

CHAPTER XL

1870-74

THE FRANCO-PRUSSIAN WAR—ARMY REFORM—EDUCATION—CHURCH AND STATE

DURING the period of the Liberal Administration (1868-1874) important events had occurred on the Continent.

In August, 1870, war was declared between France and Prussia. This war originated in the objection raised by France to the acceptance of the offer of the throne of Spain by Prince Leopold of Hohenzollern, and although this acceptance was afterwards withdrawn, the refusal of Prussia to give any guarantee for the future was made the pretext for hostilities between the two countries. In the contest which ensued, the Duke's sympathies were on the side of Prussia. He wrote to Mr. Gladstone (August 31st, 1870) :

‘What a war! but I am thoroughly German. . . . Still, I think the Germans would make a mistake if they took Alsace.’

A Cabinet had been summoned to meet on September 30th, to consider the question of mediation on the part of England between France and Prussia. The Duke, who had been cruising in his yacht on the west coast of Scotland for some weeks, wrote to Mr. Gladstone on his return to Inveraray (September 28th) :

‘ We returned from a cruise yesterday. I guessed that about this time there would be a Cabinet.

‘ But, as bad luck would have it, I have been attacked by gout, and I am so lame that I don’t expect to be able to move to-morrow, although I must go up to London as soon as I can, at any rate, on some Indian matters.

‘ If I am not at the Cabinet, I can only say that, as regards foreign affairs, I cannot see how we can as yet do any good by arbitration, or even the offer of it. The French have not yet come down to the level of common-sense. The sacrifices they were prepared to inflict on others they seem to think quite impious when threatened to themselves. . . . I am myself disposed to think that Germany makes a mistake in asking for Metz and Strasbourg. The line of the Vosges is more reasonable, but, on the whole, I believe their wisest plan would be to be content with the destruction of Strasbourg as a fortress. But who has a right to dictate terms to Germany after all the risks she has run and the tremendous victories she has gained ?’

The day after this letter was written, the Duke was able to travel to London, and he was present at the Cabinet at which it was decided that England should refrain from mediating between the hostile countries. The Duke wrote to Mr. Gladstone (November 25th, 1870) :

‘ I have myself never argued in favour of the German annexation of Alsace and Lorraine, but only against our having any right to oppose it otherwise than by the most friendly dissuasion.’

To Mr. Gladstone (October 24, 1870).

‘ We move up to London—all, very soon. As you may suppose, I have “urgent private affairs” at present.

‘ On Foreign Affairs I vote a vote of confidence in you and Granville* readily.’

The ‘ urgent private affairs ’ alluded to in this letter were connected with the arrangements for the impending marriage of the Duke’s eldest son, the Marquis of Lorne, to H.R.H. Princess Louise, the fourth daughter of Queen Victoria, which took place on March 21st, 1871.

The Franco-Prussian War terminated early in 1871, when Paris capitulated after a three months’ siege. The terms of peace gave to Germany an indemnity of two hundred millions sterling, and the provinces of Alsace and Lorraine.

At the beginning of this year, the King of Prussia was proclaimed Emperor of Germany. Some correspondence between the Duke and Professor Max Müller at a later period gives the Duke’s impression of the first Emperor of Germany.

From Inveraray (April 11th, 1888).

‘ MY DEAR PROFESSOR,

‘ I read your speech the other day on the Emperor William with great interest. It brought back to me my dear old friend Bunsen and all his excitement about German unity in 1848, when he was universally laughed at in London. He came one day to a breakfast at our house with great tricolour rosettes of the German colours, and hideous they are as a combination of colours.

‘ But you mention some things in your speech which, if I understand them, are new to me. You seem to say “ that Bunsen advised the then King to yield to the Berlin mob, and to order off the troops ! Is

* Lord Granville had been appointed Minister for Foreign Affairs on the death of Lord Clarendon on June 27th, 1870.

this so? I do not recollect hearing of it at the time. I *do* recollect meeting the present Emperor,* then a youth, at Stafford House, and his telling me that he felt inclined to "break his sword" when the troops were "retired."

'When you say that the late Emperor was greater than the greatest of all his predecessors, I pause. Do you really think so? Was he as great a man personally as Charlemagne? I doubt it; but he chose Bismarck, and that was an imperial office and an imperial recognition. For the rest, wonderful opportunities offered—but this is always so with the world's great actors.

'I have been reading your reviewer, Stephen, and I don't like what he says. It is meagre. He agrees with you where, I confess, I venture to differ. I cannot *identify* language and thought except in the sense in which I can identify a flower with "vegetable vitality." Language seems to me a product of thought, or, if you like, a vestment, an embodiment, an efflorescence. But thought lies underneath, behind, above—something independent of expression in sound. Every day the scientific men are coining new words to try to overtake the invasion of new concepts which discovery is suggesting.

