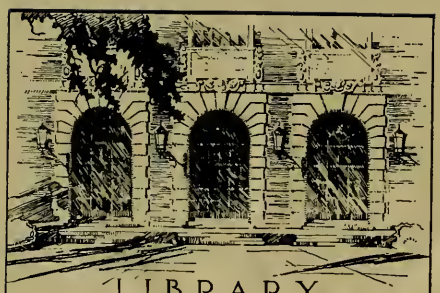

CONSCIENCE CLAUSE INTERFERENCE:

A LETTER

TO THE RIGHT REV.

THE LORD BISHOP OF ST. DAVID'S,

ON

PASSAGES IN HIS RECENT CHARGE.

BY THE

REV. C. A. STEVENS,

INCUMBENT OF ALL SAINTS, BLACKHEATH.

London,
RIVINGTONS, WATERLOO PLACE;
HIGH STREET, Oxford. | TRINITY STREET, Cambridge.
1867.

A

LETTER,

&c.

My Lord Bishop,

I am fully sensible of the charge of presumption which awaits me in venturing to offer any remarks at variance with your Lordship's judgment upon a subject on which you have pronounced an *ex cathedra* opinion. It does require, as you truly say, a "certain"—rather I should say a very large—"amount of moral courage in a clergyman to take a course which he has been told by persons whom he highly respects is inconsistent with his duty to the Church." Still more, to defend that course against the declared convictions of one so dignified both personally and officially, in the estimation of all, as is your Lordship.

Such an amount of moral courage, however, a sufficient occasion may evoke. The mode of treatment of the Conscience Clause question in your Lordship's recent Charge, ought not to pass without respectful, but very earnest, protest.

Your Lordship, in entering upon the subject of the imposition of the Conscience Clause, bespeaks for it a "calm and fair hearing." The hearers and readers of your Charge could hardly be prepared by this for the strong language in the next paragraph, in which your Lordship declares your "deep conviction that never has the truth on any subject been more obscured by passionate declamation, sophistical reasoning, high sounding but utterly hollow phrases, and by violent distortion of notorious facts, than on this."

These, my Lord, are, to say the least, very vigorous expressions. Whether they are likely to conduce much to calmness and fairness of discussion, or to guide the independent inquirer to a knowledge of the real merits of the case, your Lordship ought to be the best judge. Those at whom they are aimed will, no doubt, be able to justify themselves. But not being myself concerned in them, I rejoice to be at liberty to pass them by without further remark.

Your Lordship compliments the great body of the Clergy by saying, "I have too much confidence in their moderation and practical good sense, to believe that they will be long misled by any authority which will not bear the test of sober judgment, and I am sure they will sooner or later be found on the side of truth and justice."

May I, my Lord, venture to suggest whether that same practical good sense may not have operated a little "sooner" than your Lordship has given it credit for. In fact, long ere this. The "calm and fair hearing" has been long accorded. And the result has been, that it has led them to a conclusion diametrically opposite to your Lordship's.

Your Lordship asserts that the Clause does not "interfere with the Religious instruction of Church Schools, except in the sense of preventing that teaching from being forced on children whose parents wish that they should not receive it. "It is not denied," your Lordship writes, "that a Clergyman [1] who has accepted the Clause not only remains at perfect liberty, but is as much as ever required to instruct all the children of his own communion in all the doctrines of the Church."

That it has been the anxious effort of the advocates of the Clause, and of Mr. Lingen more especially, to make this appear, we all know. But it is indeed surprising to find, at this stage of the discussion, after all that has passed in and out of Parliament, that the objection of practical men should be so little appreciated as your Lordship's statement shows that it is. I should have thought that every one, in the most moderate degree "up" in the controversy, must have been aware that the assertion is totally denied: by one at least whose opinion can hardly have escaped your Lordship's notice, the Archbishop of Canterbury. Nor indeed is it easy to understand your intention in making it, when,

[1] Your Lordship speaks of Clergymen only: but I take it for granted that you mean to include the Teachers as well; for I cannot suppose that your Lordship would assert that it is exclusively a Clergyman's question. It is a Teacher's, and a Churchman's also.

shortly after it, there follow several pages of your Charge devoted to meet the objections of those who do deny that this liberty of Religious Education is practically maintained by the Clause.

"I do not myself think," your Lordship writes, "that the language of the Clause can be fairly taxed with ambiguity." Nor, my Lord, do I. It is perfectly clear to me. It is perfectly clear to your Lordship. To you it appears that it does not interfere with the liberty of religious instruction. To me, as a merely practical man, and to many others, both of the working Clergy and Lay managers, it appears that it does. Is then, or is not, the language of the Clause ambiguous? And who is right? Your Lordship has shown why you do not think it so. Will you permit me in what follows to show why I do not think it so?

Your Lordship challenges an issue on the point. For you say, "This is an allegation which we can immediately compare with the Clause itself, so as to ascertain in what sense it is to be understood, and how far it is to be warranted by the meaning of the Clause." I, for my part, see no reason to shrink from the comparison: premising only (what indeed is obvious) that this issue—the practical interference with the liberty of general religious teaching within the School—covers only one branch of the whole question. Others have dealt with other points. I will, with your Lordship's permission, address myself to this.

It is an issue of the highest importance, and, one would think, of the simplest character. And yet while all are agreed as to its importance, there is the widest difference of opinion as to the effect of the Clause upon it. Mr. Lingen has asserted the liberty in the strongest manner, but even his own statements are not always consistent; while those of Earl Granville, Mr. Bruce, Sir John Pakington, and Mr. Chester, and others, are at variance with those of Mr. Lingen and of each other.

Mr. Bruce claims that the Office must be supposed to know best what the effect of the Clause is. If he had said that "My Lords" must know best what effect they intended, it would have been more easily agreed to.

Mr. Lingen tells us (Qq. 3598, 3600[2]) that the objecting Clergy do not understand the matter at all. I must really be bold, and, though one of the body myself, venture to say that I think it is just possible they may have an intelligent opinion of their own, and even that they may be right and Mr. Lingen wrong after all. I am sure that the Right Hon. Chairman of the Education Com-

[2] Evidence, Sir John Pakington's Committee, Session 1866.

mittee of 1865-6 would cheerfully acknowledge that it was not always that Examining Members got the best of the contest when it became a cross-examination. If witty lay witnesses sometimes turned the tables, so also practical clerical witnesses were not always at once turned over like turtles on their backs, but successfully maintained their position and their temper.

It is, I say, possible that they may be right after all.

For, *what is* the Conscience Clause? It is a Clause to be inserted as of legal binding operative force in the Deed of Conveyance of the School Site to Trustees. It therefore involves two elements, legal and practical: the legal effect, and the practical consequences of that legal effect.

The primary question then is, what interpretation would the Court of Chancery put upon it? There have been several interpretations by "My Lords." But, with all due respect, an interpretation by the Committee of Council (not being the Judicial Committee) is just no more than the opinion of a legislative body, or of their Secretary; or at best, of their legal adviser. And we all know what an "opinion" is worth; and experience has proved in notable instances that that of the legal adviser of a Public Office is not worth more than any other. It is in evidence, too, that the opinion of the Law Officers of the Crown has not been taken. "Legislators make the laws, but the Judge makes the Law,"— is a very old saying; the true questions, therefore, are, not what the legislators'—still less the draughtsman's—interpretation might be, but, what interpretation would the Court of Chancery put upon the Clause? and what would be the legal effect of such interpretation? And, then, what would be the practical consequences which would flow therefrom? As Lord Cranborne put it to a witness "It is not what this man or that man might think is the spirit of the Conscience Clause; a Clergyman would have to follow what a Judge upon the judgment-seat would think was the legal meaning of the Clause."

Interpretation, then, by Mr. Lingen, or by the Vice-President, or by the Lord President, whether on individual authority, or under the semblance of "My Lords," must be, for the ultimate settlement of the question, just valueless. Their representations are useful for polemical purposes, but for no more. They are utterly inconclusive as to the legal effect, and therefore *a fortiori* as to the practical consequences.

When the Archbishop of Canterbury gave notice of his intention to put certain questions to the Lord President in the House of Lords on the matter, a qualm of apprehension passed over some

minds. Not because there were not good and sufficient reasons for his doing so, but because it was easy to foresee that the answer elicited might be so managed as to produce for a time a very undesirable effect. It was clear, indeed, that no answer which his Lordship was likely to give could be very satisfactory, for the reason just adverted to. Then, again, the courteous affability of Earl Granville is universally known and appreciated. And it was pretty certain that he could if he would, and would if he could, manage to couch his reply in such a form of words as, by some general statement of favour to the Church, would carry every body with him, while he should say as little as possible on the real point at issue. And so, exactly, it proved. For when the Lord President in his place said that the Clause did not interfere with the religious teaching of the Church of England in her Schools, what could be more satisfactory to their Lordships? What could his Grace in common civility say, but that he was very glad to hear it? Having appealed to Earl Granville as interpreter, he could do no otherwise, in lordly courtesy, than accept his interpretation. But then, clearly, his Grace's approval was, from the very nature of the case, conditional on the statement of the Lord President being strictly accurate and complete. This, however, the advocates of the Clause chose to ignore; and so tried, most unfairly, to make the country resound with the Archbishop's supposed unqualified approval of the Clause. At the National Society's Annual Meeting, however, his Grace took occasion to point out the discrepancy between the Lord President's speech and statements of Mr. Lingen, and also the dilemma in which his Lordship was placed; showing afterwards, in correspondence with Earl Granville, that the Clause *would* interfere with the religious teaching in Church of England Schools, and that his conditional approval could not be made absolute.

I will now proceed to show that, even taking Earl Granville's own statement alone, and comparing its propositions one with another, the same will necessarily be the case. But the ground must be a little cleared first.

The Committee of Council, by some or other of their representatives, have admitted the interpretation which they put upon the Clause, and the objects which they desire to secure, to be, to give a parent the power of withdrawing his child from attendance at the Sunday School and at Church; from attending the Catechism lesson, or learning any formulary, the Apostles' Creed included; from attending the Bible lesson, or hearing any exposition of

the Bible; from reading the Bible, or hearing it read; from learning, or hearing, any religious doctrine; from receiving any religious teaching, directly or indirectly.

Now, precise as this list is, does it exhaust all the effects of the Clause? It has been the interest of the Committee of Council throughout to exhibit this negative phase of it (though the details of this even have only been extracted piecemeal) and so to lead away the objectors to deal with it only. It is one side, and a very important one. But is there no other? Is exemption the sole effect? Can exemption be claimed as of legal right without entailing consequences upon other children and on the whole school? Is it, as Mr. Lingen says, negative only, with no correlative positive action?

And here let me guard one point. In what follows I shall have frequently to couple together in one phrase the Dissenter and the Infidel. I am sorry for it. But it is not my fault, it is that of the Clause. The question of legal right of exemption is one of principle, as well as of practice, and therefore all who claim exemption must for the occasion be grouped together. The exemption claimed may be from little, or much, or all, but it is a mere question of degree between the Hebron, St. Cleer's, Independents, or the Swansea Baptists, who only object to the children being taught the first three questions of the Catechism, and the Baptists of Ynysfach Ystrad, who "desire that the young, tender, and unbiassed minds of their children should not be corrupted by any one, or any Creed; let the Bible," they say,—"the religion of Christians—be read by them, and taught them without being mixed with man's opinions, creeds, and catechisms; let them *draw their own conclusions*, and *choose their own religion* from the Book of God [3]:" and the Dissenters of another place who "will not have any prescribed system, nor any sort of a ready-made religion [4];" and the Secularist, Rationalist, or Infidel who would withdraw from all religious instruction whatsoever.

[3] This is in keeping with the Conscience Clause proposed in 1865 to the Weybridge Schools by the Charity Commissioners. "Provided that *no Scholar* shall be required to receive Religious Instruction according to the doctrines of the Established Church, or to attend School on Sundays, *who* shall object upon conscientious grounds to such instruction or attendance." What next?—If space permitted, a good deal might be said about the proceedings of the Charity Commissioners.

[4] Letter of Mr. Bowstead to the Bishop of St. David's, App. Nos. 66. 67. 75. —Are the children of these Dissenters taken to Chapel? Does the preacher deliver his own opinions, and are the minds of the children corrupted thereby? Does he enter his pulpit with no ready-made religion in his heart, in his mind, on his lips? or is it a mere chance what doctrine he shall deliver on any given Sunday?

For it must not be forgotten, in dealing with this matter, that the main distinctive differences between the doctrine of most dissidents and that of the Church, are differences of *defect* as regards the former. Consequently, whenever, in order to keep faith with children withdrawn from doctrine, or from formulary representing doctrine, or for any other reason, we avoid speaking in the general school-work of the particular doctrines concerned, we are, by the very fact, in so far *not only not* teaching Church Doctrine to the exempted children, negatively, but *we are also* teaching our own children Dissidents' Doctrine positively. From the so-called "orthodox" Dissenter, who differs on questions chiefly, or ostensibly, of Church government (which however include other doctrines—as Confirmation—connected therewith), down to the sheer Atheist, the position of the Dissident is one of more or less extensive negation. When therefore you come to teach, and teach on from an age of infancy to one of "years of discretion," in preparation for Confirmation, that which seems negative has also its positive aspect, and effect. *Exclusio unius, expressio alterius.* Church Doctrine *minus* some doctrine, is substantially some Dissident's Doctrine. Therefore the positive teaching of Church Doctrine *minus* some doctrine, is the positive teaching of the Dissident's Doctrine.

For example—taking the more salient points of difference, and stating the cases very roughly—ostensibly,

To teach Church Doctrine, ignoring Confirmation and Episcopacy, is substantially to teach children to be Presbyterians.

To teach Church Doctrine, ignoring also the aggregation of visible local churches into a Diocesan, Provincial, or National Church, and an ordained Ministry, and a 'deposit' of doctrine, is to teach them to be Congregational Independents.

Or, ignoring also the propriety of Infant Baptism, is to teach them to be Antipædo-Baptists.

To teach Church Doctrine, ignoring also the Divinity of the Saviour, the Atonement generally, and the personality of the Holy Spirit, is to teach them to be Unitarians, or Socinians.

To teach Church Doctrine, ignoring the inspiration of the Scriptures—if that be possible—is to teach them to be Rationalists; ignoring the Providence of God, moral, physical, or retributive, to be Deists; ignoring the existence of a Personal Deity, to be Atheists.

The principle, therefore, *quoad* the Conscience Clause exemption, is the same for the Secularist as for the ordinary Dissenter, and its application varies only in degree. Of course, we all

know, the young children must be fed with milk. But it is impossible to say that when a child has arrived at twelve or thirteen, it is to have no strong meat. Besides, it is not only a question whether it is to have milk or meat, but whether the milk is to be evacuated of its nourishing elements. It is the religious tone which pervades the whole teaching—not the Catechism or Bible Class only—which is different in the Church School exercising its full liberty in teaching Church Doctrine, from that which can exist in a school in which the Conscience Clause, *acted out*, is in operation [5].

