appeal, consisting of nine Judges, and sitting in three divisions, whose decision would be final. Inasmuch as the Bill did not deal with Scotland or Ireland, appeals from the Court of Session, and from the Four Courts, were reserved to the House of Lords. And, as the measure was not an ecclesiastical one, the Judicial Committee retained its power over the Courts of the Church, provided that Bishops were to sit as Assessors, not as Members of the Committee. In this shape the Bill actually passed, and is an enduring monument to Lord Selborne as a legal reformer. But its operation was postponed till the 2nd of November 1874, and neither Ireland nor Scotland could be expected to acquiesce in the denial to their national Judges of an independence conferred, by the abolition of a second appeal, upon the Judges of England. 1873.

The only important legislation of 1873, besides the Judicature Act, was the statute appointing a permanent Railway Commission to decide legal disputes between railway companies and private traders. Three Commissioners nominated by the Crown, with the powers of a judicial tribunal, were to determine whether the Directors complied with the law in respect of through rates and undue preference, which they were often accused of granting to customers in a large way of business for traffic over a long distance of line. The Bill, The Railway Commission.

1873. introduced by Mr. Fortescue, as President of the Board of Trade, was useful, and indeed necessary. The strange part of it is that a Government containing Mr. Gladstone and Mr. Lowe should have agreed to the preposterous salary of three thousand pounds a year for gentlemen whose duties were scarcely more onerous than those of a Revising Barrister. It must not be supposed that they had any general control over railways, or that they were special champions of the commercial interest. They were restricted to interpreting Acts of Parliament, and to deciding whether statutory duties had been evaded or discharged.

April 7. The Budget and the surplus.

The Budget of 1873 showed a handsome surplus of four millions and three-quarters. The damages awarded against this country at Geneva became payable in October, and Mr. Lowe threw half of them upon the taxation of the year. Such, however, was the increase in the revenue, due chiefly to that consumption of strong drink which Chancellors of the Exchequer reprobate as moralists and welcome as financiers, that he was able to diminish the duty on sugar by half, and to bring down the income tax from fourpence to threepence, the lowest point it had ever reached. To a complete remission of the tax Mr. Lowe would not consent, and he argued, as Mr. Gladstone had argued in earlier days, that it ought not to be weakened by the exemption, total or partial, of incomes derived from industrial sources. Whatever might be said against the Liberal Government by Mr. Disraeli, or by less ingenious critics, the nation had never been more prosperous than in this month of April, 1873, when the Liberals had been four years and three months in Downing Street. Yet Ministers were not popular, and perhaps the least popular among them was the Chancellor of the Exchequer. Mr. Lowe was

not always penurious. He prided himself on his generosity to the British Museum, and he bought Sir Robert Peel's famous collection of pictures for the National Gallery. He rescued the great sculptor, Alfred Stevens, from the clutches of Mr. Ayrton, First Commissioner of Works, who treated a dilatory man of genius like a defaulting contractor. The mere fact that he was too clever for stupid people, and had little sympathy with ordinary minds, would not have brought his career at the Treasury to the ignominious close that awaited it. But his intellect, though wonderfully logical, acute, and keen, was neither practical nor constructive. Perhaps it was a consciousness, or sub-consciousness, of this defect which converted him from a caustic critic to a servile idolater of Mr. Gladstone. His attitude, he said himself, was that of a dog to its master.[1] Yet no one gave Mr. Gladstone more trouble than Mr. Lowe; for though constantly getting into scrapes of his own accord, he always required help to get him out of them. "Splendid in attack," Mr. Gladstone said of him, "but most weak in defence, at times exhibiting pluck beyond measure, but at other times pusillanimity almost amounting to cowardice — one day headstrong and independent, and the next day helpless as a child to walk alone."[2] At this time he became involved in a serious scandal. That useful body, the Committee on Public Accounts, the one Parliamentary check upon the Treasury, discovered that a sum of more than eight hundred thousand pounds, partly receipts from the Post Office, and partly deposits in the Post Office Savings Banks, which should by law have been paid in to the Consolidated Fund, had been applied by Mr. Scudamore of the Post Office without the

1873.

A financial scandal.

[1] Morley's *Life of Gladstone*, vol. ii. p. 416.
[2] *Ibid.* p. 417.

1873. authority of Parliament to the extension of the telegraphic system. Mr. Monsell, the Postmaster-General, Scudamore's immediate superior, knew nothing of the transaction, though of course he ought to have known everything. Mr. Lowe had not even that excuse, for he knew everything, and did nothing. A vote of censure, which in Mr.
July 29. Gladstone's opinion ought to have been carried,[1] was only averted by agreeing to an amendment which meant much the same as the motion. One mishap followed another. The very next day the Prime Minister was compelled to rise from the Treasury Bench, and say that the First Commissioner of Works had no right to disclaim responsibility for the estimates of his own Department on the ground that they had been altered without his knowledge by the Chancellor of the Exchequer. The Opposition naturally made the most of the edifying fact that two members of the Government were not on speaking terms, and the Parliamentary year came to an ignominious close. The duty of the Prime Minister was in the circumstances clear. Mr. Lowe, Mr. Monsell, and Mr. Ayrton should all have been dismissed from the service of the Crown. But with that immoral leniency which public men practise towards each other at the public expense everything was made as pleasant as possible for everybody. The only culprit who retired into private life, Mr. Monsell, was rewarded for his incompetence with a peerage, and became Lord Emly. To retain Mr. Lowe at the Exchequer was impossible. But, in order that he might have another post with the same salary, Lord Ripon left the Government, and Mr. Bruce quitted the Home Office for the Presidency of the Council, with the title of Lord Aberdare. Mr. Gladstone, at the urgent request of his colleagues,

[1] Morley, vol. ii. p. 461.

became Chancellor of the Exchequer himself. Mr. Ayrton was made Judge Advocate-General, who in those days was neither a general, nor an advocate, nor a judge. Him Mr. Gladstone treated with singular forbearance. Ayrton was, it is true, both an able and an honest man. But he could not, in vulgar parlance, behave like a gentleman, and his persistent discourtesy to distinguished representatives of science and art had made the Office of Works a by-word. One other change, a change of great importance, happened in the Cabinet. Mr. Childers, who disliked sinecures, resigned the Duchy of Lancaster to Mr. Bright, who was unequal to the strain of severe official labour. Mr. Childers resumed the privilege of independence, which he valued far less than the opportunity of serving the public in a department where there was real work to be done. 1873.

Mr. Gladstone set great store on having Mr. Bright back in the Cabinet, and used all his influence for the purpose. Yet it might be said of the new Chancellor of the Duchy, as Keats said of Hyperion, "He entered, but he entered full of wrath." He was only gazetted on the 30th of September, and on the 22nd of October he told his constituents at Birmingham that the Education Act of 1870 was theoretically unsound and practically mischievous. Mr. Bright seldom remembered that he was in office except when he resigned, and he was, as a matter of fact, incapacitated by illness while the Education Bill was passing through the House of Commons. But he sat in the Cabinet when it considered the Bill, and was responsible for permissive compulsion, for religious teaching in board schools, for the continuance of grants to the schools of the Church. He had been an assenting party to the twenty-fifth clause, which permitted School Boards to pay the Return of Mr. Bright.

1873. fees of poor parents, either in voluntary schools or in their own. He saw, however, no inconsistency in a Cabinet Minister taking up the policy of the Birmingham League, and patronising that Non-conformist revolt which had impaired the influence of Liberalism all over England. For the League itself there was, no doubt, much to be said. In preaching universal compulsion it was clearly right, and Mr. Forster's private opinion was the same as the League's. In demanding free education the Leaguers were before their time, and had the promise of that which was to come. But when Mr. Bright and Mr. Dale, Mr. Chamberlain and Mr. Morley, with perfect logic demanded purely secular teaching in the schools of the State, they came into collision with the logic-hating, Bible-loving people of England. Mr. Forster refused to make any concessions. His Act of 1873 did little more than extend the ballot to rural districts, and shift the duty of paying the school fees of the poor from School Boards to Boards of Guardians. Mr. Bright, though once more a Member of the Cabinet, was in active alliance with the enemies of the Government, and especially of Mr. Forster, outside.

The Dissenters and the Education Act.

This great man, but unconventional Minister, also took the opportunity of his official re-election for Birmingham to make a singular comment upon the policy of the Government in West Africa. A fortnight earlier Sir Garnet Wolseley had arrived on the Gold Coast with a staff of officers to command and drill the native troops against an Ashanti invasion. The Ashantis had attacked the Fantis, who were under British protection, and though they were repulsed from Elmina by a British force under Colonel Festing, it was thought necessary to retaliate with sufficient vigour to prevent similar occurrences in the future.

The Ashanti war.

June 18.

The Gold Coast had been pretty equally divided between British and Dutch. But by a Treaty concluded with Holland in 1871, Great Britain acquired all Dutch rights in those regions upon condition of recognising the sovereignty of Holland in Sumatra. It had thus clearly become the duty of Her Majesty's Government by a convention only two years old to preserve the peace of the Gold Coast, and two British regiments were ready to join Sir Garnet if he should require them. Mr. Bright was conscientiously opposed to war, and he was not responsible for the actual despatch of Sir Garnet Wolseley. But it showed a quality of which the complimentary name is courageous independence for the newly elected Minister to improve the occasion by urging the immediate abandonment of West Africa, where, he said, there was nothing to do since slavery had been abolished. If Mr. Bright's advice had been taken the last state of the Fantis would have been a good deal worse than the first. 1873.

By becoming Chancellor of the Exchequer in August 1873, Mr. Gladstone raised a legal point which was not solved at the time, and is scarcely worth solution now. Had he accepted a new office of profit under the Crown? If so, was it in lieu of, and in immediate succession to, another office of the same kind? Unless the former question could be answered in the negative, or the latter question could be answered in the affirmative, he had by a statute of Queen Anne vacated his seat for Greenwich. That seat was not safe; and if the Prime Minister had been defeated at a by-election in the autumn of 1873, the rickety structure over which he presided might have fallen to the ground. It seems strange that the difficulty should have been overlooked by the Cabinet. The first warning came from the Lord Gladstone's seat.

1873. Chancellor after the deed was done. Lord Sel-
Aug. 21. borne thought that the seat was vacant. Baron Bramwell, who volunteered his opinion, thought that it was not.[1] The Law Officers of the Crown, Coleridge and Jessel, agreed with Bramwell, and
Sept. 1. disagreed with the Lord Chancellor. After they had been respectively raised to the Bench as Chief Justice of the Common Pleas and Master of the Rolls,[2] their successors, Sir Henry James and Sir William Harcourt, being formally consulted, would only say that strong arguments might be used on
Dec. 1. either side. Meanwhile two members had sent the
Sept. 17. Speaker a notice of the vacancy, and requested him to issue a writ for Greenwich. The Speaker replied that the Act of 1858, which empowered him to issue writs in such cases during the recess, required a notification from the Member accepting office, and that he had not heard in this sense from Mr. Gladstone.[3] It seems clear that whether or no Mr. Gladstone received an actual addition to his salary or declined it, he had accepted a place of profit. Nor had he apparently accepted it in lieu of his other place as First Lord of the Treasury, which he continued to hold. But was it an office? When Spencer Perceval, being already Chancellor of the Exchequer, became, in 1809, First Lord as well, he was not re-elected.[4] It was held that he had been a Lord of the Treasury before, and that he remained a Lord of the Treasury still. Whenever a change was made in that establishment, a

[1] Morley, vol. ii. p. 469.

[2] Lord Romilly, M.R., who resigned in 1873, and died in 1874, is remembered less as a lawyer than as the originator of the Rolls Series, a priceless collection of English historical documents from the Roman invasion of Britain to the reign of Henry the Eighth.

[3] Morley, vol. ii. p. 466.

[4] See Spencer Walpole's *Life of Perceval*, vol. ii. pp. 52–55. Lord Eldon, and Sir Vicary Gibbs, held that the Prime Minister had not accepted a new office. He had been, and he remained, a Commissioner of the Treasury.

new patent was issued for the whole Board, and it was absurd to suppose that every Lord of the Treasury should, as a consequence, seek re-election. But the case was full of difficulty, and was complicated by the coincidence that the Reform Act of 1867, while exempting from re-election a Minister who took one office instead of another, enumerated in a schedule as separate offices the Chancellorship of the Exchequer and the First Lordship of the Treasury. 1873.

Other causes, however, were at work which ended in brushing this technicality altogether aside. Mr. Gladstone had no sooner taken the oath as Chancellor of the Exchequer than he began to map out a great Budget which would abolish the income tax and the duty on sugar, with compensation from raising the succession duties and the duty on spirits.[1] He could not, however, get the money he wanted, about eight millions, unless he cut down the estimates for the Army and Navy. The abolition of the income tax was no new idea. Mr. Gladstone had promised it for 1860 in his first Budget of 1853, and had only been prevented by the Crimean War from fulfilling his pledge. Now that the tax had been reduced to threepence in the pound, and that the peace of Europe was undisturbed, he naturally returned to a design which he had never abandoned. But the heads of the spending departments made difficulties. Mr. Cardwell and Mr. Goschen, both very strong and able Ministers, objected to any diminution of the figures they proposed.[2] In January 1874, a few weeks before the time fixed for the opening of the session Cardwell, while maintaining his objections, intimated that if Mr. Gladstone's policy were adopted by the country he would be able

Retrenchment and the income tax.

[1] Morley's *Life of Gladstone*, vol. ii. p. 478.
[2] *Id.* vol. ii. p. 484.

1874. to give way. This brought Mr. Gladstone to a decisive point which he had been gradually approaching. Since the beginning of the year, if not before, he had been thinking of a dissolution, and this difference of opinion with his colleagues brought matters to an issue. The difference itself was not disclosed to any other member of the Cabinet except Lord Granville. Neither the Queen, who was first consulted, nor the Cabinet, made any protest against Mr. Gladstone's resolve, and he laid before his colleagues the greater part of the Address which he had written for his constituents at Greenwich.[1] There were indeed plausible reasons for a dissolution, though it came so suddenly as to take the public by surprise. Since 1872 the Opposition had won twenty seats, making a change of forty votes, and the latest contest, held in January at Stroud, was unfavourable to the Government.

Dissolution.

Jan. 21. Jan. 23.

The Queen had been already prepared for the decision of the Cabinet, which was unanimous, and on the 24th of January, the day after the formal meeting of her confidential servants, the Prime Minister's address to the electors of Greenwich appeared in the public journals. Thus Members of Parliament, and even Members of the Government outside the Cabinet, were apprised of the dissolution for the first time within a fortnight of the date on which the Speech from the Throne was to have been read. Instead of travelling comfortably to London for the session, they were scattered all over the country in the middle of winter, completely bewildered, and not a little annoyed. Neither the astonishment nor the annoyance of the Ministerialists was lessened by perusal of the only authoritative document to which they had access. Mr. Gladstone gave as his reason for dissolving at

The General Election.

[1] Morley's *Life of Gladstone*, vol. ii. p. 486.

the commencement of the year, when he might have 1874.
waited for its close, a loss of seats in the country since the defeat of his Administration in the House of Commons. To the party man pure and simple that is always a reason for holding on. Those Liberals who took a larger view not unnaturally asked themselves why Mr. Gladstone had not appealed to the country in March, either on the rejection of the Irish University Bill, or on the refusal of Mr. Disraeli to form a Government. Mr. Gladstone's disagreement with the heads of the spending departments was not known, and it was naturally suspected that the difficulty about the seat at Greenwich had prompted so rash an act. The conclusive evidence published by Mr. Morley dispels all ground for this suspicion, and shows that from the moment when Mr. Gladstone became once more Chancellor of the Exchequer he took up the removal of the income tax as the most urgent need of the time. Accordingly this was the prominent topic in his address, though it was accompanied by a promise of relief for local taxation, the necessity of which had been affirmed against him by the House of Commons. Reduction of indirect burdens was also foreshadowed, though without any specific reference to sugar, and a sentence commending "judicious adjustments of existing taxes" was understood to mean that a substitute for the income tax must immediately be found. The repetition of Mr. Gladstone's belief that agricultural labourers might now safely be entrusted with the franchise did not excite much interest. The repeal of the income tax was treated as the real issue, and was fiercely denounced by many Conservatives who posed as financial purists for the first time in their lives. They were reinforced by Radicals like Mr. Chamberlain of Birmingham, who denounced the Premier's address as

1874. one of the meanest documents ever issued by a public man. Mr. Disraeli, who had been in politics before Mr. Chamberlain was born, did not take this line. After bantering Mr. Gladstone's "prolix narrative," he remarked that any Minister who had a surplus would reduce taxation, and added, with a singular flight of rhetoric, that the income tax, which Sir Robert Peel imposed when he himself was Peel's follower, had always been resisted by the Conservative party. It appears that on this celebrated occasion Mr. Disraeli was far less confident of victory than Mr. Gladstone was apprehensive of defeat. The Prime Minister knew, the leader of the Opposition could only conjecture, the internal state of the Liberal party. Although the Nonconformists did not all go with Mr. Dixon and Mr. Miall in their vehement abhorrence of the Education Act, they were not disposed to take much trouble, or even, in many cases, to record their votes for a Government which they held to have deserted and betrayed them. Any hopes they might have rested on Mr. Bright's return to the Cabinet were shattered by the dissolution of Parliament before he could again take his seat on the Treasury bench. Of all this Mr. Gladstone was well aware. He did not perhaps realise in the same degree how many trade unionists had been disappointed and disgusted by an Act which made it almost impossible for a strike of workmen to succeed against a combination of masters. The personal unpopularity of Mr. Lowe, and still more of Mr. Ayrton, had more weight than the accession of so great a Churchman as Lord Selborne and so great a Dissenter as Mr. Bright. On the other side were arrayed, besides the regular Conservative party, the powerful classes and interests who looked upon Mr. Gladstone as an architect of ruin. The clergy, and the clerical laity, regarded the disestablishment

of the Irish Church as spoliation and sacrilege. In military circles, except where Sir Garnet Wolseley and the younger school of scientific officers prevailed, Mr. Gladstone and Mr. Cardwell figured as reckless and ruthless civilians who wanted to make the army vulgar and democratic. The brewers and licensed victuallers, infuriated by the Licensing Bill of 1871, had not been appeased by the Licensing Act of 1872. They were the most formidable opponents of all; for they had been irritated, and not disarmed. The Irish Church was actually disestablished. The purchase of commissions was no more. But nothing had been done to diminish the number of public houses, or to weaken the great licensed monopoly which wielded a force that even the State could not control. The clergy did not apprehend the disestablishment of the Church of England. No one in the House of Commons had denounced such a measure more strongly than Mr. Gladstone. The publicans, on the other hand, had no security against the re-introduction of a measure by which their gains might be taken away, and they fought against the Liberal party as they had never fought before. Still, the forces of Liberalism might have triumphed under open voting. The Ballot Act was a just and righteous measure, which no one has ever seriously proposed to rescind. But it gave discontented Liberals a safe and easy opportunity of expressing their private sentiments without any public recantation. The result was not unexpected, but it was quite decisive.[1] The Conservative majority, estimated at fifty, was in truth a great deal larger. For the calculation was made by reckoning as Liberals the Irish Home Rulers, who were equally independent of both the great British parties. At Manchester, as well as at Liverpool, a Conservative headed the poll, and Mr. Goschen was only returned 1874.

[1] *Bos locutus est*, was Professor Huxley's witty version of the polling.

1874. for the city of London by the operation of the minority vote. Mr. Gladstone kept his seat for Greenwich as junior member, a local distiller of gin being at the head of the poll. Mr. Ayrton fortunately disappeared from Parliament and from public life. Two working men were at last returned to the House of Commons. Both were miners, but otherwise there was not much likeness between them. Alexander Macdonald, member for Stafford, though a man of ability, never quite adapted himself to the tone and temper of the House. Thomas Burt, member for Morpeth, gradually acquired the esteem, the good will, even the affection of his colleagues, to a degree not surpassed in his own rank or any other. Two members of the retiring Government went from the scene of their labours to the place of their repose. Mr. Cardwell accepted a Peerage because he was unwilling either to lead the Opposition in the House of Commons, or to serve under any other leader than Mr. Gladstone. Mr. Chichester Fortescue, having lost his seat for County Louth, was created Lord Carlingford to strengthen the tiny group of Liberal Irishmen in the House of Peers. Mr. Gladstone, always intensely Conservative in matters of constitutional usage, was reluctant to leave office without facing the new House of Commons. He saw clearly enough that the precedent set by Mr. Disraeli in 1868 impaired the authority and disparaged the dignity of the representative chamber. But he yielded to the counsels of his colleagues, who thought less of political theory than of practical convenience, and on the 17th of February 1874 the most laborious of all Cabinets ceased to exist. A shrewd and able man of the world, who had been made Solicitor-General during the recess,[1] wrote to a friend two days before: "I have long seen this smash coming.

[1] Sir William Harcourt.

There has been a great deal too much want of common sense in the conduct of the party. We must learn not to bark when we can't bite."[1] Sir William Harcourt hit the nail on the head. Mr. Gladstone had the genius of statesmanship in its highest sense. But he was deficient in the smaller, yet indispensable, arts by which the wheels of the executive and legislative machine are made to revolve without needless friction. The offer to abolish the income tax was in the circumstances rational and fair. Yet the same causes which made it feasible as a policy deprived it of its attractions as a bribe. It would not in any case have appealed to working men; and even those who had to keep up appearances on meagre salaries scarcely found threepence in the pound an insupportable burden. Political excitement did not run high. The Radicals had been alienated, and regarded the Cabinet as inaccessible to new ideas. What most people, outside party, wanted was to be let alone. In the month of October 1873 there had been a by-election at Bath, and Mr. Disraeli took the opportunity to write a letter of vehement protest against a Government which harassed every trade and worried every profession. The country had made up its mind, he said, to stop their career of plundering and blundering. This pompous and wordy epistle became the subject of much ridicule and invective. It failed in its immediate object, for the Bath election, in spite of the Bath letter, resulted in a Liberal victory. At the same time Mr. Disraeli knew what he was about, and wrote for the people of England rather than for the people of Bath. The phrase about "plundering and blundering" stuck. The sardonic epigrammatist who coined it had never been accused of excessive and indiscriminate activity in legislation. His inertness was not

1874.

The Bath letter.