'Does anyone in Germany think anything of that strange philosophical sect represented by the "Philosophy of the Unconscious"? Wild as it is in some ways, I think there is a great deal in it, and its perception of the anti-materialistic aspects of Nature is refreshing in these days of a corrupt Darwinism.

'I have had a severe attack of gout, and am just recovering. Pray excuse my desire to have a moment's chat with you about my dear old friend Bunsen as well as on other matters. How charming Bunsen was! You say truly he was never understood by the John Bull element in society. I shall never forget his

* The Emperor Frederick.

enthusiasm in 1848, and the sadness with which, in later days, he once said to me, speaking of the unity, "It *will* come some day."

'I have always been heartily in favour of it—as the best check on France. But I have doubts how far unity *under one Government* is at all sure to stand. Are you sure of it?'

Professor Max Müller replied (April 14th, 1888):

'MY DEAR DUKE,

'I did not wish to imply that Bunsen advised the King to yield to the Berlin mob. Bunsen, as far as I remember, was not in Berlin at that time. Of course, like everybody else, Bunsen was a little off his balance in February, 1848, and he thought that what happened in 1871 ought to have happened in 1848. I believe he exercised an excellent influence on the Prince of Prussia at that time, and his advice has borne good fruit.

'When I spoke of the late Emperor as great, I thought I had made it clear that I spoke of his work, not of his personal gifts. But that was the very lesson I wanted to teach—that a very ordinary lever may be used in history to lift the world out of its old hinges. He had a good horse to ride, and he proved himself a good jockey. In his character, so far as I knew him, there was much to admire. He never was self-indulgent; he was very humble, very industrious, very truthful. How different from Napoléon le Grand! As to Charlemagne, we know very little of his private character; what we know of his family life does not give one a very high idea. But, great as the work is which he achieved, it seems to me that a united Germany in the centre of modern Europe is a greater work; and the difficulties were enormous. No doubt the Emperor had Bismarck's assistance. But Bismarck, too, is personally—so I am told—a very ordinary mortal, and far less free from human weaknesses than the Emperor. But he too knew how to ride his horse,

and a splendid horse it was. In the end it was the German people, and, in one sense, the German school-master, who really did the work. But that is understood; and when we say that the Emperor won the Battle of Sedan, we mean his generals, his officers, his soldiers down to the smallest drummer-boy. I have great faith in the future of Germany. If only England would take a leap, and openly join the league of peace, I do not see how war for some time to come would be possible. Where I admire Bismarck's cleverness is in his allowing so much home rule to Saxony, Bavaria, Württemberg, etc., and yet reserving all imperial interests for the Reichstag. That showed a bold hand and real political genius. I hope that no attempt will be made to simplify matters, as they call it, and to swallow up some of the minor principalities. They are centres of life and very useful, without being dangerous any longer.

'I was so sorry to hear of your attack of gout. Sir Andrew Clark tells me I suffer from suppressed gout. I only hope he may suppress it altogether.'

One of the questions which engaged the attention of Parliament in 1871 was a scheme of Army Reform, which included a provision for the abolition of the purchase of commissions. Mr. Cardwell, the Minister for War, introduced a Bill on the subject, which passed the House of Commons and was sent up to the House of Lords. The Duke of Richmond met the second reading with an adverse motion (which was carried by a majority of twenty-five) to the effect that the House of Lords declined to read the Bill a second time until a more comprehensive scheme of army reorganization had been laid before the House. In the course of a speech on this motion, in which the Duke defended the Government proposals, he said (July 17th, 1871):

‘ In the first place, to look at purchase in its external aspect, as compared with other institutions, I suppose it cannot be denied that it is a system wholly exceptional. It does not exist in the navy, nor in any other army in the world, nor in the scientific parts of your own army. It is a system which you confess you would never have thought of introducing ; and, lastly, it is a system which, as now practised, is illegal and contrary to law. These are facts which you cannot deny. . . . I am speaking of the system of purchase as it is now practised, of which *over-regulation* prices are an essential element. I am not speaking on my own authority in saying that the over-regulation price is an essential part of the system, and cannot be disentangled from the regulation price, for it is pointed out by the Royal Commissioners that the two are inseparable. It is obvious that when you allow men to bargain for a valuable commodity, and do not interfere with their bargain, you cannot practically regulate the price that will be paid ; they may pay the regulation price overtly, but behind your back they will make what additional bargain they please.