To proceed—

In 1863 the Committee of Council, by Mr. Lingen, wrote thus to the Promoters of the Llanwrin School: "The only school to the building of which their Lordships could dispose of any portion of the Public Fund at their disposal," must be "one where Dissenters would have *as much legal right* as members of the Church of England. My Lords cannot allow the assent of the population to the establishment of a National School to be a ground for deviating from this rule."

It will be, I believe, rather a new idea to many promoters and managers of schools, that, under the Management Clauses generally, all children (for in British schools—for instance—it cannot be merely parishioners) have a *legal* right of entry. It may or may not be very likely to occur, but it is clear that if this be correct, managers *may* any day be called upon to show cause why they object to receive any child, not on religious grounds only, but on any account, or why they have suspended or expelled any. The possibility of a Chancery bill of costs will not very much encourage lay managers to incur the already sufficient pecuniary responsibilities of the office. If Mr. Lingen's statement be correct, this is an interference not generally understood.

However this be, and it need not be further discussed now, there is no question that Mr. Lingen claims for the Conscience Clause, that it confers upon all Dissident parents (whether dissenting Christian, or Infidel) the legal right of entry for their children, as against the Trustees and Managers of the School.

And not of course a legal right of entry alone; but also of "admittance to the benefits of the School." I will not go aside to consider how far these benefits might involve other matters besides instruction. The particular "benefit" in question is that of being taught all the secular instruction of the School.

Take now with this the objects admitted by the Committee of

[5] See the Rev. W. J. Kennedy's Statement, p. 40.

Council: and it will follow that the principle of the Conscience Clause is, *the conferring on a parent of a legal right of entry for his child for all secular instruction, coupled with the right of withdrawing the child from any or all of the religious instruction.*

Now see one legal effect of this. It establishes at once a permanent charge upon the Annual Contributions of future subscribers, for all time, for the doing of that—viz. giving an exclusively secular teaching to some, few or many, children—to doing which those subscribers may conscientiously object. It thus distinctly curtails the liberty of Parishioners, virtually insisting that *they shall not* subscribe to provide for the religious Education of some, *without also* paying for the exclusively secular teaching of others.

The process of the argument addressed to such subscribers is this:—

All children who desire *shall* come into the school, of legal right:

You *shall* give them all, all secular instruction:

You *shall*, if they require it, give them secular teaching *only*, or modified religious teaching only:

Your money shall pay for it.

Or else, withdraw your subscriptions, and so, *pro tanto, cease to educate.*

I would submit that this is a condition *ultra vires*, a charge which neither the State, nor any other contributor to the Building cost, has a right, economically or morally speaking, to impose by virtue, or in consideration, of such contribution. And therefore one to which the Promoters, standing at that stage in the position of Trustees for the future of School and Parish, and for the liberty of future Churchmen Parishioners, being Annual Subscribers, ought not to be expected to assent.

It is *a priori*, (I do not admit it *a posteriori*, for I object to it as impolitic and mischievous; still it is, *a priori*,) a legitimate stipulation to make in respect of an Annual Contribution; IF the amount of such contribution be sufficient to meet the particular expense proposed—to pay, that is, besides the State third, the Subscription third as well—for the teaching of all such children. But to establish such a charge, for the special secular instruction of any children who choose to come in, *in perpetuam* upon the future Subscribers, without such guaranteed payment, and even *when the State may not be an Annual Subscriber itself at all*, is as unreasonable as unfair. In this respect (as in others), the so-called Conscience Clause is rather of the nature of an Anti-Con-

science Clause, and unduly restrictive of that liberty to which Churchmen educators for the time being in a Parish are entitled.

And, my Lord, considering that the Subscribers thus conscientiously objecting to give secular teaching without also giving Religious Education, may, after the infliction of the Clause, include a majority, or even all, of the contributing Parishioners, it is within the range of possibility that they might feel it their duty, not only to withdraw their contributions from such Schools, but even to establish antagonistic schools on a strictly religious basis. I say that this is a consideration to be faced, when you are legislating for the future. And with examples in Scotland to warn us, we should think twice before incurring, for what is now confessedly an imaginary grievance, a mischief so ruinous.

I will now come to the main question of interference. And I venture to say that the Conscience Clause is in practice incompatible with, and therefore would be abolitory of, the pervasive Religious Education of the School:—as distinguished from the mere half-hour's or hour's Bible or Catechism lesson.

The highest authority we can have, is that of the Lord President. His Lordship laid down, in answer to the Archbishop of Canterbury, in the House of Lords, these three propositions:—

1. "The Conscience Clause not only does not interfere with the religious instruction in Schools, but absolutely requires that no interference shall take place in that instruction. It does not in the slightest degree touch the religious teaching of the Church of England in her schools.

2. "The only thing it enforces is, that a child shall not attend that portion of the religious instruction to which its parents object.

3. "It would not be acting justly to the Dissenters, if the Managers of Church of England Schools were to allow the children of Dissenters to withdraw while the *formularies* of the Church were being read, and to be brought in again to *hear the doctrines* of the Church taught."

Earl Granville's 3rd proposition is, under the legal operation of a Conscience Clause, incontrovertible.

Under voluntary "tolerant treatment," parents may request exemption from having the first three questions of the Catechism put, without verbal modification, to their unbaptized or un-

sponsored children. The concession of this, is what every manager or teacher who thinks the School an instrument for bringing children to learn, value, and seek the ordinances of the Gospel would not only be willing, but even desirous of making. He would suit the form of words to the exigencies of the case; with as much necessity and as much readiness as the minister says 'he' or 'she,' 'brother' or 'sister,' according to the circumstances, in the Baptismal or Burial Services. It involves no question of doctrine, but simply of fact.

When, under the same, parents request more extensive exemption, the case becomes much more grave. If they ask exemption from formulary, or any portion of a formulary, must there not (supposing the teacher may feel justified in conceding it on other accounts) be a very distinct explanation and warning, to the full and intelligent comprehension of the parent, as to the fact that the child will nevertheless be taught, or run the risk of hearing and learning, the doctrine corresponding to the formulary, and as to the inconsistency of his position under such circumstances? Such an understanding is possible, when a child is received, as a matter of consideration, voluntarily into a Church School. If a Dissenter, or an Infidel, sends his child into such a School, knowing that he is received there on such an understanding, there is at any rate no room for deception or dishonesty as between man and man.

But when we come to a legal right of entry, with a legal claim to be exempted from formulary, the case becomes totally different. It is no longer a matter of agreement, or a common understanding. A Conscience Clause which should exempt from formulary and not from doctrine (which yet is what the Wesleyan Conscience Clause does) is, I must think, inconsistent with fair play between teacher and parent. Formulary is but doctrine expressed in a definite and permanent form; concentrated and crystallized. In common honesty I must, even when a dissident exerts his right of objecting to formulary only, go a-head of his ignorance or power of expressing himself, and understand his objection to be substantially an objection to the doctrine formularized. Otherwise his objection would be simply nonsense.

Mr. Bruce asked (1860[6]) "Is not the Catechism objected to because it contains doctrines? (1861) Yet, whenever the objection has been made, it must have been, not to the formularies in the abstract, but to the formularies as containing certain distinctive doctrines, to which the parents of the children objected?

[6] Session 1866.

(1862) Then you would still retain to the Church the right of teaching these doctrines, although not of teaching the formularies which contained them? (1863) But would not that be altogether an illusory arrangement?" Only one answer surely can be given to these questions. The dissident parent thinks he has, as Mr. Bruce elsewhere says, a legal security against what he considers false doctrine. And so, unless the Clause is to be a mockery, delusion, and snare to him, and a continual strain upon the conscience and sense of honour of the Teacher—ever perceiving divided duty—his legal protection the parent must have.

I know there are some who say, "It is no business of mine what the parent means and thinks. If he is satisfied with the formulary exemption, that is his business. I am bound to teach him truly and fully. And I do so. I can teach him any thing without his 'learning the Catechism.' There is not a single doctrine of Christianity which does not grow from, or is not virtually implied in, the Creed. Or, I can do even without that. The truth of Christianity is as one whole chain. Give me a single link, and all the rest must follow on." Well; this is undoubtedly the case. Exempt from formulary, and Catechism, and Creed, as you will, doctrine can yet be taught. But I do urge that those who pretend "liberally" to concede the legal right of exemption under a formulary Clause, and yet teach doctrine to the claimants of the exemption, are doing that which they have no moral right to do. They have no right to take the dissident parent's child on one legal understanding, and treat him practically on another. Nay, more, they have no right to take advantage of his ignorance, knowing as he may think himself, in objecting only to formulary, and teach him the substance of it. I am aware it will be said that the Wesleyans do it. Mr. Melville actually refers to their case as an argument to determine ours, quoting the statement of the Principal of their Training College to him,—"We have acted upon our Conscience Clause [formulary only] from the first, and I believe I may say in truth, it has given us *no trouble*." Mr. Fowle, in the irrepressible Hoxton Schools, does the same, and finds "no trouble."

But would not Mr. Bruce condemn this treatment as "illusory," and Earl Granville as "unjust?" And would not most Churchmen endorse their epithets? If the dissident has a legal right to exemption from formulary, he must in reason and honour have also the correlative moral right implied as regards doctrine; or, while keeping the promise to the ear, we are breaking it to the hope. This does not arise in the case of voluntary tolerant treatment,

and it does arise in the case of a legal right to exemption. *Why*, we shall see more distinctly presently.

I submit, therefore, that Earl Granville's position is incontrovertible, that children withdrawn under the rights of the Conscience Clause from formulary, cannot justly be brought in again to hear the doctrines of the Church taught. *A fortiori*, when exemption from all religious teaching is claimed.

Earl Granville, again, declares, or implies, in the first two propositions, that the justifiableness of the Conscience Clause, and the reasonableness of expecting it to be accepted by Churchmen, turn upon the fact of its interference, or non-interference, with "the religious teaching of the Church in her Schools." Your Lordship also takes issue on the fact.

What, therefore, is the fact?

What is "that portion of religious instruction" from which a parent may withdraw his child? All, without doubt, to which he objects.

I will not hamper the question by the consideration of the practical difficulties which might arise from different parents objecting to different portions[7]. For in such a matter, involving legal obligations and privileges, we must, notwithstanding Mr. Lingen's deprecatory objections to the process, in common sense try the merits by the extreme case. First, because it will, as the simplest, most easily exhibit the practical tendency of the Clause. Next, because from its manner of use at present we cannot infer by what class of dissidents it may not, when a brief period of incubatory quiet has passed, be most extensively and injuriously worked. Experience only can show whether in individual parishes the demands of Secularists may not be much more numerous than those of Dissenters. Exemption from the Apostles' Creed has already been claimed. Next, because, as there is no difference in principle but only in degrees, it is clear that the exercise of the legal right by a number of Dissenters, if legally and honourably carried out, would necessitate the same result in restricting the religious teaching, as if by a number of Secularists:—for the only real protection for either against objectionable doctrine, is, as we shall see, by the removal of *all* religious instruction. And lastly, because, if the opponents of the Clause appeal to the test, it is unreasonable that its advocates should shrink from it:—for whatever grievance a simple Nonconformist may be supposed to

[7] The religious teaching, as regards the Dissenting Scholars, "would be entirely in the hands of the Clergyman, so long as he and the parents of those children *agreed* upon the matter; *it might vary conceivably in every individual case.*" Mr. Lingen, Answer to Q. 3443 (1866).

have, it is plain that the grievance of the Secularist in having his unsophisticated mind offended by hearing any thing so noxious as the assertion of a Deity, and a Providence, and a Retribution, and a Redemption, must be incalculably more distressing. It is, therefore, the most cruel case to stand upon. The grievance is at its greatest. The remedial Conscience Clause is at its utmost glory.

If, then, the Parent claim to withdraw his child from all religious teaching, that exemption must be conceded.

But what then happens?

Earl Granville, Mr. Lingen, Mr. Bruce even, appear to have invariably assumed that the whole of the Religious teaching is confined within the limits of the special Bible or Catechism Lesson; an assumption very convenient, for it begs the whole question.

But is this the case?

I venture to say that in Denominational Schools—(the Archbishop has affirmed it as regards Church Schools; the Wesleyan Committee of Education have asserted it as regards the Schools of that body; the majority of Independents hold the same: I appeal also to the general statement of the Royal Commissioners, and to the formally expressed opinion of Mr. Henley, of the first Vice-President, and of others which I will presently give)—in all Schools really carried out in a religious spirit, the teaching of religion, and *by necessary implication, of religious doctrine*, is not confined to the half-hour or hour of direct instruction, but is made pervasive through the whole work of the day—

I am summarily stopped by your Lordship—

"No! not in the Rule of Three!"

But do not let me misrepresent your Lordship. The words of your Charge are—

"It is argued that there ought to be no such thing as purely secular instruction in a Church School; that all manner of knowledge should be 'interpenetrated with a definite objective and dogmatic faith;' and that 'the thread of religion should run through the whole, from one end to the other.' It may appear, at first sight, as if these phrases were utterly unmeaning, and could only have been used by persons who had never reflected whether they are capable of any application to the real work of a School. How, it may be asked, is a sum of the Rule of Three to be 'interpenetrated with a definite, objective, and dogmatic faith?' That may seem hard; but I am afraid that it has been thought possible, and that excellent persons have believed they had accomplished it, by selecting examples of the rules of arithmetic out of Scripture. I leave it to others to judge how far this is likely to cherish reverence for Holy Scripture, or to imbue young minds with dogmatic faith. I only say this is the nearest approach I have yet heard of towards reducing the maxim to practice."

Can your Lordship really intend that this answer ought to conclude the question, or can be expected to conclude the question? Does your Lordship really mean that the intelligent

Clergy and Laity of your Lordship's Diocese, or those to whom by its wider publication your Charge shall come, are to be instructed hereby, on the authority of your Lordship, that all other secular subjects, such as general Reading, History, Biography, are equally with the "Rule of Three" excluded by their nature from combination with suggestions of religious motives and Christian doctrines? *Why*, my Lord, take that one subject, Arithmetic, which does admit, and which almost alone does admit, of an *ad absurdum* application? and why take that particular rule which sounds the most absurd, and pin attention to that, as the fair average specimen and true illustration?

Your Lordship speaks with wholesome decisiveness against "the practice of *improving*, as it is called, all subjects of study by the importation of religious, particularly dogmatic, reflections, apparently quite irrelevant to their nature." Who, my Lord, concerned in the present discussion, would assert a different view from your Lordship's, thus stated? But why beg the whole question, by assuming the abuse, instead of the good use, of the practice? *Must all* religious reflections be "quite irrelevant to the nature of *all* subjects of study?" If they are, of course then there is no common ground for us to stand upon. Your Lordship cannot, I am sure, go so far as that. But if not, what is the argument good for?