[1] *Correspondence and Speeches of Peter Rylands, M.P.*, vol. i. p. 234.

1874. altogether his own fault, for though he had been three times in office he had never yet been in power. But it seemed to thousands as if by substituting him for Mr. Gladstone they would have rest.

# CHAPTER X

## THE LIBERAL HERITAGE

When Mr. Gladstone and his colleagues laid down their offices in the month of February 1874, they had the satisfaction of leaving public affairs in the most prosperous and tranquil state both at home and abroad. The industry and enterprise of the country, as the Prime Minister had said himself in a speech at the Mansion House two years before,[1] were advancing "by leaps and bounds." Taxation was lower than it had ever been. Trade, besides being generally sound, had received an especial stimulus from the partial and temporary failure of war-stricken France to supply the neutral markets of the world. Bread was cheap, and farmers could make a good living, although agricultural rents had not been seriously reduced by competition. The only burden of which people articulately complained was the local rates, and over them the Government had no direct control. If these rates fell exclusively upon real property, and if landowners were not allowed the same deduction from income tax for the outlay on their estates as manufacturers received for the expenses of their business, the land tax, which went to the Treasury, had not been in

1874.

[1] "The industry, the enterprise of this country, appear to have advanced within these last few months not by steps, but by strides — not by strides, but by leaps and bounds." — *Times*, July 25, 1872.

1874. substance raised above the point at which it stood in the reign of William the Third. Peace was unbroken, save on the West African coast, where the defeat of the Ashanti chief and the destruction of his capital by Sir Garnet Wolseley immediately followed the dissolution of Parliament. But Sir Garnet was a more economical commander than Lord Napier of Magdala, and his brilliant exploit did not materially diminish the magnificent surplus which Mr. Gladstone bequeathed. A controversy with Russia in Central Asia, which might have led to far more serious results, was settled in a manner at once honourable and pacific by Lord Granville and Prince Gortschakoff. The Russian expedition to Khiva under General Kaufmann, consummated by the fall of that city on the 15th of June 1873, aroused in England sentiments of suspicious uneasiness, and for the first time an invasion of India by Russia was regarded as a practical possibility. The most nervous citizen could not maintain, with a map in front of him, that, if such an enterprise were undertaken, Khiva would be on the line of march. Nor could any politician not blinded by prejudice deny that Russian rule, with all its defects, was better than the irregular depredations of freebooting Turcomans. But it was argued that Russia, being virtually mistress of Bokhara and Samarkand, might advance to Kashmir and Cabul through Chinese Turkestan, unless she were attacked from the direction of Khiva. For the purpose of soothing British susceptibilities, Count Schouvalow had been sent to England by the Czar at the beginning of 1873, and had given Lord Granville an official explanation of the Khivan campaign. "Its object was to punish acts of brigandage, to recover fifty Russian prisoners, and to teach the Khan that such conduct on his part could not be continued with the

Capture of Coomassie.

Feb. 5, 1874.

Russia in Central Asia.

impunity in which the moderation of Russia had led him to believe." [1] Khiva would not be annexed, nor occupied for any length of time. Such phrases and such disclaimers must be familiar to all students of the means by which the British Empire has been constructed. Lord Granville was the last man to be deceived by mere assurances. His mind was critical, and he had been bred in an atmosphere of diplomacy. But he could not with any decency protest against Russia's measures for the protection of order on her own frontiers, and he wisely devoted himself to tracing by mutual agreement with Gortschakoff the political boundaries of Afghanistan. Shere Ali, who then reigned at Cabul, claimed by right of conquest for himself and his successors the province of Badakshan, with the dependent district of Wakhan. Russia objected to this arrangement on the ground that Badakshan did not belong to the dominions of Dost Mohammed, of whom Shere Ali was the son and heir. Lord Granville's delimitation of Afghanistan was finally accepted by Prince Gortschakoff before the march against Khiva had proved victorious. The immediate consequence of Kaufmann's success was the abolition of slavery in the dominions of the Khan, and Sir Henry Rawlinson expressed with all the weight of his singular authority a decided opinion that the policy of Russia was less injurious to Great Britain than to herself. Lord Granville had acted with judgment in fixing upon the Afghan boundary as the true point of agreement with Russia, and his view of the case had prevailed.

1873.

Jan. 31, 1873.

The death of Louis Napoleon in exile at Chiselhurst, on the 9th of January 1873, did not cause a ripple on the surface of those European politics which had formerly been stirred to their depths by

Death of Louis Napoleon.

[1] Granville to Loftus, January 8, 1873.

1873. his lightest remark. His son, a boy of sixteen, continued to use the barren title of Prince Imperial. The Republicanism of France was still only skin-deep, and it was long before the Imperialists abandoned all hope of a restoration.

At the beginning of 1874 the commercial prosperity of England had reached its height. The last remnant of a protective tariff had been expunged from the statute book, so that nothing was taken by Parliament from the pockets of the people for the benefit of a particular class. The income tax was so low that it oppressed nobody, while the only articles of universal consumption enhanced in price for the purpose of revenue were sugar and tea. The bulk of indirect taxation fell upon wine, beer, spirits, and tobacco, which, however popular as luxuries, could hardly be called necessaries of life. The demand for British manufactures had grown with great rapidity in the last decade. After the close of the civil war in North America the United States recovered so speedily and so completely that both as a customer and as a competitor they soon overpassed their former level. Railways penetrated their utmost limits, and were extended also to the remotest places of the earth. It was railways, along with steamships and telegraphs, which enabled the experiment of free trade to be adopted by England with a fulness and in a measure not contemplated by the men of 1846. The opening of the Suez Canal in 1869 promoted commerce, lowered the price of raw material, and assisted the people of these islands in procuring cheap commodities from India. Palmerston had opposed and ridiculed the construction of this great waterway, which is due to the genius and energy of a French engineer. But though most of the shareholders in the Suez Canal Company were French, the ships that came through

Extension of British commerce.

The Suez Canal.

the Canal were chiefly British, and the United Kingdom increased its proportionate ownership in the carrying trade of the world. 1873.

In 1873 Bimetallism fell with a crash. For more than half a century the Latin Union of France, Italy, Switzerland, and Spain had agreed to recognise silver and gold at a ratio artificially fixed as the joint standard of value. The universal adoption of a gold standard, from which England had never since her return to cash payments after the French war departed, took a large amount of silver out of coinage, and lowered the price of that metal in the market. The effect of this change was felt severely in India. In England, Scotland, and Ireland it had nothing to do with prices. Silver coins were mere tokens, and it was only silver as an article of commerce that the abandonment of Bimetallism by the Latin Union concerned. Mono-metallism.

The rise in the population of England and Scotland during the period which this volume covers was confined to the professional and industrial classes, excluding unskilled labour. In Ireland there was no rise at all, but a steady decline. Deplorable as the state of Ireland in many respects was, the stream of emigration to America, which flowed afresh after the war, relieved the strain of pauperism upon those that were left. It was a disgrace to England that such a remedy should be required. But it was far better than no remedy at all. The increase in the production of coal, seventy per cent from 1857 to 1867, which excited the fears of Mr. Stanley Jevons, and through him of Mr. Gladstone, was at the same time an undoubted proof of commercial progress, and it continued still more rapidly under Mr. Gladstone's own Administration. Mr. Gladstone's systematic economy, and not the spurious semblance of it which Mr. Lowe worshipped in the crude form of Increase of population. Ireland. Coal.

1874. parsimony, encouraged sound business of every kind. The gradual lightening of taxation freed the springs of industry, and the firm control which the Prime Minister exercised over the estimates kept expenditure within reasonable bounds. During the Government which lasted from 1868 to 1874 the financial and other business of the country was so conducted that efficiency was maintained and extravagance avoided. If we set aside altogether as political and controversial the great reforms which that Government carried out, we shall find

General prosperity. that it left the people in a state of general comfort such as they had never reached before. The foreign policy of the Liberal Cabinet had been unambitious, though the differences with the United States and Russia had been removed. Its zeal and energy were mainly directed to the condition of the United Kingdom.

But still the position of the labouring classes was far from satisfactory. Prosperity, while it raised the revenue and lessened the burden of taxation, was accompanied by a great increase in

Drink. the consumption of liquor, so that an eminent statesman[1] could say with substantial truth, "We have drunk ourselves out of the *Alabama* difficulty." There was, however, one class of workers who had nothing to spare for luxuries, and too little even to provide themselves with the bare necessities of life. The agricultural labourers in 1872, though not nominally slaves, were unable by their utmost exertions to obtain on an average more than twelve

The agricultural labourer. shillings a week. In Dorsetshire they had to be content with eight shillings, if they were lucky enough to get more than seven. They were unable to help themselves because they had no votes, and because they had not yet learned the value of combination. For political purposes they had powerful

[1] Lord Derby.

allies. The eloquent voice of Mr. Trevelyan was urging upon Parliament their claims to the franchise, and before the General Election he was supported not merely by Radicals below the gangway, but by Mr. Forster, and, above all, by Mr. Gladstone. For a material improvement in their lot they were chiefly indebted to one of themselves, Joseph Arch, of Barford in Warwickshire. Mr. Arch has described, in the plain, vigorous English which he got by reading the Bible, and practised by preaching the Gospel, the foundation of the Agricultural Labourers' Union.[1] The story of this enterprise is simple, but dramatic. Arch was at home making a box on the 7th of February, 1872, when three men came to ask him if he would hold a meeting that night at Wellesbourne. He went, and the Union was founded. This righteous and salutary movement endangered no man's property and infringed no man's freedom. The labourers simply said to the farmers, "Give us a fair day's wage, and we will give you a fair day's work; if you won't pay fair, we won't work; if you starve us, we will strike."[2] Their demand was for sixteen shillings a week instead of twelve. But the difficulties in the way were immense. Arch tried in vain to make the farmers see that they had the same interest as the men they employed in preventing the natural profits of the land from being swallowed by receivers of rent. He had to encounter obstinate hostility from landlord and tenant alike. The labourers were crippled by circumstances. "The worst of it was that owing to the miserable wages paid the men, they were nearly always in debt to the shop a week ahead. This system of dealing was called 'one week under another,' and it meant that the greater part, if not the whole, of the

1872.

Joseph Arch.

[1] Joseph Arch: *The Story of his Life: told by Himself*, pp. 65–93.
[2] *Id.*, p. 75.

1872. labourer's wages were spent each week before they were earned. How could a man in such a bondage of debt as this call himself free or feel free?"[1] Nevertheless the men rose at the call. The movement spread rapidly through the eight counties of Oxford, Hereford, Leicester, Somerset, Norfolk, Northampton, Essex, and Worcester. On Good Friday the rules of the Association were drawn up at Leamington, and the Liberal Press, especially the *Daily News*, gave the Union a cordial welcome. Archibald Forbes, the famous correspondent of that journal in the war of 1870, wrote graphic descriptions of what was going on, and then money began to pour in. Among Members of Parliament who assisted this "revolt of the field," as it was called, were Mr. Trevelyan, Mr. Auberon Herbert, Lord Edmond Fitzmaurice, Professor Fawcett, Mr. Mundella, Mr. Edward Jenkins, author of *Ginx's Baby*, Mr. George Dixon, and Mr. Thomas Hughes. Mr. Chamberlain, Mayor of Birmingham, presided at a Conference held in November 1872 to agitate for the extension of the county franchise. The Nonconformist ministers, with their congregations, as a rule supported Arch. The clergy of the Established Church were for the most part unfriendly, though there were conspicuous exceptions, such as the Bishop of Manchester,[2] Canon Girdlestone of Bristol, and Mr. Leigh.[3]

Sept. 2, 1872. The prelate whom Mr. Disraeli had recommended for the metropolitan see suggested that the leaders of the Union should be ducked in the horsepond, and was reminded by Arch, with homely humour, that adult baptism was not the rule in the Church of England.[4]

The Agricultural Labourers' Union. Attempts were made to suppress the Agri-

[1] Joseph Arch: *The Story of his Life: told by Himself*, p. 78.
[2] Dr. Fraser. [3] Afterwards Dean of Hereford.
[4] Joseph Arch: *The Story of his Life: told by Himself*, p. 121.

cultural Labourers' Union by more regular means. 1873.
At the beginning of 1873 three promoters of a meeting in Berkshire were summoned, and convicted, for obstructing the highway. The leaders of the Union resolved to fight for justice in the Courts, and arranged for a meeting to be held at Farringdon as a test case. So in the month of March they assembled in the market place of that town, with a Justice of the Peace in the chair, and refused to disperse at the bidding of the constabulary. Three of them, including Mr. Cox, the chairman, and Mr. Arch, were summoned before the magistrates, and April 15.
defended by Mr. Fitzjames Stephen, who proved that there had been no obstruction whatever. The Bench reluctantly dismissed the summons with a futile intimation, by which Arch at once declined to be bound, that no more of such meetings should be held in Berkshire. As a matter of fact the Union was completely victorious. At Chipping The Chipping Norton case.
Norton, however, an adverse decision was given, which justly excited great public indignation. Seventeen women were prosecuted for intimidating two men, who had been brought from the outside to take the places of labourers on strike. The prosecution was a ridiculous one. For the women used no weapon except their tongues, and the supposed victims of intimidation declared in the witness-box that these terrible Amazons had invited them to a free drink. Nevertheless two magistrates, both in holy orders, committed sixteen of the women to prison, some for a week and some for ten days, with hard labour. This scandalous outrage on the first principles of equity was so far condoned by a Liberal Government that the Home Secretary did not release the women, nor did the Lord Chancellor remove the reverend gentlemen from the Bench. But the prisoners, when they came out, received five pounds apiece from public

1878. subscriptions, and very few clergymen have since been appointed to the Commission of the Peace. It was observed with consternation that the Act of 1871, Mr. Bruce's Act, allowed such sentences on such grounds, and in 1874 candidates at the General Election were pressed to vote for its amendment. Neither clergy nor magistrates, however, could grant or refuse the claim of the Union for higher wages. The farmers held out doggedly. They made the mistake of treating the landlords, and not the labourers, as their allies. Sixteen shillings a week, nine and a half hours a day, were the practical programme of the Union. In the Church of Rome Archbishop Manning, and outside all Churches Mr. Bradlaugh, lent it their powerful aid. But the farmers pleaded inability, and absolutely refused to give way. They had occasion to repent of their attitude, from which dates the scarcity of labour on farms. The men began to look for employment elsewhere. They found it in mines and factories. They drifted into the towns, which were already quite populous enough. Mr. Arch, like most of his class, was naturally disinclined to favour emigration. There was enough land at home, he said, and the people should live on it. But the destitution which confronted him was so hopeless that he accepted the inevitable, and in August 1873 he went to Canada as an emissary from the Executive of the Union to the Canadian Government. The improvement in the condition of the agricultural labourer was not the result of generosity, humanity, or even prudence. It came from the superior strength given by combination, and also from limiting the supply. The farmers took some time to realise that if they paid more for labour they would pay less for rent. The landlords seized upon Ricardo's famous theory that the amount of rent depends upon the value of

Migration and emigration.

the worst land which can be cultivated at a profit, and argued that some land must therefore go out of cultivation if rent fell. They forgot, if they knew, that Ricardo was writing of economic rent, and that much of what they drew was interest upon capital, which is subject to reduction, like the gains in any other trade. The Agricultural Labourers' Union did not accomplish its objects in a day. A long and uphill fight was before it. But it rescued the shepherd and the ploughman from a grinding tyranny. It came between them and the alternative of starvation under the forms of law. 1873.

The movement of agricultural labourers set going by Mr. Arch was not ostensibly connected with Trade Unionism. On the contrary, these rural reformers wished to be independent, and to stand upon their own legs. But union and combination were in the air. Self-reliant as Arch was, he could not help profiting, for he profited unconsciously, from the previous successes of organised industrialism. Acknowledged leaders of Trade Unionism, such as George Howell, George Shipton, and Henry Taylor, gave him their aid. The Parliamentary Committee, in their report for January 1874, declared that "the year just closed had been unparalleled for the rapid growth and development of Trade Unionism. In almost every trade this appears," says the Committee, "to have been the same; but it is specially remarkable in those branches of industry which have hitherto been but badly organised." "It is probable," according to Mr. and Mrs. Sidney Webb, "that between 1871 and 1875 the number of Trade Unionists was more than doubled." At this period, the middle of the seventies, when the Liberals went out and the Conservatives came in, Trade Unionism was at its height. Reference has already been made to the

The leaders of Trade Unionism.

1873. little group of able men,[1] who directed the joint affairs of the great industrial organisations. It is difficult to exaggerate the importance of the work accomplished by these leaders of labour. The zeal of the working classes for political reform, which dates from 1866, was their doing, though it was stimulated by the eloquence of Mr. Bright. They roused among their own order an enthusiasm for education which made Mr. Forster's task much easier than it would otherwise have been. At the close of the year 1873 they had acquired such power that the National Federation of Associated Employers issued an urgent warning against their "extent, compactness of resources, and great influence," adding that they had "the attentive ear of the Ministry of the day." England has good reason to be proud of the manner in which the acknowledged chiefs of the working classes wielded their vast influence and power. They fought manfully for their rights, political and social; for the right to combine and the right to vote. But up to this time they had asked for nothing, and aimed at nothing, inconsistent with the just claims of the masters, or with the personal liberty of men who did not choose to join a union. The five colleagues already specified, — General Secretaries of the Engineers, Carpenters, Ironfounders, Bricklayers, and Shoemakers, — formed a cabinet of Labour, and directed the policy of Trade Unionists throughout the country. The financier and economist among them was William Allan of Carrickfergus, who as Secretary of the Amalgamated Engineers, constructed a system of management and book-keeping that has stood the test of time. Their principal politician was Robert Applegarth of Hull, an able and ardent reformer, astute, business-like, and conciliatory, the first workman who sat on a Royal

Progress of Trade Unionism.

[1] Allan, Applegarth, Coulson, Guile, and Odger.

Commission. Daniel Guile and Edwin Coulson 1873.
had the qualities required for putting upon a solid foundation that branch of the Unions which dealt with insurance. George Odger, the son of a Cornish miner, and himself a native of Devon, settled at work in London as a shoemaker, and became a member of the first Trade Council for the capital. Although he stood five times for Parliament he was never successful, and he was not, even in the opinion of his admirers, a good man of business. But he had immense influence as a public speaker, and he thoroughly understood politics in the larger sense of the term.[1] These strenuous pioneers, and others less known to fame, were invaluable supporters in the sixties and seventies of every measure for the welfare and improvement of the working classes. Their chief allies outside their own class were Mr. Frederic Harrison, Mr. Henry Crompton, and Professor Beesly, young men of the highest mental calibre and cultivation, fearless and independent Radicals, who felt that there was a great political work to be done outside the walls of Parliament. To the vigilance and knowledge of such expert and independent advisers it is due that the Trade Unions were not, at a critical period of their history, crippled by legal obligations which the ingenuity of Judges has since discovered.

When Parliament was dissolved in 1874, the legal position of Trade Unions had been secured. But, on the other hand, peaceful picketing had not been adequately protected. So far, indeed, was Mr. Bruce's Criminal Law Amendment Act from leaving strikers their freedom, that the clerical magistrates of Chipping Norton had derived from it their power to imprison sixteen women for an imaginary crime. This flagrant though ludicrous case had stimulated the outcry which the fate of

[1] Webb's *Trade Unionism*, pp. 216–21.

1874. the Beckton gas-stokers evoked, and protection for the Unions became a political issue. The Unions had few Parliamentary candidates, and of these only two were returned.[1] But they could command thousands of votes, and they addressed themselves without discrimination to both political parties. Never have they been more powerful, before or since. Although most of them were Radicals, and some of them were Socialists, they knew well that they had friends, like Lord Elcho, as well as enemies, like Mr. Lowe, on both sides of the House, and they had no reason to believe that a Conservative Home Secretary would be more prejudiced in favour of the employers than Lord Aberdare. When Trade Unionists came into the House of Commons they found that there were only two lobbies in which they could vote, and they usually went into the same lobby with the Liberal party. At present they were under no such necessity of choice, and neither in the Commons nor in the Lords had Conservatives shown themselves less friendly than Liberals to the working classes and their interests.

The revolt of the field.

"The revolt of the field" was not immediately successful. The farmers were hard to move. Men who usurped the name of political economists without studying the science of political economy told them that the proper remuneration of labour was what the employer chose to give for it, and the landlords supported them in refusing to put wages up lest rents should go down. With low wages went bad education and child labour. Although a ploughman could be had for nine shillings a week, it suited the farmer better to use two boys at three and sixpence apiece, and this at a time when agriculture paid so well that there were often twenty applicants for one vacant farm. The

[1] Thomas Burt and Alexander Macdonald.

removal of the last duty on foreign corn prevented 1874.
actual famine, and there were no serious riots. But in rejecting the reasonable demands of the labourers both landlord and tenant were cutting their own throats. While labour was only too abundant, and they could do as they liked, they did not reckon upon the possibilities of emigration. Foiled at home the rural workmen crossed the sea in thousands to Canada, to Australia, to New Zealand. It was not the idlers and wastrels who sailed, but the strongest, the healthiest, and the most industrious, men in the prime of life and in the full vigour of their strength. Others went to the large towns, and especially to London, so that urban overcrowding advanced with rural depopulation. The general opinion of all classes has long since acknowledged that Mr. Arch was right, and that the miserable wages of the agricultural labourer in 1873, though they were higher than they had ever been before, justified the programme of the Union. Owners and occupiers of agricultural land were long in discovering that hedgers and ditchers, shepherds and ploughmen, had rights as well as themselves. When they did find it out, they had fewer men to deal with, and they found also that nine tenths of wisdom is to be wise in time.