‘ In the second place, how shall we define purchase in itself without reference to other institutions ? Indignation has been expressed at its being called a system of promotion by money, not by merit. I do not wish to adopt any term implying anything in the nature of a prejudice ; I wish to use language, in so far as I can, which noble Lords opposite will recognise as a fair representation of the facts ; I say, then, that purchase is promotion by seniority qualified by money. Again, it is promotion, I will not say irrespective of merit, but irrespective of comparative merit. The senior officer who has the money has the right ; and whether he be a man of superior merit or a man of very inferior merit is a matter of pure chance. Purchase is a system of promotion, carried up to the command of regiments, by seniority qualified

by money, without any reference to comparative merit. . . .

‘I will give you a third definition of purchase. My noble friend [Lord Northbrook] has excited vehement objurgation by describing the purchase system as a “spider’s web of vested interests.” I believe, however, offence was not taken at his saying it was a web, but at his calling it a spider’s web, because a spider is an unpopular insect. I therefore drop the spider, and say that the purchase system constitutes the army one vast web of vested interests. Is it possible to deny that? You have from eight million to ten million pounds sterling invested by some 5,000 or 6,000 officers. Does not that necessarily imply an intricate system of vested interests? It is impossible to touch the army system at any point without touching the vested interests which officers have acquired. . . .

‘I would say, therefore, to noble Lords opposite, who admit that purchase is not to be defended in principle, that they will not be allowed to get off by the use of such vague expressions in this House, and that they will be brought to book by more critical assemblies. Unless you can defend the purchase system by argument, when the public come to know, as they must know (and I wish to use nothing in the shape of clap-trap, nor make any appeal to popular prejudices), that the system is by your own admission indefensible, you will find that it will be impossible to maintain it. I counsel you, then, to give it up in time. What is the use of fighting for a system which all men of intelligence know to be dead and gone? What is the use of prolonging the contest in favour of that system when you yourselves confess that we now propose to abolish it by means of a scheme which gives liberal and ample compensation to the officers? . . .’

The doom of purchase was not long delayed. It existed by virtue of a royal warrant, not by virtue

of an Act of Parliament, and, at a meeting of the Cabinet on the day following the adverse motion in the House of Lords, it was decided that Her Majesty should be advised to cancel the existing warrant, and that another warrant, abolishing purchase, should be issued. The consent of the Crown to this course was announced to the House of Commons on July 20th. The Bill was afterwards passed by the House of Lords, in order to secure the compensation to the officers which the terms of the Bill provided.

In the subject of education the Duke was deeply interested, but he did not enter into the debates on the English Education Bill of 1870. His attention was naturally more engrossed by the Education Bill for Scotland, the responsibility for which rested largely with him. A Royal Commission, of which the Duke was chairman, had been appointed in 1864 to inquire into the condition of education in Scotland. In 1867 that Commission, which is generally known as the Argyll Commission, issued a Report, showing that the existing parochial system was in several respects defective, and required amendment. A Bill embodying the recommendations of the Commission was therefore drafted, and was introduced in the House of Lords by the Duke on February 25th, 1869. The substance of his leading speech on the subject consisted of a critical exposition of the differences between education in Scotland and education in England.

‘ You must have been struck with the very great difference which exists between the condition of public opinion in Scotland and in England upon this great subject of popular education. I think it cannot but surprise some members of this House to be told that a Commission, consisting of men of all political parties and of all religious denominations in Scotland, has

unanimously recommended the giving to a Central Board such large and arbitrary powers of imposing additional rates for educational purposes, enabling it to go to great cities like Glasgow, having an important municipal body, and direct the erection of a school in any particular street or ward. How has this great difference of feeling arisen? You will recollect the terms in which, last year, when the noble Duke opposite [the Duke of Marlborough], then President of the Council, introduced his Bill, he referred to permissive rating, the strong objections he urged to it, and how impossible he thought permissive rating in England. I really believe that if we were to propose a Bill for England, with powers of compulsory rating such as these, each particular hair on the noble Duke's head would stand on end; and I do not believe it would receive the assent of anything like the same proportion of men of all political parties in this country. The question naturally arises, How has this great difference of opinion between the two countries come about? How is it that the people of Scotland are so anxious for education that men of all parties and of all Churches are willing to ask for such powers as these to be given to a Central Board? The answer to the question is that this state of opinion is due to some of the great leaders of the Reformation in Scotland. The parochial system in Scotland was founded by John Knox, who laid down the principle, which has never faded from the popular mind in Scotland, that it is the duty and the function of the State to insist upon the education of the people. In language of singular eloquence and fervour, which, even at this distance of 300 years, it is impossible to read without emotion, he insisted before the Parliament of Scotland that it was their absolute duty, if they desired that the light of the Reformation should be maintained in Scotland, to found a great system of national education. Nor was it a mere vague suggestion. Every part of the scheme, even