"I am not aware," your Lordship continues, "whether there are yet Church schools where *all* the copies in the writing-books are enunciations of dogma, and *all* the reading lessons extracted from treatises on dogmatic theology. But this appears to be absolutely necessary for the completeness of the system, as the completeness of the system is essential to the force of the argument." Surely, my Lord, this is a perversion of the question. It is not, whether "*all* the reading lessons shall be extracted from treatises on dogmatic theology." It is, whether, as they are for the whole class, dissidents included, *any* of them may allude to religious matters. It is, *whether* the liberty is to be retained to the Clergyman or Teacher to "extend" orally and pervasively "any religious instruction to the children" of a class generally, with reference to the reading lesson,—*or whether*, since secular childre may not read doctrine or hear doctrine at all, and dissenting children may not read or hear doctrine to which their parents object, then as the necessary and only practical alternative, the whole of the religious teaching is to be compulsorily driven up into the Bible and Catechism lesson, from which the dissidents may be exempted.

It is commonly recognized, that if opponents expect to come to

an understanding with, or to persuade each other, they must deal fairly with each other's statements, and attribute to them a reasonable sense. Thus the rule of *exceptis excipiendis* is one which, by common consent of controversialists, must be applied to all general statements. But when your Lordship dealt with the general statement in question, it must have been as perfectly plain that the Rule of Three was not intended to be included, as that the darning and stitching of the Girls' school was not. Your Lordship was quite sure that the selection of examples of arithmetic out of Scripture was not intended. Your Lordship did not expect that the setting of dogmatical enunciations in copy-books was intended. Your Lordship did not believe that those whom you were answering meant any such thing as that "all the reading lessons should be extracted from a treatise on dogmatic theology."

What then becomes of your Lordship's conclusion? The "argument" (proposition) is what? That doctrinal teaching should pervade all (*all, exceptis excipiendis*) secular teaching. You say the "completeness of the system" (i. e. by the inclusion of the *excipienda*) is "essential to the force of the argument." That is, your Lordship virtually asserts, 'you cannot make religious allusions, or exemplify religious doctrines, in reading Roman History of the time of Augustus and Tiberius, or English History of the 16th or 17th century, without doing the same in teaching the Rule of Three!' When the real question is thus ascertained, it must be clear that your Lordship's epigrammatic conclusion is nothing at all to the purpose.

I refrain, my Lord, from any remark upon this, further than to submit it very earnestly to your Lordship's consideration, whether such arguments, and such a treatment of so grave a matter, are likely to win conviction from the "moderation and practical good sense of the great body of the Clergy," or still more, of the intelligent and clear-headed business men of the Laity.

Not only is pervasive religious teaching the rule in Church [8]

[8] In undenominational schools, it is of course an unknown thing. Indeed what religious teaching at all can be given in some schools, it is hard to conceive. One of the Welsh ministers describes his school, quoted in Mr. Bowstead's letter to the Bishop of St. David's, "In our school one of the pupil teachers is a Churchman, another a Baptist, and the third an Independent, while the Master is a staunch Calvinistic Methodist. The children are divided the same; but in school they are not known by these appellations." (No. 82.)

The Committee of the Tynemouth Royal Jubilee School say truly that "the unsectarian manner in which the school is conducted cannot be better illustrated than by stating that there are seventy-seven of the boys whose parents attend the Established Church, forty-seven the Wesleyan Chapel, twenty-one

schools, but it is so notably in those smaller schools which are to be the primary subjects of the Conscience Clause. It is one special advantage which these smaller schools have over the great instruction-mills. I appeal at once unhesitatingly to the Inspectors, H. M. or Diocesan, whether it is not so. There is the opportunity, in the hands of good teachers, for the exercise of a far greater amount of personal religious influence by the teacher, through pervasive teaching, in the smaller than in the larger schools. And I believe it is more persistent in the heart and habits of after life of the scholars of such. Large schools, organized with a staff of pupil-teachers, have no doubt great mechanical advantages. But however valuable these young teachers are in getting the merely intellectual work done, however indispensable it is to preserve the class for the supply of future Teachers, however deplorable the effects of the Revised Code on the supply, still I think my assertion will not be disputed, that the moral and religious teaching in the smaller schools is, as a rule, superior to that of the larger: and that this arises from the cause to which I have attributed it [9].

the Primitive Methodist Chapel, sixteen the Methodist Free Church, thirteen the Scotch Church, eleven the Baptist Chapel, ten the Presbyterian Chapel, eight Salem Chapel, eight the Independent Chapel, three the Jewish Synagogue, and one the Roman Catholic Chapel."

[9] Since writing the above, the Report for 1862 of the Rev. D. J. Stewart, H. M. Inspector, has been pointed out to me. He says:—

"The best Schools are generally those in which the average attendance varies from 50 to 80, and where the Teachers are a Master or Mistress, with one or two apprentices and as many paid monitors, who are taught with the apprentices, and are being trained to succeed them.

"In such examples as these it is possible for the Teacher to gain an individual knowledge of each child under her care, which adds very much to the peculiar power of her position.

"Her lessons are given with reference to the individual peculiarities of each one of her pupils, and are accepted as the encouragement or reproof of an earnest friend.

"On the other hand, the schools in large towns and densely-populated neighbourhoods seem to me the least satisfactory institutions to which your Lordships' assistance is extended. Their inferiority arises mainly from their size. . . . . Wherever the number of classes in a room is increased beyond a certain point, the functions of the Master or Mistress degenerate into what is called general superintendence, and the main labour of teaching, as far as it goes, is thrown on to the apprentices, who are, at the best, only beginners preparing for training schools.

"Purely mechanical routine is often very well carried out in these overgrown institutions. There is smartness in the performance of drill, obedience to general signals, and a certain familiarity with all those branches of elementary knowledge which depend more on manual cleverness than on mental effort. All this may be naturally looked for, because every one knows that the children who pass their lives in busy towns are more shrewd observers and apter scholars than the slow, plodding boys and girls that wander along green lanes and range over open commons; but the results obtained, even under the most favourable conditions, are never so finished as those produced in smaller institutions. It is

The very parishes, therefore, in which the work would be best and most effectually done, are just those on which the Conscience Clause is to be inflicted.

To proceed with the general question.

The legal right established for the child by the Conscience Clause is, that it should, on demand, be admitted to all secular teaching, and equally exempted from all religious teaching.

What, then, is to be done, when the exempted child comes in, after prayers and the Bible and Catechism lesson, into the ordinary classwork of the school, when religious doctrinal teaching is made pervasive through and over the secular?

1. Either he must, in receiving the secular, take the religious with it. But this would be, to "bring him in to hear doctrines taught," though not absolutely addressed to him. Earl Granville repeats his opinion that this is prohibited by the Clause, when he writes to the Archbishop, "it does prevent the Clergyman from *extending* religious instruction to the children of those who object." Without doubt, the Court of Chancery would say the same thing. It would say—"The protection to the child must be substantial, operative, and effectual." The orders must be such as to secure this, for this is the essential intention of the Clause. It is the very object for which it exists, and the proviso, that they "shall not otherwise (i. e., Mr. Lingen says, than by exemption) interfere with the religious teaching of the scholars," cannot override it. Just as in the Parochial Assessment Act, wherein a proviso has been held by the Queen's Bench to be inoperative and nugatory, because it must be interpreted in a sense accordant with the section itself, and it admits of none but a contrariant sense.

But Mr. Lingen repeatedly urges the effectiveness of the proviso, as above signified. In doing so, he must necessarily contemplate one of two things. Either—1, that the exempted child shall take the pervasive religious teaching and hear doctrine, and so have religious instruction extended to him, contrary to Earl Granville's interpretation, to the legal rights of the child, and to good faith; or else—2, he agrees with his Lordship, upon *that one sup-*

impossible to extend to the children in a large school that *complete and individual training* of which they are so much in need. They lose the most valuable advantages which a really good school offers; they lose the direct daily contact with the teacher under whose charge they are supposed to be placed.

"The admirers of large schools urge that the loss of individual influence and teaching is made up by the sympathy of numbers. But the answer to this is, that what children need most is the *sympathy of an earnest, cultivated mind,* and that mere numbers can never supply the place of so valuable an agent."

position upon which alone their two interpretations are reconcilable, viz., that there is no pervasive religious teaching in the school at all.

2. Earl Granville, pressed by the Archbishop in correspondence, gives the following as his final, and it must be supposed only, solution. "The conscientious difficulty of clergymen to which your Grace alludes, would be met by their excluding the children of objecting Dissenters *from the classes* in which they intend to give doctrinal instruction." His Lordship forgets that under the Conscience Clause the child *cannot legally* be shut out from any secular classwork, for it is part of the "benefits" which the law of the Clause allows him, and the Court of Chancery would award. Besides, it is not a question concerning only the clergyman and a special class, but the teacher and the whole school throughout the day. This, therefore, is no solution at all.

3. Or else, the secularist child must be sent out of class, and "hearing," *every time* the teacher or clergyman sees an opportunity of adverting to Religion; for instance, whenever he would incidentally allude to religious motives as the true incentive to moral conduct, or indicate the operation of GOD'S providence, preservative or retributory, or show the parallelism of sacred and secular history, or the true bearings of scientific discovery upon Scripture records, or the analogies of natural and revealed religion. This, of course, is a practical impossibility and absurdity.

4. There remains no alternative, but that Education must be cut down to mere instruction, Training to mere teaching: the work of the whole day, *quoad* religion, to the work of the dry single hour's lesson; that pervasive teaching which the great majority of practical Churchmen and Denominational Dissenters hold to be indispensable, sacrificed; to the detriment of the best and highest interests of the whole School, for the sake and "benefit" of the one—or the one dozen if you will—recalcitrant Secularist. And by this "slight concession," as Earl Granville calls it[1]—by this "secondary consideration" by means of which your Lordship would "adjust the work of a Church school to the operation of the Conscience Clause,"—resistance to which is so jocose that Mr. Chester cannot "speak of it with gravity,"—is the whole matter to be comfortably settled.

I have said that Earl Granville's, and Mr. Lingen's, interpretations are only reconcilable on this supposition. Mr. Chester, with more boldness of statement, proceeds upon the same, when

[1] In his letter to Mr. Hubbard on the Elmswell case.

he declares[2] that "to say that if a boy is detected in a lie, or a theft, or an act of selfishness, the Christian education of a school cannot prosper unless the parochial minister is at liberty to begin, then and there, lecturing to all the scholars on some controversial topics, baptismal regeneration, or conversion, for example, seems trifling with grave realities. In the discharge of duties even a Clergyman must submit to convenient restrictions of times and places." If, my Lord, this means any thing practical at all, it must mean that Mr. Chester would not have the Teacher—for I repeat, these are not questions affecting the Clergyman only—at liberty to speak in open school, or class, on controversial topics. But what *are* controversial topics, and what are not? Mr. Chester's cases are special, and do not include the much larger range of subjects likely at any moment to suggest inferences of a religious character in the course of reading lessons. Of course, taking his particular cases, it would not usually be desirable to address the boy, or the whole class or school, in face of each other. Still, under circumstances, even that might be necessary. Suppose the offender a Church child. Would Mr. Chester lay it down, and would his ruling have your Lordship's approbation, that the Teacher, or the Clergyman, must not say, in the presence of secularist children, or of dissenting children as against whose opinions the doctrines involved would be "peculiar," that he had been guilty of a sin against GOD, as well as an offence against man? That he must not say that such offences are inconsistent with his baptismal vows, and his duties and spiritual privileges in covenant with GOD thereby, and with his preparation of himself for the perfecting of that covenant at Confirmation? May he say that the child must turn from evil to good; and to enable him to do so, must pray for GOD'S pardon and grace; and through Whom? I cannot bring myself to think that Mr. Chester, as a Churchman, or your Lordship, as a Bishop of the Church, could insist that he must not do so. But what is all this but the practical pervasive teaching of the deepest "controversial topics?" not those alone which Mr. Chester specifies, but also the doctrines of the Holy Trinity, of the agency and influences of the Holy Spirit, of the Incarnation of the Saviour.

The fact is simply this, that if you once allow the one element of Right, you are at once let in for the whole. The first link in the chain leads on to its whole length. The simple interrogatives "Why?" and "How?" originate by necessary implication every

[2] Letter to *Times*, Nov. 1, 1866.

item of Faith and Duty. You can only get rid of controversial topics by a blank silence. And when doctrine goes, moral discipline goes too. You cannot separate them. Henceforth, you must rule by the rod.

And then, how about the after life? And what sort of citizens will the State have purchased by its Building Grant?

All follows on, therefore, in regular course and order. Enforce the Conscience Clause. Exempt compulsorily from formulary and you must, in consistency and good faith, exempt also from doctrine. Exempt from doctrine, and the concurrent legal right to secular teaching leads on, if loyally carried out, by inevitable practical sequence, to destruction of that pervasive religious teaching, that godly training in the things of daily life, which is really Education in its fullest and highest and only proper sense. And thus will the majority be sacrificed to the minority, the School to the Child.

It follows, therefore, as it seems to me beyond contradiction, that Earl Granville's second proposition is irreconcilable with his first. The legal right conferred by the Clause, of claiming exemption from any or all religious, concurrently with admittance to all secular, instruction, does necessarily subvert the "religious teaching of the Church of England in her schools" in a most important and indispensable particular.

His Lordship is therefore involved in this alternative. *If it does* so interfere, then, on his own showing, he would not expect the Church to accept it. *If it does not*, then, also on his own showing in his third proposition, the protection it pretends to afford to the child is inoperative, nugatory, and deceptive.

The broad truth is simply this:—that the carrying out of the Conscience Clause in legal strictness and good faith is incompatible with the liberty of general Religious Education in our Schools. Neither the proposed form of Clause, nor any other form of words can reconcile them. You CAN NOT DO what Mr. Lingen proposes by the Clause,—"relieve," by a legal security, the dissidents, *without* "compromising or prejudicing the full religious teaching to which the other children are entitled[3]."

It is an insoluble problem—

Because the intrinsic nature and force of the Clause itself involve it in this dilemma—

[3] Letter to Mr. Craven.

Either, it is a merely fictitious remedy for the grievance, a mockery, delusion, and snare for the dissident parent;

Or else, it must work the destruction of the pervasive Religious Education of the School, and drive up the whole, from being pervasive Education, into the mere instructional teaching of the hour's specific lesson.

Your Lordship will, I think, admit that there is not much room here for misapprehension. It is not much open to your Lordship's complaint of "vagueness." There is no want of a "clear and definite issue." The question is, whether in future, by the introduction of the Conscience Clause, the religious teaching of the Church of England in her smaller schools shall be legally compressible within the corners of the hour's Catechism and Bible lesson.

Mr. Gathorne Hardy pointed this out plainly enough in 1862[4].

"It is as dangerons," he said, "to have our constitution sapped as to have it attacked openly; and I am convinced that, if the National Society and other Societies were to yield to the Conscience Clause, they would eventually have to go a great deal further. They would have to adopt a much more open system than the one now proposed by those who put forward those clauses, because it is the beginning of that inevitable progress which exists towards secular education. . . . . If you begin to set up a system by which you say no man shall have assistance from the State unless he will admit the children of every denomination and allow them to withdraw at certain periods, *you must go still further. You must come to times and seasons* at which religious instruction shall be given. *You must take it from the ordinary lesson.* You must commit it to some definite period, and you must have notices set up that children may quit at particular times. It seems to me that when you get to that system, that if you warn children to leave when religious instruction begins, you are taking a step beyond that which the Clergy are authorized to do."