The opponents of Trade Unionism had almost ceased to be heard when the Agricultural Labourers' Union raised a fresh class of opposition. The squires and clergymen who denounced Arch and all his works were neither bad nor cruel nor exceptionally stupid. But they had been brought up to believe that the poor were created by Providence to be dependent upon charity, and that charity, whatever St. Paul might say, meant almsgiving. They were quite willing to help the working man with doles, if only he would keep his place, and

1874. admit that wages were fixed by a mysterious "law of supply and demand" which they understood no more than he. The idea that the demand for him would be useless if he declined to supply himself, or that he might put a price upon his own exertions, which he could obtain elsewhere if not here, was a branch of political economy beyond the range of their studies. Yet the old-fashioned view of charity was being gradually superseded. "Ever since the monasteries were dissolved," says a contemporary writer,[1] "the English gentry have been more or less looking after the poor, and it would be hard to say in what the poor have been the better for it." Comparative observation showed that the independent artisans of the manufacturing towns, who relied upon themselves for subsistence, were more prosperous than the objects of bounty from the parsonage and the hall. In benevolent patronage the patronage does more harm than the benevolence does good. The agricultural labourer of 1873, soup and blankets notwithstanding, was worse lodged and worse fed than the cattle. The drainage of his house was, as a rule, abominable. He had scarcely been educated at all, and the "permissive compulsion" of 1870 brought very few children to school. Far less trouble was spent on training him than was spent on training a horse, and his sons were made to work in the fields almost as soon as they had learned to walk. If they could do nothing else, they could earn a penny or two by scaring birds. The writer already quoted[2] indicates the change coming over public opinion by the cogent remark, "Those who believe that it is better for children to earn a few pence weekly this year at the cost of incapacitating themselves from ever earning more than a few shillings weekly in

False charity.

[1] *Cornhill Magazine* for 1874, vol. ii. p. 418.
[2] *Id.*, p. 420.

years to come must be wholly wanting in that power of forecast which is indispensable to true kindness." A high authority has said that no harm can be done by giving money for luxuries, and no good by giving it for necessaries. The wages earned by an agricultural labourer in 1873 did not suffice for the decent maintenance of more than a single individual. If he had a family he was dependent, either upon aid from outside, or at least upon his own children. In teaching him to use the power of combination, and the means of bettering himself by moving from a country where there were too many labourers to a country where there were too few, Mr. Arch did far more good than all the complacent dispensers of promiscuous alms. Arch was a social and political reformer. But even philanthropists unconcerned with politics, such as Mrs. Nassau Senior and Miss Octavia Hill, were teaching the lesson that philanthropy is injurious when not accompanied by knowledge, and that "altruism," as fine writers call unselfishness, involves a careful examination of consequences if it is to be effective for its purpose. Mrs. Senior owed her opportunity of public service in a practical form to Mr. Stansfeld, first President of the Local Government Board, which had taken the place of the Poor Law Board during his official career. He appointed her in January 1873 to report upon the education of pauper girls, and the system of boarding out pauper children is due to her strenuous exertions. After receiving her Report Mr. Stansfeld made Mrs. Senior an Inspector of the Board in January 1874. But unfortunately her health obliged her to resign her office before the end of the year. The precedent thus set by Mr. Stansfeld will always be remembered in his honour. 1874.

# CHAPTER XI

## THEOLOGY AND LITERATURE

1869-74. GREAT BRITAIN was less concerned than most European countries with the chief theological event of 1870. But the British Catholics, though comparatively few, were personally too distinguished to be neglected, and nowhere more than in Ireland was the majority of the population devoted to the religion of the Holy See. The proclamation of Papal Infallibility could not therefore have been a matter of indifference to the British Government, even if the Prime Minister had not been an amateur theologian, and impressed with the unpopular idea that the Church of England was less Protestant than Anglo-Catholic. In the Œcumenical Council of Catholic prelates, which assembled at Rome on the 8th of December 1869, no one upheld the dogmatic pretensions of Pius the Ninth more staunchly than Archbishop Manning of Westminster. On the same side was the Irish Cardinal Cullen; while Archbishop M'Hale, of Tuam, regarded Infallibility as inopportune. The records of the Council, which sat till October 1870, do not belong to English history. England was not even diplomatically represented at the Vatican, although Mr. Odo Russell of the Florentine Legation remained at Rome while it sat, and was charged by Mr. Gladstone to watch its proceed-

Papal Infallibility.

ings with the closest attention.[1] Mr. Gladstone, indeed, would have been glad to oppose the Papal claims by some public remonstrance as conflicting with the civil allegiance of English Catholics. He was much under the influence of Lord Acton, a young Catholic Peer of his own making, with a European reputation for universal knowledge, who, though a layman, was the life and soul of the Opposition to the majority of the Council. The Queen, however, supported by the rest of the Cabinet, most sensibly disclaimed the right of a Protestant sovereign to interfere with the ecclesiastical politics of Rome, and Her Majesty would certainly not have succeeded where the heads of Catholic States completely failed. 1869-74.

The Pope and the Council.

All remonstrance, as well ecclesiastical as temporal, was useless. As *Quirinus* in the *Augsburg Gazette*, and anonymously in the *North British Review*, Lord Acton overwhelmed a tyrannical majority with a flood of erudition, learning, and invective. Professor Döllinger of Munich, who had no superior among Catholic theologians, supported the minority. Within the Council the German Bishops complained bitterly that though they represented forty-six million Catholics, they had only sixty-seven votes, whereas the Italian Bishops, with dioceses inhabited by only twenty-seven millions, numbered two hundred and seventy-six in the Council Chamber. They were told that the representative principle had nothing to do with it, and that one Bishop was as good as another. The Pope, with the Jesuits behind him, bore down all resistance and silenced all remonstrance. The most eloquent of English Catholics, Dr. Newman, pleaded in vain from his Oratory at Birmingham against forging new fetters for the human, or at least the Catholic, mind. Bishop Strossmayer from

[1] Morley's *Life of Gladstone*, vol. ii. p. 510.

1869-74. Croatia denounced the intolerance which treated Protestants as though they were not Christians,
March 22. and was himself shouted down as a heretic. Cardinal Rauscher, Archbishop of Vienna; Cardinal Schwartzenberg, Archbishop of Prague; Archbishop Darboy of Paris, the murdered victim of the Commune in 1871; Bishop Dupanloup of Orleans, whom his Gallican admirers compared with Bossuet; Bishop Hefele of Rothenburg, reckoned learned even in Germany; Archbishop Kenrick of St. Louis, and others scarcely less eminent, endeavoured to reconcile what they knew as Liberalism with what they professed as Catholicism. Step by step they were driven back, until on the 24th of April they were induced to adopt unanimously the *Constitutio de Fide*, which admitted the authority of Papal decrees beyond the domain of faith. The concession was fatal and irrevocable. As Lord Acton wrote, "The Court of Rome became thenceforth reckless in its scorn of the opposition, and proceeded in the belief that there was no protest they would not forget, no principle they would not betray, rather than defy the Pope in his wrath. It was at once determined to bring on the discussion of the dogma of Infallibility." On the 13th of July, when war was just breaking out between France and Germany, a majority of four hundred and fifty Bishops adopted the dogma against eighty-eight absolute and sixty conditional negatives. In the minority were Schwartzenberg, Rauscher, Dupanloup, Strossmayer, and Hefele. The long struggle was over; the Pope was as infallible as human authority could make him; and though the moral unanimity supposed to be required of a General Council had not been attained, the machinery of excommunication was employed to crush the resistance of those who, like Döllinger, still held out. Thus the last of the Pontiffs to

exercise temporal power was invested, by way of compensation for what the war took from him, with unlimited control over the minds of all good Catholics throughout the world. 1869-74.

The Vatican Council, whatever else may be said of it, was free from civil authority, whether legislative or executive. The clergy of the English Church could not obtain their freedom without the assistance of Queen, Lords, and Commons. Among primitive usages left intact by the Reformation was the indelibility of priests' orders, and in 1801 an Act especially aimed at Horne Tooke excluded deacons also from the House of Commons. Once a clergyman, always a clergyman; never a lawyer, or a man of business, or a Member of Parliament, unless, indeed, the accident of death should place a priest or deacon in the House of Lords. The Clerical Disabilities Removal Act of 1870, introduced and carried by Mr. Bouverie, an Erastian Whig, enabled any clerk in holy orders to relinquish the clerical profession, and rid himself of all the civil disabilities which it imposed, by giving his Bishop six months' notice. It would be difficult to find a more striking example of the essential difference between the Church of England and the Church of Rome than this simple Bill, unless it were the manner in which the Bill was passed. All the ecclesiastical authorities in the United Kingdom could not give relief to a single clergyman without the consent of Parliament. Parliament could give relief to every clergyman without any ecclesiastical concurrence. Clerical Disabilities Act.

Next year another Act,[1] of which Bishop Wilberforce was the principal promoter, encouraged the resignation of his benefice by an aged or infirm clergyman, providing that if he satisfied his Diocesan of his physical incompe- The resignation of incumbents.

[1] 34 & 35 Vict. c. 44.

1869-74. tence he might receive as a pension one-third of his professional income. As this measure received the approval of the Government, and made no charge upon the revenue, it became law without much difficulty, and relieved the Church from many obvious scandals.

Feb. 10. Early in 1870, also at the suggestion of the same active prelate, Convocation appointed a Committee of both Houses to revise the Authorised Version of the Scriptures. The Committee were empowered to co-opt additional members, and among the eminent divines outside the Establishment thus chosen to correct the translation of the New Testament was a Unitarian minister, Dr. Vance Smith. Before the Revisers began their labours, which lasted many years, they received the Holy Communion at Westminster Abbey from the hands of the Dean,[1] and Dr. Vance Smith was among the communicants. That the great symbol of Christian brotherhood should have been administered to a Christian who disbelieved in the authority of the text about the heavenly witnesses, and regarded the doctrine of the Trinity as a human invention, excited the wrath of narrow-minded bigots and uncharitable Churchmen. What made the matter worse in their eyes was that two Bishops, Harold Browne of Ely and Moberly of Salisbury, were present at the sacrilegious service. The Bishops defended themselves in Convocation, where alone a defence would have been required, but they did not satisfy Mr. Gladstone, who confided to the sympathetic ears of Bishop Wilberforce that he thought the incident a "scandal."[2] The speech of Bishop Moberly, a High Churchman, recently nominated to the See of Salisbury by Mr. Gladstone himself, explained that he did not approach the Lord's

The Revised Version.

June 22.

Case of Vance Smith.

[1] Dr. Stanley. [2] *Life of Bishop Wilberforce*, iii. p. 367.

table in a mood to scrutinise the rest of those who "had grace to come." Such utterances as his, with Bishop Browne's and Bishop Jackson's upon the same occasion, do much to account for the stability amid vicissitude of the National Church. No suspicion of the fact that ninety-nine Liberals out of a hundred regarded Dean Stanley's conduct as essentially Liberal, and Christian in the highest sense, appears to have visited the remotest corner of Mr. Gladstone's mind. But while Broad Churchmen and Nonconformists followed a leader who was guided in ecclesiastical affairs by the passionate prejudices of a mediæval monk, the bulk of the clergy, as High Churchmen and Conservatives, were prepared to vote for a statesman who held that religion was a secret of the Semitic race, and that they could only grope for it dimly, or look at it darkly in a glass. 1869-74.

Yet at this very time Mr. Gladstone could so far emancipate himself from prejudice in dealing with patronage as to nominate the Reverend James Fraser, a Broader Churchman than Dr. Temple, for the Bishropic of Manchester, and to make Dr. Scott Dean of Rochester, thereby enabling the Fellows of Balliol to elect Professor Jowett as their Master. Of six surviving Essayists and Reviewers, two[1] were now heads of Oxford Colleges, while a third[2] was a Bishop. Heresy sometimes leads men to places of honour and emolument, even in this world. From this year dates the appointment of Suffragan Bishops. Every diocesan Bishop is in ecclesiastical law a suffragan to the Archbishop of his Province. But in 1870 the Bishop of Lincoln discovered that a statute passed in the reign of that Erastian monarch, Henry the Eighth, authorised the Ecclesiastical appointments. Jan. 18.

[1] Pattison and Jowett. [2] Dr. Wordsworth.

1869-74. appointment of episcopal curates with territorial titles. It was therefore possible, without the intervention of Parliament, for every prelate, with the formal sanction of the Crown, which Mr. Gladstone readily advised, to choose a suffragan capable of assisting him in ordination and confirmation. These suffragans had no seats in the House of Lords and no right of succession. The difficulty of providing salaries was met by the means of canonries, most of which are in the gift of the Bishops; and this new class of divine promoted the efficiency, if not the dignity, of the Church.

New Lectionary. Jan. 12. In 1870 the Royal Commission on Ritualism presented their third and fourth Reports, which concluded their labours. The third Report was practically useful, and not in any serious sense controversial. It recommended a new Table of Lessons for use in churches throughout the year.

Shortened services. The portions of Scripture to be read were abbreviated, some unedifying passages were omitted, and the division into chapters was ignored where it interfered with the sense. These salutary changes were adopted by Parliament in 1871,[1] and gave general, if not universal, satisfaction.[2] So too did the provision suggested in the fourth Report for shorter and occasional services, which became law in 1872,[3] with an unnecessary recital in the preamble of the Act, obnoxious to almost every Liberal Member except Mr. Gladstone, that the approval of Convocation had been first obtained. The recital made, of course, no difference to the law or to its validity. But on the one hand it soothed the feelings of High Churchmen, while it irritated the susceptibilities of Erastians and Nonconformists on the other.

[1] 34 & 35 Vict. c. 37.

[2] The use of the new Lectionary was made optional for seven years. But the clergy, with very few exceptions, took to it at once.

[3] 35 & 36 Vict. c. 35.

A further recommendation was less fortunate. In the fourth Report ten Commissioners, being a minority, proposed that the following note should be appended to the Athanasian Creed: "The condemnations in this confession of faith are to be no otherwise understood than as a solemn warning of the peril of those who wilfully reject the Catholic faith." Archbishop Tait, who had succeeded his predecessor in the Metropolitan See as chairman of the Commission, headed the list of dissentients from this feeble makeshift, and more boldly recommended that the Creed erroneously associated with the name of St. Athanasius should be removed from the public service. Most of the Commissioners whose names carried weight outside, including Bishop Thirlwall and Dean Stanley, agreed with the chairman. The balance of opinion against the Creed, an anonymous compilation conjecturally assigned to the eighth century of the Christian era, was overwhelming. Tillotson, the last Primate before Tait who counted, expressed a wish that the Church was well rid of it, and even Rome did not prescribe it for use on any public occasion. Lord Stanhope put in plain and sensible language what most educated people thought when he wrote that the damnatory clauses, "however they might be explained to the satisfaction of learned men conversant with the terms of scholastic divinity in the Greek and Latin languages," were "a stumblingblock to common congregations." On the other hand, the explanatory note was felt by others besides Dean Stanley to be "historically false," and an attempt to disguise the fact that, in Mr. Charles Buxton's words, "the Athanasian Creed was written at a time when all men firmly believed that erroneous doctrine would be punished with everlasting perdition." The damnatory or minatory clauses are, in truth, the most intelligible

1869-74. Aug. 31. The Athanasian Creed.

1869-74. part of the Creed, and it is futile to explain them away.

The Commissioners did not make any proposal for altering or interpreting the Ornaments' Rubric of 1662, which has given rise to more disputes than any other words in the Prayer Book. This was especially unfortunate, because at the time of their ultimate report Ritualistic controversies were threatening the Church with schism, if not disruption. Mr. Mackonochie, of St. Alban's, Holborn, having disregarded the adverse judgment of the Privy Council in 1868, was suspended in 1870 by the Court through Lord Chelmsford for three months from his clerical functions. Early in the following year the Judicial Committee dealt with the case of the Reverend John Purchas, perpetual curate of St. James's Church, Brighton. The principal charges against Mr. Purchas were that he wore eucharistic vestments instead of a surplice in celebrating the Holy Communion, and that he mixed water with the sacramental wine. On these points Sir Robert Phillimore, as Dean of the Arches, pronounced in his favour, and from that decision the prosecutor appealed. The judgment of Lord Chancellor Hatherley, in which Archbishop Thomson, Bishop Jackson, and Lord Chelmsford, or two of them, concurred, is fuller and more elaborate than the judgment of Lord Cairns in Martin *v.* Mackonochie.[1] The Ornaments' Rubric is thus expressed: "And here it is to be noted, that such ornaments of the church and the minister thereof at all times of their administrations shall be retained and be in use as were in this Church of England by the authority of Parliament in the second year of the reign of King Edward the Sixth." Lord Hatherley held that this rubric incorporated the Canons of 1603, which were founded on Queen Elizabeth's "Adver-

Nov. 26, 1870. Feb. 23, 1871.

The Purchas case.

The Ornaments' Rubric.

[1] See p. 98.

tisements," or orders, of 1559. He applied the test of *contemporanea expositio*, or the evidence of people's acts to what they thought the Rubric meant at the time of its insertion. Bishop Cosin, for example, who took part in the revision of the Prayer Book, asked in his Articles of Visitation, "Have you a large and decent surplice (one or more) for the minister to wear at all times of his public ministration in the church?" The argument from contemporary exposition is undoubtedly strong against the literal meaning of the rubric, and if Mr. Purchas had been prosecuted for not wearing eucharistic vestments it would be overwhelming in his favour. For if it were held, as even Sir Robert Phillimore shrank from holding, that the Act of 1662 revived the Rubric of 1549, and repealed all subsequent ordinances, it followed that every celebration of the Holy Communion by a minister wearing a surplice only for more than two hundred years, from 1662 to 1871, was a breach of the statute. Such a conclusion might fairly be called absurd. But, on the other hand, in a penal case, where every statute and every section should be construed, if possible, in favour of the defendant, especially where, as here, he was not represented by counsel, to exclude a view of the law held by such high authorities as Dr. Lushington and Sir John Dodson, struck some people who had no sympathy with Ritualism as harsh and unfair. The proper course would have been to secure future uniformity in the Established Church by fresh legislation. But Mr. Gladstone detested the interference of Parliament in ecclesiastical affairs, and he was quite strong enough to prevent any new law against Ritualism while he remained in office. The judgment in Hebbert *v.* Purchas,[1] though it inflicted no penalty upon Mr. 1869-74.

[1] Moore's Privy Council Cases, N.S., vol. vii. pp. 468–551.

1869–74. Purchas except the payment of costs, admonished him not to wear a chasuble, an alb, or a tunicle; not to mix water with the sacramental wine; not to use wafers in the place of bread; and to stand at the north side of the table when he consecrated the elements. The reason for the last part of this decision was not any special superiority in one point of the compass to another, but an assumption that if he took the eastward position the priest could not be seen by the people when he broke the bread and took the cup into his hands. The only feature of the judgment upon which High Churchmen could congratulate themselves was that it sealed the triumph of the surplice and the banishment of the black gown from the pulpit. Nor indeed did it interfere with the use of copes in cathedrals. For parish churches and chapels of ease, such as St. James's, Brighton, it set up the surplice as the only vestment which the clergyman was justified in wearing.

Feb. 11, 1871. Case of Mr. Voysey. A few days before the condemnation of Mr. Purchas, the Judicial Committee showed their impartiality by depriving of his benefice the Reverend Charles Voysey, perpetual curate of Healaugh in Yorkshire. Since Lord Westbury's judgment in the case of *Essays and Reviews* it had been freely said that a clergyman of the Church of England, relying in the last resort upon the protection of the Privy Council, might preach any doctrine he pleased and repudiate any doctrine he disliked. If Mr. Voysey adopted this theory he soon discovered his mistake. Condemned by the Official Principal for the Northern Province, he appealed to the Judicial Committee, and pleaded his own cause with earnest eloquence against the Solicitor-General[1] and Sir Roundell Palmer. The judges were Lord Chancellor Hatherley, Arch-

[1] Sir John Duke Coleridge.

bishop Tait, Lord Chelmsford, and Sir Robert Phillimore. If it be said that before such a tribunal an incumbent charged with latitudinarian heresy would not have much chance of escape, and that the Archbishop of Canterbury was the only unbiassed member of the Court, it may be replied that Mr. Voysey almost challenged conviction, and that to acquit him would have been to give the clergy the same freedom as the laity in public expression of scepticism or unbelief. The numerous charges against the defendant included denial of inspiration, of the atonement, and of Christ's divinity. His needlessly aggressive and provocative manner of attacking what he regarded as orthodox superstition in his periodical work, called *The Sling and the Stone*, was irrelevant to the simple issue, whether he had contravened the Articles of religion. But the Lord Chancellor's patient contrast of Mr. Voysey's assertions or negations with the Articles, one by one, affords no loophole of escape, and perhaps Mr. Voysey's own words are the best proof that he was out of place as a clergyman of the Establishment. "I found," he said in *The Sling and the Stone*, "that I could not hold to the true Fatherhood of God if I did not give up some of the doctrines of so-called Christianity. The doctrines of mediation, intercession, atonement, isolated incarnation, and the expected return of Jesus to earth, are all, more or less, opposed to the perfect harmony and simplicity of the love of God as a Father." Mr. Voysey's deprivation elicited no protest from Broad Churchmen, and was generally accepted as just. He himself, in a manly and straightforward fashion, continued to preach the Theism of which he was an enthusiastic disciple from a church and a pulpit of his own. Very different were the feelings with which Ritualists received the decision of the

1869–74.

1869–74. same Court and the same Lord Chancellor against Mr. Purchas. Their sympathy with him was not in the least diminished by the fact that he had refused obedience to the Bishop of Chichester,[1] himself a High Churchman. Although Mr.

Oct. 15, 1872. Purchas died in middle life soon after his case had been heard,[2] Mr. Mackonochie remained, and his mild persistency in a course which he obviously regarded as an imperative obligation made him a kind of hero with his school. If the Ritualists had had more ability, power, and learning, they might have brought about the disestablishment of the Church. But although most of them were men of sincere piety and blameless lives, working hard in the cause of religion and charity among the poor, they were devoid of intellectual distinction, and their arguments appeared disingenuous to secular minds. The ordinary Churchman, like the ordinary Dissenter, saw no escape from the dilemma that if a Ritualist preferred spiritual to temporal authority he should obey his Bishop, and that if he took his stand upon his rights as an Englishman he should acknowledge the supremacy of the law. High Churchmen complained of invincible prejudice in the Supreme Court of Appeal, which made it difficult for them to obtain justice, especially from the eminent ecclesiastics who sat on that tribunal. They certainly could not cite in support of this complaint the case of Mr. Bennett, who taught the highest possible doctrine on the subject of Christ's presence in the sacrament. Even the Dean of the

Case of Mr. Bennett. July 23, 1871. Arches[3] was compelled to admit that Mr. Bennett's letters to Dr. Pusey, as originally published, went beyond what the Articles of the Church allowed.

[1] Dr. Durnford.

[2] Having refused to obey the monition, or to pay the costs, he was suspended on the 7th February 1872 from his office by the Judicial Committee through the Lord Chancellor for a year. But before the year was out he died.