that which we are now only about to adopt, was laid down in that address by Knox. He provided for the establishment of parish schools; he desired to see borough schools for the middle classes; he desired the erection of great colleges and Universities for the higher education to be given to the higher classes. Nay, more, he provided for annual and continual inspection, and he laid down a principle which only very lately has been acknowledged in our legislation, but which, I strongly suspect, is about to play an important part in the legislation of the country—that education in certain classes must even be made compulsory. That principle has been adopted by Parliament in all the Factory Acts, and in other Acts regarding the employment of children; it has been adopted bit by bit, slowly and quietly; and I believe there are many persons who are not at this moment aware of the extent to which our legislation is committed to that principle in England. That principle was laid down by the great Reformers of Scotland. The advantages which she has derived from her parochial system have all sprung from that source; and it is due to the memory of these men to say that this system of general education was laid down by them alone; and, so far as I know, in no other country to which the Reformation extended was it adopted in the same degree, nor was the same importance attached to it. So far as I have been able to ascertain, no one of the English Reformers laid stress upon the education of the people, but the Reformers of Scotland alone.

‘I believe that the secret of the difference is this: that in Scotland the Reformation came from below, while in England it came from above; so that the interests of the people were always foremost in the minds of the Scottish Reformers, and hence they derived their singular clear-sightedness on this question. It is from this source that the Scottish people have derived their strong appreciation of the blessings of education. But, at the same time, I am bound in

honesty to point out to this House that this Bill, in many respects, widely diverges from the principles laid down by our early Reformers.

‘It is unquestionably true that in their time the education of Scotland was designed to be what is now called a denominational system. It was to be both national and denominational—that is to say, it was to be strictly national, but it was also to be strictly religious. Such a system was possible at that time. In the view of John Knox, the whole population of the country was to be of one Church; and under these circumstances it was natural and perfectly right that the national system should be strictly denominational—that is to say, when the people were all of one religion and of one Church, it would be perfectly natural, and, in my opinion, perfectly right, that Parliament should connect education with the teaching of that Church. But, unfortunately, we are not now in the position in which John Knox was, or in which he hoped Scotland would be. For though we are not much divided as regards doctrine, yet we are keenly divided on points of ecclesiastical discipline, and we can no longer hope for the establishment of a united system of education under any one Church. Under these circumstances, I think a great step is now proposed by the system provided by this Bill: to cut off the connection between education and the conduct of particular religious bodies. The inspectors are no longer to be necessarily members of any particular denomination, and they are not to be confined to the inspection of schools connected with any particular denomination. Above all, it is expressly provided that they are to take no cognizance of religious instruction unless the managers of the schools themselves desire such cognizance to be taken. This is an important part of the Bill, and without it we could not possibly have had that assent to our measure which we have received from all parts of the country. We have full confidence that the ratepayers

will conduct the new schools in respect of religious instruction much in the same way as the parish schools have been conducted. There really is no difference in the management of the different denominational schools in Scotland. It has been proved over and over again that parents do not care in the least degree what is the religious connection of the school to which they send their children. They send them to the best school, whether that school be an Established Church school, or a Free Church, or a United Presbyterian school. We propose, therefore, to take no cognizance of religion in these schools. In point of principle, this course is rendered all the more easy by the example set last year by the noble Duke opposite [the Duke of Marlborough], in recognising, for the first time, secular schools in England as entitled to a share in the Privy Council grants. We take no notice of the religious instruction taught in any of these schools, except this, that we impose upon all the schools a stringent conscience clause. No public money is to be given to any school that does not submit to such a clause. But the truth is, that here, also, I am glad to say, we are not met with the same difficulties as those which prevail in England. In Scotland it has always been the custom that Roman Catholics may obtain the advantages of secular instruction at the parish schools, without being compelled to go through the religious teaching. The same system has been universally adopted in the Free Church schools and in all others, except, as I have been informed—though I hope it is not true—that the Episcopal Church will not allow secular instruction to be given in their schools without the pupils going through the catechisms of their Church.

The opponents of the Bill, of whom the Duke of Marlborough was the chief, laid stress on the question of denominational education, and in a speech on the

second reading the Duke again dealt at some length with this aspect of the subject.

‘With regard to denominational education, I never have objected, and never will object, to the principle of denominational education, except upon one ground, and that is that it is incompetent to overtake the educational wants of the country.