Mr. Mann recognizes this as the true statement of the case on the side of the "religious party." He says—

"The permission to a child to retire from school when instruction is to be given in any Catechism would, it is contended, be inoperative, if the Master might at any other time instruct the whole school in the *doctrines* of the Catechism; and no words can be devised to hinder him from this which would not also prohibit *all* Religious teaching[5]."

Mr. Chester accepts the statement, for he writes—

"As for the practical difficulty which was the subject of Lord Granville's late correspondence with the Archbishop of Canterbury, I confess I scarcely know how to speak of it with gravity. It is alleged that if separate times are appointed for the systematic religious instruction of the Church Scholars by the Clergyman [or Teacher], he must be also at liberty to introduce such instruction at other times whenever he thinks it requisite—whenever any little incident

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[4] Speech at Canterbury, November, 1862.
[5] Census Report on Education, 1851, p. lxxxvii.

occurs—in school hours to call for admonition or warning. . . . In the discharge of duties even a Clergyman must submit to convenient restrictions of time and place [6]."

If this does not mean that he understands the Clause, when brought into operation for the "protection" of Dissenters, to restrict the religious instruction of Church scholars to the separate times, and the Clergyman [or Teacher] from being at liberty to introduce religious instruction "at other times in school hours," I do not know any language that would.

The Rev. J. Oakley goes a step further. For, in arguing for the Clause, and in answer to the objection that the Teacher ought not to be placed in the false position of separating between the religious and the secular teaching of the school,—"nevertheless," he writes, "I suppose he *does* separate them. They *are not, cannot be*, taught together."—Well, then, if they are already irrecoverably separated, how is the adoption of the Conscience Clause to save them from separation?

"Of course," he continues—

"I know their abstract connexion, but in the practical mechanism of an individual School I suppose there is no help for their taking different positions on the time table, no means of obviating the necessary orders 'Close spelling books; Catechism class come up.' And with this inevitable line drawn in practice, I am wholly unable to see the deep departure from good principles in the master's adding, 'A. B. C. D. take your slates and write out a psalm or hymn from memory, while the others say their lesson [7].'"

Invidiæ causâ, Mr. Oakley puts Spelling as your Lordship has put the Rule of Three. Why not put the *bonâ fide* case? Does it follow, that because the Spelling lesson may cease at 10, and the Catechism lesson begin at the same moment by the time table, when the dissidents are set to slate-work, *therefore* there is and can be no religious instruction at other times and during other lessons? Does it follow that when the Teacher separates Spelling and Catechism, because from the nature of the case there is an inevitable line to be drawn in practice, *therefore* Reading of History or Biography and pervasive Religious instruction "are not, cannot be, taught together," when the dissident reads the history and hears the doctrine? Your Lordship will consider whether this is the quality of argument which ought to distinguish what he claims to be a "carefully prepared statement" by the Secretary of the London Diocesan Board of Education.

Having now, my Lord, shown the incompatibility of the Conscience Clause with the maintenance of pervasive Religious Education in our Church schools, and that there is at least "one clear

[6] Letter to the *Times*, Nov. 1, 1866.
[7] "The Conscience Clause," p. 43.

and definite issue" on which its opponents see no ambiguity in the Clause; let me proceed to show what there is to meet it on the other side,—how little agreed its various advocates are as to its effects.

Your Lordship observes no ambiguity in the Clause; you have no doubt about its effects. Nor, I suppose, has any other of its advocates, any more than its opponents. But let us see what they have said on the subject.

1. First, as regards *the Bible.*

Mr. Lingen to the Rev. W. B. Caparn, May 31, 1865, interprets it to—

"Allow Managers to make the daily reading of the Bible *by every child* that can read an *absolute rule* of the School, as long as the text of the Bible is not employed to enforce doctrine which (*ex hypothesi*) is that of the Church of England, but is not also that of the Parent."

Mr. Lingen to the Rev. C. Craven, Jan. 29, 1866, interprets it to say that—

"Managers must insist upon the reading of the Scriptures as a necessary part of the instruction in the case of *all those* children whose parents do not object. To those who do object it would be open to say 'Your child *need not* attend the Bible lesson.'"

Mr. Lingen, again, as a witness was asked (Q. 3483—1866)—

"*Quest.* Have you not a rule [in the Revised Code] that it shall be necessary that the Scripture shall be laid upon all Schools receiving Government aid?

"*Ans.* But not that every child shall necessarily be instructed in it. Every School is to be a religious School, and the Bible is to be read in it, but it is *not* provided that in all cases every single child shall read it."

Mr. Lingen again stated (Q. 3459—1866)—

"The Conscience Clause in the years before 1862 was a Clause which provided for reading the Bible in the Schools, but for exempting the children whose parents desired it, from . . . the teaching of the Catechism. Then it was felt, while the subject was under discussion by the Committee of Council, that the compulsory reading of the Bible was a great stumbling-block to many Clergymen, because they felt that to be obliged to read the Bible and to be stopped short of the Catechism, was a difficulty, and this [2nd] Clause which was suggested to the National Society . . . was framed in a great measure to meet that difficulty, by *not* obliging the Clergyman to do *any thing* positive, but merely giving the Dissenter a negative right to get his child into the School without having his dissent trodden upon."

How to reconcile this statement, that under the Clause the "reading the Bible in the Schools" even is not obligatory, with the provision in the Code, and Mr. Lingen's statements to Mr. Caparn and Mr. Craven, I do not know.

Mr. Bruce, in putting a question in Examination, said (Q. 5079—1866):

"As a matter of fact, according to the interpretation which is put upon the Conscience Clause by the Committee of Council in every Church school with a Conscience Clause, the parent has the power of withdrawing his child even from the exposition of the Bible lesson, if he chooses to do so."

But Sir John Pakington, on the other hand, is indignant with a witness for saying so. (Q. 4556—1865):

"Are you not aware that the reading of the Holy Scriptures is required? (4557) Is it not obvious that it is required? (4584) Have you any doubt whatever in your mind, considering the object of the Clause, that the meaning of it is, that the Bible shall be read to *all the children, whether they are Dissenters or not?* (4585) Supposing the substance of the Conscience Clause to be that the Scriptures must be read, and that the exemptions are, *as it appears to me they clearly are*, limited to the formularies of the Church of England, and attending Divine Service,—would you then say—?"

2. Again,—as regards *restriction of religious teaching*, and its separation from secular—

Mr. Lingen interprets it to Mr. Craven to require that the Orders made by Managers

"Must not otherwise (i. e. than by the exemption of the aforesaid children) interfere with the religious teaching of the said scholars." The Managers must maintain the Church's doctrine, . . . and in relieving those who object to reading the Scripture "they must do so upon terms that are confined to relieving them, and do not extend to the compromise or prejudice of that *full religious instruction* to which the other children are entitled."

Yet Mr. Lingen plainly contemplates that under the Clause there shall be an entire separation of the secular lessons from the religious instruction.

"*Qu.* (3450—1866) According to your interpretation of the Clause, the parent would have the right of coming to the Clergyman and picking out the particular doctrine on which he would place his ban; and that Clergyman would still be forced by the meaning of the language to teach the Christian religion *minus* that particular doctrine?

"*Ans.* I should not myself have come to that conclusion. It is impossible to give a perfectly certain interpretation of any clause which has not been the subject of a judicial decision; but I myself should have felt entire confidence, as a Clergyman, in saying 'Your child *may come to the secular lessons* at my school, but under the conditions which you impose, I can have *nothing to do with his religious instruction.*'"

Earl Granville says that it means that the children of protesting Dissenters must not, when withdrawn from formularies, be "brought in again to hear the doctrines of the Church taught."

Mr. Lingen wrote to the Rev. J. Scott, 26 March, 1866—

"No child ought to be compelled to receive religious instruction contrary to the professed and declared wish of its parents. It is hardly necessary to add that such compulsion might be applied without the direct use of specific formularies, inasmuch as all that is contained in them might be taught in other words."

Mr. Chester laughs at the allegation that—

"If separate times were appointed for the systematic religious instruction of the Church Scholars by the Clergyman, he must also be at liberty to introduce such instruction at other times whenever he thinks it necessary."

Mr. Oakley puts up the proposition of the adoption of the

Clause as one alternative to the separation of religious instruction from the general school work: and yet says that even without the Clause "religious and secular teaching are not, cannot be taught together."

3. Again: as regards *withdrawal from any, or all, religious teaching;*—

Mr. Lingen to Mr. Caparn—

"I am directed to state that the Apostles' Creed, being a formulary of the Church of England, might be required not to be taught to a child by its parent who belonged to a communion wherein that Creed is not said."

Sir John Pakington asks of the Rev. G. H. Fagan—

"4548—1865. Supposing that you were the religious teacher of a school in which the principle of the Conscience Clause was adopted, and that you had in that school the children of parents who had availed themselves of their rights under that Clause, are you not, as the religious teacher in that school, at liberty to teach that child his duty to GOD?"

"4549. In what words, or in what way is it barred out?"

"4650. I ask you whether under those words which I have suggested to you, you are not at perfect liberty to teach every thing but the distinctive doctrines and formularies of the Church of England as shown in the Catechism?"

"4553. Knowing that by the plain words of this Clause you are at liberty to teach that child religion, what is there to prevent you, a Christian minister, in teaching that child Religion, from eliminating the contents of that answer in the Catechism of his Duty to GOD, which does not touch the distinctive doctrine of any Church whatever, but which involves plain duties to which every Christian of every form of worship is liable?"

"*Ans.* I am sorry to say that I cannot see that I am at liberty to teach Religion to any child whose parents object to religious teaching."

"4554. Then, if that is your impression, *is it not obviously, from the plain English of the Clause, a mistaken impression,* when you read the words, that excepting the formularies of a given Church, and excepting worship in a given Church, this Clause shall not otherwise interfere with the religious teaching of the scholars, *which means* that with these two exceptions you are at liberty to teach the scholars Religion?"

"4555. In these cases we cannot enter into doubts and restrictions, but we can only enter into the plain meaning of the English words as they are there."

"4558. Do you mean to say that your construction of the Conscience Clause is, that when the parent of a child having a right to do so demands that his child shall be withdrawn from the teaching and formularies of the Church of England and worship in the Parish Church, you, as a religious teacher, are precluded from teaching that child any Religion at all; is that your construction of the Conscience Clause?"

"4559. Will you point out to me the words under which you could be so restricted?"

But Mr. Bruce says—

"5079—1866. As a matter of fact, according to the interpretation of the Committee of Council, the parent has the power of withdrawing his child from *any portion* of the religious teaching."

"5088. Does it not appear from the Conscience Clause itself, as interpreted by the Department, who may fairly be supposed to understand it, that you have a power of withdrawing a child from *all religious teaching?*"

"5089. *I state that they have the power.*"

Earl Granville—

"It does prevent the Clergyman from extending religious instruction to the children of those who object."

Mr. Lingen urges that "the true defence of the Conscience Clause, I think, is, that it is negative, and to give exemption; that it does not warrant positive interference." But he admits (3460. 3480. 3541) that it is only his own interpretation. Even on the legal point the Crown law officers have not been consulted. I have already adverted to the not uncommon occurrence, that the intention of a draughtsman, or even of the Legislature, and the effect given by a Judge, prove very different. Mr. Lingen even allows (3450) that it is impossible to "give a perfectly certain interpretation of any Clause which has not been the subject of a judicial decision." And see now what different views and interpretations have been enunciated by Earl Granville, Mr. Bruce, Sir John Pakington, and Mr. Chester. And yet upon this acknowledged legal uncertainty, and upon these diverse opinions about it, we are to encounter unmeasured reprobation, even your Lordship's severe language of rebuke, for being unwilling[8] to hazard the future of our Schools and Parishes.

Mr. Chester, who differs from Mr. Lingen, or is more candid, or

[8] They who are so, are not, as has been most unfairly insinuated, of any one class of theological views. This is equally true of Laity as of Clergy.

Sir John Coleridge's opinion is well known.

V. C. Sir W. Page Wood said, at Colchester, in October, 1862,—"There are symptoms of a desire on the part of the Committee of Council to engross far more than a due share of weight and importance in the superintendence of the education of the country. . . . There is great hazard and danger of the education of the country taking a turn which the true friends of the Church would be very unwilling to see it take, and tends far more to secular instruction than it had hitherto taken. . . . As to the wisdom of that Clause, he could not understand it, nor could he see how a master worthy of his position could avoid teaching those principles and doctrines he had imbibed. He thought the Conscience Clause a very foolish one."

Lord Harrowby writes to the *Times*, Nov. 8, 1866, that although its dangers appear to him only logical and not practical, still he "cannot but regret that the stipulation was ever introduced by the Committee of Council."

And the Earl of Shaftesbury, at Salisbury, in December, 1865, said, "I hated the Government Grants from the commencement—I protested from the first against your having any thing to do with them. I knew that your independence would be fettered, and I was perfectly sure that they would interfere with your Religious Teaching both directly and indirectly. . . . I do not suppose that there is any Gentleman in this Meeting, or any Clergyman of the Diocese, who would wish unnecessarily to have the children of Dissenters in their Schools, and then to force upon them the various dogmas of the Catechism which they cannot receive, and more particularly those parts about Godfathers and Godmothers. But it is a different thing to allow a Clergyman that discretion, and to have it put into a deed—'I will give you 5*s.* 6*d.* upon the condition that you will not say a word about the Apostles' Creed.' I hope the Laity of the Diocese of Salisbury will come forward and rescue the Bishop from so miserable a position as that."

less cautious, admits that the interference will amount to restrictions on the liberty of religious teaching in the current work of the school; restrictions which the Wesleyan body, with a formulary Conscience Clause already, indignantly refuse to submit to, but of which that gentleman thinks that Churchmen ought, knowingly and willingly, to pass the Church under the yoke.

Earl Granville even admits the same thing, when, in his answer to the Archbishop, he remarks upon the Resolution of the Wesleyan Committee, "It implies that no useful instruction can be given on secular subjects which is not interspersed by religious teaching of a controversial character." Of course the word 'controversial' is introduced *ad invidiam*; but it turns against his Lordship. For what religious teaching is there which is not, in one view, of a controversial character? You cannot put your finger upon a single item which is not under controversy, or has not been within the last twenty years, or will not be within the next. If this fact, of the ever-shifting *locus* of controversy, involving not merely external and incidental points, but the very foundations of the faith, be not a conclusive argument for holding hard and fast to the free and unrestricted liberty of definite teaching throughout a Church School, I can imagine none that would be. But whatever sense be really signified by the word as used by Earl Granville, this is indisputable, that his Lordship distinctly understands the Conscience Clause to produce a state of things in a school, opposed to that contemplated by the Wesleyan Resolution; that is to say, he understands a restriction of the religious teaching, from pervasive, to the special hour's lesson; a separation of secular from religious teaching.

Now these diverse representations, on these three essential points, certainly go very far to show that there is a great amount, if not of ambiguity in the language of the Clause, still of difference of opinion among its best advocates and most authoritative interpreters, as to its legal and practical effect; and therefore, if its opponents could have any doubt, would very much increasethe hazard of adopting a clause of such very uncertain operation.