[3] Sir Robert Phillimore.

He held, however, that Mr. Bennett had, before the commencement of the proceedings, so amended his phraseology as to express no more than the "objective, real, actual, and spiritual presence" which was the true doctrine of the Church of England. Mr. Bennett did not appear, either personally or by counsel. But the promoters of the suit appealed, and a Committee of unusual strength was summoned to hear the case. Besides the Lord Chancellor,[1] the Archbishop of York,[2] the Bishop of London,[3] the Master of the Rolls,[4] and the Lords Justices of Appeal in Chancery, there were present Sir Joseph Napier, Sir James Colvile, Sir Montague Smith, and Professor Bernard of Oxford, whom Mr. Gladstone had expressly nominated for the purpose under the Act which established the Judicial Committee in 1833. After many meetings in private, at which there was no Greville to reveal the secret, the Committee through the Lord Chancellor affirmed the decision of the Arches Court, and acquitted Mr. Bennett. They arrived at this conclusion with manifest reluctance, and on the principle that in favour of an accused person everything doubtful must be presumed. "Rash and ill judged, and perilously near a violation of the law," they pronounced his language to be. "But the Committee have not allowed any feeling of disapproval to interfere with the real duty before them, to decide whether the language of the respondent was so plainly repugnant to the Articles and formularies as to call for judicial condemnation." Their censure was indeed directed quite as much to the Dean of the Arches as to Mr. Bennett of Frome. They regretted that Sir Robert Phillimore should have "put forth an extra-judicial statement in which he adopts words 1869-74.

[1] Lord Hatherley.
[2] Dr. Thomson.
[3] Dr. Jackson.
[4] Lord Romilly.

1869-74. that are not used in the Articles and formularies as expressing their doctrine." But although they thus disclaimed the assumption that the framers of the Prayer Book intended to adopt the real presence as a principle of the English Church, they recognised the comprehensiveness of that communion by admitting even so extreme a High Churchman as Mr. Bennett, who went too far for Dr. Pusey, to proclaim his views within her pale. The judgment in Sheppard *v.* Bennett resulted from much conflict of opinion within the Court itself, and was expressly declared not to be unanimous. But though not unanimous it was authoritative, so that the comparison which it draws between uniformity of ritual and diversity of doctrine is important enough to be stated in the language read by Lord Hatherley:—"In the public or common prayers and devotional offices of the Church all the members are expected and entitled to join; it is necessary, therefore, that such forms of worship as are prescribed by authority for general use should embody those beliefs only which are assumed to be generally held by members of the Church. . . . If the minister be allowed to introduce at his own will variations in the rights and ceremonies which seem to him to interpret the doctrine of the service in a particular direction, the service ceases to be what it was meant to be, common ground on which all Church people may meet, though they differ about some doctrines. But the Church of England has wisely left a certain latitude of opinion in matters of belief, and has not insisted on a rigorous uniformity of thought which might reduce her communion to a narrow compass." These are not only wise words in themselves; they are also the best clue to different decisions of the Privy Council in ecclesiastical cases which it might otherwise be hard to reconcile with each other. Many opinions,

but one ritual, was the principle adopted by the highest Court of Appeal. 1869–74.

No theological event of the year 1872 was more remarkable than Mr. Gladstone's address to the students of Liverpool College against the tendencies of modern scepticism exemplified in Strauss's contrast of the old faith and the new. Mr. Gladstone, to whom German criticism was equally repugnant, whether it dealt with the Bible or with Homer, held up Dr. Strauss as a warning to those who thought that it was the special mission of the present to reverse the conclusions of the past. "The free thought," he exclaimed with his picturesque eloquence, — "the free thought of which we now hear so much seems too often to mean thought vagrant rather than free, like Delos drifting on the seas of Greece without a root, a direction, or a home." It is easy to construct plausible fallacies out of ambiguous words like "freedom" and "free," as did the preacher who attributed the enjoyment of freedom to dogmatists, because, he said, they were free from doubt. It was strange to find the Leader of the Liberal party laying down the doctrine that the "great controversies concerning the Deity and the person of the Redeemer" had been finally settled for fifteen hundred years. No amount of rhetoric can make such statements true, and Mr. Gladstone added no serious contribution to Christian apologetics. He did not even understand the difficulties he would have had to meet. But the spectacle of a man in so exalted a station, with an intellect of such splendid practical capacity, maintaining a firm belief in all the articles of the Christian faith had more influence upon average opinion than many volumes of philosophical speculation or controversial divinity. Dec. 21. Gladstone's address at Liverpool.

Mr. Gladstone's chief friend in the Church, Samuel Wilberforce, Bishop of Winchester, died Death of Bishop Wilberforce.

1869–74. suddenly by a fall from his horse on the 19th of July 1873. No bishop and no clergyman was equally popular in fashionable society. His industry was great, and his powers of work immense. He had the gift of utilising spare moments, and he never wasted time. In eloquence he was without an Episcopal rival, except Magee, and for nearly thirty years he had been an active debater in the House of Lords. Famous for the readiness of his wit and for the fervour of his professional zeal, he knew how, in Matthew Arnold's phrase, to make the best of both worlds more skilfully than any other man of his time. When he entered the regions of science, as in his controversy with Darwin, he soon got out of his depth and exposed himself to ridicule. In Parliament or in Convocation he was ready to do battle with all comers, and, like many debaters, he was sometimes most telling when he was least profound. Although he lost his influence at Lambeth when Archbishop Longley died, none of his brethren on the Bench were more conspicuous in the public eye, and the correctors of the Authorised Version injured the utility of their own work by neglecting after his death the prudent warning which he gave them against unnecessary change. The day after Bishop Wilberforce's fatal accident died his sharpest opponent in the House of Lords, with whom he had enjoyed many keen disputes. The last months of Lord Westbury's life were spent in gratuitous labours for the public service as arbitrator under the Act winding up the European Assurance Society. He could have chosen no better way of obliterating the charges which had caused his withdrawal from the Woolsack. Since his resignation he had not taken an active part in ecclesiastical appeals, and had not been brought into collision with his old enemies of the Puseyite camp. Like Bishop

Death of Lord Westbury.

Wilberforce, he was adroit and supple rather than deep. But he had not the Bishop's knowledge of the world, and what he did appeared worse rather than better from his manner of doing it. Either prudence or moral sense seems to be required for lasting success even in so imperfect a society as this. 1869-74.

The death of Charles Dickens, sudden and unexpected, at the height of his powers, and before the commencement of his sixtieth year, was the end of a period in English fiction. His unfinished story, *The Mystery of Edwin Drood*, was not, so far as he lived to carry it, inferior to any of its predecessors in that weird power which combined with his rollicking, exuberant fun to make him easily first among his contemporaries in the art of dramatic narrative. But his imitators failed as signally as he succeeded, and it is fortunate for his memory that he did not found a school. His private funeral in Westminster Abbey, the last ceremony of its kind, was equally distinguished for the place and the manner. Yet perhaps the greatest of all Dickens's distinctions is that the hundreds who have tried to wield his pen have found the task as hopeless as the suitors in the *Odyssey* found it to bend the bow of Ulysses. June 9, 1870. Death of Charles Dickens.

Mr. Disraeli was too well known in other fields to be fairly judged as a novelist. The publication of *Lothair* in 1870 was an event almost as controversial as a party speech. The interest of the public was of course great. Not since 1847, when he brought out *Tancred*, the last of the series connected with Young England, with its elusive enigma of the Asian Mystery, had the various Leader of British Conservatism appeared in the realm of authorised fiction. Every one expected amusement and no one was disappointed. As a work of art, *Lothair* is spoiled by a long excursion into Italy, *Lothair.*

1869-74. and a sort of treatise on secret societies which shows more knowledge than skill. The former half of the book, which consists of lively scenes from the English society of the day, is as humorous and as epigrammatic as anything that Disraeli ever wrote. The story, such as it is, was apparently suggested by the recent conversion of a rich young nobleman[1] to the Church of Rome. It is the characters and their talk that fascinate, not the foolish hero and his ridiculous religiosity. Archbishop Manning and Bishop Wilberforce, very thinly disguised, are reproduced to the life, besides the Duke of Abercorn, Disraeli's own Duke, Lord Hartington, and other personages of more or less celebrity. Disfigured by a scurrilous attack upon a scholar and man of letters, who happened to be a Radical,[2] *Lothair* is a brilliant and bitter satire upon the Church of Rome, the Ritualists, and the vulgar ostentation which with the growth of wealth was invading the social life of London. How far the author was serious is perhaps the most entertaining question suggested by the book. Of women Mr. Disraeli always wrote like a gentleman, not without irony, but with chivalrous respect.

In the crazy economics of Young England Mr. Disraeli, if he ever believed in them, had long ceased to believe. But some of them were reproduced, perhaps unconsciously, from an academic chair. Mr. Ruskin, who had recently been appointed Professor of Art at Oxford, began in 1871 the issue of his *Fors Clavigera*, a Latin title to which he could attribute any number of mystic meanings, as it has no particular meaning of its own. Professor Ruskin's lectures at Oxford were an intellectual treat to undergraduates not seriously bent upon a course of artistic study, and thousands read the successive numbers of *Fors Clavigera* for

*Fors Clavigera.*

[1] The Marquis of Bute. [2] Mr. Goldwin Smith.

the style, who had no sympathy with the crude, unscientific socialism its readers were intended to imbibe. Another Oxford Professor signalised his election as Master of Balliol by bringing out his great translation of Plato. Jowett was not a verbal and philological scholar of the Cambridge school such as were Bentley and Porson, Shilleto and Munro. But he could read Plato, like Macaulay, with his feet on the fender, and, unlike Macaulay, he appreciated the Platonic philosophy at its true value. He was also gifted with a most attractive style, and perhaps Oxford has never produced anything more characteristic of politer letters, *literæ humaniores*, than his introductions to the immortal *Dialogues*.

1869-74.

Jowett's *Plato*.

The literature of 1870 comprised at least one volume which, in the famous antithesis of Thucydides, was not the winner of a momentary prize, but an everlasting possession. Dante Gabriel Rossetti, an Italian who never saw Italy, a refugee who had no politics, a painter as well as a poet, and a man of genius if ever there was one, published this year his first book of poems, including the earliest of those memorable sonnets which he called *The House of Life*. The poems were already known to his friends, and the reputation of his pictures gave a peculiar interest to their appearance. Rossetti was made one of the subjects for savage attack, grossly unfair so far as he is concerned, upon the "Fleshly School of Poetry."[1] Much of his verse, like some of the finest verse ever written, is sensuous because it appeals to the senses in general, not to one sense in particular. He was a serious and reflective poet, standing aloof from conventional morality and conventional religion. His language,

Rossetti's poems.

[1] In an article contributed to the *Contemporary Review* for October 1871, and signed "Thomas Maitland." The real author was Mr. Robert Buchanan.

1869–74. steeped in richness and glow of colour, represented the inward as well as the outward vision of a great artist. The spirit of mediævalism is in his verse, and a mystical atmosphere surrounds it. While the best critics at once recognised Rossetti as a genuine poet, he was not popular at first, nor, in the widest sense, at all. The morbid streak in his mind estranged many; and though his life was not long, it was only in his last few years that even the reading public fully appreciated the strange haunting influence of his imagination.

*Middlemarch.* George Eliot's *Middlemarch* was her greatest and most ambitious work in fiction. Although it has obvious faults, such as a double plot, a central figure without dignity or interest, and a pedantic profusion of scientific metaphor, *Middlemarch* is a really great book. In eloquence, in humour, in knowledge of human nature, and in the imagination which can clothe ordinary life with genuine pathos, no book by any living writer could for a moment be compared to it. The appearance of its successive parts, in green covers, from December 1871 to December 1872, was anticipated with impatient eagerness by old and young. No woman had attained such celebrity in England. For Jane Austen's fame was posthumous, and Charlotte Brontë died just as her reputation was becoming universal. George Eliot at fifty stood in the front of European letters, the glory of her nation and of her sex. Although she approached the Christian religion from outside, she gave no offence to the most pious. As much could hardly be said of

*Literature and Dogma.* 1873. Matthew Arnold's *Literature and Dogma.* Mr. Arnold's attempt to make a new religion was conscientious, and, despite an unfortunate flippancy of manner, serious. But Mr. Gladstone hit the point more neatly than in this region of thought was usual with him when he said that Mr. Arnold

combined sincere reverence for the Christian faith with a faculty of presenting it in a shape equally unrecognisable by friend or foe. 1869-74.

Mill's posthumous *Autobiography* was the composition of a man who avowed that he never had any religious belief. But a lofty morality, an emotional nature, and an unselfish enthusiasm for great causes, supplied Mill with everything he could have gained from religion except dogma or the art of taking things for granted. His own account of himself, though the history of a mind rather than of a man, prepossesses the reader by its candour and integrity. A purer soul and a higher intellect have seldom illustrated philosophical speculation or public life. Mill died at Avignon on the 9th of May 1873 in his sixty-eighth year. His last political project was a proposal to resume for the State the unearned increment of land, or, in other words, that portion of its value which has not been contributed by the owner. No practical scheme of this kind has ever been carried out, and the problem of adequately taxing wealth created at the public expense still calls for solution. Mill's most distinguished pupil, Mr. John Morley, shared his master's knowledge of French literature and sympathy with French thought. His elaborate study of Voltaire was a new and permanent contribution to English knowledge of a great Frenchman who loved England. Voltaire's supreme position as a man of letters has never been challenged. But Voltaire as an intrepid champion of freedom is a less familiar character, and Englishmen required to be told that the only form of religion with which the author of *Candide* came in contact was persecution made more odious by the hypocrisy of the persecutors. French lucidity and method, of which Voltaire was a master, were good examples to set before a country like our own, which carries specu-

Mill's *Autobiography.*

Morley's *Voltaire.*

1869-74.

lative individualism to excess. Even more interesting, however, than the fresh presentment of Voltaire was the appearance of a new writer so powerful in style, and so abundant in ideas, which were not the great Frenchman's, but Mr. Morley's own.

Death of Bulwer Lytton.

The death of Lord Lytton on the 18th of January 1873 impressed society and those who cater for it much more than Mill's.[1] Lord Lytton was, indeed, a remarkable and a many-sided man. Byron said of Sheridan that he had written the best play and made the best speech of his time. Bulwer Lytton, as he will always be called, though not equal to Sheridan in wit, was in the first rank of orators, playwrights, and novelists. His novels were not unlike Disraeli's, with the great difference that politics were almost entirely excluded from them. After his acceptance of a Peerage in 1866 he took no part in public affairs. But his last story, *Kenelm Chillingly*, which he finished only a few days before his death, an imitation of *Wilhelm Meister*, as *The Caxtons* was of *Tristram Shandy*, showed no decline of power, and his social drama *Money*, which has always kept the stage, was being performed when he died. *St. Stephen's* and *The New Timon* are among the best specimens of political verse to be found in the English language.

Walter Horatio Pater's *Studies of the Renaissance* belong to the same remarkable year as Mill's *Autobiography* and *Literature and Dogma*. It is a typical work of the æsthetic school, which held that the pursuit of beauty and the appreciation of what was really beautiful made up the best part of life. The celibate Fellow of an Oxford College,[2] Pater devoted his life to the study of excellence in

[1] Compare the obituary notices of the two men in the *Times* for the 19th of January and the 10th of May 1873.

[2] Brasenose.

writing, painting, and sculpture. A patient student, and subtle interpreter of art for art's sake, he encouraged the search for beauty, and the feeling for its significance, in its more remote revelations. While his self-consciousness, with his tricks of style, prevented him from being popular, and even exposed him to ridicule, his influence was in time acknowledged by the general acceptance of views which seemed mere affectation when he first propounded them. His Epicureanism had an intellectual as well as an æsthetic side, and, if his philosophy was wanting in manliness, he taught the simplicity which is the essence of refinement in taste. 1869–74.

If we look for the origin and tendency of the literary movement, which reached its climax in 1873, we shall find that it came from Oxford, and broke away from authority moral, intellectual, or religious. Ruskin, Jowett, Arnold, Pater, Swinburne, Morley, were all Oxford men. Rossetti's most intimate friends and colleagues, William Morris and Burne-Jones, were at the same University. Ruskin had no sympathy with the spirit of modern Oxford, and loved to denounce it from his professorial chair. But even he was an innovator in art, and of the others Matthew Arnold was the most conservative. The Oxford of the early seventies was more faithfully representative of the age than it had been before or has been since. The abolition of theological tests in 1871 changed the whole character of the place, and free thought, independent of formulas, asserted itself with less restraint because it had been previously suppressed. From the great scientific theorist of the century people had learnt, and were learning, to understand how mankind could have originated and developed without the need for supernatural interference. Darwin's *Origin of Species* was a tough morsel,

1869–74. and was more discussed than digested. His *Descent of Man*, which appeared in 1871, is much simpler and more popular. Far transcending in importance any other book of the time, it moved the minds of thinkers, and also reached the average intelligence of society. It did not touch, as Jowett pointed out from the pulpit,[1] the great question how life began. The mystery of creation remained where it was before. But true as it is that science cannot get beyond observation, and can no more explain the origin of things than it can discover the philosopher's stone, it does satisfy in some of its votaries desires which would otherwise have turned towards religion. As a scientific tutor at Oxford put it in November 1871, "Science tends to make those who study it profoundly indifferent to the questions of God and the soul: not that it gives them any ground to affirm or deny them, but it shows them enough to make life tolerable without them."[2] In this respect, as in others, Oxford was a miniature of Great Britain. In this respect, as in others, Ireland stood wholly apart. There the Church of Rome, which had no temporal authority, wielded an unchallenged supremacy over the minds of men, except in Trinity College, which was an almost wholly Protestant institution, and in the Scottish colony, of which Belfast was the Protestant centre. In England and in Scotland there prevailed a temper of moral and intellectual unrest which found an outlet or an example in Pater's revival of Paganism and in Arnold's reconstruction of Christianity.

The freedom of men has not always been accompanied by the emancipation of women for which Mill pleaded with so much eloquence and

[1] See his *Sermons on Faith and Doctrine*, pp. 1–22; *Darwinism and Faith in God.*

[2] *Life and Letters of Mandell Creighton*, vol. i. p. 46.

power. But during the decade which closed with 1869 a few ardent champions of equal culture for the sexes had been occupied in raising and improving the education of girls. Miss Emily Davies opened a house of study at Hitchin in 1869, and Miss Anne Clough, the poet's sister, took charge of another at Cambridge in 1871. This movement owed much to the zealous assistance and wise counsels of Henry Sidgwick and other leaders of thought at Cambridge, who gave up time and leisure to deliver lectures at a distance from their colleges. Miss Clough's house was the origin of Newnham, which, with Girton, established two years earlier, Somerville, Lady Margaret, and other kindred establishments, has since done so much to give women a liberal education and the chance of an independent career. In this respect Cambridge, not Oxford, was the pioneer. In conferring on women degrees, the certificates of competency, the University of London has been far ahead of them both. The sentiment of intellectual equality, from which all these salutary changes alike proceed, is national and not local. The lustrum which closed with the Conservative reaction of 1874 was not so much fruitful in positive ideas as active in breaking down barriers. While the Church of Rome was riveting its fetters more firmly than ever upon the souls of the faithful, the human mind outside that communion was growing more accustomed to ask questions and less patient of conventional replies. 1869–74.

## CHAPTER XII

### THE MINISTRY OF ALL THE OPPORTUNITIES

1874.

Mr. Disraeli's position.

MR. DISRAELI'S position in 1874 was as secure as the position of any Minister under the party system can be. His nominal majority of fifty in the House of Commons was, for practical purposes, nearly as much again, and he was quite unassailable in the House of Lords. He seemed to be in power for the rest of his life, and Liberals to have before them a long period of fruitless Opposition.

A Cabinet of twelve.

The new Cabinet, wisely restricted to the number of twelve, was one of the strongest that had ever been formed in England. The Chancellor of the Exchequer, Sir Stafford Northcote, was second as a financier to Mr. Gladstone alone. No Foreign Secretary on either side of politics could have commanded the same confidence as Lord Derby did, and no one was less likely to pursue a policy of aggression than he. He passed for a pre-eminently safe man, and his remarks on the Ashanti expedition had not been inspired by bellicose ardour. Speaking at Liverpool on the 10th of October 1873, he protested that he "had no great faith in that kind of moral influence which you acquire by burning a man's house over his head, and telling him he is to be your subject, whether he likes it or not." He added on the same occasion that we had got black men enough, and had better not go in for more. Other places were more difficult to

fill. Of the three men who resigned office in 1867 rather than assent to the Conservative Reform Bill, General Peel was seventy-five, and could not, in any case, well have served under the enemy of his father. But though Lord Carnarvon had not forgiven Disraeli, and Lord Salisbury had ceased to be on speaking terms with him, they both came back to their respective posts as Colonial Secretary and Secretary for India. The only new man in the Cabinet was the Home Secretary, Mr. Richard Assheton Cross, who had defeated Mr. Gladstone as candidate for South-West Lancashire in 1868. Mr. Cross was an especial friend and ally of Lord Derby, who is understood to have pressed his claims upon the Prime Minister. But whosoever was responsible for the choice, it proved a remarkably good one, and added to the administrative power as well as to the general popularity of the Government. Although Mr. Cross had been called to the Bar, and was joint author of a work on the *Practice of Quarter Sessions*, his training was as much commercial as legal, for he had managed the affairs of a large bank. Apart from the compliment to Lancashire, which had deserved well of the Ministry, and the advantage of enlisting fresh talent, which the former Lord Derby had too much neglected, there was abundant justification for the choice of Mr. Cross. For sending Mr. Ward Hunt to the Admiralty there was nothing to be said, except that it was necessary to exclude him from the Treasury, and that nothing else could be found for him. He was the weak spot in a strong Government, as he lost no time in showing. There might, however, have been another if Sir John Pakington had not accepted a Peerage instead of a place, and left the War Office to Mr. Gathorne Hardy.

1874.

The new Home Secretary.