‘I agree in the opinion that in itself, and in the abstract, it is an advantage that children should be brought up in connection with some definite system of dogmatic teaching. But there is no denying the fact that up to the present time there has been a lamentable deficiency of education in Scotland under a system which may be regarded as at once denominational and national. Let me remind the House that in principle the old national system of Scotland was the system of rating—rating on the owners and occupiers of property, and if that system is intended in the present day, you must take all the consequences which flow from the extension of religious dissent. You cannot have a system founded upon rating, among a people who are divided in religious opinion, without more or less impairing your denominational system. But in Scotland, though the people are frequently divided on points of ecclesiastical discipline, there is, for the most part, tolerable unity in points of purely religious doctrine. The national system of Scotland, by a Bill which was passed some years ago, was separated from the exclusive connection with the Established Church. The masters may be Presbyterians, Episcopalians, and in some cases Roman Catholics. There is absolutely no restriction upon the choice of schoolmasters.’

The Bill passed the second reading, but was altered in Committee, and was returned to the House of Lords so late in the session that the consideration of it was postponed.

The measure was not brought forward again until 1872, when, during the debate in the House of Lords, the Duke spoke to the following effect :

‘ Without in the least desiring to utter anything that might be regarded as a threat, I should regard further delay in the settlement of this question with considerable fear, lest it should result in the adoption of a purely secular system of education, a result to which I look forward with much dread. Under no circumstances would I be the mouthpiece of a Government which should propose the adoption of such a system, and therefore I must be held free from uttering that warning in the light of a threat, but I am bound to tell you that I am alarmed at the prospect of this question of education being delayed much longer. Although the Act of 1870 has been wisely accepted as a compromise, both by the Church of England and by a large portion of the dissenting Churches in this country, no one can deny that a very alarming agitation has been got up against the principles of that Act, and against any remaining relics of religious education which were preserved by it. Even men for whom I have the highest respect show a tendency to adopt a purely secular system of education. I regard such a system as an impossible ideal, and such, I hope, it will remain—at least, during the present generation. It would be very strange indeed if, in this Christian country, no child were to be allowed to receive any religious teaching whatever in our schools ; that they should receive an education without hearing the name of God or receiving a glimpse of a future state. My objection to the secular system is that it puts positive obstructions in the way of religious education. The advocates of the secular system recommend that the masters should be actually prohibited from giving religious instruction, and that religious instruction should be given neither in the same place nor by the same men as secular instruction. This is putting abso-

lute legislative restrictions upon religious education, and I cannot be one to recommend such a system to Parliament. . . .

' Why, what is the real necessity under which we are called to legislate at all on the subject of education ? Is it not because the Churches have failed to overtake the growing wants of the people ? And therefore, unless the opportunity for religious instruction be given in the national schools, it is almost certain that a large proportion of the people will get no religious instruction at all. On these grounds, then, on the ground of the positive merits of the measure, on the ground that it finds a solution of the difficulties under which we labour, I venture to recommend it to the favourable consideration of your Lordships. It is not without some reluctance that I present to you a Bill which, even in appearance, interferes with the system of education which has existed so long in Scotland, and of which we have been so proud, and which, as far as it extends, has unquestionably done its work so well. But the more you look at this Bill, the more you will see that the edifice it proposes to raise is an edifice raised on the lines of the ancient Scottish system, with no other changes in it than those which are required by the changed condition of society and the changed relation of the Churches to that society. It has been suggested that we should legalize the " use and wont " of the Scottish people in regard to religious education ; but let us leave religious education to that use and wont, and it will not be departed from, for the use and wont of a people are far more powerful than any law that we can pass. The Westminster Confession has a strong hold on the majority of the people of Scotland, and we may leave the religious instruction of the young to them, with full confidence that under the new scheme all that was good in the old system will be continued and strengthened, and that the education of the country will be permeated by that spirit which has made it so successful for many centuries.'

The Bill ultimately became law (August 6th, 1872), and members of the Opposition united with his political friends in congratulating the Duke on his successful guidance of the measure. The Duke of Richmond said in the House of Lords that 'there was no one more competent than the Duke of Argyll to give information with regard to the educational customs and requirements of the people of Scotland.'