But they have a special force with respect to the result of the inquiry by the House of Commons Committee, in so far as that is exhibited in the Draft Report of the Right Hon. Chairman. As they show both what is his understanding of the Clause, and also how far removed it is from what any of the representatives of the Committee of Council maintain, we are able to put a value on the propositions of that Draft. Is it any wonder if the Committee

were very glad of a sufficient excuse to postpone it? Could the Vice-President have supported it on *his* grounds?

Was it indeed possible that Sir John Pakington should avoid drifting, the moment he attempted precision of language, into a fallacy? Determined to put the objecting Churchmen in the wrong, without seeing that in the eyes of Mr. Bruce he must be almost equally wrong with them, he endeavours to turn their own gentleness and forbearance against themselves by the following argument; which is as nonconsequent in itself as it is fallacious in fact.

He represents (1) That the majority of the Clergy "act upon the tolerant principle which it is the object of the Clause to promote;" (2) That in doing so, they "acknowledge the justice of the principle;" (3) That they therefore "cannot be justified in resisting the embodiment of it in a general law."

Now not only is there, as must be obvious, no consequence between these propositions, but—what is even more important—the whole argument is based upon a *petitio principii*[9].

It assumes that the *principle of tolerant treatment is the same thing with the principle of the Clause.* The two things are totally distinct. To no practical man could they occur as identical.

There is plainly a broad difference in principle between that—such as exemption from learning formulary, or even Bible or doctrine in the Bible and Catechism class,—which mainly affects the *exempted child;* and that which, like exemption from doctrine generally, involves in practical necessity the destruction of pervasive religious education in the school, and thereby affects *every other child* in it. It is perfectly possible to accede to the former, without being thereby logically or morally bound to embrace the latter.

The distinction then lies in this:—

On the one hand, the *principle of tolerant treatment* implies the treatment of the individual child with forbearance and consideration; with *as much* forbearance and consideration for its special circumstances, *as* the nature of the case admits, *and as* can be shown without producing evil consequences upon the rest of the children.

On the other hand, the *principle of the Conscience Clause* is, as I have previously shown, the setting up for the child, of a legal

[9] This ran throughout the whole examination of witnesses. There was cross questioning and crooked answering throughout.

Three minutes' questioning by an expert on either side would on many occasions have completely altered the whole effect of evidence.

right of entry for secular, or reduced religious instruction, which, worked out, involves in its consequences *either*, if withdrawal from formulary only is claimed and conceded, and the child brought in again to hear Church doctrine, a mere deception of and injustice upon the parent; *or else*, if exemption from doctrine is claimed and conceded, then the sacrifice of pervasive Religious teaching throughout the School.

It is therefore perfectly consistent and justifiable, that, while Churchmen, Laity and Clergy, wish to treat the minority with all tenderness and consideration, they should conscientiously and resolutely refuse to subject the School irretrievably and for ever to a legally enforcible right which, if acted out, would destroy within it that which they hold to be of the very essence of Education.

Sir John Pakington appeals to the evidence. To the evidence let us turn. There is, no doubt, plenty of evidence to show that the Church School managers apply "tolerant treatment," and so acknowledge the justice of that principle. But there is not an inch of evidence to show that the principle of the Conscience Clause is in any single instance of a one-school Parish acted upon or acknowledged. There is not an iota of evidence to show that the pervasive religious instruction has ever been sacrificed under the plea of tolerant treatment. On the contrary there is evidence that when Managers were said, in answer to questions which throughout were put in a leading form, to "act upon the principle of the Clause," what was meant was simply and invariably that they conceded exemption from the *formulary or Bible Lesson only*.

The statement of the Rev. W. J. Kennedy, H. M. Inspector, is about as general as any; he was asked—

"2551–1865. As far as your experience goes, is it your opinion that the Clergy do generally act upon the principle of the Conscience Clause?—I think that they act upon it almost universally, and the exceptions are so trifling as not to be worth naming. In Lancashire I have found out persons' feelings upon the subject as much as possible, and I only know of one Clergyman who says that he would not act upon it in his school. He is a very excellent man, who maintains, I think, no less than three or four schools, and who is most liberal and kind to his schools; but he holds these particular views, and he says that he will not admit any child to his school who *will not learn the Catechism:* but that is a solitary case out of an enormous number."

"2558. Are the Committee to understand that in all these cases, which must be numerous, the principle of the Conscience Clause is carried out *to this extent;* that the Clergy do not insist upon Dissenters' children *learning the Catechism*, and that they do not insist upon their going to Church on Sunday?—They do neither one nor the other in general."

The Rev. B. F. Smith, Inspector for Canterbury Diocese, was

nearly, if not quite, the only witness out of many to whom the following two invidious questions were put, who saw their drift, and was prepared with the true answer. The Chairman is the interrogator:—

"959—1866. Are you able to state whether the objection on the part of the Clergy is chiefly to the principle of the Conscience Clause, or chiefly to making that principle compulsory?—I think that it is to the legal footing which is given by it to Dissenters that they would object.

"960. Do you think that they do not find fault with the principle, but that they do not like to be compelled to adopt a principle even if it is good?—I do not think they would like to give a legal footing to Dissenters which might be used injuriously to themselves and their schools."

It is not, most distinctly, the mere compulsiveness, which constitutes the essence of what School Managers object to; but the *consequences*, fiscal, moral, and religious, which that legal compulsiveness may give rise to and entail on School and Parish.

"962. Is the discretion in their hands largely exercised in your diocese in favour of the Dissenters?—Almost universally, I think, where they demand it, which is very seldom. The exemption from religious teaching, granted or asked, *is never*, as far as I know, from the *oral religious instruction*, which is given to all Scholars alike, but is strictly confined to exemption from *learning by heart the Church Catechism, or certain parts of it.*"

The Rev. J. Griffith, Rector of Merthyr Tydvil, said (3717-21—1866)—

"*We act upon the principle of the Conscience Clause.* The Catechism is taught in the School to all the children, unless an objection is made. Practically an objection is never made. As a fact, I do not know of one instance that I could specify myself. 3820. The children of Dissenters learn the Catechism quite as much as the children of Church people. *All the children in the School learn the Catechism.*"

The Rev. E. B. Squire (3871—1866), interrogated by Mr. Bruce—

"Has any disposition been shown by the parents of children attending that school (with a Conscience Clause) to avail themselves of the power which the law gives them to except their children from learning the formularies of the Church?—No, in only one case out of 12,402 children.

"3872. Then you have not found in practice that the insertion of a Conscience Clause has led to the consequences which have been apprehended, namely, that the legal power of exempting their children, if their parents desired it, will be largely availed of?—As regards the Conscience Clause of this school, I am quite sure that there *is not a single parent in the whole district who knows of the existence of it; they do not know the meaning of it.*

"3873. (*Mr. Bruce*) *I suppose that that would be very much the case with regard to any Conscience Clause inserted after correspondence with the Committee of Council?*"

That is to say, according to Mr. Bruce, the Committee of Council propose this Clause to relieve a grievance of the Dissenter, believing that it will not be of the slightest benefit to them, or injury to the Church, *because* they will never know of the rights and privileges conferred by it, or of its very existence.

In thus gilding the pill to the Churchman, Mr. Bruce surely forgot the opinion which both Dissenter and Churchman will form of the *bona fides* of the Committee of Council, and of the value of the Clause itself. They will both agree that the word "Conscience" had better be left out.

The Rev. Canon Robinson, late Principal of a Training College, whose evidence on other matters had strongly impressed the Committee, and who had spoken very decidedly in favour of the imposition of the Clause, when asked to give his interpretation of it, said (6034—1865) that—

"According to my interpretation it would permit the parents of Nonconforming children to withdraw their children absolutely from all religious teaching; but certainly not from moral teaching founded on religion. . . . Moral teaching, founded on the doctrines of religion, cannot be called a doctrine in the sense in which any use can be made of it with reference to the Conscience Clause. . . . I think that the language of it could only apply to specific lessons, and that unless those lessons were strictly what are called lessons in doctrinal religion, the Clause could have no application at all to them. If a master, for instance, chose to give a lesson to his scholars on deceit, or falsehood, or dishonesty, whatever argument he might make use of to support his views, the doctrinal question would not be raised in any such sense as that Clause implies."

He was asked (Q. 6039)—

"But any accidental teaching of doctrine in the course of other lessons, you think, would not be forbidden by the Conscience Clause? *Ans.* I do not see how it could be forbidden by the Conscience Clause, because the parents can only require that the child shall be withdrawn from *some specific lesson*, and *not* from any accidental indirect teaching which it may come across in the course of its school work."

The Rev. Dr. Miller, at the last National Society's Meeting, in the most unmistakable terms insisted he would never abate one iota of doctrinal teaching throughout his whole School work; while in the same breath he advocated with equal positiveness the adoption of the Conscience Clause. He should rejoice, he added, to receive "even" an infidel child into his school.

It was plain that he misapprehended the whole operation and scope of the Clause. He obviously did not see that if—as Earl Granville justly said—a protesting child must not be withdrawn to avoid hearing formularies and then be brought in again to hear religious doctrine, it would be imperative upon him to prevent all religious teaching from coming to his ears. In fact and practice, to keep faith with the infidel, and obey the law of the Clause, he must surcease from his determination to sanctify secular with religious teaching throughout the school. The next speaker, accordingly, quietly asked him what, when he had got the child into the school, he proposed to do with him, so as to maintain that general teaching of the school and yet prevent the child being contaminated

thereby. The order of speaking in public Meeting unfortunately precluded the reply, which otherwise must have been interesting.

My Lord, there is one more instance to which I ought to refer: that of the much, but most unduly, vaunted Hoxton Schools.

What are the facts? Here is a London Parish of 6000 population. The number of children, therefore, roughly available for school about 800: 500 are in this school. To what schools their parents prefer to send the rest does not appear; of course a proportion go to upper, or to private-adventure schools. The dissenting parents of seven out of sixty children object to their learning the Catechism. The Rev. T. W. Fowle says (Q. 1751—1866)—

"The Religious teaching, and the teaching altogether, is that of a Church school. The children who object to the Catechism are set, while the Catechism is going on, to write at a bench by themselves. The parents do not object [have they ever been asked?] to their hearing the Catechism taught to the other children while they are writing. They receive religious instruction: the Bible must be read daily, of course. The Bible is expounded to them. The Master is fully aware of the religious objections of the parents of those children.

"1763. Have you reason to believe that he avoids introducing any of those peculiar doctrines in his exposition of the Bible to which they object in the formularies of the Church?—I should think that he does not touch upon them very much; but if they come in his way, I do not suppose that he would avoid them. He has never been asked to do so at all; he has been asked not to teach the Catechism, that is all.

"1765. In all respects, except the Catechism, is the religious teaching of those children just the same as that of the remaining children?—Just so."

Now, what is this case really good for? It is good to show, what every body now knows, that the grievance is a merely speculative one: and how few parents, in the present state of things, desire the legal security of the Conscience Clause, even as a formulary Clause. But it is good for nothing more whatever.

For what happens? Mr. Fowle, or his master, takes the seven children, whose parents conscientiously "object on religious grounds" to their learning the formulary; and teaches them all Church doctrine, even the "peculiar doctrines" if they come in the way[1]. Of course Mr. Fowle sees nothing objectionable in this, or he would not do it. But Mr. Bruce would call it "altogether an illusory arrangement;" and Earl Granville would say it was taking an undue advantage of the parents, one to which a loyal carrying out of the Conscience Clause could not lead. He would say that "it is not acting justly to the Dissenters, for the Managers of Church Schools to allow their children to with-

[1] This is the way in which Mr. Fowle exhibits the liberality of, as he claims to be (letters to *Guardian*, 18th Jan. and 9th Feb. 1866), a "liberal" Clergyman. Mr. Kennedy, in his Manchester paper, makes the same claim; but he certainly illustrates it very differently. (See p. 40 *infra*.)

draw while the formularies of the Church are being read, and to bring them in again to hear the doctrines of the Church taught."

However that may be, the fact remains, that Mr. Fowle, in so pertinaciously urging the Conscience Clause, on the credit of the Hoxton Schools, has done so under the persuasion that it allows children claiming legal exemption from learning the Catechism, to hear and receive all doctrinal teaching even of "peculiar doctrines," and to receive all religious teaching of the school, just the same as the Church children.

Of course, as his Master thus teaches doctrine to these children in the Bible lesson, he has no reason for hesitation or reserve in the ordinary classwork, when occasion calls for it. Therefore in this school, and case, the question of interference with the pervasive religious education can receive no illustration. Whatever it is, all the children get the same.

And this is the case, my Lord,—which does not raise any of the questions except the formulary exemption, and that not carried out according to the Lord President's interpretation, in a parish moreover without any of the special features of a single-school parish, closely surrounded by other parishes with Schools, Dissenting and Church;—which is wholly free from any of those means of aggressive and vexatious action which too many Clergymen know to their misfortune can easily be put into operation in small country parishes; but which appears to Mr. Melville a "typical" case, and satisfies your Lordship to adopt it as the "one well authenticated case" which is "decisive" as to the merits of the Conscience Clause!

We see, then, what is meant by those witnesses who have been induced by leading questions to say that the "principle of the Conscience Clause" is extensively adopted. It is plain that they meant, not the principle of the Clause, but the principle of tolerant treatment. I have shown how different they are. Those again who have advocated the Clause have done so under a persuasion which Earl Granville's statement must have dissipated. And can it be a matter of doubt what course they—may I not venture to think your Lordship also?—will take, in coming to a more clear understanding of the legal and practical effect of the Clause? Will they not change their advocacy for a strenuous resistance, when they appreciate the restrictions imposed by it—when they see that it involves so much more than mere withdrawal from "some specific lesson," even the destruction of the pervasive religious teaching of the whole School? *That*, they would surely, for no

favour, nor price, nor grant, forego. They would, no doubt, administer tolerate treatment. But one must believe they would refuse—that your Lordship would refuse—definitively to be parties to the adoption, in any parish of which they were pastors in the present, or trustees of the future, of the so-called Conscience Clause. Would not even Sir John Pakington, observing on how different an interpretation from that of the members of the Committee of Council, and on what a misunderstanding of the evidence his argument is framed, be disposed to reconsider the propositions of his draft Report? He has himself admitted that "religion ought to be mixed up with the whole system of training from infancy[2]." *Training*, not merely instruction. If he would but follow out the meaning of his own words, would he not be led into a very different course?