Mr. Disraeli now found himself for the first

1874. time in possession not merely of office, but of power. In 1868, though he had made an Archbishop,[1] a Duke,[2] and a Chancellor,[3] he was in a minority and liable to constant rebuffs. At no period of his astonishing career was he less at his ease than in the few months of his first Premiership. Mr. Gladstone was then the real leader of the House, and had the country behind him. Now everything was changed. Real and ostensible authority were combined. The country had, with an emphasis unknown since 1841, transferred its allegiance from the model of all the virtues to the master of all the arts. Besides the support of large majorities in both Houses of Parliament Mr. Disraeli enjoyed, after a fashion never granted to his predecessor, the confidence and friendship of the Queen. He was as much a dictator as any Minister in a constitutional country can be. His party was solid; and if the Conservatives had not even yet acquired full personal confidence in him, they recognised him as their only possible chief.

The Premier's strength.

Very different was the state of the Opposition. Their diminished numbers did not imply better relations with their leader, or the removal of differences among themselves. The Nonconformists still nursed their jealous dislike of the Education Act, and the representatives of the Trade Unions called loudly for the repeal of Lord Aberdare's law against conspiracy. Many Liberals who had no grudge against Lord Aberdare or Mr. Forster were inclined to blame Mr. Gladstone for abruptly dissolving Parliament instead of bringing forward his Budget, and reaping a legitimate advantage from the victories of Sir Garnet Wolseley in West Africa. Mr. Gladstone was at least as much dissatisfied with his party as the party was with

Weakness of the Opposition.

[1] Tait. [2] Abercorn. [3] Cairns.

him. He had a "keen sense of their disloyalty during the last three years," nor would he "expose himself to the insults and outrages of 1866–68." [1] In a public letter to Lord Granville, dated the 12th of March, he offered either to resign the Leadership at once, or to keep it for another year on the understanding that he should give the House of Commons only such "occasional attendance" as was compatible with his "need of rest." He was taken on his own terms, and thus Mr. Disraeli at the height of his power found himself confronted with an Opposition in a state of anarchy. 1874. Gladstone's attitude.

In the circumstances the Prime Minister, who was seventy years old, and had never been robust, inclined, not unnaturally, to "rest and be thankful." Reform was in the background, and the astutest observer in the House of Commons had just seen what came of overloading the truck. The old Greek maxim which in four syllables condemns excess seemed appropriate to the occasion. After wisely and generously assenting to the re-election of Mr. Brand as Speaker, the Government produced a Queen's Speech in which the only important item was a Bill to amend the Licensing Act of 1872. This measure turned out to be much milder than the liquor with which it dealt, and was far from giving satisfaction to the trade. Liberals had made much at the General Election of an alleged conspiracy between the parson and the publican to restore Conservatism in the high places of the land. Afterwards, in a telling phrase, from which defeated candidates may have derived consolation, they attributed their discomfiture to "beer and the Bible." There was in truth no conspiracy and no alliance. Clergymen and licensed victuallers pursued their own interests "Rest and be thankful."

[1] Morley's *Life of Gladstone*, ii. 497.

1874. exclusively of each other. They had been successful,

Licensing Act Amendment Bill. and they expected the fruits of success. The Licensing Act carried by Mr. Bruce when he was Home Secretary gave magistrates a wide discretion in fixing the hours at which public houses should be closed; and of this arbitrary interference with their freedom, or their profit, the publicans loudly complained. They found a sympathetic listener in Mr. Cross, who had no prejudice against their calling, and did not at first appreciate the practical difficulties of the subject. His original Bill abolished the discretion of the magistrates, providing that in towns with ten thousand or more inhabitants taverns should be closed at half past eleven, and at eleven elsewhere. When the Bill became an Act, eleven was the latest time permitted outside London, and that only in "populous places," which were left undefined. If they were not in the opinion of the Licensing Committee "populous," the hour was ten, so that magisterial discretion came back once more, and the trade suffered disappointment. Nevertheless, the Act did, upon the whole, increase the opportunities of drinking, and that was certainly not a social need, nor a moral improvement, for the masses of the people.

Good temper and good humour prevailed at the opening of Parliament in 1874. The Prime Minister, in the debate on the Address, referred with generous appreciation to his distinguished predecessor, who received also numerous compliments in the

April 16. financial speech of Sir Stafford Northcote. The Chancellor of the Exchequer might well be com-

The Budget. plimentary. A magnificent surplus of six millions, exceeding Mr. Gladstone's anticipations, was a more valuable legacy to a new Government than the capture of Coomassie and the peaceful settlement of the Gold Coast, for which the thanks of Parlia-

ment were duly given to officers and men.[1] Sir Stafford Northcote made good use of his surplus by taking off a penny from the income tax, and abolishing the duty on sugar. Although an old tax is not felt like a new one, the financier who lessens the number of taxed articles deserves well of his country, and in that respect Sir Stafford Northcote is as much to be praised as Mr. Lowe to be condemned. A two-penny income tax, never before known, was a valuable tribute to five years of Liberal administration, and the duty on horses, also removed, was thrown in as if it were nothing accounted of, like silver in the days of Solomon. 1874. March 30.

The only doubtful or questionable part of Sir Stafford Northcote's Budget expressed a policy to which both the Government and the Opposition were alike pledged. Ever since Sir Massey Lopes carried his motion against Mr. Gladstone in 1872, the Conservative party were committed to the relief of local taxation, and Mr. Gladstone himself had promised it in his address to the electors of Greenwich. No Chancellor of the Exchequer could have taken office in 1874 who was not prepared to deal with the subject. Yet it was full of danger to the finances of the country. Sir Stafford Northcote recognised the perilous principle that imperial taxation might be subject to local control, and provided no guarantee for economy. Quarter Sessions, which were without representative authority, were not likely to curtail, but rather to expand, their outlay in consequence of a subsidy from the national exchequer, which would fall in part at least upon the working classes. Sir Stafford was characteristically and judiciously moderate. But he took the first step, which is proverbially fatal, in agreeing Local taxation.

[1] On the same day in Windsor Park the Queen personally presented the Order of St. Michael and St. George to Sir Garnet Wolseley, and the Victoria Cross for valour to Lord Gifford, of Gifford's Scouts.

1874. that the Treasury should contribute towards the payment of the county police and the maintenance of pauper lunatics. He broke from the canons of sound finance without satisfying, or going near to satisfy, the demands of the local rate-payer for Parliamentary aid.

It would, however, have been well for the Government if all Ministers had been as cautious as Sir Stafford Northcote. When Mr. Ward Hunt April 20. came to move the Navy Estimates, he adopted the figures of his predecessor, Mr. Goschen, and at the same time, with glaring inconsistency, pronounced The naval scare. the Navy to be too weak for its purpose. He would not, he said, be responsible for "dummy ships" and a "paper fleet," though on his own showing he was responsible for both. This reckless language, the language of a Minister who could never forget for a moment that he was a party man, alarmed those who did not reflect that if Mr. Hunt were accurate, the whole Cabinet were guilty of leaving the nation defenceless. Under pressure from Mr. Goschen and Mr. Childers the First Lord of the Admiralty pleaded that he had been misunderstood, and the scare of his creation was soon forgotten. He was a weak man in a place too high for him, and he spoke from the Treasury Bench as if he were on a platform in Northamptonshire.

Mr. Disraeli had to face for the first time this session a serious claim from Ireland to the management of her own affairs. The Irish Home Rulers were fifty-eight, or more than half the representation of Ireland, whereas the Irish Liberals, after all that Mr. Gladstone had done for the country, Home Rule. were only about a dozen. The leader of the Home Rulers, Mr. Isaac Butt, had entered public life as a Tory and a Protectionist. In religion he was a Protestant, by profession a barrister, and it was in

defending Fenian prisoners that he acquired his sympathy with the Nationalist cause. As a Parliamentary speaker he stood high. Yet his personal influence in Ireland was not great. Amiable and accomplished every one allowed him to be. But he seemed to treat politics as a game, and he cared less, if appearances could be trusted, to satisfy the Irish people than to stand well with the House of Commons. For a successful advocate he was in too obvious need of ready money, and he was more liked than respected on both sides of the Channel. Mr. Disraeli, though quite willing to give Mr. Butt a couple of nights for his annual motion,[1] did not treat either it or its author in a serious spirit. Mr. Butt was quite content with a due allowance of Parliamentary time, and did not expect, or perhaps desire, any more practical result. In his happiest vein, and with his raciest humour, the Prime Minister taunted Irishmen with a want of self-respect in describing themselves as a conquered and subjugated people. Englishmen had been conquered by Normans, but they did not boast of it. If Cromwell was a military dictator in Ireland, he was a military dictator in England too. With this airy pleasantry the motion was dismissed, and only sixty-one Members voted for going into Committee on the state of Ireland. Home Rule was still in its academic stage, and was regarded by both parties in England with equal contempt. Yet even then the Home Rulers spoke for a majority of the Irish people. 1874.

The session of 1874 was mainly occupied with three ecclesiastical Bills, which brought Mr. Gladstone back from Wales in a temper suggestive of anything rather than retirement. None of these measures had been mentioned in the Speech from the Throne, and one of them did not originally

[1] June 30 and July 2.

1874. proceed from the Government at all. Mr. Gladstone's first appearance in the House of Commons after Easter was due to the Church Patronage Bill for Scotland, which had already passed the Lords. The simple object of this Bill was to vest in the congregations the private patronage of the Kirk,[1] thus getting rid of the lay patron altogether. The patron was to be bought out by a year's stipend of the benefice. But some of the largest patrons, such as the Duke of Richmond, who introduced the Bill, the Duke of Argyll, who supported it in an eloquent speech, and the Duke of Buccleuch, refused to accept any compensation at all. Lay patronage in England was common, and no patron ever thought of consulting the people. In Scotland it was distasteful to the public opinion even of the Established Church, and the Duke of Argyll informed the House of Lords that he had virtually ceased to exercise it. There was no serious opposition until the Bill came before the House of Commons, where Mr. Gladstone stood up to condemn it. He took his stand on the Disruption of 1843, when the Free Church of Scotland was founded by those "Non-Intrusionists" who declined to accept the judgment of the Court of Session for the lay patron in the Auchterarder case. If lay patronage was to be abolished, the ministers of the Free Church were entitled to their proportionate share of manses and teinds. Mr. Gladstone's historical argument was irrefragably sound. But it had no practical bearing upon the question what was best for the Church of Scotland in 1874, and that most fortunate of all Establishments was freed from the one restriction which it disliked by a majority far in excess of the Ministerial figure.[2] Although Mr. Gladstone was

July 6. Patronage in the Church of Scotland.

[1] The electors were, however, to be communicants.
[2] The Ayes were 307; the Noes were 109.

enthusiastically cheered by his followers, and warmly congratulated by the Premier upon his reappearance, his speech was, for once, not suited to the House of Commons, and carried no weight. The Bill, or Act, ought logically to have been followed by disestablishment. But man, even in Scotland, is not a logical animal, and the Old Kirk was strengthened, not weakened, by removing the badge of its subordination to the State. 1874.

It had become a settled principle of the British Constitution that new Ministers should not reverse the legislative policy of their predecessors merely because they were successful at the polls. An adverse vote was recognised as a check for the future rather than a condemnation of the past. Debate in both Houses was absolutely free, and could be continued so long as the Opposition were prepared to carry it on. In these circumstances Acts of Parliament, unless they failed in their object, had come to be regarded as final, and the staunchest Conservative did not expect in 1874 that the Irish Church would be re-established, or the purchase of commissions in the Army restored. There was nothing in the Queen's Speech to show that the Government contemplated departure from this traditional and really conservative custom. But in the month of July that happened which was not expected. The Vice-President of the Council, Viscount Sandon,[1] introduced a Bill for the virtual repeal of the Endowed Schools Act, passed in 1869, and renewed in 1873. Lord Sandon, though not himself in the Cabinet, was subordinate to a Cabinet Minister, the Duke of Richmond, and was entitled to the support of all his colleagues. Yet he spoke, when he moved the second reading of the Bill, with an irresponsible lack of official restraint. The Conservative party, The Endowed Schools Bill. July 14.

[1] Afterwards Earl of Harrowby.

1874. he said, with a humility there was little to justify, had been reduced in the former Parliament to a state of "hopeless panic." It was necessary to show that they had recovered, and therefore he had brought in this Bill, which would abolish the Endowed Schools Commission, and substitute the Charity Commissioners as authorities over endowed schools. That, however, was not all. The power of altering schemes would be severely restricted, so that no school could be removed from the exclusive control of the Church of England, if the founder had provided for the recognition of the Bishop, or directed attendance on the service of the Church, or imposed upon the Master the obligation of Holy Orders. This intensely sectarian Bill, and Lord Sandon's singular want of tact in introducing it, united the Liberal party as they had not been united for years. Mr. Gladstone regarded the Endowed Schools Commission with peculiar, almost parental, fondness. He was responsible for their appointment, and their Chairman, Lord Lyttelton, was his wife's brother-in-law. They had of course incurred, like all administrative reformers who do their duty, a large amount of local unpopularity and resentment. Of the three original Commissioners one, Mr. Hobhouse, had taken up a legal post in India, and his place was filled by Mr. Henry John Roby, a learned Latinist of Lancashire and Cambridge, more distinguished for vigour of action than for suavity of manner. But the retrograde provisions of Lord Sandon's Bill, described by the Liberal Leader as "inequitable, unsound, and unwise," were felt to be far more dangerous than any peculiarity of temperament or of method. Mr. Gladstone was supported by that most independent of Liberals, Mr. Fawcett, with an energy at least equal to Mr. Forster's, or to his own. The numbers of the Ministerial

majority were suffering gradual but serious diminution, when a fortunate discovery was made by the Premier. Parliamentary debate, so far from enlightening Mr. Disraeli's mind, had rendered it incapable of understanding his own Bill. He could not, for the life of him, make out the conditions of ecclesiastical privilege which it set up, and in this painful predicament he determined to drop everything except the transference of authority from the new to the old Commission. Thus the resistance to reactionary policy was in the main successful. For the law remained as it was; and in the performance of functions clearly defined by Parliament one set of English gentlemen is very like another.[1] 1874. July 24.

The most important Bill of 1874, however, was not introduced by the Government, nor was even the Cabinet unanimous upon it. The Bishops were at their wits' end to know what could be done with Ritualism. The extreme section of clerical High Churchmen who practised the rites thus denominated were unwilling to accept the admonitions of their Fathers in God, and to prosecute them was a costly task. The resignation of a Premier who shrank with horror from the interference of Parliament in the affairs of the Church seemed to remove an awkward obstacle, especially as it much increased the stock of Parliamentary leisure. Relying upon the retirement of Mr. Gladstone, and the meagreness of the Queen's Speech, the Archbishop of Canterbury[2] on behalf of almost the whole Episcopal Bench[3] introduced a Bill with an unfortunate misnomer. The Public Worship Bill. April 20.

[1] In consequence of this Act Mr. Longley, son of the late Archbishop, was added to the Charity Commission, and a Conservative Peer, Lord Clinton, became an Endowed Schools Commissioner. They took the places, or at least the salaries, of Lord Lyttelton and Mr. Roby. Canon Robinson was not disturbed.

[2] Dr. Tait.

[3] Bishop Wordsworth of Lincoln dissented.

1874. Though called the Public Worship Regulation Bill, it did not attempt to regulate public worship, but simply established a new Court for dealing with refractory clergymen. This Court was originally to have been the Bishop of the Diocese, with a Board of Assessors. The Board of Assessors became the Bishop's Chancellor, and an appeal to the Archbishop of the Province was permitted. But the Bill encountered many vicissitudes, and Lord Shaftesbury fiercely attacked the absolute power thus conferred upon the Episcopal Bench. He proposed and carried the substitution for the Bishop of a new Judge, appointed by the Archbishops with the consent of the Crown, and under the appellate jurisdiction of the Privy Council. Thus modified, or intensified, the Bill passed the Lords, and was introduced to the Commons by the Recorder of London, Mr. Russell Gurney. He moved the second reading on the 9th of July, and then Mr. Gladstone came to the front. By this time the Bill had begun to excite heated and angry feelings among people who, in ordinary circumstances, did not concern themselves about ecclesiastical affairs. There was a cry of "No Popery within the Establishment," which is at least more reasonable than "No Popery" without qualification. The Ritualists openly practised confession, which has always infuriated the Protestant people of this country. They appeared to acknowledge no superior authority whatever, and behaved as if the English people had no rights in the English Church. On the other hand, the party of which Dr. Pusey was the head had been exasperated by the introduction of the Bill, and scandalised by the successful intervention of Lord Shaftesbury, whom, when they were not joining him in a heresy-hunt, they regarded as their deadliest foe. They were a small minority in England, but they had a great ally.

Mr. Gladstone conceived that they were being treated with injustice, and, heedless of the unpopularity he was incurring, he hastened to their aid. But never in his life, before or since, did he undertake so hopeless a task. The Protestant temper of the English people was up, and argument was waste of breath. Mr. Gladstone did not forget that he was a Liberal, as well as a High Churchman. He pleaded earnestly for freedom, which, as he truly and finely said, was better than discipline. Leaden uniformity, he continued, was spiritual death. The House of Commons should never forget the services of the clerical profession in an age which was, beyond all others, luxurious, selfish, and worldly. Mr. Gladstone's speech was a very noble one; even nobler than his vehement denunciation of the Ecclesiastical Titles Bill. On the earlier occasion he was plainly and absolutely right. Parliament in 1850 exceeded its moral authority by meddling with a voluntary Church. In 1874 it was dealing with ministers of an official and privileged body under the patronage and control of the State. Maladroit and inopportune as it may have been, the Public Worship Bill did not infringe the liberties of private citizens. It did not even alter the law. It simply cheapened and quickened the process of coercing lawless incumbents, who, whatever may have been their personal merits, set all order in the Church at defiance. Mr. Gladstone concluded his attack upon the Bill by giving notice of six resolutions, which were open to the serious criticism that they implied the need for some "adequate authority" of an ecclesiastical nature before Parliament could legislate concerning the Establishment. He did not carry his party with him, and his chief supporter in debate was his old opponent, Mr. Gathorne Hardy. Sir William Harcourt, on the

1874.

Mr. Gladstone's opposition.

1874. other hand, blew the trumpet of Erastianism with characteristic vigour, and called upon the Parliament of England to put down clerical pretension. Mr. Disraeli, after a few days' reflection, made up his mind. To him the whole controversy must have seemed like the "chatter of Dead Sea apes." But he saw that Mr. Gladstone was tampering with the sacred principles of the Reformation, and generously offered him a day for the development of his policy. Notwithstanding the attitude of Mr. Hardy, and the fact that other members of the Cabinet sympathised with the Secretary for War, he openly took the Bill under his protection, because its object was to "put down Ritualism," and to prevent "Mass in masquerade." The Bill having been read a second time without a division, Mr. Gladstone withdrew his Resolutions, and for a moment the storm subsided. But it broke out again in Committee, and the Bill was nearly destroyed by the zeal of its Protestant supporters. As it stood, the Bishop had a veto upon every prosecution. An amendment was carried for an appeal from the Bishop to the Archbishop, and once more Sir William Harcourt came into collision with his chief. Mr. Gladstone quoted the canonist Van Espen on the relations between metropolitans and their suffragans. The House of Commons knew nothing, and did not want to know anything, about Van Espen. It wanted to put down Ritualism, as Mr. Disraeli knew very well when he coined the phrase. The Lords refused to accept the amendment. The Archbishops went one way, and the Bishops the other. Lord Salisbury, who had all along disliked the Bill, let loose his tongue upon the "bugbear of a majority in the House of Commons," and the "bluster" with which the House of Lords was assailed. His expectations, if not his language,

Mr. Disraeli's line.

Gladstone and Harcourt.

Disraeli and Salisbury.

were justified. Rather than lose the Bill, the House of Commons gave way, and this explosive measure was added to the Statute Book without the appeal to the Archbishop. 1874. Aug. 3.

So far, Mr. Disraeli and Mr. Gladstone, Mr. Russell Gurney and Sir William Harcourt, were agreed. But before the Bill became an Act, and the first Session of the new Parliament closed, the spark kindled by Lord Salisbury had burst into a flame. Sir William Harcourt, riding his highest horse, called upon the Prime Minister, "a leader who is proud of the House of Commons, and of whom the House of Commons is proud," to vindicate its dignity against the railing of a "rash and rancorous tongue." Mr. Disraeli at once responded to the appeal, and described his colleague in the other House as "a great master of gibes and flouts and jeers," "not, perhaps, superior to the consideration that by taunting respectable men like ourselves as being a 'blustering majority' he probably might stimulate the *amour propre* of some individuals to take the course which he wants, and to defeat the Bill." Lord Salisbury seized the first opportunity of denying, with perfect truth, that he had spoken of a "blustering majority," and contrived, in the course of his explanation, to aggravate the offence. But Sir William Harcourt had not confined his invective to Lord Salisbury. He had attacked Mr. Gladstone with at least equal bitterness, and Mr. Gladstone had the advantage of being in the House of Commons. He did not forget that he had made Sir William Solicitor-General, and he covered the "Cambridge Professor of Law" with sarcastic congratulations upon the learning he had so recently acquired, reminding him that besides the canons of the Church, for which he felt so much contempt, there were the canons of good taste, good sense, and good feeling, which had

1874. always been valued by the House of Commons. Whether Mr. Gladstone were right or wrong, to provoke him was always a perilous enterprise.

Before Parliament rose, Mr. Disraeli announced that Lord Penzance had accepted the office of Judge in the new Ecclesiastical Court, with right of succession on the first vacancy to the Court of Arches. Lord Selborne, to whom no objection could have been made, had refused. Lord Penzance was an able man, and a sound lawyer. But the choice of him for such a post was not fortunate. For he had presided during several years over the Divorce Court, which High Churchmen regarded with peculiar abhorrence, so that his appointment seemed to them the symbol of a judicial separation between Church and State. He was a nephew of that Lord Chancellor Truro who had distinguished himself by the vehemence of his protests against Papal Aggression, and, though the statute required him to sign a declaration that he was a member of the Church of England, it was natural for Puseyites to contrast him with their beloved Dean of the Arches, Sir Robert Phillimore. They were not disappointed of their anticipations, and it was many years before the peace of the Church ceased to be disturbed by the Public Worship Act of 1874.

Appointment of Lord Penzance.