Educational reform was not, however, confined to questions affecting elementary schools, a Bill having been introduced as early as 1868 by the Solicitor-General, Sir J. D. Coleridge, for the abolition of those University tests by which the professors, tutors, Fellows, and scholars of the two great English Universities were required to be members of the Church of England. This Bill did not pass both Houses until 1871. During the progress of the measure the Duke again expressed his views on the relation of religious teaching to education :

'My strong impression is that, while we leave the religious teaching (that is, divinity teaching) at the Universities in the hands of the Established Church, we should not go further in the way of securing the religious instruction of the young men attending the Universities. Some arguments have been used on this side of the House which I confess I do not share in. One right reverend prelate said the other night that he had no fear for Christianity. Neither have I any such fear. Of course, we all have confidence in the ultimate triumph of Christianity, but it is very possible that we may have to go through periods of infidelity, and of the upsetting of everything that has been considered most sacred; we may have to go through deep waters before we reach the shore. I am also firmly convinced that if such convulsions should happen to the country the calamity will be civil

the teacher of which is paid by a women's society in Edinburgh. I went in and found about a score of young children in a small thatched cottage, and asked the master to let me hear them read. The boys who read were from ten to fourteen years of age. They read a book of extracts, with excellent intonation and observance of punctuation. But as I knew that not one of them ever spoke one word of English at his own fireside, I suspected that they could not understand all the rather long words which they were reading. One little creature, with a rag of a kilt that hardly covered him, read a sentence about the mode of preparing lead ore, and the washing of it "to free it from all extraneous matter." "What is extraneous?" I asked. Some of the older boys hesitated, but the little fellow with the kilt answered at once, "Not belonging to itself."

'I have asked several people since to define the meaning of extraneous, and not one has given so neat and complete an answer as that urchin. He could not possibly have expected the question, nor have been prepared for it.

'The next example is of a different kind. This district of Argyllshire was the refuge of many Covenanting families, under the protection of the Marquis and Earl of Argyll, during the persecutions of Charles and James. Their descendants still flourish in the district, many of them being tenants on the estate, and forming a strong body of United Presbyterians, into which most of the old Dissenters have become merged. One family of the name of Huie we visited two days ago in the course of our tour of the farms. They have a small "holding" in the middle of a peat moss, and the houses are of the old fashion now going rapidly out—the fire in the middle of the floor, the smoke curling up through blackened beams to a circular orifice in the thatched roof. We found on the table in a little "parlour" Sir W. Hamilton's lectures, Thucydides, and some Latin classics. The sons are the best ploughmen in

It has been accepted by an overwhelming majority of the great representative body of the Church; and it is calculated, if carried, to do great good to Scotland.'

The Government measure provided that Church patronage, instead of being in the hands of the patrons of the livings, should in future be vested in the members of the Parish Church. To this electorate there were added, on the amendment of the Duke of Argyll, certain 'members of the *congregation*, under regulations which are to be framed from time to time by the General Assembly of the Church of Scotland.'

In the speech before mentioned (June 2nd) the Duke replied to Mr. Gladstone's assertion that one year's stipend was not compensation enough for patrons :

'It is often said that patronage ought not to be deemed a right of property, but a trust; but there is no essential opposition between the two terms. There may be a right of property which is a trust, and a trust which is a right of property. Patronage, in the eyes of the law, is a right of property, transmitted to heirs, and purchasable in the markets; yet it is also, and is generally recognised to be, a trust for public purposes. Patronage had probably the same origin in England and in Scotland; but since the Reformation the history of the institution has been wholly different in the two countries. The only complaint I make is, that in assigning one year's stipend of the living as the amount of compensation, the Duke of Richmond is giving patrons very much more than they could ever get in the market. Patronage in Scotland, ever since the Reformation, has been a right qualified by many and great limitations—at all times by the standing declaration on the part of the Church that no minister was to be intruded on any congregation against its will; sometimes by a very large discretionary power on the part of the Church courts

to consider objections by the people, and to reject a representee if unqualified for the particular parish; at other times by the adoption of a system approaching to direct election.'

It may here be mentioned that the Duke of Argyll was one of those patrons who declined to accept any compensation for the loss entailed by the abolition of patronage.

Mr. Gladstone used all his influence to oppose this ecclesiastical reform, and spoke against it in the House of Commons. To Lord Selborne he expressed his conviction that if the Bill were passed 'it would lead to a movement for Disestablishment in Scotland more serious than any that had been known there, and one that would be likely to spread into England.'*

On June 20th he wrote to the Duke of Argyll on the subject of the Bill :

'It is true that much consideration of the Patronage Bill has convinced me that it is a precipitate, unwise, and daring measure. It is not unnatural that you should—forgive me if I say hastily—ascribe an opinion of this kind to my early prejudices against a Presbyterian Establishment. However that may be, it is most painful to me to contemplate being dragged into ecclesiastical turmoils. I hope that the blow which has fallen upon me [the death of his brother-in-law, Sir Stephen Glynne] may be some security against words or acts needlessly tending to embitter strife. Above all, I hope that if anyone should compel me to name you, I shall give no reason to complain.'