This, my Lord, is, with regard to the statement in your Lordship's Charge, that the Conscience Clause would not interfere with the Religious Teaching within the School, the main issue. Promoters of Education, School Managers, the Clergy, the Teachers, the Lay Visitors,—nay, my Lord—(and let us realize this fact, that a Conscience Clause for one, must inevitably, after what has passed, be a Conscience Clause for all similarly-placed schools)—not Churchmen only are concerned, but members of all denominational bodies who hold definite forms of faith, must distinctly face the question, whether they are content, under the Clause, to give up that which it is, beyond reasonable dispute, the necessary practical consequence of the Conscience Clause, legally and honestly carried out, to destroy, viz. the liberty of speaking what they hold to be Religious Truth in school whenever occasion, in the course of lessons or conduct, may call for it throughout the day; or whether they will be content to shut all up into the hour's special lesson. It is an issue not to be met, as by Mr. Chester, by pretending to lose his gravity. Pardon me, my Lord, if I say it is not to be got over by putting a self-contained absurdity about the Rule of Three. But it is a very substantial and crucial question, on which, as I believe, no one will choose to advocate the Clause who understands its effect, and who values, I do not say mere teaching, or mere instruction, but Religious Training and Christian Education.

I trust your Lordship will not have reason to say that there is any "passionate declamation, sophistical reasoning, high-sound-

[2] Speech on motion to bring in Education (Cities and Boroughs) Bill, 18th Feb., 1857.

ing but utterly hollow phrases, violent distortion of facts," in what I have advanced.

Is it not a very sober, and very real, and very unpleasant, fact?

Have I put the issue far too gravely; laid too much upon the Clause?

Consider then, my Lord, what others, even laymen, think about the importance of the point at issue.

The Right Hon. W. F. Cowper, V.P., in debate on the Manchester Bill, in 1853, said, in answer to Sir John Pakington—

"In the Bill to which he had referred, it was said that although the Schoolmaster was not to teach doctrinal Religion, he was to inculcate truthfulness, morality, and the other virtues. It was assumed by those who prepared that Bill, that it was perfectly easy to inculcate all the cardinal virtues, without teaching doctrinal religion. From that position he (Mr. Cowper) entirely dissented. How could the master teach a child his duty to himself, without a reference to the self-denying principles and examples of Christianity; his duty to his neighbour, without teaching him something of Christian love; or his duty to the Almighty, without speaking to him of the covenant under which he is placed, and his relationship as the child of a Heavenly Father? To say that the schoolmaster should not teach doctrinal religion might amount to saying that he should teach no morality, and that he should not inculcate the conscientious duty of acting rightly. If, however, it were only intended to prohibit the schoolmaster from teaching certain formularies, then he (Mr. Cowper) had no objection to that arrangement. The Right Hon. Bart. had referred to the faulty manner in which the Catechism had been taught in certain schools; but it seemed to him that this did not go so much against the teaching of the Catechism altogether, as against the mode in which it was taught. And he was afraid that the teaching of it *only at a particular hour, instead of allowing it to be enclosed and enveloped,* as it were, *in the ordinary teaching* of the schoolmaster, would have a direct tendency to encourage its being taught in a perfunctory and ill-arranged manner,—being learned by rote, and not being understood."

The Right Hon. J. W. Henley, in reply to Mr. Cobden, in the same debate, said—

"The Hon. Gentleman must allow me to say that the religious teaching which is confined to *half an hour or an hour* per day, and is imparted simply as you would teach French, German, and Mathematics, or as you would give any other lesson, is not a teaching likely to *reach the hearts* of children, but will prove wholly barren and inoperative. Religion must be diffused over the whole surface of their training, or it can never be useful in regulating their conduct. Hence arises the difficulty when the matter comes to be fairly worked out. This point was well touched upon by Mr. Cowper, who said that if this important branch of instruction could be limited to half an hour each day it might be easily dealt with, but that, when you come to teach the child his rule of life, *doctrinal religion meets you at every turn,* and constitutes your real difficulty."

The Royal Commissioners say (p. 311)—

"With respect to the plan of restricting the (religious) teaching to points agreed on, we may refer to the history of the British and Foreign School Society. Undenominational teaching was its distinctive principle, but all the Schools, including British and others which are founded on that principle, contain only about 14·4 per cent. of the Scholars in public Schools, whilst the remaining 85·6 per cent. are in denominational Schools. The British Schools are for the most part large Schools in Towns, and are usually established where the various Dis-

senting bodies, not being numerous enough to establish Denominational Schools, prefer a British School to one connected with the Church of England. Religious communities, when able to do so, always appear to prefer Schools of their own to schools on the undenominational principle. The British and Foreign School Society is the oldest of all the Societies connected with Education, and might for a considerable time have been regarded as the representative of all the bodies which were not satisfied with the principles of the National Society; *but* in the course of the last eighteen years the Wesleyans and the Independents have established Boards of their own.

"The plan of drawing a line between Religious and Secular instruction, and confining the Religious instruction to particular hours, would, we believe, be equally unlikely to succeed. The principal promoters of Education maintain that such a line cannot be drawn, and that every subject which is not merely mechanical, such as writing and working sums, but is connected with the feelings and conduct of mankind, may and ought to be made the occasion of giving Religious instruction. They maintain that the Religious influence of the School depends no less upon the personal character and example of the Teacher, on the manner in which he administers discipline, upon the *various opportunities which he takes for enforcing Religious Truth*, and on the spirit in which he treats his pupils and teaches them to treat each other, than upon the distinctive Religious Teaching.

"Upon this subject we would direct attention to the following Resolution of the Wesleyan Committee on Education in reference to a Bill introduced by Sir John Pakington."

Before quoting which, let me give so much of the Wesleyan Trust Deed and Conscience Clause as relates to the points in view. *Min.* 1848-9, p. 61.

"That every such School shall regularly be opened and closed with devotional Singing and Prayer, in which the Wesleyan Methodist Hymn-books shall be used: That the Holy Bible, comprising the Sacred Scriptures of both the Old and New Testaments, in the authorized version only, shall be read and used in such School, *accompanied with instruction therein* by the Teachers, or Visitors, or both: That, for the purposes of Catechetical instruction, the Wesleyan Methodist Catechisms, authorized by the said yearly Conference, shall be used in such School: That Christian Psalmody shall form a part of the daily exercises of the children and young persons in such School.

"Provided always, and it is hereby declared, that no child shall in any case be required to learn *any Catechism* or *other Religious Formulary*, or to attend any Sunday School or place of worship, to which respectively his parent shall, on religious grounds, object; but the selection of such Sunday School, or place of worship, shall, in all cases, be left to the free choice of such Parent . . . without the child thereby incurring any loss of the benefits or privileges of any School the trusts whereof are hereby declared."

The Resolution of the Wesleyan Committee, quoted by the Royal Commissioners, declares—

"That, while it has ever been the fixed rule in Wesleyan Schools during the teaching of the Catechism, to permit the absence of any child whose parents should object to his being taught *such formulary*, and to leave all children free to attend on the Sabbath whatever Sunday School and place of worship their parents may prefer, this Committee believes that the *Wesleyan Community will never consent that the Teaching of Religion itself in their schools shall be subject to restriction.* Their experience shows, that besides the Scripture lesson with which their Schools daily open, and in which it is sought to make Divine Truth intelligible to all capacities, an able Christian Teacher will find throughout the day, when teaching Geography, History, Physical and Moral Science, and the knowledge of common things, frequent occasion to illustrate and enforce

the Truths of Religion, and that Religious teaching may be made to impart life and spirit to the whole process of Education."

The Royal Commissioners proceed :—

"The above reasons, which have been dwelt upon in other parts of our Report, are the principal ones which induce us to believe, while we are prepared to suggest means both for its modification and extension, that the leading principles of the present system are sound, that they have shown themselves well adapted to the feelings of the country, and that they *ought to be maintained.*"

Mr. Mann states of the INDEPENDENTS, that

"The great majority hold that a separation of the religious from the secular instruction would be highly detrimental to religious education,—that religion *must* form part, and no subordinate part, of daily training.—*Census Report on Education*, 1851, p. lviii.

The Rev. J. P. NORRIS, Canon of Bristol, and formerly H. M. School Inspector, states (1871, 1866)—

"The same parent who objected to the doctrine conveyed in the Scripture lesson might object to Morning Prayers, or to grace before meat, or to prayers in the evening, or even to the method of enforcing the discipline of the School. The *religious element penetrates a school at all points, and you cannot tear it out without lacerating your school altogether;* and the Clergy feel that so strongly, that I am sure they would not consent to the insertion of the word 'doctrine,' which might be discovered in the prayers, which might be discovered in the discipline, which might be discovered by a vexatious parent in a hundred ways besides the special Scripture lesson."

The statement of "the Churchman's defence of an exclusively denominational system of schools," by H. M. Inspector, the Rev. W. J. KENNEDY, I abridge with great unwillingness. Mr. Kennedy, through, as it seems to me, failing to distinguish between the consequences of the principles of tolerant treatment, and of a legally compulsive clause, believes in the possibility of *a* (not approving of *the*) Conscience Clause. All we can say is, as the Earl of Derby said to the November deputation, "I wait to hear it." If Mr. Lingen, the Dean of Ely, and Canon Trevor, fail to construct a workable clause, no one—not even the framer of the Management Clauses—will be very likely to succeed :—

"On this point I wish to dwell for a few minutes, while I attempt to show what those Churchmen mean who desire exclusively denominational schools, and who oppose the Conscience Clause which has been promulgated. I wish to set forth, so far as can be in a brief compass, what the religious principles are which very many Churchmen believe to be at stake. . . .

"Without, then, giving any opinion whatsoever of my own, I presume that the Anglican Churchman, and I suppose I might say that the Roman Catholic, would argue as follows :—He would say that he believes in an authoritative teacher, viz. the Church. He believes that this Church, that this teacher, is entrusted with a special 'deposit,' to use St. Paul's expression; and that this 'deposit' will be kept in its integrity only where there is an Apostolical descent through descendants of the Apostles, called Bishops. It is his conviction, for instance, that if you could remove all Churchmen and all Roman Catholics from England; if you were to remove this witness, this teacher and his 'deposit' altogether away, that then

ere long there would be no definite Christian creed in England; that Christianity, in short, would soon become on the footing of any other religion, for that it is the presence of the authorized teacher and his 'deposit' which keeps even those who dissent from wandering altogether away. Some will say this is all error. Be it so. I am giving no opinion whatever, one way or other; I am not raising now in the slightest degree any question of truth or error. I am simply attempting to show the Churchman's point of view, the belief of very learned and pious Churchmen, and so far, I presume, of Roman Catholics also.

"The question is, will those who profess *par excellence* to be tolerant, show themselves intolerant? Will those who, like myself, profess themselves liberals, prove themselves illiberal? If not—then in admitting that the Churchman is to be tolerated in his belief, they must also be prepared to show their toleration, their liberality towards the legitimate *sequences* of that belief. But one necessary sequence of that belief is, a feeling respecting a child's education very different from that of those who hold no such belief. The Churchman is urgent to be free and unfettered in school, because he believes in a Church; in the necessity for an authoritative witness and teacher in revealed matters; in a commission and a 'deposit;' all in a sense and degree widely different from what is felt by the protestant Dissenter. To him, therefore, it must seem very far from an indifferent matter whether the clergyman and the schoolmaster, during the short period they can catch their little lambs among the poor, may or may not be at liberty to impart their creed, their 'deposit.'

"I desire to avoid specific reference to other special doctrines of the Churchman which also cause a wide divergence of view about a child's education. But well-instructed persons will readily call them to mind. For instance, no one can fail to see at once what a different attitude must be assumed towards children, and what a different treatment of them must logically ensue, in the case of persons so widely differing about Baptism as the Churchman and the Antipædo-Baptist, and I might add the Unitarian and others.

"But also on philosophic grounds, apart from purely religious grounds, the Churchman does not believe that a child ought to be left to form its own creed of morals and religion. He believes that if truth is not implanted, error will grow up. He believes that childhood is just the very period in which religion is to be taught, and perhaps, humanly speaking, the only period of life when it can be taught (witness our failure among adult heathens), for that the mind then, and then only, is like the ready mortice into which the tenon of truth will duly fit.

"And if you go on to tell him that religious belief and religious principle may be inculcated at a *fixed hour only* in these schools, he will object that you are doing a grievous wrong to his scholars by restricting his teaching to set formal lessons. He will tell you that this is to quench all zeal in himself—that very zeal which led Churchmen to found schools at all. He will tell you that this is to convert the schoolmaster from an Educator into a mere instructor—and this, too, in the case of poor children whose only religious education, too often, can be got in their school. He will deny, perhaps, altogether, that religious instruction is a mere morsel, so to speak, of education, which can be separated from the rest without injuring its vitality. He will deny that religion should be only thus administered to children, especially to these poor children, like a medicinal drug. He will assert that they must needs receive it ever, *naturally interwoven in their school life like the air they breathe*, if it is to nourish them, if it is to be absorbed into their nature, and form part of their life and being. Of course he will admit that the Church has its truths and mysteries which must be taught at stated times; yet he will assert that even these, or at least many of them, such as those connected with Baptism and grace and the aid of the Holy Spirit, lose life and efficacy, and that the child is robbed of his very birthright, if these doctrines are treated as a mere by-part of education which the child has to learn and then to have done with; that, in fact, it is *during school routine, during life in the school-room and play-ground*, that these truths must receive comment and enforcement and illustration, if they are to sink in a child's heart and life, and that in the case of the poor it is thus, and thus only, that the work can, humanly speaking, be done.

"One word more in the defence of the Churchman's position, and I have done with this part. I say, then, that it is an illiberal and untrue view about the feelings of the opponents of the Conscience Clause to say, or think, that they wish to convert the children of Nonconformists by attracting or forcing them to school, and then taking an unfair advantage of them. Let those who, like myself, wish the National Society and the Church of England to adopt some Conscience Clause, learn above all to be just, and to be liberal in the true sense of the word. The Churchman's feelings in this matter have no reference to Dissenters. He is not thinking of them. When he says—'I wish for a school in which there shall be a Church schoolmaster, and a man earnest in religion, and that he shall be a trainer and educator of children, and not a mere instructor and machine, the Churchman says this for the sake only of the lambs of his own fold. He grudges that their young minds should breathe in school an atmosphere of hesitancy and doubt in matters of religion. He wants faith—a child's faith; and not to be rearing a brood of little premature polemics or sceptics, such as, he asserts, those children are likely to become who even in their babyhood, in their very school, have forced on their notice all the differences which exist from the Churchman down to the Jew. In short, he does not seek to convert two or three little Antipædo-Baptists or Socinian urchins; but he does desire to teach and exhort and train his own babes, and so, under GOD, to save their souls alive.

"Such, though briefly and imperfectly stated, I believe to be in part the defence—the true defence—of the opponents of the Conscience Clause. Let those who, like myself, wish to have a Conscience Clause do them full justice, and not show that toleration itself can become a very intolerant thing."

The ARCHBISHOP OF CANTERBURY, in his correspondence with the Lord President, on July 6, 1866, declares that Mr. Lingen's statement to the Rev. J. Scott—

"To my mind amounts to a prohibition to any Clergyman or Schoolmaster to explain any part of Holy Scripture in conformity with the doctrine of our Church, or to touch upon any Christian doctrine, incidentally, in any other lesson, if any parent chooses to require that his child shall never be exposed to such instruction. This being the case, one of two alternatives must be the result—either the Clergyman and Schoolmaster must feel themselves bound by the Conscience Clause to abstain from all allusion to Christian doctrine and Christian practice founded thereupon, in every lesson, except the Catechism lesson, from which the child may absent himself; *or*, the child must be withdrawn from every other lesson also, for fear of being compelled to listen to Christian teaching. The first alternative imposes upon the Clergyman a bondage to which I conceive no one would voluntarily submit, and the other deprives the child of such instruction as I believe it to be the object of the Committee of Council on Education to secure to him.