The ecclesiastical debates which engrossed Parliament at this time had strengthened Mr. Gladstone's wish to withdraw from the Leadership of the Liberal party. Forgetting that an Established Church must be subject to Parliamentary control so long as it retains its position of especial privilege, he declared, that if the House of Commons were to become "a debased copy of an ecclesiastical council, all the worst men and worst qualities of the worst men would come to the front, and the place would

Nov. 17.

become intolerable." [1] At the same time he felt the decrees of Papal Infallibility as strongly as if he had been a Liberal Catholic, and the protest against the policy of the Vatican, which he deemed it his duty to make, did not improve his relations with Catholic Members from Ireland. Mr. Gladstone was now sixty-five, and had been forty-two years in the House of Commons. He felt himself entitled to a period of comparative repose, and on the 13th of January 1875, three weeks before the meeting of Parliament, he wrote to Lord Granville that he could "see no public advantage" in continuing to act as Leader. He put his retirement, not so much on political grounds, as on his personal opinion of the method in which he ought to spend the closing years of his life. But Mr. Gladstone was not like Charles the Fifth. If he had felt himself to be in complete agreement with his party, or if he could have foreseen the future, he would have remained where he was. When they were about to lose him his followers at last realised his true value. He had every reason to be gratified with the reception of his published letter. Except a few surviving Whigs, all sections of the Liberal party lamented his loss, and the Nonconformists who had been most disappointed with the Education Act were warmest in their sympathetic esteem for a statesman so essentially religious. The task of choosing a successor was not easy. Two names were at once put forward, with the tacit assumption that there was no third. Lord Hartington represented the aristocratic, and Mr. Forster the democratic, wing of the Opposition. But while, on the one hand, some Radicals, such as Mr. Trevelyan, supported Mr. Forster on grounds of public service and personal capacity, the powerful influence of Mr. Bright went the other way. The Dissenters, of

1874.

1875.

Gladstone's retirement.

[1] Morley's *Life of Gladstone*, vol. ii. p. 502.

1875. whom he was the greatest, had not forgiven Forster his alleged partiality for the Church of England; and the roughness of his manners had given umbrage with many whom he had no wish to offend. If he had allowed himself to be nominated, he might have been elected. But at the last moment he withdrew, and the choice of Lord Hartington was unanimous. Though not by nature a good speaker, nor by inclination a hard worker, Lord Hartington had a clear, logical intellect and the most bigoted Dissenter could not accuse him of any ecclesiastical prejudice.

Feb. 8. Election of Lord Hartington.

Lord Hartington's duties in the session of 1875 were extremely light. The Government were not at all eager to legislate, and with a single exception, hereafter to be described, no pressure was put upon them by the House of Commons. The Cabinet did not venture to leave Ireland under the ordinary law, though they renewed the Coercion Acts of their predecessors in a mitigated form. The clauses which empowered the Lord Lieutenant to imprison persons found out of doors at night, and to suppress seditious newspapers by warrant, were not renewed. But the restrictions on the use of arms were continued for five years, together with the right of Grand Juries to compensate injured persons, and the Westmeath Act, passed for the suppression of Ribbonism, was renewed till 1877. This legislation did not divide British parties. Lord Hartington was, if anything, rather more strongly in favour of exceptional measures for Ireland than the Chief Secretary,[1] and, despite the eloquence of Mr. Butt and Mr. Sullivan,[2] the minority against the second reading was only sixty-nine. Six weeks were consumed in disposing of amendments and passing the Bill. But a sham fight, and a foregone conclusion, were not calculated to rouse the House of Commons

Irish Coercion.

March 23.

[1] Sir Michael Hicks-Beach. [2] Member for Louth.

from the apathy into which it had temporarily sunk. 1875.
Even the startling action of an Irish Member, Mr. Biggar, who called the presence of strangers to the notice of the Speaker, and thus compelled the clearance of the galleries when the Prince of Wales was sitting in one of them, led to no more serious consequence than the immediate suspension, and ultimate repeal, of a ridiculous and obsolete rule. Hitherto it had been possible for a single Member to expel reporters from the precincts of an Assembly representing the will, and transacting the business, of the nation by simply uttering the words — "Mr. Speaker, I espy strangers behind your Chair." Forced by the pertinacity of Irishmen, some of whom were connected with the Press, Mr. Disraeli, though really Conservative where the procedure of the House was involved, moved and carried a resolution that strangers should only be excluded by a vote of the House without debate, or by the spontaneous action of the Speaker.

Exclusion of strangers.

Sir Stafford Northcote's second Budget showed no surplus, and neither took off taxes nor put them on. But the Chancellor of the Exchequer increased his financial reputation by the ingenuity of his proposals for a new Sinking Fund, involving, after two years, an annual charge of twenty-eight millions for the repayment of debt, and so framed as to diminish the pecuniary obligations of the country by two hundred millions sterling in thirty years. Mr. Gladstone, whose retirement seemed to strengthen rather than weaken his interest in politics, fell upon this scheme with a vigour which could hardly have been exceeded if Sir Stafford Northcote had been proposing a loan. But Sir Stafford was quite equal to the occasion, and Mr. Gladstone's attack entirely failed. It did not even succeed in dispelling the notion that if he had been in office he would have done much the same thing himself.

April 15.

New Sinking Fund.

May 7.

1875. The Lord Chancellor[1] introduced this year the Judicature Bill, which congestion of business had forced him in 1874 to postpone. With a few useful and business-like amendments, it proposed to re-enact Lord Selborne's Bill of 1873, and to provide one final Court of Appeal, which would supersede the House of Lords for all parts of the United Kingdom. A strong movement, however, chiefly conducted by Peers and lawyers, was directed against the withdrawal from the Lords of their appellate jurisdiction. So influential was this protest that a Conservative Government did not feel able to withstand it, and once more Lord Cairns abandoned his Bill. By this time delay in a legal reform, admitted on all hands to be necessary, was becoming a scandal, and another Bill was passed which provided, in a satisfactory manner, for the administration of justice except in the last resort. The fusion of law and equity was symbolised by the establishment of a Supreme Court of Judicature, divided into one High Court of Justice, and one Court of Appeal, to sit from the 2nd of November 1875. The right of appealing to the House of Lords, a tribunal as efficient in substance as anomalous in theory, was prolonged for another year.

Second Judicature Act.

March 8.

If sessions, like novels, had heroes, the Parliamentary hero of 1875 would be Mr. Cross. He it was who redeemed the year from legislative barrenness; for Lord Cairns would have been the last man to claim as his own achievement a Judicature Act of which the real author was Lord Selborne. The Agricultural Holdings Bill, introduced to the House of Lords by the Duke of Richmond, would indeed have provided some security for the tenant in his holding, if it had not been entirely optional. But inasmuch as any landlord might refuse to be bound by it, or, in the more clumsy language of

Agricultural Holdings Act.

[1] Lord Cairns.

Parliament, might contract himself out of it, it was a mere expression of senatorial opinion in favour of leases, or compensation for improvements. Mr. Secretary Cross, however, carried two measures of great and permanent benefit to the most laborious portion of the community. The Artisans' Dwellings Act was only a beginning. Yet it laid the foundation of a sanitary reform which has since been widely extended, and it justified Mr. Disraeli for the stress he had laid upon the subject in Opposition.[1] The Act provided that in towns with twenty-five thousand inhabitants, or more, the Corporations might acquire land by compulsory purchase, and build workmen's houses on it themselves, or let it for others to build them on, if their medical officers pronounced against the present condition of the site. That a Conservative Government should have acknowledged the public health to be more important than the right of property was creditable to their fairness and openness of mind, very different from the rigid individualism of Mr. Fawcett, who protested against "class legislation," and asked whether it was intended to obtain suitable dwellings for noblemen. Mr. Fawcett was an unconscious partner with Mr. Cross in the manufacture of Conservative working men.

1875.

Legislation against rookeries.

Even Mr. Fawcett did not oppose the Employers and Workmen Bill,[2] which was the greatest achievement of Mr. Cross. At the General Election of 1874 Trade Unionists obtained much support for their claim that the Criminal Law Amendment Act of 1871, Mr. Bruce's Act, should be modified in their favour. So soon as Mr. Disraeli's Government had been formed, another Trade Union

Employers and Workmen Act.

[1] *Sanitas sanitatum, omnia sanitas*, was the parody of the Vulgate, in which he expressed his zeal for this sort of legislation.

[2] 38 & 39 Vict. c. 90.

1874. Commission was appointed, with the Lord Chief Justice of England and the Recorder of London[1] to represent the law, Mr. Thomas Hughes and Mr. Alexander Macdonald to speak for the labourer. Lord Winmarleigh[2] and Mr. Bouverie might be said to watch the interests of the masters, if indeed they were different in this respect from the interests of the men. The Trade Unionists denounced this new Commission as a mere attempt to postpone the task of amending the old statutes. But Mr. George Shipton, Secretary of the London Trades Council, gave evidence, and nobody was better able than he to formulate the demands of the Unions. The matter was urgent, and attention had been forcibly drawn to the subject by a great strike of agricultural labourers in 1874. They began in Suffolk, asking for an extra shilling a week. The farmers refused it, considering thirteen shillings enough; locked the men out; and refused to employ members of the Agricultural Union. When Mr. Gladstone implored the colliers of Aston Hall not to cease working with men who stood outside their union, they took his advice. But nothing could induce the farmers of the eastern counties to relent, although appeals were made to them by Lord Waveney, a Suffolk squire, and by the Speaker, a model landlord in Cambridgeshire. A stubborn race of men are the British farmers, and hard to beat. Popular feeling was on the side of the men, and they were led by Mr. Arch. Under the guidance of Mr. Henry Taylor, a number of them visited the largest towns in search of support, and at Birmingham they collected a hundred and fifty pounds. But the farmers won. They economised in labour. They worked themselves and made their children work for them

[1] Sir Alexander Cockburn and Mr. Russell Gurney.
[2] Formerly Colonel Wilson Patten.

until at last the labourers had to give in. The strike began in February, and by August the funds of the strikers were exhausted. Four hundred men emigrated, and as many went to other parts of England. Some found work in manufacturing centres, and the rest returned to the plough. Bishop Fraser of Manchester asked whether the farmers were mad. They were neither mad nor more selfish than the labourers. But they were not long-sighted. They did not see that they were depleting the agricultural labour-market and driving the men into the towns. Mr. Cross, for his part, meant business and not delay. The Commission reported early in 1875, and on the 10th of June the Home Secretary brought in two Bills which were founded on their report. He thus followed the precedent set by Lord Aberdare, and separated the civil from the criminal liability of the men. As interpreted by the Recorder,[1] himself a Commissioner, the Criminal Law Amendment Act was fair enough. But the Judges did not agree, and one of them, Baron Pollock, had given a very dangerous latitude to the law of conspiracy. Mr. Cross, who was quite free from prejudice against Trade Unions, proposed that all breaches of contract should be treated as actionable wrongs, not as crimes, except where men endangered health or safety by suddenly refusing to supply the public with gas or water. Picketing was also defined in a manner which made it clear that men on strike might persuade others by peaceful means to leave their employment without bringing themselves under the criminal law. But the most important provision of the whole Bill was that which touched the law of conspiracy. As for the Criminal Law Amendment Act, the only alteration suggested by Mr. Cross was that the defendant should have the

1875.

[1] Mr. Russell Gurney.

1875. right to trial by jury. As for conspiracy, which was still the sport of judicial indiscretion, he wisely and boldly proposed that nothing done in furtherance of a trade dispute by two or more persons should be punishable as a conspiracy unless, if done by a single individual, it would have been punishable as a crime. This was certainly "class legislation," inasmuch as the general law of conspiracy was still left to the Judges, and might be interpreted by them as they thought fit. But the victory of the Trade Unions appeared to be complete, and the popularity of the Government with the working classes was proved by the almost unanimous vote of thanks which they received from the Trade Union Congress in October.

In only one case was the hand of the Government forced during the session of 1875. Mr. Samuel Plimsoll, Member for Derby, a Liberal in politics, but rather a philanthropist than a party man, had taken up as his special subject in Parliament the protection of British seamen in the merchant service against avoidable calamities. His efforts so far prevailed that the President of the Board of Trade, Sir Charles Adderley, introduced a Merchant Shipping Bill which would have given the men some security against unseaworthiness and overloading. But Sir Charles was not in the Cabinet, and that august body decided in July to drop his Bill in favour of their useless measure for enabling landlords and tenants to do under its protection what they could do perfectly well of their own accord. When Mr. Disraeli announced this decision in the House of Commons, Mr. Plimsoll's patience gave way, and there was one of those scenes which reporters love. Having moved the adjournment of the House to protest against the abandonment of a measure on which the lives of thousands depended, he vehemently

Mr. Plimsoll.

July 22.

upbraided those "ship-knackers," amply represented, as he declared, in the House, who, by a nefarious system of over-insurance, made fortunes out of drowned men. "Villains," he called them, and so blind was he to the true proportions of things that in his prejudice against homicide he violated order by standing on the middle of the floor. Having refused to apologise, he was directed to attend in his place that day week to receive the Speaker's reprimand. When the time came, Mr. Plimsoll expressed regret for his irregularity, and declined to retract his charges. He had succeeded in his object. The attention of the whole country had been drawn to the shameful practices which he denounced; he had the support of public sympathy; and the Cabinet felt the necessity for doing something. The Prime Minister made a handsome acknowledgment of public services, which would have far outweighed a breach of order, even if that had not been one of them, and a temporary Act was at once passed which empowered the Board of Trade for a year to detain unseaworthy ships. Parliament without Plimsolls might be an eminently decorous place. But there are things more important than decorum, and one of them is human life.[1] 1875.

During the autumn of 1874 the Fiji Islands, at the request of their inhabitants, were added to the British Empire. Sir Hercules Robinson,[2] then Governor of New South Wales, was sent by the Colonial Office to accept the cession of sovereignty. He explained to the native King, by Lord Carnarvon's instructions, that the British Government were not desirous of taking over 1874. Sept. 25.

[1] The annual defeat of the Burials Bill would be hardly worth mentioning in itself, though the hostile majority was only fourteen. But the debate on the 21st of April 1875 is memorable for the speech of John Bright, whose description of a quaker funeral moved the whole House, and the English people, by its beautiful and solemn simplicity.

[2] Afterwards Lord Rosmead.

1874. his dominions, which they only assumed with reluctance. But if they did so, there could be no conditions. The Queen's sovereignty must be absolute; and the people, if they wished for British protection, must confide in British justice. It was, in truth, British justice and British protection of which they stood in need. A low class of white settlers, known as "beach-combers," had got possession of land without paying for it, and had introduced among the natives vices to which they were previously strangers. Nothing short of annexation, which was at once peaceful and voluntary, would have been an effective remedy for the scandalous outrage and disorder. In giving his sanction to this step, with proper and judicious accompaniments of method and form, Lord Carnarvon showed that he was neither afraid of accepting responsibility, nor desirous of extending dominion. The first Governor of Fiji was Sir Arthur Gordon,[1] youngest son of that Lord Aberdeen who was Prime Minister at the outbreak of the Crimean War.

Annexation of Fiji.

It is fortunate that so fair and high-minded a man as Lord Carnarvon was Secretary of State for the Colonies at this time. For the Lieutenant-Governor of Natal, Sir Benjamin Pine, treated a disturbance among the Kaffirs with unwise severity and reprehensible injustice. Suspecting a Kaffir chief named Langalibalele, whose territory was subject to their jurisdiction, of disloyalty and hostile purposes, the Government of Natal dispersed his tribe, destroyed their huts, and condemned the chief himself to transportation for life. Bishop Colenso, always a zealous, intrepid friend of the native races, came to England in the autumn, and represented the truth to Lord Carnarvon himself. The Bishop's confidence in the Colonial Secretary

Case of Langalibalele.

[1] Afterwards Lord Stanmore.

was not misplaced. In an excellent despatch, dated 1874.
the 3rd of December, Lord Carnarvon directed that the sentence on Langalibalele should be set aside as illegal; that the losses incurred by his tribesmen should be, so far as was possible, repaired; and that Sir Benjamin Pine should hand over the administration of Natal to Sir Garnet Wolseley. No man in public life was more sensitive than Lord Carnarvon to the maintenance of British honour, especially in dealing with a weaker people, unable to protect themselves. His choice of Sir Garnet Wolseley was, in one respect, peculiarly judicious. For no one was likely to charge the distinguished soldier who had so recently conducted the Ashanti Expedition to its successful issue with unduly disregarding the interests of his own countrymen.

Lord Carnarvon's tenure of the Colonial Office was creditable to his humanity and public spirit, which are higher qualities than mere prudence and discretion. Yet these humble virtues have their function in the body politic, and it is not safe to discard them. It was Lord Carnarvon's single fault, as Colonial Secretary, that he wanted to do for the Colonies what they could only do for themselves. On behalf of Langalibalele he was bound to interfere. British justice and British honour were involved. The mutual relations of the South African Colonies were their own affair. After the recall of Sir Benjamin Pine Sir Garnet Wolseley found that the constitution of Natal was unsatisfactory, and would not work. The form of Government was neither frankly despotic nor fully representative. Between the five appointed and the fifteen elected members of the Legislative Council which shared supreme power with the Lieutenant-Governor there was constant friction, by which the native races suffered, because they had no one to speak for them. Competent judges, like Lord Blachford, who, as

1874. Sir Frederick Rogers, had been permanent Under-Secretary at the Colonial Office, held that Natal should be reduced to a Crown Colony, which it had been twenty years before. Lord Carnarvon wisely preferred a middle course, and at the instance of Sir Garnet Wolseley the Legislative Council reformed itself by increasing the number of nominated Councillors to thirteen. When Sir Garnet handed over the administration to Sir Henry Bulwer,[1] Natal had ceased to be disturbed, and the Kaffirs were quiet once more. Lord Carnarvon, however, was not content with the unambitious settlement of local disputes. He was an idealist, or at least a man full of ideas, and his darling project for South Africa was Federation. There was much to recommend this policy. South Africa at that time contained three British Colonies, of which Cape Colony, with a population estimated at rather more than half a million, was the chief. Next came Natal, which was about half as populous. The third was Griqualand West, annexed by Lord Kimberley in 1871, containing some fifty thousand inhabitants, and diamond fields of great value. It has, however, to be borne in mind that most of these people were natives, and that the number of whites in all the three Colonies did not much exceed a quarter of a million. Two Dutch Republics, the Transvaal and the Orange Free State, completed the area which Lord Carnarvon desired to federate. But the Dutch Boers who had founded them formed also more than half the white residents in Cape Colony itself. Unless, therefore, British and Dutch could agree, Federation was a vain dream. Lord Carnarvon thought, reasonably enough, that if he could procure for his scheme the adhesion of Cape Colony, the Republics would

Sept. 3. South African Federation.

[1] Not to be confounded with his namesake and kinsman, who became Lord Dalling, and died in 1872.

before long come in of themselves. Addressing 1875.
Sir Henry Barkly, Governor of the Cape, he urged in an eloquent despatch that safety without, and progress within, material welfare and imperial sentiment, would be fostered by the adoption of a consistent policy for the whole of South Africa. With this view he suggested the assemblage of a Conference at Cape Town to promote a Federative Union of all the European States in South Africa. The proposal was in any case premature, and should have come from South Africa, not from Downing Street. But Lord Carnarvon spoiled whatever chance of success he might otherwise have had by mentioning the names of the Delegates who should attend the Conference. Cape Colony was in the fullest enjoyment of constitutional independence, and her first Prime Minister, Mr. Molteno, protested against dictation from home. He argued that the representation of the Colony should have been left to him, and that, as a matter of fact, there was no need for any Conference at all. In vain July 15.
did Lord Carnarvon, whose intentions were excellent, repudiate the design of infringing Colonial rights. Men are judged in this imperfect world not by what they mean, but by what they do. What Lord Carnarvon meant was irreproachable. What he did was unfortunate. He followed up his despatches by sending Mr. Froude, the historian, as his emissary to South Africa. Mr. Froude talked as well as he wrote, and was a universal favourite in all society capable of appreciating him. Discretion was a thing he abhorred, and, as a casual visitor, he paid no more heed to the Colonial Ministers, or to their opinions, than if they had been documents which contradicted one of his historical theories. But the Cape Government was a fixed institution, and Mr. Froude in South African politics was only an ephemeral pheno-

1875. menon. Lord Carnarvon, trying another tack, veered round in November to a Conference in London. This was out of the frying-pan into the fire. The Cape Parliament at once passed a resolution against any settlement of their affairs in England, and condemned the unconstitutional interference of the Colonial Office through Mr. Froude. Here ended the first lesson in South African Federation. At the same time the control of Delagoa Bay, the natural outlet of the Transvaal to the sea, was awarded to Portugal by the President of the French Republic. The Portuguese claimed as countrymen of Vasco da Gama, and as possessors of the only European settlement on the Bay, Lorenzo Marques. Great Britain had purchased after the French war the rights of the Dutch, who established a settlement on Delagoa Bay in 1720. M. Thiers was by agreement to have arbitrated between this country and Portugal. His resignation preceded the award, and the judgment for the Portuguese was given by Marshal Macmahon.

South Africa did not in 1875 fill a large place in the minds of Englishmen. But among the subjects which never fail to excite them is slavery, and on the last day of July a copy of Instructions was issued from the Admiralty to captains of Her Majesty's ships which roused feelings of anger and of shame. This Circular, for which Mr. Ward Hunt was responsible, ran counter to the jealousy of patriots, and to the sentiments of humanitarians. It directed that a fugitive slave should not be received on board a British vessel unless his life were in danger, and that if she were in territorial waters, he should be surrendered on legal proof of his condition. If the ship were at sea, he should only be received and protected until she reached the country to which he belonged. These strange

The Fugitive Slave Circular.

and startling orders were not in harmony either with the law of nations or with the law of England. They infringed the invaluable rule which prescribed that a man-of-war was British territory, wherever she might be; and they seemed to challenge the famous decision of Lord Mansfield in the case of the negro Somerset, that a slave who entered British jurisdiction became free for ever. But perhaps the words which gave most offence were the caution against slaves being "misled into the belief that they would find their liberty by getting under the British flag." Although Parliament had risen before the Circular appeared, public indignation was freely expressed, and the Admiralty endeavoured to throw the blame upon the Foreign Office. At the end of the year, however, an amended Circular was issued, in which the apparently harmless platitude that "Her Majesty's ships are not intended for the reception of persons other than their officers and crew," was accompanied by the far more questionable doctrine that a fugitive slave was not to be taken on board a British ship of war in territorial waters where slavery prevailed. The exemption of Her Majesty's vessels from local jurisdiction was thus technically saved. But the recognition of slavery was as flagrant as ever, and when Parliament met in 1876 the weightiest of unofficial Members on the Liberal side, Mr. Whitbread, moved that the new Instructions should be cancelled. He was ably supported by Mr. Herschell, then Member for Durham, who, unlike most lawyers, achieved immediate success in the House of Commons. The question had now become one of party, and the Government won by 45. But enough had been said, both in the House and out of it, to uphold the principles of freedom, and to make the Instructions powerless for evil.