To Mr. Gladstone (June 29th).

'There was a part of your last letter to me on which I was unwilling to touch at the moment I replied to

* 'Life of Lord Selborne,' vol. i.

it. You say that, if compelled to refer to me, I shall have no reason to complain of the way in which you may do so. Our connection, personal and political, has been a pretty close one now for more than twenty years, and I hope it is incapable of being shaken by differences which may emerge. I wish you to speak as freely as you like, and I shall do the same. But this is a subject on which I feel so strongly that I have a sort of feeling that it would not be open of me did I not tell you some of the aspects in which I regard it.

'You are the only surviving member of the Government of 1843 who has any political power. That Government resisted my father's Bill, which would have prevented the secession, and generally pursued a course on which, I think, history has already pronounced its verdict. Graham expressed more than once before his death the purest doubt, if not repentance, of the course which had been taken.

'I don't suppose you had any very active share in anything done, or not done. But in so far as you have spoken at all, it has been in defence of that Government and in rebuke of my condemnation of it.

'It seems to me simply a prolongation of the same injurious policy towards the interests of the Established Church in Scotland that you should now, at an interval of thirty years, denounce as "daring" a Bill for the abandonment of patronage. I cannot but recollect that on several occasions on which I have lately spoken of the interests of the Established Church, both the Lord Advocate Young and yourself have referred to the hostility of the clergy to your Government and party; and on my representing that the clergy of the English Church were generally Conservative also, you would never admit the analogy. I think it hard and unjust that when the leading patrons in Scotland have come to see the uselessness and evil of their "property" as it stands, others should

step in to prevent them from accomplishing what is a great act of justice to their countrymen.

‘I need not say that I am not now arguing the merits of the question. I am simply explaining certain points of view from which I regard it, in explanation of anything that I may feel called upon to say in the course of the controversy which, I can see, is only beginning.

‘Many of my tenants are United Presbyterians. I saw yesterday their minister, Dr. Boyd, a most excellent man, who told me he felt with me the invidiousness of their opposing the measure, and he had steadily refused to have any part in any petition against it.

‘The dread of infection as regards the English Establishment and patronage is still more unjust as an operative motive. The whole principles of the two Establishments are fundamentally different, and each ought to be dealt with in its own spirit.

‘In the Lords, however, I abstain from voting or speaking on any question affecting the English Church, not renouncing my right, of course, in an extreme case, but not feeling that my views and predilections make me a fair and fitting judge of its affairs.

‘If I have to say anything in the sense of these feelings in public, I should dislike not having indicated them to you beforehand.’

To Mr. Gladstone (July 6, 1874).

‘Columba, yacht.

‘There is absolutely no novelty, as it seems to me, in allowing the congregation of the Established Church to select their ministers. Under the Act of 1690 (which was the revolution settlement, and of which the Act of Anne was a Tory violation) the congregation had the control of the appointment, first, in that the Kirk Session had a voice in proposing, and the congregation, as such, had the final “approval or disapproval.”’

‘Give the congregation this, and then patronage ceases to have any significance one way or another.

‘It seems a strange idea that an essential feature of an Established Church should be that its enemies and opponents are to have the power of “intruding” ministers on its congregations!

‘This idea is purely “Anglican,” and seems to me altogether unreasonable in theory, as well as unfounded on historical fact.

‘We have had four days of tremendous weather, violent gales and torrents of rain; but we landed and went to a fishing-lodge in the Isle of Mull, where the house seemed likely to be blown down about our ears.

‘I hope to post this at Oban. I shall wait at Oban probably till I hear—as I hope to do—that you and your voluntary and other Radical allies have been well beaten!

‘Yours most sincerely,

‘ARGYLL.’

The Bill was actually carried the day this letter was written, by the large majority of 307 to 109.

Two months later (September 11th, 1874) the Duke wrote to Mr. Gladstone with reference to a recent speech by him on the Patronage question:

‘I have far more to say about your ecclesiastical speeches than I can say in a letter. I must reserve it to the time when we may meet. I may say, however, that, as regarded the Scottish one, no one sentence in it seemed to me to be valid argument, except the passage in which you spoke of the needlessness and risk of making the change. But you underrate the scandal which has arisen from “Disputed Settlements” under the Aberdeen Act. Still, I not only admit, but have long urged, the danger of any Parliamentary movement on such subjects. But 200 years ago I might have advised a low country laird not to move or display his cattle if Highland rovers were in sight;

but what you have done is to denounce this very legitimate operation as a wrong, and to cheer on the rovers to "lift" the cattle!