"The truth is, that the whole question between us turns upon this,—your Lordship seems to proceed upon the assumption that religious instruction will always be confined to the teaching of the formularies; whereas we think that, inasmuch as Christian doctrine is the mainspring and motive of Christian action, a careful and conscientious pastor or master might find occasion at any moment of school hours to inculcate Christian conduct from Church Principles. If he be debarred from that opportunity, whenever it may arise, then follows that interference with religious teaching which your Lordship declares not to exist in connexion with the Conscience Clause."

How valid, lastly, and important, and cogent upon the consciences of teachers and managers of all denominations—for I repeat it is no exclusively Church question—is this consideration of the practical consequences attributable to the Clause, may be inferred from a statement made by Mr. Bruce to Sir John

Pakington's Committee. It was not reported, because not addressed to a witness. But I took it down myself at the time, and I am confident the Right Hon. Gentleman will not dispute its accuracy. He said—what can only be the case if, not exemption of the individual from formulary or Bible lesson alone, but also, the destruction of pervasive Religious Education throughout the school, is practically involved in the Clause—"*There can be no question, that if the Conscience Clause were acted on throughout a School, it would amount to a purely secular system.*"

This is the true and precise pendant to the same gentleman's representation, on another occasion, of the Conscience Clause—that it is "*a bond to give on demand a Secular Education in a Church School.*"

There is one satisfaction about this, that it shows that there is at least one late Vice-President, and we may surely count upon Mr. Cowper as another, who apprehends the gravity of the situation, and the consequences involved if the Clause were fully carried out by, and with respect to, parents availing themselves of their legal rights of exemption.

So much, my Lord, for the question of interference in Schools. There are many other points respecting the Clause adverted to in your Charge to which I could have wished to reply, for they admit of most conclusive answers. I will only advert to one or two, which have been confidently urged also by other advocates of it.

Your Lordship declines to admit that what is attempted is a "compulsory imposition" of the Clause, because "that language suggests a degree of violence which has not and could not be used." Your Lordship cannot suppose that those who adopt such language intend thumbscrews or swordpoints. But if a Clergyman and Parishioners feel themselves morally compelled to endeavour to provide Religious Education for their children; and if the State, professing ordinarily to give aid, without which the School cannot be built, or built effectively, refuse to give it except on condition of the Clause, then it seems to be perfectly and simply true that it does go a long way towards compelling the adoption of it. There is no compulsion, only they must.

It would be, your Lordship adds, "quite as correct to say that the Clergyman compelled the Committee of Council to withhold the grant, as that, in the opposite event, they compelled him to accept it on their conditions." I have heard a practised account-

ant say, that whenever in complicated accounts he arrived at once at an exact correspondence, he always suspected, and generally found, that some considerable errors were concealed. It was too good to be true. Nothing can possibly be more neat than the above antithesis; it is so neat, that one feels sure there must be some important matter stripped off from one side to bring it into exact fitness and correspondence with the other. A very little consideration shows that it is so; and that what I have just adverted to is what destroys the balance. There is an antecedent and moral compulsion on the Parishioners, and still more on the Clergyman—in his case one to which, in his Ordination and Institution vows, *the State itself is a party*—which obliges them, both to endeavour to provide Religious Education, and also not to agree to conditions which shall unduly restrict the liberty and power, present and future, of giving it. But there can evidently be no antecedent compulsion obliging the State to insist that *they shall either* give secular without religious instruction to *some*, (the tendency of which is to restrict that liberty and power,) *or*, shall have no school and give no instruction of any kind to *any*. It is therefore impossible to regard the representation as any thing else than (what antithetical statements very often are) an elegantly contrived balance of two non-equivalents; or to concede your Lordship's inference therefrom—that when the children of the Parish thus lose the benefit of Education, "it cannot be fairly assumed that the fault lies on one side more than on the other."

But I must admit your Lordship's conclusion, "which of the two principles is the most just and reasonable, is a question on which every one must be left to form his own opinion."

On one side, at least, the justice and reasonableness can be brought into view very distinctly, by regarding the effect of making the Clause a condition of aid, not only on (what we have heretofore considered) the majority in the *School;* but also upon the majority in the *Parish*.

The practice of the Committee of Council is, in the small parishes, to withhold a grant in case one-sixth of the families are "not suitable to the Religious Denomination of the School," unless the Clause be adopted. Mr. Bruce made it, he says, a seventh in some cases. This practice might, to-morrow, without notice, be made one-twentieth. There is no protection whatever against that. But, take the one-sixth.

The argument is, that, without this condition, the *one*-sixth have no legal security for a return, in secular instruction, of the

taxes which they pay or represent. But it is surely an Irish sort of remedy for this, to refuse a like return to the *five*-sixths, of the taxes *they* have paid. By withholding the grant to them, the Committee of Council actually, themselves, extend that grievance, against which they profess to reclaim, to the majority, which grievance, if they gave the grant, would only touch the minority.

Even more. For in all cases in which, for want of the grant, schools are left unbuilt, the Committee of Council do thus, in fact,—because they cannot legally secure the exclusively secular teaching of the few—perhaps never desired even by them to be such—prevent (for the withholding of the means is substantially prevention) the many from obtaining *any Education at all.* "You," they say in effect to Church promoters—"You shall have none of the assistance necessary to you to educate your own children, *unless* you also undertake to do that of which we know you conscientiously disapprove, and give, and bind yourselves and your successors for ever to give—*mainly at your own cost*, *primarily* and *annually*—exclusively secular instruction to the children of others; and also, in order to this, sacrifice, as you believe you will thereby, the pervasive religious teaching of your own children." It is better, they signify, that in a parish of 500 all the seventy-two children should go wholly uneducated, than that the twelve should. Though how the twelve should be better off for the non-education of the sixty, "My Lords" have not, I believe, yet offered to show.

At first the necessity for the Clause was bolstered up by representations of the extent of the grievance under which dissidents lay. Now, that ground having been completely cut away from under their feet by the evidence—none more conclusive than that elicited from Mr. Lingen himself—the advocates of the Clause have turned round, and instead of magnifying, minimify the grievance. The twelve, they would now say, would never want the exemption. Well, then, how much more unjust and unreasonable does it make the proceeding! For it is refusing Education to the whole parish, for what is, on their own supposition, all but a mere imagination.

A better illustration of the Dog and Shadow it would not be easy to meet with.

The Elmswell case is one in point. The Rev. W. H. Luke, the incumbent, had been refused a grant because his school would be in union with the National Society. Thrown upon limited resources, he built smaller schools, the annual effective maintenance of which was hampered by the refusal of the usual further grant for building the teacher's house. Mr. Hubbard wrote to Earl Granville, urging the unfairness and impolicy of the refusal. His Lord-

ship in his reply said, "There is a perfectly legitimate alternative, viz., that which is adopted by Mr. Luke, who finding himself unable from conscientious motives to acquiesce in the form of Deed which would obviate the difficulties of the Council Office, is establishing a school without State assistance."

But, *cui bono?* Does building the school too small for the population benefit the Dissenters of Elmswell, or provide for their Education? Suppose they do not want exemption, what gratitude will they owe, or be likely to feel, to their Lordships for such excessive consideration? What is gained by the refusal of the grant? And to whom? Money is saved to the State. But whose money? Is it not the money of the Churchmen, who are refused aid out of their taxes to educate their children? Is it not the money of the Dissenters, in so far as it is represented by the children of those who do not desire exemption? And Earl Granville is satisfied with the result!

My Lord, you claim it as one of the principles which lie at the root of the Conscience Clause, that "every child in a parish has an equal right to a share in the benefits of Education for which a provision is made out of public money." You add, that you are "not aware that it has been disputed as a general principle, even by the most thorough-going opponents of the Clause." I can hardly, my Lord, conceive any one maintaining it—least of all your Lordship—when the facts involved are taken into account, and from them a precise meaning is put upon the words of the proposition.

For the basis of the proposition, is the assumed fact, that "provision" is made for Education out of public money. Provision, even "a" provision, cannot mean any contribution whatever, however small, by the State. But it must mean a full provision, free of cost to the voluntary subscribers. This is of the very essence of the proposition, to give even a *primâ facie* reasonableness. But what is the fact? Of the Building cost, the State supplies one pound out of about five pounds which the accommodation for each child in a small school costs; and 9*s.* 1*d.* out of the 18*s.* 11*d.* which, besides endowments and school-fees, the Annual Education costs. For the remainder, of 4*l.* in the Building cost, and 9*s.* 10*d.* in Annual cost, there is *no provision* out of public money. In so far, then, the "equal right of every child in a Parish" is an equal right to an imaginary quantity. These remainders, before a child can come into a Church School, must be either actually paid or impliedly guaranteed from Voluntary funds, Subscriptions,

Church Collections, Grants from Societies, and such other sources, of Churchmen—not to speak of labour and time given by Managers and Visitors. Upon what plea, then, every Dissenting or Infidel child can be held to have an *a priori* right, when the school cannot be carried on or even opened till these funds are supplied by the Churchmen, I cannot conceive. Still less is it just or reasonable that they should be held to have an equal claim with those for whom complete provision is made by voluntary funds; and still less again, that it should be to such a share, appropriated in such a manner as shall destroy, or materially damage, the claims of other children, and the main objects for which the Promoters and Subscribers have established, and carry on, the School at all.

I cannot help thinking, my Lord, that instead of the principle you have suggested lying at the root of the Clause, there is another which does.

Your Lordship says that, when Church School Managers claim liberty of teaching Religion in Church Schools, and do not object to the State "making separate provision for the dissident minority," they are very "liberal of the public money, and would not grudge an expense which it is to defray." But if the argument that the dissident is entitled to a return for his taxes is a good one (I do not assert it), still it must also be good for the Churchmen. Whose money are they thus liberal of? Churchmen pay 87 per cent. of total Annual Subscriptions. They have also paid the same percentage of the total Building Contributions. Does their proportion of the taxation of the country fall very much below this ratio? If not, are they not proposing to be liberal with their own money—money, that is, the great proportion of which came out of their own pockets?

Does it not rather, then, look like this, that when the State presses it so very hardly upon Churchmen to commit themselves to permanently undertake the modified-Religious or Secular teaching of the objecting Dissenter or Infidel, at an expense to their own pockets of four parts out of five of the Building cost, and one-half (or, if there be no annual grant, of the whole) Annual cost[3], it is in fact showing the very same disposition of which your Lordship has accused—unduly I have shown—the opponents of the Clause, of being very liberal of other people's money? In fact, that the Committee of Council wants to throw the expense of teaching objecting Dissidents compulsorily upon Churchmen?

[3] *Ultra* the School fees, that is.

And this has even one phase more. For what would become of dissidents' subscriptions? Would they be given to the support of the school? Is it not obvious that, wherever the Clause is worked out, as soon as they have acquired a legal right of entry to all the benefits of the Church School, they would in wisdom use that right, and leave their children to be instructed at the expense of the Churchmen, and apply their 13 per cent., liberated to them by the Conscience Clause, to chapel purposes if *bonâ fide* Dissenters, and to something worse if not?

The Rev. J. Fraser, however, substitutes another logical leg for this. While he contends that "if extensively taken advantage of, particularly (as might sometimes happen) if used by mischief-makers for the purpose of agitation, it might become a source of serious embarrassment[4]." he tells us also that he "cannot resist the principle of the Clause as a matter of abstract equity and logical consequence, and that it flows out of the principle of religious liberty and the principle of parental control." He might as well have said that it flows out of the Victoria Nyanza. How can the right to a legal right of entry into a school to claim secular, or reduced religious, teaching only, flow out of those principles? What abstract equity is there entitling him to have conferred on him a legal right to levy blackmail upon my contribution as a Promoting or Annually-Subscribing Parishioner, for his exclusively secular teaching, to contributing to which I may conscientiously object? What logical consequence is there (let me take a merely familiar—too familiar an illustration)—that because a man has a legal right to smoke under ordinary circumstances, he therefore is to have it in all? Do not the majority remonstrate when he insists on doing so in a railway journey from London to York? Is it against the principle of liberty and abstract equity, that a miner should be debarred the comfort in a coal-mine? If this principle leads by a logical necessity to his right to smoke when and wherever he pleases, so long as *himself only* is concerned, what becomes of the logic when the depraved atmosphere becomes a nauseose nuisance *to others?* Or when the spark of fire may involve not only himself, but hundreds of his fellows in a fatal explosion? Is he to give way to the many, or they to him? If logic is to be appealed to, we must be sure that all the premisses are taken into account—that the whole case is stated. Or else the process will be apt to land us in very extraordinary and very false conclusions.

[4] *Times*, November 8, 1866.

The fact is, that there is nothing abstract about it at all. It is simply a question of practical wisdom and justice.

However, concede the logic and the abstract equity, what then? Would it be the first time that practical common sense and logic have been at variance? Surely it is so every day in everyday life. We are for ever reminded that observation and Understanding must have their effect in deciding our course much more than abstract Reason. Induction more than Deduction. Practical common sense reminds us that things impossible, and things incommensurable, occur in other matters besides Arithmetic and Algebra; that nine-tenths of the difficulties of life consist in a choice of evils, and that the wisdom of choosing the least is proverbial; that aspirants after the *totus teres*, &c., must look out for disappointments; that absolute justice and equity, in human affairs and amidst conflicting claims and circumstances, are a luxury seldom attained. It suggests that, in the very anxious matter of Education, the wisest plan will be, not, by over management and meddling without any sufficient occasion, to bring the whole movement into a condition of frozen rigidity, but, in a free and liberal and sympathizing spirit, to revert to the old and still open course of stimulating and assisting the private efforts of those who are doing voluntary work of incalculable value in both person and pocket; and then trust, that having done the best the circumstance allows, though not the best that logic might indicate, or doctrinaires devise, or empirics promise, or angels desire, things will yet be made, in good time, to work together for the greatest good to the greatest—possible—number.