1875.

Feb. 20, 1876.

A brilliant writer of our own day has described

1875. Mr. Gladstone as a man of action, and Mr. Disraeli as a man of thought. Mr. Gladstone's excursions into the sphere of speculative theology, Homeric or Anglican, were seldom fortunate. On the other hand, the world suddenly discovered that the author of *Coningsby* and *Lothair* could strike with vigour and promptitude in the domain of practical politics. The first Slave Circular had scarcely been withdrawn, and the second had not

Nov. 26. Purchase of shares in Suez Canal. appeared, when it was announced that the British Government had bought the Khedive's shares in the Suez Canal for the sum of four millions sterling. The news came at a fortunate moment. It more than restored the popularity which Ministers lost by the Circular, and it sent up with a bound those Egyptian Stocks which the plight of Turkey had depreciated. For it was only in the month of October that the Porte, long in financial straits of its own making, had been reduced to bankruptcy by the failure to put down a revolt in Bosnia and the Herzegovina, and had confessed her inability to pay more than ten shillings in the pound. English contributors to the Turkish War of 1853 called upon their Government to obtain for them a return of the capital which they had lent on good interest and bad security. Lord Derby told them politely but firmly, that it was not the business of Her Majesty's Ministers to collect their debts, and Mr. Disraeli

Nov. 9. at the Guildhall declined to "dwell" upon such an "unfortunate event" as the "financial catastrophe" of an "ally." The least of the bad consequences which followed this unhappy alliance was the disappointment of reckless speculators in "securities" which did not deserve the name. That the Turkish Empire was a nuisance to Europe, and especially to England, had been proclaimed by clear-sighted observers even before the Crimean War. But the

position of Egypt was entirely different. Though 1875.
nominally subject to the Sultan, Abdul Aziz, it was in fact governed by the Khedive, Ismail Pasha, under the Sultan's Firman of 1873. Like his master, the Khedive lavished on himself and his Court money which he extorted from the poverty of the people. Yet, though his tyranny was ruthless, his necessities were stern, and Egyptian bondholders were reasonably apprehensive that he would follow the example of the imperial swindler at Constantinople. He was, in fact, on the brink of ruin when he bethought himself of turning into cash his shares in the French Company which owned the Suez Canal. That England had a great and legitimate interest in the Canal was obvious to all. The British traffic which passed through it exceeded in value and amount what came from the rest of the world. If the Canal were closed, the shortest route to India would be barred, and yet England had no voice whatever in its management. The short-sighted policy of Lord Palmerston, who believed that the Canal could not be made, and that if it could, it would be injurious to this country, had left to France and her great engineer, Ferdinand de Lesseps, the burden and the honour of this vast undertaking. By one of the strangest paradoxes in history, the nation least friendly to the promoters of the Canal gained the most by their enterprise, and France found that she had provided an invaluable outlet for British commerce. If the Company had become, as it was becoming, purely French, the consequences might have been serious, even disastrous, to a country which was at once the ruler of India, and the first maritime Power in the world. When, therefore, the Prime Minister of England heard that the Khedive was on the point of selling his shares in France, he showed prudence as well as energy by anticipating him. Never in

1875. his long life had Mr. Disraeli been so popular before. It seemed as though by one happy stroke he had asserted and maintained British interests at their weakest point without infringing the rights, or wounding the susceptibilities, of any other nation. The Ministerial Press was naturally and properly jubilant over this beneficent legerdemain. Yet there was at least one of Mr. Disraeli's colleagues who did not share the prevailing enthusiasm. The cold and cautious temper of the Foreign Secretary fell to freezing-point when he read the glowing eulogies in honour of his chief. He hastened to explain that, so far as he was concerned, he would rather the Khedive had kept his shares; that the Government had only acted in self-defence; and that he had no objection to see the Canal placed under international control. Lord Derby, who had hitherto been always on cordial terms with Mr. Disraeli, went to the verge of saying that he disapproved of the purchase, and his speech was almost an invitation to the Liberal party.[1] But the public in general cared nothing for Lord Derby and his speech. Mr. Disraeli had appealed to their national pride, and he got the response he desired. When Parliament met, and the House of Commons was asked to vote the money, the principal members of the Opposition picked all the holes they could. The shares would not pay a dividend for nineteen years. They did not give a right of voting on the Board of the Company proportionate to their number and value. The interest paid to the Rothschilds, who advanced the money, was too high,[2] and they were

Lord Derby's explanation.

Feb. 21, 1876.

[1] The Chancellor of the Exchequer, though more cautious, was equally unfavourable. See Lang's *Life of Sir Stafford Northcote*, pp. 273–275. Mr. Disraeli acted independently of his colleagues. The original suggestion of the purchase came from Mr. Frederick Greenwood, the able journalist who at that time edited the *Pall Mall Gazette*.—McCarthy's *History of Our Own Times*, vol. iv. p. 437.

[2] It amounted to 15 per cent, if calculated by the year.

fortunate in being Mr. Disraeli's friends. These carping criticisms were miserably ineffective. Mr. Gladstone in particular had seldom been less powerful in the House of Commons. He seemed to be opposing for the sake of opposition, without Lord Hartington's excuse of being there for that express object. Although few public transactions have turned out more financially profitable in the long run than the purchase of these shares, Mr. Disraeli did not defend it on any such ground. He knew his audience, and the English people. He gloried in his achievement as a feat of high policy, and perhaps the best point he made was that if Mr. Gladstone had been in office the shares would have gone to France.[1] 1876.

The first step taken in consequence of this purchase was the despatch to Egypt of Mr. Stephen Cave, Judge-Advocate General, charged by the Government with the duty of reporting upon Egyptian finance. His report, published in April 1876, represented the country as solvent, able to pay interest at seven per cent on a debt of seventy-five millions. In a single sentence Mr. Cave aptly described Egypt as suffering "from the ignorance, dishonesty, waste, and extravagance of the East, such as have brought her Suzerain[2] to the verge of ruin, and at the same time from the vast expense caused by hasty and inconsiderate endeavours to adopt the civilisation of the West." But Mr. Cave's practical remedy, the Consolidation of Loans, was not worth very much, and the British bondholders joined their French colleagues in sending out a Joint Commission. The British representative was Mr. Goschen. The French Mr. Cave's Mission.

[1] It seems that Mr. Gladstone refused to consider the purchase of the shares when proposed by one of his own colleagues six years before. See the *Life of Hugh Childers*, by his son, vol. i. p. 230.

[2] The Sultan of Turkey. "Sovereign" would have been a more correct term.

1876. bondholders sent an equally able man, M. Joubert,
The Dual Control. and these two financiers soon discovered, if they did not know before, that the Khedive's Minister of Finance, Sadyk Pasha, was a rogue. They insisted on his dismissal, and the Khedive, whose honesty was much upon a par with his own, banished him to a penal settlement on the White Nile. If the Khedive had accompanied him there would have been more hope for Egypt. But the loss of even one scoundrel was a gain, and the Egyptian revenue was put for the future under the management of two Controllers-General, one to be English, and the other French. Such was the origin of the Dual Control.

At the opening of the session in 1876 the Government of Mr. Disraeli was at the height of its popularity and power. Everything it did appeared to prosper, and the Prime Minister fascinated the public gaze by the success which had crowned the brilliant audacity of his career. Mr. Gladstone, on the other hand, was regarded as a spent force, only fit to be utilised for clerical or ecclesiastical purposes. A great legislative programme was the last thing expected, and the Queen's Speech did not, therefore, disappoint expectation. The first
Feb. 17. measure introduced, the Royal Titles Bill, was in the hands of Mr. Disraeli himself. That astute courtier, who always knew how to ingratiate himself with his Sovereign, took advantage of a winter tour made through British India by the Prince of Wales, and proposed an addition to the Royal style. Ever since the government of India had been transferred from the Company to the Crown there had, he said, existed a need for marking, by some external sign, the position of the Queen as supreme over a number of Sovereign Princes. He now proposed, in accordance with the precedent set by the Act of Union with Ireland, a Bill for

enabling the Queen to assume by Proclamation such new title as she might think fit. Regarding the exact form of words to be used, an absurd mystery was officially maintained. Everybody understood well enough that the object of the Bill was to make Her Majesty Empress of India. The Premier's boast that his Bill would show the determination of the English people to preserve their empire provoked a good deal of natural ridicule. But if anything could have justified such language, it would have been Mr. Lowe's singularly infelicitous inquiry, what would become of the new title if by any chance we lost possession of India. The man capable of putting such a question in the House of Commons is a misfortune for the party of which he happens to be a member. Far too much significance was attached to this Bill by the Opposition. Many people felt, as a matter of sentiment, that it was crude, vulgar, anything but Conservative, to tamper with the dignified simplicity of "the Queen." At the same time the Queen was Empress of India in fact, and the formal change only recognised an old truth. To call a collection of free communities an Empire sets the meaning of the term at defiance. As the fruit of conquest, as the territory of many Princes, and as despotically governed, India is an Empire in the proper sense. The debates on this question were enlivened in the House of Commons by a maiden speech from a genuine orator, Joseph Cowen of Newcastle, and enriched in the House of Lords by the manly eloquence of Lord Shaftesbury. But although the Opposition might well be proud of a support so emphatic, and so independent as Lord Shaftesbury's, and Mr. Cowen's, they could make no way against a Government which had behind it the people as well as the Crown. All they could obtain was an assurance that the Queen

1876. The Royal Titles Bill.

1876. should not be Empress west of Suez; while, as a matter of fact, the letters "R. & I." were habitually employed by Queen Victoria for the rest of her life, instead of the hitherto familiar "R." On the other hand, Mr. Disraeli had secured for himself the fervent and unshaken friendship of his Royal Mistress for the remainder of his days. One of his principal opponents was on this occasion so severely handled that, in a political sense, he never really recovered. Mr. Lowe, in a speech at Retford during the Easter holidays, asserted that two of Mr. Disraeli's predecessors refused to accept the proposal which their more pliant successor had taken up. Mr. Gladstone immediately denied that he was one of the two; and when the House of Commons met again, Mr. Disraeli vehemently contradicted the whole story on the authority of the Queen herself, and the tremendous invective of his old enemy, who had hated him cordially since 1867, almost extinguished Mr. Lowe, as a Parliamentary force. The proclamation of the Queen as Empress of India fell to be made in India by a Viceroy of Mr. Disraeli's appointment. Lord Northbrook, between whom and Lord Salisbury serious differences of opinion had arisen, resigned on the 4th of January, and on the 1st of March Lord Lytton, Her Majesty's Minister at Lisbon, left England to succeed him. The second Lord Lytton, whose father had been one of Mr. Disraeli's early friends, did not in literature rival the first; and though he was more successful as a diplomatist than as a poet, his conspicuous gift for writing brilliant despatches did not quite explain a wholly unexpected choice. The Proclamation was made with great magnificence at Delhi on the first day of 1877; and the Royal Titles Act was found only to have recognised the previous position of the British Sovereign.

Disraeli's revenge on Lowe.

The new Viceroy.

1876. The strong point of this Government was certainly not its finance. The splendid surplus which Sir Stafford Northcote inherited in 1874 had disappeared altogether in 1875, and in 1876 there was a deficit of eight hundred thousand pounds. The Budget. With the Income Tax at twopence, the temptation was irresistible, and the Chancellor of the Exchequer raised it again to threepence, at which it stood when he came into office. But as this would give him more money than he wanted, he repaired Mr. Gladstone's blunder of 1853 by raising the limit of total exemption from a hundred pounds to a hundred and fifty, the exempted margin of all incomes under four hundred pounds being also increased from eighty pounds to a hundred and twenty. Whatever might be the cause of the deficit, the Budget was in the circumstances unassailable, and passed with ease. So did a permanent measure for the protection of merchant seamen, to replace the temporary makeshift procured by Mr. Plimsoll's "disorderly" conduct the previous year, and an excellent Bill to restrict the enclosure of commons, for which Mr. Cross was responsible. This Act did much to promote the popularity of the Conservative Government with the working classes, who did not forget, especially if they lived in London, that Epping Forest, neglected by a Liberal Administration, had been preserved to the public in 1874 by Sir George Jessel, Master of the Rolls, at the suit of the Lord Mayor and Common Council, the embodiment of political Conservatism.[1] A useful Act to check the pollution of rivers, and one to regulate the performance of experiments upon living animals, were also passed during this fruitful, if uneventful session. Although the Vivisection Act did not satisfy extreme humanitarianism

Merchant Shipping Act.

Commons Act.

Nov. 15, 1874.

Rivers Act.

Vivisection Act.

[1] See *Commissioner of Sewers* v. *Glasse*, L. R. Equity Cases, xix. 134–166. The real plaintiff was the Corporation.

1876. by prohibiting the practice altogether, it required every experimentalist to hold a personal licence from the Secretary of State, and forbade the vivisection of any animal which had not been rendered insensible to pain. These measures were initiated in the House of Commons. In the House of Lords a Bill was introduced which passed both Houses, and completed the reform of legal procedure. Lord Cairns had been quite willing to abandon the appellate jurisdiction of the Peers. But professional opinion, and the prevailing Conservatism, had been too much for him. He therefore, like a sensible man, did his best to strengthen the tribunal he could not abolish, and proposed the immediate creation of two Lords of Appeal with high salaries, who would assist the Chancellor in the judicial business of the House. They would be Peers only while they held office, and their titles would not be hereditary. Being Privy Councillors, they would be able to sit on the Judicial Committee, and their number would be increased to four, as the paid members of that body vacated their places.[1] At the same time the intermediate Court of Appeal was strengthened by the transference thereto from the High Court of three puisne Judges,[2] and a most rational reform was made by allowing every Judge of first instance to sit alone, as the Vice-Chancellors had always sat. Thus the work begun by Lord Selborne was finished by Lord Cairns, and the two political parties shared the credit between them.[3] An Elementary Educa-

Appellate Jurisdiction Act.

[1] The first two Lords of Appeal were Mr. Justice Blackburn of the Queen's Bench Division, whose reputation as a lawyer was unsurpassed, and the Lord Advocate of the day, Mr. Gordon, whose qualifications were less obvious.

[2] Sir George Bramwell, Sir Baliol Brett, and Sir Richard Amphlett.

[3] Contrary to the wish of the High Churchmen, represented by Mr. Beresford Hope, it was provided that Episcopal Assessors should sit with the Judicial Committee at the hearing of ecclesiastical appeals. But they were to sit as Assessors only, not as Judges, and this made it

tion Bill, brought in by Lord Sandon, led to much confused fighting in the House of Commons. From the educational point of view the chief argument against it was that it did not provide for compulsory attendance at a time when, out of three million children who should have been at school, only two million were actually there. Some of its clauses were beneficial, such as the absolute rule against employing any child under ten. Others were harmless, such as the provision that casual vacancies in School Boards should be filled by the Boards themselves. Some, again, were attacked as unduly favourable to the Church, which profited largely by a clause enacting that the Parliamentary grant might exceed the amount of voluntary subscriptions and fees if it did not come to more than seventeen shillings and sixpence for each child. On the other hand, the Nonconformists were gratified by Mr. Forster's success in procuring the repeal of the twenty-fifth clause in his own Act, which they considered as a bribe for attendance at voluntary schools, subject to a proviso that, in England and Scotland alike, the guardians should pay the fees of parents too poor to pay them themselves. They were to be paid whatever school the child was attending, and the father was not to be disfranchised by this form of relief. There was a sharp battle over an amendment moved by an agricultural Member, Mr. Pell, and accepted by Lord Sandon, for the dissolution of School Boards where there were no Board Schools. If a School Board could do nothing else, it could enforce attendance; and what Mr. Pell really disliked was compulsory education in the rural districts, for which the Bill provided no adequate machinery, though it

1876.

Lord Sandon's Education Act.

possible to summon other Bishops than the Bishop of London, who alone, besides the Archbishops, is a Privy Councillor.

1876. expressly recognised the principle of compulsion. The amendment, however, was ultimately carried, with the conditions that two-thirds of the rate-payers must agree to dissolve a School Board, and that the Department in London must approve.

The annual debate on Home Rule, always regularly and patiently set going by Mr. Butt, was varied and enlivened in 1876 by a speech of surpassing eloquence from Mr. Patrick Smyth, who denounced with much energy, as an old Repealer, a system of Federalism unsuited to Ireland, and not demanded by the Irish people. Consummate rhetorician as Mr. Smyth was, his principles were obsolete, and his brilliant display was a mere academic exercise, which made scarcely a ripple on the surface of Irish politics. Home Rule was a genuine movement. Physical force was always in the background. O'Connellite Repeal was, in scriptural language, a dead corpse. The Prime Minister knew, and had long known, that the condition of Ireland was profoundly and vitally disturbed. He had known it, and proclaimed it, thirty years before. He never professed to believe that Mr. Gladstone's remedial measures, though the Church Act removed one of the grievances which he himself specified in 1844, would go to the root of the disease. But he had no other policy to propose. He did nothing, and left the witches' cauldron to boil.

Neglect of Ireland.

# CHAPTER XIII

## INTELLECTUAL AND SOCIAL PROGRESS

1874-76.

After the session of 1874, Mr. Gladstone found himself with time on his hands, and theological matters which he thought of much moment in his head. The Public Worship Act had convinced him that the interference of Parliament with ecclesiastical affairs was endangering not merely the peace of the Church, but the existence of the Establishment. He expressed this opinion very strongly in the *Contemporary Review* for October, arguing that fear of Romanism, which lay at the root of hostility to Ritualism, was especially unreasonable at a time "when Rome had substituted for the proud boast of *semper eadem* a policy of violence and change in faith; when she had refurbished and paraded anew every rusty tool she was fondly thought to have disused; when no one could become her convert without renouncing his moral and mental freedom, and placing his civil loyalty and duty at the mercy of another; and when she had equally repudiated modern thought and ancient history." The dogma of Papal Infallibility, thus emphatically denounced, was four years old. But besides the attack upon Ritualism, in which he saw the hated Erastian spirit, two events brought the position of the Roman Church in England forcibly before Mr. Gladstone's mind. The first was the conversion to Romanism of his friend and colleague Lord Ripon,

Mr. Gladstone and Papal Infallibility.

1874-76. a downright, straightforward Englishman of the most sterling type. The second was his own visit to Munich, where, in September, he had long walks and talks with Professor Döllinger. The spectacle of that learned and venerable priest of the Catholic Church under the ban of excommunication for rejecting the new doctrine "made," in his own language, his "blood run cold."[1]

There was no trace of coldness in the pamphlet with which, on his return to England, he assailed the policy of the Roman Court. It might be thought that this was no business of his. To British Protestants in general the proceedings of the Pope and his Council were matters of supreme indifference. They would as soon have thought of troubling themselves about the Grand Lama of Tibet. In this form of Papal aggression there was nothing which directly menaced England, or Scotland; and with the loss of the temporal power the Pope seemed to have become once more only the Bishop of Rome. But Mr. Gladstone was quite incapable of taking that view. He regarded the English Church as a branch of the Church Catholic, and earnestly desired the reunion of Christendom. To him, as an Anglo-Catholic, the vote of the Council in 1870 was a discouragement, and an affront. How deeply moved he was, how profoundly the wound had rankled, appeared from *The Vatican Decrees in their Bearing on Civil Allegiance: a Political Expostulation.* The extent and variety of Mr. Gladstone's theological learning were known only to his friends. That he understood politics nobody could deny; and his pamphlet was read by thousands, if not believed of course. Too hasty and rhetorical to be of much permanent value, it was a slashing and most effective onslaught upon a policy of improvident retrogression. Be-

His pamphlet on the Vatican Decrees.

[1] Morley's *Gladstone*, vol. ii. p. 513.

lieving the claims of the Holy See, as proclaimed in July 1870, to be both novel and baseless, Mr. Gladstone contended that there must have been a political reason for putting them forth, and that that reason was a design for the recovery of the temporal power. But, inasmuch as the Œcumenical Council had been summoned while the sovereignty of the Pope was protected by the military strength of France, the chronological flaw in this theory was fatal. Mr. Gladstone's position was much stronger when he came to the historical part of his case. Remembering the Ecclesiastical Titles Act, and its repeal, the most extreme Ultramontane could not deny that the Leader of the Liberal party had "laboured to maintain and extend the civil rights of his Roman Catholic fellow-countrymen." [1] His Irish University Bill of 1873 had gone, in the opinion of many Liberals, too far in the direction of conceding their claims. He, if any man, was justified in recalling the undoubted fact that before Parliament emancipated the Catholics in 1829 their most authoritative spokesmen had plainly renounced the infallibility of the Pope, and the principle of divided allegiance. "I think," said Bishop Doyle to a committee of the House of Commons in 1825, "I think the allegiance due to the King and the allegiance due to the Pope are as distinct and as divided in their nature as any two things can possibly be." The Hierarchy of the Roman Communion, addressing the Roman Catholics of Ireland in 1826, "declared on oath their belief that it was not an article of the Catholic faith, neither were they thereby required to believe, that the Pope was infallible." [2] Archbishop Manning, on the contrary, wrote in 1874, "If, then, the civil power be not competent to decide the limits of the spiritual power, and if the spiritual

1874-76.

[1] *Vatican Decrees*, p. 561.

[2] *Id.* p. 31.

1874-76. power can define, with a divine certainty, its own limits, it is evidently supreme."[1] Such language used thirty years earlier would have made it impossible even for the Duke of Wellington to pass the Catholic Emancipation Bill. It implied, whether it was meant to imply or not, that the Pope could release any British Catholic from allegiance to the Sovereign, and obedience to the law.