'As to motives, I see no evil in a Church desiring to strengthen its position with the mass of its own people, even though it should be a matter of jealousy to others.

'As to the "compensation" you spoke of, from whom is it due?

'Clearly from the class which you represent—viz., those who refused in Parliament to give what the majority of the assembly asked. Whereas you represent it to be due from the men who merely assented and submitted to the refusal. This seems to me unjust, and, further, what right have we "Peelites" to blame Churchmen for having changed their view about patronage under such very different conditions—we who crossed right over from Conservatism to Radicalism, some of us?

'Nevertheless, there are companies before whom it is unwise to show one's watch or one's purse, and in this sense it may not have been wise in any Established Church to go to Parliament for anything, however just or (otherwise) expedient.

'So far I can go along with you in your argument, but no further. . . .

'As to your English Church speeches, there was one golden sentence, which I have copied out, to be kept for use—that in which you drew the distinction between the State admitting any abstract right in churches to override the law, and the State in the exercise of its own discretion, adjusting its laws to make them compatible with those principles inherent in the constitution of a religious society. Excellent, and a complete answer to all the objections of principle made against the Patronage Bill! If you only apply this distinction to legislation connected with the Presbyterian Church, which you very properly desire to apply to legislation about the Anglican Church, the questions in dispute will be much simplified.

‘There will be a long fight before Disestablishment comes, unless there is a split in the English Church. But perhaps a Church which cannot afford to have its existing law enforced, although that law be consistent with a very large comprehensiveness, is hardly a Church which can keep together long.’

Following the discussion on the Patronage Bill, a crusade was started in favour of Disestablishment, and the Duke believed that Mr. Gladstone was quite prepared to disestablish the Church of Scotland. With this impression on his mind, he wrote in December to Sir Roundell Palmer :

‘I don’t suppose that Mr. Gladstone has come to any formal resolution to “go in for” Disestablishment—certainly not in England, though I suspect he is quite ready so far as Scotland is concerned. The campaign opened in Scotland is, of course and avowedly, a campaign against all establishments, attacking the one they think the weakest. But how far Gladstone is ready to support the policy as regards England, I cannot say. I think I told you that he wrote to me weeks ago that the two measures passed last session by a Conservative Government had advanced Disestablishment, or brought it nearer, “by at least ten years, out of what number I cannot estimate,” or words to that effect. But this is a sort of thing that may be said by anyone. Gladstone’s temptation to a Disestablishment policy is his dislike of the sort of legislation to which the Church would be exposed by a Liberal Parliament, the sort of thing that was threatened last session against the Scottish Church in the Liberal amendment, making ratepayers the constituency for the choice of clergy. And with the feeling of aversion from this sort of thing, I suppose both you and I would sympathize. But you see the result of this as affecting tendencies of feeling. It makes the policy of Disestablishment the best card

to play, both for the leadership of the Liberal party in politics and for the resistance of Liberalism in ecclesiastical affairs. When so many currents are all found running into one main stream, that stream is clearly destined to become a great river.

‘I don’t think Gladstone can be said to owe it to his former colleagues as yet to make any declaration on the subject, unless, indeed, he has made up his mind as to a practical course. But we are all free to take our own line, and I will not now consider myself under Gladstone’s leadership, especially in ecclesiastical matters.’

A letter from the Duke to Lord Selborne (Sir Roundell Palmer), written twelve years later, refers to the question of Church and State :

‘Many thanks for your book (“A Defence of the Church of England”). You put it all very clearly, and in the main I go along with you completely. Some thirty years ago, when I was studying our own history about relations between Church and State, I wrote that the Royal supremacy in England seemed to me to be, historically, the *affirmative form* of a negative proposition, the negative proposition being that no foreign Prince or potentate had authority in England, and this denial was most conveniently enforced and embodied in the affirmative proposition that the national Sovereign was in all causes supreme.

‘I think this is substantially the result of your analysis, and it seems historically undeniable.

‘I have as yet only completed Part I., and the only observation that occurs to me is this—that I think you underrate the significance of the change which is involved in the *proportion* in which dissent, unbelief, etc., exists in the people and in Parliament.

‘So long as there was practically only one religion, the connection between Church and State which exists in England was nothing more than natural. But I

confess I have not the same feeling about the connection *now*—as matters actually stand.

‘ I ought to add that, in my interpretation, the Royal supremacy, *besides* being a denial of Papal supremacy, was *also* the only form in which the rights of *the laity* in Church questions were expressed or asserted.

‘ This meaning or significance was less *conscious* than the other. But it is easy to see that *implicitly* it was involved.’