Mr. Gladstone was historically and logically right. But was he practically wise? Papal Infallibility had been decreed, and there was not the smallest chance of reversing it. Although it had given acute distress to a Catholic so devout as Dr. Newman, and although the excommunication of Dr. Döllinger was a public scandal, the mischief could not be undone. No sensible Protestant believed that his Catholic fellow-subjects, whatever he might think of their logic, were less loyal, or less patriotic, than himself. A Catholic Peer, Lord Denbigh, had declared that he was a Catholic first, and an Englishman afterwards; but there is a sense of the words in which Mr. Gladstone would have said the same. Forty years of public life should have taught the Leader of the Opposition that man was not a logical animal. The sale of his pamphlet was prodigious,[2] and numerous answers appeared. Manning took the high line, and renounced his old friendship with the author, for which he soon afterwards received a not unwelcome substitute from Pius the Ninth, in the shape of a Cardinal's hat. In a more sympathetic tone, and in language so beautiful that it survives as the most memorable part of the dispute, Dr. Newman at once upheld the divine authority of Rome, and lamented the policy which had alienated from the Church so

Papal answers.

March 15, 1875.

[1] *Vatican Decrees*, p. 54.

[2] 145,000 copies were sold before the end of the year. — Morley's *Life*, vol. ii. p. 519.

religious a mind as Gladstone's. But the true point was taken by Lord Acton in the *Times*. Lord Acton really agreed with Gladstone, and had in truth supplied him, though not for publication, with some of his most cogent facts. He knew, however, enough of history, and of human nature, to be aware that men are often better than their principles, and that an Englishman might be an orthodox Romanist without being a disloyal subject. Such a one indeed was the Duke of Norfolk, to whom Newman addressed himself as the social head of the Catholic laity in England. When the British public had firmly grasped this idea, the controversy lost its practical interest, and died away. Those who like imputing small motives to great men accused Mr. Gladstone of wishing to revenge himself upon Roman Catholics for their opposition to his Irish University Bill. He persuaded himself, on the other hand, that there was danger of a European war for the restoration of the temporal power, and published a second pamphlet, called *Vaticanism*, early in 1875, for which he received the thanks of Prince Bismarck, then engaged in a much more serious quarrel with the Vatican than his own.[1] *Vaticanism* had not the circulation of its predecessor. But Mr. Gladstone had reason to be satisfied with the numerous protests of Roman Catholics who, unlike Lord Acton, accepted the decree, against imputations of defective patriotism, or divided allegiance. A cooler head would perhaps have taken all this for granted. It was characteristic of Mr. Gladstone that he could not see fellow-Christians, or even fellow-creatures, going, as he thought, wrong, without an earnest attempt to impress upon them the errors of their ways.

1874–76.

Results of the controversy.

[1] These were the days of the Falk laws, and Bismarck's famous declaration that he was not "going to Canossa."

1874–76. At that time the supposed discrepancies between science and religion were liable on both sides to emphasis and exaggeration. While the American revivalists, Moody and Sankey, were preaching what they called the gospel with more zeal than knowledge, Professor Tyndall was informing the British Association for the Advancement of Science, which met in 1874 at Belfast, that he discerned in matter the origin of life. The Church of England, to which Mr. Gladstone was always faithful, accepted the infallibility of no pontiff, no preacher, and no professor. The difficulty in the case of the Establishment was that some clergymen could not be induced to acknowledge any authority whatever. Although High Churchmen complained loudly of the Judicial Committee as at once secular and hostile, they were not always unsuccessful when they appeared before it. The case of the Exeter Reredos was a complete victory for them. This ecclesiastical ornament had been erected by the Dean and Chapter without a faculty from the Bishop. Objection being taken on the ground that the structure contained images, which might be made the objects of idolatrous worship, the Bishop of Exeter,[1] acting under the legal advice of a retired Judge, Sir Henry Keating, ordered the Reredos to be removed. The Dean of the Arches[2] decided on appeal that the Bishop had no jurisdiction; and that, if he had, he exercised it wrongly, inasmuch as the figures complained of were harmless. Finally, recourse was had to the Judicial Committee, and Lord Hatherley delivered judgment in favour of the Chapter.[3] The Committee held indeed that the Bishop had jurisdiction, and

Moody and Sankey.

Tyndall's Address at Belfast.

The Exeter Reredos.

Feb. 25, 1875.

[1] Dr. Temple. [2] Sir Robert Phillimore.

[3] The other members of the Committee were Lord Penzance, Lord Selborne, Chief Baron Kelly, Sir Montague Smith, and Sir Robert Collier. See xliv. *L. J. R. Ecclesiastical Cases*, pp. 44–56.

that diocesan cathedrals were not extra-diocesan. But they distinguished between superstitious images, intended to be worshipped, and embodiments of sacred scenes, such as the Ascension, which the designer of the Exeter Reredos had portrayed. This judgment, besides being in strict accordance with good feeling, and common sense, was a proof that even an Erastian tribunal could give the ornamental side of public worship fair play. 1874-76.

While Sir Robert Phillimore remained Dean of the Arches, the most recalcitrant and unreasonable of High Churchmen had a friend at Court. Mr. Mackonochie, of St. Alban's, Holborn, had been suspended from his benefice by the Judicial Committee through Lord Chelmsford in 1870 for three months. In 1874, as he was still engaged in the same Ritualistic practices, Sir Robert Phillimore suspended him for six weeks; so that continued lawlessness offered him a good prospect of complete immunity in a short time. But some of Sir Robert Phillimore's decisions were far more startling than this. A Lincolnshire clergyman refused to allow the erection of a tombstone in the churchyard of his parish because it described a girl as "daughter of the Rev. H. Keet, Wesleyan Minister." No Wesleyan minister could, in the eyes of this Christian gentleman, be reverend, and he was supported in his opinion by the learned Bishop of Lincoln.[1] The Archbishop of Canterbury,[2] like most other people, took a different view. But there are always exceptions to the rule of common sense, and in this case there were two in the same family who both occupied official positions. The Chancellor of the Diocese of Lincoln, Dr. Phillimore,[3] and his father, the Dean

Mr. Mackonochie's suspension.

The case of Mr. Keet.

[1] Dr. Wordsworth. [2] Dr. Tait.
[3] Afterwards Sir Walter Phillimore, and a Judge of the High Court.

1874-76. of the Arches, decided that the epithet "reverend" belonged only to clergymen of the Established Church. In vain was Sir Robert Phillimore reminded that it had been applied to lay sages, to judges, and to old women. He was obdurate, and declined to overrule his son. Not until the
Jan. 21, 1876. parties came before the Judicial Committee did the voice of reason make itself heard. There it had an easy triumph. The Lord Chancellor[1] at once pointed out that as Mr. Keet called himself "Wesleyan Minister," he could have had no intention to deceive, and the Committee, which included Lord Penzance,[2] held that the legal title of a clergyman was not "Reverend," but "Clerk in Holy Orders," or, for shortness, "Clerk." Technicalities apart, any other decision from the court of final appeal would have been repugnant to common decency, and disastrous to the Church itself. It was lucky for the reputation of the Episcopal Bench that the Primate should have anticipated the judgment of a purely secular tribunal by addressing the complainant as "The Rev. Henry Keet." Well, indeed, was it for the Church of England as a whole, and especially for its ministers, that Sir Robert Phillimore did not exercise supreme power. Learned, upright, and amiable as he was, he belonged in ecclesiastical matters to the Middle Ages. When he rejected Mr. Keet's claim to describe himself as what he
Jenkins *v.* Cook. was, he had just described Mr. Jenkins of Clifton as what he certainly was not. Mr. Jenkins was neither a minister, nor a Wesleyan, but a lay Churchman repelled from the communion-table on the alleged ground that he did not believe in the

[1] Lord Cairns.

[2] The other members were Lord Hatherley, Lord Justice James, Chief Baron Kelly, Sir Barnes Peacock, and Sir James Hannen. See *Keet* v. *Smith*, L.R., 1 Probate Division, pp. 73–80.

devil. "Let Mr. Jenkins . . . write me a letter, 1874-76.
a calm letter, and say he believes in the devil, and I will give him the sacrament." Incredible as it may seem, this is the language in which the Reverend Flavel Cook refused to his parishioner the right of communicating in their parish church. The evidence upon which Mr. Cook founded his opinion that Mr. Jenkins did not believe in the devil is even stranger than the requisition that he should adopt that article of faith. It was that in a volume of selections from the Bible, printed for use at family prayers, Mr. Jenkins had not included any passage "concerning Satan and evil spirits." Mr. Cook, however, was not a lawyer, and there have been excellent clergymen who did not know what evidence meant. Sir Robert Phillimore, sitting judicially, found as a fact that Mr. Jenkins was lawfully excommunicated as "an evil liver," and "a depraver of the Book of Common Prayer." Even if Mr. Jenkins had been as clearly both as he was plainly neither, the case against him would not have been made out. For according to the canon it is only "open and notorious evil livers," or "common and notorious depravers of the Book of Common Prayer," that may, for the avoidance of scandal, be refused the sacrament. But to speak of Mr. Jenkins as an evil liver at all was preposterous, and if any newspaper had so spoken of him he could have recovered substantial damages. The logical process by which he was found to be a depraver of the Prayer Book is severely simple. As the Lord Chancellor[1] put it in his judgment,[2] "omission is rejection, and rejection is depravation." How depraved, then, or depraving, must be the Lectionary of the Church, which omits numerous chapters, and still more numerous verses, of the

[1] Lord Cairns.
[2] *Jenkins* v. *Cook*, L.R., 1 Probate Division, pp. 80–107.

1874–76. Feb. 16, 1876.

sacred Scriptures. Sir Robert Phillimore's judgment was, of course, reversed, and Mr. Cook proved at least his sincerity by resigning his benefice rather than give the sacrament to Mr. Jenkins.[1] But Mr. Cook was not the most important person concerned. The indiscretion of a single incumbent, however gross, is a very small matter when compared with the frame of mind that allows, or impels, an ecclesiastical judge to stigmatise as an evil liver any one whose selections from the Bible are not such as he would have made himself. By the time, however, that the judgments in these two cases were pronounced, Sir Robert Phillimore had ceased to be Dean of the Arches, and had been succeeded by Lord Penzance, who concurred in both of them. The Public Worship Act of 1874 conferred the Deanery upon Lord Penzance on occasion of the first vacancy, and the Judicature Act of 1875 assigned Sir Robert Phillimore, as Judge of the Court of Admiralty, to a Division of the High Court which did not deal with ecclesiastical causes.[2] Thus the inconvenience of two ecclesiastical tribunals with co-ordinate jurisdiction was avoided, and a few weeks after the Public Worship Act had come into force the Judge appointed to administer it became also Dean of the Arches.

The position of Lord Penzance.

July 1, 1875.

A quarrel between High Church and Low Church has usually more interest for Parliament, and for the public, than an attack upon the foundations of revealed truth. The anonymous treatise called *Supernatural Religion*, which appeared in 1874, though it criticised with unflinching severity the claim of the New Testament to be either authentic or inspired, attracted less notice in the

*Supernatural Religion.*

[1] The members of the Court were the same as in Mr. Keet's case, with the addition of the Archbishop of York, Dr. Thomson.

[2] Probate, Admiralty, and Divorce.

world at large than the raiment of Mr. Mackonochie. The book was not written in a popular style, and the secret of its authorship, which was well kept, excited only a passing curiosity. Its most formidable critic was Professor Lightfoot of Cambridge, who convicted the writer of so many inaccurate statements that the value of the book was almost destroyed. 1874–76.

Both in history and in philosophy the year 1874 was a remarkable and fertile one for England. The posthumous publication of Mill's *Three Essays on Religion* was rather a personal than a philosophical event. The book is not a profound, or an original, treatise, but a candid and interesting admission that Mill had not found materialism to be a satisfactory explanation of the universe. Professor Tyndall's Belfast Address derived no support from Mill. But at this time the historic process of investigation adopted by Sir Henry Maine had become popular in the academic world, and Mr. Henry Sidgwick applied it to moral philosophy in his *Methods of Ethics*. Mr. Sidgwick, though himself inclined to utilitarianism, aimed at setting rival systems with judicial fairness side by side. He was as much an Aristotelian as Jowett was a Platonist, and no modern work is more Aristotelian in style. A man of equal philosophic power, Thomas Hill Green, the leading tutor at Balliol, and a leading citizen of Oxford, edited this year, with a severely critical introduction, Hume's famous *Treatise of Human Nature*. It was a new and perhaps not altogether a desirable thing to reproduce a classic for the purpose of showing the imperfections of the author. Green, however, was firmly convinced that the sceptical, or material, philosophy was with Hume played out; that Mill added nothing to it, was even inconsistent with Hume; and that only the study of idealists, such as Kant and Hegel,

Mill's *Essays on Religion.*

Henry Sidgwick.

Thomas Hill Green.

1874-76. could result in any substantial progress. To Hume's greatness he paid an ungrudging tribute, and it was his belief that in refuting him he would necessarily destroy all subsequent speculations of the same school that led to the polemical edition of the *Treatise*. John Richard Green, also an Oxford man, brought out in 1874 his *Short History of the English People*. Not since the death of Macaulay, whom Green in some respects resembled, had any history been read like this. Although Mr. Green was really learned, his knowledge sat lightly upon him, and he wrote a style which every one could both read and enjoy. A staunch and stalwart Liberal, he never concealed his principles, which he held as strongly as he loved his native land. But he gave no offence to the most unbending Conservatives, and his brilliant, vivid narrative was devoured, with an appetite independent of opinion, by men and women, young and old. Very different in scope and treatment was the *Constitutional History* of mediæval England by the Professor of Modern History at Oxford. The Reverend William Stubbs, who first became known to students by his masterly introductions in the *Rolls Series* of early English documents, had been appointed Professor by Lord Derby, then Prime Minister, in 1866. Although he remained on terms of intimate friendship with Green, there was nothing in common between the two men, except industry and zeal. Green, who was once a clergyman, had relinquished his orders, and abandoned dogmatic belief. Stubbs was throughout his life a devoted Churchman, and a consistent Tory. Gifted with singular natural capacity both for research and for expression, he had an almost morbid dread of eloquence, and as an historian held himself closely in. His humour, which on ceremonial, and even ecclesiastical, occasions proved irrepressible, was

John Richard Green.

William Stubbs.

rigidly excluded from his *History*, which the general public did not read. To serious students it is a priceless monument of profound study and accurate research. Stubbs did not share the pedantry which too often disfigured the work of Freeman, and his book compelled the admiration of German Professors who had accustomed themselves to despise the shallowness of Oxford. It was in this same year 1874 that Henry Reeve, editor of the *Edinburgh Review*, committed the praiseworthy indiscretion of publishing the *Greville Memoirs* down to the death of William IV. Readers of these pages do not need to be told what an invaluable commentator on passing events was Charles Greville. It was not as Clerk of the Council, but as a man of the world, mixing in the best political society, that Greville acquired his claim to be considered a valuable compiler of that history which is not spoiled by knowledge of the event. 1874–76. Charles Greville.

Mr. Disraeli never forgot, in dealing with authors, that he was one of the craft, and, when he offered Tennyson a baronetcy, as Mr. Gladstone had done before him, he remarked, grandiloquently, "A Government should recognise intellect. It elevates and sustains the spirit of a nation." [1] Except that he substituted "tone" for "spirit," he wrote precisely the same words to Carlyle in offering him at the same time a pension with the Grand Cross of the Bath.[2] This offer, incongruous as it may seem, showed real magnanimity. For Carlyle had never mentioned Disraeli except in terms of contempt, and in *Shooting Niagara* had depicted him as a man devoid of patriotism or principle. Disraeli seldom bore malice, and he would no doubt have enjoyed the humour of the situation if Carlyle had Dec. 29, 1874.

[1] *Tennyson: a Memoir*, vol. ii. p. 261.
[2] Froude's *Carlyle in London*, vol. ii. pp. 429–430.

1874–76. swallowed the bait. But Carlyle, who had always been severely frugal, did not want money, and "titles of honour" were, as he said, "out of keeping with the tenour of his own poor existence." Though certainly not a democrat, Carlyle had the pride of a Scottish peasant, and was imbued with the sentiments of Burns.

A brilliant and popular disciple of Carlyle so far as a clergyman could be so, died prematurely in 1875. Charles Kingsley was only fifty-six, and one of Mr. Gladstone's last ecclesiastical appointments was to make him a Canon of Westminster. Five years before he had resigned the Chair of Modern History at Cambridge, in which he had been quite out of place, and as a novelist he was inferior to his brother Henry, who died in 1876. But he was a true social reformer, his religious influence with the working classes was not excelled by any of his contemporaries, and his ballads have the genuine poetic ring. If neither his theology nor his political economy was orthodox, his philanthropy was genuine, and he never ranted in verse.

Death of Charles Kingsley.

Bishop Thirlwall, who died in 1875, aged seventy-eight, had resigned the See of St. David's in the previous year. In sheer intellectual power none of his colleagues equalled, or even approached him, and his learning, like his eloquence, inspired admiration not unmixed with awe. He was buried at Westminster Abbey by the side of Grote, whose *History of Greece*, if more elaborate, is not better than his own. Another and a greater historian of the same country, as well ancient as modern, departed in the same year. George Finlay, whom Mill compared favourably with Gibbon, died at Athens, which he had made his home. His quarrel with the Government of King Otho convulsed Europe in 1850.[1] After the settlement of his claims the illustrious

Death of Bishop Thirlwall.

Death of George Finlay.

[1] See vol. i. pp. 166–168.

Scotsman lived in peace, and finished his monumental work at leisure in 1861. Comparison with Gibbon is a doubtful advantage, and a perilous compliment. Finlay is more securely placed in a triumvirate of compatriots with Robertson and Hume. 1874-76.

On the 18th of February 1875 a singular scene was presented in the House of Commons. A disbarred lawyer, by name Edward Vaughan Kenealy, appeared at the table to take his seat for the borough of Stoke. It is the custom of Parliament that a Member returned at a by-election should be introduced to the Speaker by two of his colleagues. No one would support Kenealy, and he walked up the floor of the House alone. John Bright, with characteristic generosity, offered to conduct him. But it was thought better to dispense with the rule, and Kenealy was sworn without introduction. His election was a curious freak of popular prejudice, due to the belief that a client of his, Arthur Orton, was really Sir Roger Tichborne. For more than three years this impostor had been the talk of the street, and the numerous class which would rather believe anything than evidence adopted his incredible story. The man he personated had been drowned at sea, lost with a ship called the *Bella*, which left Rio in April 1854, and was never heard of again. More than twelve years afterwards, Orton, the son of a butcher at Wapping, but himself living in Australia, answered through an attorney of Wagga-Wagga the advertisement of Lady Tichborne for her son. The fellow raised enough money to bring him home, and persuaded Lady Tichborne, whose mind had failed, that he was Sir Roger. Before he saw her in Paris, he had paid a precautionary visit to Wapping, and had also been shown the family place at Tichborne The Tichborne case.

1874-76. in Hampshire, where he picked up some local knowledge, though not much. Indeed, the strangest part of his strange adventures was the clumsiness of the fraud which imposed upon so many sane people. On the 11th of May 1871 he began an action in the Court of Common Pleas for the recovery of the Tichborne estates, which were then vested in trustees for Sir Alfred Tichborne, a minor. As the property was estimated at an annual value of five-and-twenty thousand pounds, the game was worth the candle, and the witnesses for the plaintiff were numerous. Men who had served with Sir Roger in the Army, the servants of the house, and even the family lawyer, were convinced that Orton was Tichborne. Lady Tichborne, who died before the trial, left an affidavit, on which she was never cross-examined, to the same effect. Yet there seems to have been no real resemblance between the butcher and the baronet. Sir Roger was slender, delicate, and refined; Orton was coarse, vulgar, and obese. Sir Roger, if no great scholar, had received a liberal education at Stonyhurst. The claimant, as he was called, had never read anything, and did not know Latin from Greek. His cross-examination by the Solicitor-General, Sir John Coleridge, at which some critics, knowing nothing about the case, sneered as too elaborate, was a complete exposure of the claimant, who put the final stroke to his ignoble infamy by swearing in the lady's presence that he had seduced Sir Roger Tichborne's cousin.[1] Sir John Coleridge's great speech for the defence, delivered after he had become Attorney-General,

[1] This cross-examination was much criticised at the time. But "when the subsequent prosecution for perjury took place, it was then seen how searching and thorough that cross-examination had been; how in effect, if I may use a fox-hunting metaphor, all the earths had been effectually stopped." — Sir Charles Russell (Lord Russell of Killowen). See *Life of Lord Coleridge*, vol. ii. p. 194.

did not admit of any logical reply, and when he sat down on the 21st of February 1872, after speaking on twenty-six days, the case was really at an end. A few days afterwards the jury interposed, suggesting that no further evidence for the defence was required, and the claimant's counsel, Serjeant Ballantine, elected, as he then could, to be non-suited. A non-suit, however, was no bar to further proceedings, and it was felt that after a trial which had lasted more than a hundred days, there must be an end of this man. Chief Justice Bovill ordered his prosecution for perjury, and the expense of conducting it was assumed by the Government. Unfortunately it was thought necessary to have a trial at bar, which occupied the time of three Judges[1] from the 23rd of April 1873 to the 28th of February 1874. It was in this second and criminal trial that Kenealy represented the claimant against Mr. Hawkins,[2] who appeared for the Crown. There was no fresh evidence of importance, except that Jean Luie, a gaolbird, was suborned for the defence, and set the truth so far from him as to say that he had been rescued with the claimant from the wreck of the *Bella*. During the ten months for which, with the interval of the Long Vacation, this portentous trial was spun out, newspapers sold as they had never sold before, and the public read all the details of a case from which the element of doubt had long disappeared. The defendant's counsel did all he could to lengthen the proceedings, which were further protracted by Lord Chief Justice Cockburn's love of personal display. When the inevitable end came, the jury added to their verdict of guilty an unprecedented condemnation of Kenealy's attacks upon the principal witnesses for the Crown. The law of

1874-76.

March 14.

[1] Cockburn, C.J., Mellor and Lush, J.J's.
[2] Afterwards Lord Brampton.

1874-76. England assigns penal servitude for seven years as the heaviest punishment of perjury. Fortunately the claimant had committed the offence before an examiner in Chancery, as well as in the Court of Common Pleas, and therefore the Judges were able to give him fourteen years, which, though insufficient, were at least twice as good as seven. His advocate was disbarred by the Benchers of Gray's Inn, and in the House of Commons Mr. Bright so effectively exposed Kenealy's charges against the tribunal which sentenced his client that he found no support, and soon sank into oblivion.

Dec. 2, 1874.
May 23, 1875.

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