If what I have advanced be true, the advocates of the Clause are, like Earl Granville, fixed in a dilemma. Whatever they say must be wrong. If they say, the Conscience Clause will have a great deal of "good" effect, and give great relief to a great many Dissenters and Secularists, then, as this can only be at the expense of Religious liberty in Church Schools, they at once establish the case against themselves. If they say, as their present line is to say, that what Churchmen are asked to agree to is so very trifling and unimportant; is so very little more than they concede already; it will be quite inoperative, totally unimportant. Well, then, why, in the view of all that is reasonable, not leave well alone? You find by inquiry that the grievance is infinitesimally small, in fact all but imaginary. The Dissenters refuse to be the objects of your sentimentality. They reject your sop. They repudiate your remedy. The Wesleyans would not accept the doctrinal Clause

if the Churchmen did. The Independents would not. The Romanists would not. The British would be "insulted" by it. The Welshmen want something very different. To them it is mere "social degradation" to offer it. You will satisfy nobody; offend every body. And run the chance—as we think incur the certainty—of disorganizing the whole co-operative system of Education, by which so much has been done in a single generation. I say you will satisfy nobody. I am wrong. You will satisfy the political Dissenter and the Secularist. For you will have planted and legalized a germ which they will cultivate at will wherever they will[5]. When then it is urged, as your Lordship does urge it, that "experience proves the conjecture of evil results to be mistaken;" no harm has come in the great Hoxton case, why should there in others? I answer, that no case has been adduced —least of all is it so in that instance—in which the Clause has been worked out to its legitimate conclusions. The time has not come for that yet. It will come—perhaps not for another generation: but whenever it is, it will be too late to revoke. You may reply, the cases will be so very few. I answer, You cannot tell that; you cannot look far enough forward to judge. One generation is a short time to measure the effect of a deed that is to operate as long as the nation lasts. You cannot guess what will be the state of things in fifty years in any given parish[6]. But grant it—assume that the cases will be few. Then I say, that if it be inoperative in ninety-nine cases, it may still ruin the hundredth School and Parish. What if it be a small Parish. Small Parishes contain souls. The mere possibility of this would perhaps be conclusive under any circumstances; but undoubtedly it is so when the practical hardship upon the dissident has been proved to be merely imaginary, the cherishing of it into a grievance merely sentimental, the desire for it by the Religious Dissenters below zero, and the possible good infinitesimal.

[5] "The advocates of secular, combined with religious instruction, desired to make the religious instruction so general, as to embrace all those who agreed on the common principle of Christianity, and also to adopt the provision allowing the parents of children to withdraw them from any religious teaching. *There you have the germ of secular education.*"—*Sir George Grey, House of Commons, 11th April*, 1856.

[6] The Rev. J. Scott writes to the Committee of Council, March 19, 1866:—"I have myself known of a clever, but infidel workman, settling down in a village, and making it his business to propagate infidelity; and I have also known of cases where a society has been formed for this avowed purpose. I could not therefore conscientiously insert a Clause in the trust deed of a school in my parish which might enable such persons as these to interfere with Christian instruction being given to the children."

Mr. Scott's experience is unhappily far from unique.

What then must it be—not sober and thoughtful Statesmanship surely—but (unless indeed it be something more evilly strategic) mere meddling fussy unpracticality—too long the bane of the Council Office, which stirs up, and against the opinion of practical men, keeps stirring the question at all. Surely it is the dictate of common sense to cease from pressing that which, whatever you once thought, you now know from the evidence is to gain nothing, which can only retard the progress of the work by destroying the co-operation of the Denominational bodies with the State. Without those bodies you may—possibly—at an enormous expense, *undertake* the teaching of Reading, Writing, and Arithmetic. But let Lord Harrowby speak[7]—"Without the zeal of religious teachers, whether Churchmen or Dissenters, how could you fill your Schools to the extent you do? If they did not beat up the lanes and alleys for recruits, how many would come of themselves?" Without them you could not carry even your secular work out. *And who of them will work for that? Who will subscribe to build and maintain your School?* You may, possibly, at the manifold expense of time and money you otherwise might, give the mere intellectual or mechanical facility. But without their cordial co-operation you CAN NOT Educate the people. You will not secure a generation of GOD-fearing and GOD-serving Citizens. And if you cannot get that, I suppose most thinking men will agree, that the future of the State has not much to hope for from the efforts of the Committee of Council on Education.

If the State desires to have such citizens, and will contribute fairly to the expense of production, experience proves that we are ready to do our best to supply them. But we are not in the position of beggars. We have no favour to ask, and we ask none. We give full value, and much more besides. But we do object to turn out an inferior article (for which even we are not offered full cost price) if we cannot produce it without injury to our machinery, and deterioration to our better fabrics. And we contend that the State has no right, logical, moral, or economical, in return for its modicum of contribution, to expect us to do so.

But then, my Lord, we are threatened, over and over again, by gentlemen professing an unusual degree of far-seeing wisdom, that if we do not make this "little concession," and accept the Conscience Clause, worse will befall us.

Most certainly, I am inclined to underrate neither the existing

[7] *Times*, Nov. 8, 1866.

evils, on the one hand, nor, on the other, the power and influence which have been storing up, against the Denominational system, that is to say, against Religious Education.

For that that, my Lord, is the real ultimate object of assault, no one who does not willingly submit himself to be hoodwinked, can, one would think, fail to see.

But it is not, and it is a great comfort that it is not, possible for us to look far a-head. We must just make sure of our way, step by step, walking warily, but still confidently. In refusing to lay the Conscience Clause upon our Parochial Schools in perpetuity, we are confident we are right in principle. And so we hold our place and path. The result we must leave in higher Hands, quite sure that there is Wisdom there, which can see farther than we can, or our far-seeing opponents either. If to avoid evil, however appalling, we forsake the path we are sure of, we have no right to be much astonished if we incur the very fate we think to avoid, and while we are stepping aside to escape a possible avalanche, walk over the precipice.

Some, however, are not content with prophetic warnings, but appear to be doing their best to justify their vaticinations by arguing and acting as if intentionally to bring about the catastrophe. And this, while occupying a position in which such a course would seem to be the very last which might have been expected.

The Rev. J. Oakley, Secretary to the London Diocesan Board of Education, considers it accordant with his position to declare as follows, in a paper read at the Social Science Congress, at Manchester:—

"I *own* that I should prefer this [the Conscience Clause] settlement of the difficulty to that of the absolute exclusion of religious teaching from our national curriculum; first, because I could not, without *some* misgiving, witness the absolute and entire divorce of secular learning from religious associations (though, plainly, *if religious persons will not be reasonable* on the subject, the whole point must be given up). . . .

"I need hardly confess that I feel my own reasons for the separation of religious teaching from the rest in our schools to be solid, and my reasons for not separating them to be somewhat ideal; still I repeat, that I would with all deference advise those who wish to improve and extend elementary Education, to confine themselves *at present* to dealing such a blow at the *sectarianism in our schools* as is struck by the Conscience Clause. The public mind is not sufficiently informed to take in the arguments for a wider plan; it is not yet alive enough to the importance of it to learn the meaning of them quickly. It can comprehend the plain plea for toleration and parental authority. The Conscience Clause may be a temporary measure, a provision in the nature of a

compromise. Universally enforced and frankly acted on, it would, I believe, give an enormous impulse to our Educational progress, and last us for many a long year, without exposing us to the united outcry of 10,000 clergymen, the fright of the religious public, and the wrath of the religious press, which would greet the proposal of the purely secular system. Let the principle of the Conscience Clause be submitted to Parliament next Session, by some independent member, if the Government decline. There can be no cabinet opposition to it, it is plain, for several of its leading members are committed to its principle. It may possibly serve as the final touchstone to test the harmony of the present House of Commons with the more earnest mood of the nation.

"But failing this appeal, or if the Conscience Clause should fail, then I urge, without a moment's hesitation, that the friends of Education thenceforth insist that the *State shall drop all recognition of religious teaching* in our schools, shall reject all attempts at compromise whatever, shall carry out with a firm hand a *compulsive*, if need be, to that extent a gratuitous, and a *wholly non-religious system of primary instruction*, in the schools supported directly or indirectly by the taxation of the people."

It can be no great wonder if the anxiety of Churchmen is deeply stirred when they perceive into what hands the interests of the Church in the Diocese of London have been consigned.

Thus disquieted by the words of the Secretary, they naturally appeal for the restoration of their confidence to the acts of the Board and of its Executive Committee.

But when they look to their formal exponent, the Annual Report, they find to their astonishment that the old guaranties, the constitutional Resolutions defining the objects for which the Board was founded by Bishop Blomfield, have been *altogether dropped out*. Nay more, for they find that in a recital, in the body of the Report, of what "the objects were then stated to be," they are in most essential respects *misrepresented* [8].

[8] The Board was established by Bishop Blomfield on the basis of a plan drawn up by him, and settled by Resolutions of a Meeting. Among the objects specified were:—

"1. To form a medium of communication and mutual suggestions between the Clergy, and other persons of the Diocese interested in the cause of Religious and General Education in accordance with the doctrines and discipline of the Church of England.

"2. To collect and circulate information as to the state of Education in the Diocese, and the obstacles which impede its progress or efficiency.

"3. To take measures for the extension and improvement of Education in connexion with the Church of England throughout the Diocese.

"4. To bring into union with itself as many as possible of the Schools existing in the Diocese on the terms adopted by the National Society."

The plan also declaring that "in furtherance of its designs it is desirable for the Board to enter into union with the National Society."

These were passed as constitutional Resolutions; they were annually printed as such in the Reports; and in reference to the fourth were appended the "Terms upon which the schools will be taken into union with the Board; for

Guaranties gone, they have nothing left to guide their expectations, their hopes, and fears, but the published or known opinions of the individual members of the Committee: and is there much to afford satisfaction in these?

Can they help considering how many of the Committee and Board, especially in its lately reconstituted state[9], have been more or less connected with the Council Office, how many pledged to the Conscience Clause, or to the British system,—nay, how many there may be who would go the whole length with the Secretary himself?

Then they notice that the Committee have laid down a rule that they will require applicants for aid for building schools in all cases to apply in the first instance to the Committee of Council for a grant.

Then they find endeavours made to prepare and excite the public mind by statistics, estimates, and inferences of the wildest character (as if it makes the real mischief less to exaggerate it to a caricature) put out as on the authority of the Board[1].

National, Parochial, and other schools;" which terms are, in respect of religious instruction, those of the National Society: viz. "1. The children are to be instructed in the Holy Scriptures, and in the Liturgy and Catechism of the Established Church. 2. With respect to such instruction, the schools are to be subject to the superintendence of the Parochial Clergy. 3. The Master and Mistress are to be members of the Church of England." These are the fundamental rules of the Board, and the security to the Churchmen of the Diocese of its objects and operations.

The Report of 1865 *omits the whole of these;* and substitutes the following. "The Diocesan Board was first founded on June 27, 1839. *Its objects were then stated to be:* To form a centre of influence and information respecting Education in connexion with the National Church, and to promote Education in general."

Now the new expression "education in general," *as contradistinguished from* "education in connexion with the National Church," *has no parallel* in the original expression, "religious and general education in accordance with the doctrines and discipline of the Church of England," or in any other phrase. This is a misrepresentation of fact, and the *introduction of a new element.*

Again, the fourth constitutional object and rule, and the terms, are *wholly omitted,* without even an allusion. This is a misrepresentation by omission, and amounts to a *removal out of the way of the only other security* as to the objects and operations of the Board.

[9] They observe that the four members most recently appointed are Mr. Göschen, M.P., Mr. Acland, M.P., Mr. Bruce, M.P., and the Rev. Dr. Miller. Mr. Chester, late one of the under-secretaries of the Council Office, having for some time been a member.

[1] The country has been amazed by the statements of the London Diocesan Board, that the number of children in the Diocese who have no means of education is 150,000. A demand being founded on it for 250 new Schools of 500 each; to be supplied by the "Bishop of London's Fund."

When it is remembered that the Royal Commissioners in 1858 arrived at the conclusion that the total number in England and Wales whose names were not on the books of some school was 120,000,—and that this included children

Then again, the circulation (not through the legitimate channel of the Archdeacons and Rural Deans, by which necessary consultative discussion would have ensued, but to the Clergy *segregatim*, through the private agency of local secretaries, which practically excluded it,) of leading questions suggesting the desirablenes of "some obligatory measures;" with a view, they must expect, to the answers so elicited being used in a public manner, and, if possible—if after all they admit of such use, and if the Committee interpose no restraint—in furtherance of the views enunciated at Manchester by the Secretary.

Add to this, that the Board, or Committee, is "a party to the grants for Educational purposes from the Bishop of London's Fund;" the claims too, on which, for school extension, are, they are told, to be measured by the statistics above described.

Regarding the published opinions of newly introduced members, and the declared views of the Secretary, so discordant with the original objects of the Board of which he is the ostensible and acting representative, and so accordant with the alterations, omissions, and proceedings above adverted to, they find it impossible to disconnect words from acts; and cannot but be sensible that the time has come when they must ask for some explanation and assurance which may clear up misapprehension if any really exists, and restore confidence, thus seriously disturbed.

At this pitch of uneasiness, my Lord, we had arrived, when, as if to show that our apprehensions—which we had felt almost obliged to apologize for entertaining—were even below the occasion, we are startled by the announcement that, on the 4th of February a Meeting of the General Board was convened, whereat, the Bishop in the Chair, and notice having been given by the Rev. R. Burgess, Rector of Chelsea, of the following resolution:—

"That in future all grants of money made to schools not already in union with the Board be accompanied with a copy of the terms of union (these terms of union having been originally the same as those of the National Society), and

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educated at home, infirm, and vagrants,—it will be evident that this statement must be taken *cum maximo grano salis.*

The Secretary has in fact been invited by the able Statistician of the Royal Commissioners, Mr. Flint, in the columns of the *Times*, to verify the returns on which the statement is made, both generally and with regard to specific parishes, but it does not appear that he has responded to the call.

The truth is, *it is arithmetically demonstrable that there cannot be one-fourth of the number, and it is probable not a sixth.*

the form of application for union; and that the terms of union, together with a list of all schools in union, be henceforth printed, as in former years, as an appendix to the reports of the London Diocesan Board of Education;"—

the following amendment was proposed by Mr. H. Chester, seconded by the Rev. Dr. Irons, Vicar of Brompton, and supported by the Rev. Dr. Miller, Vicar of Greenwich:—

"That the Executive Committee may grant aid towards the promotion of education in the Diocese in any case where the circumstances shall seem to warrant it, provided that the spiritual person who has the cure of souls in the place where the grant is to take effect do concur in the application, or the Bishop do signify his opinion that such concurrence may be dispensed with."

The amendment was, on a division, *carried* by 16 to 7.

Then, as if to give special point to it, the following rider was moved by Mr. H. Chester (again), seconded by the Dean of Westminster, and carried unanimously:—

"That in passing the foregoing resolution the Diocesan Board has no desire to depart from its friendly relations with the National Society."

At the same time it was determined that the subject of Compulsory Education should be brought on the *tapis* at the next Meeting of the Board.

What, then, we had before imagined, is here plainly brought out as substantial fact. Grants may henceforth be given for the "promotion of education" without the smallest security that it shall be Church education, or religious education at all; except only the protection afforded by the concurrence of the "spiritual person who has the cure of souls;" and *that* reserved only if the Bishop shall not signify his "opinion that such concurrence ~~only~~ may be dispensed with."

That is to say, grants may be given, by a Committee which is already entertaining, and by leading questions suggesting its advocacy of, compulsory education, which inevitably involves secular education; on the concurrence of one who, under circumstances, may be a curate put temporarily in charge; OR, it may be given on the opinion of the Bishop, for the establishment or maintenance of a school, of any character he may approve, and with any trust deed he may approve—a purely secular school if he think fit—in any parish whatever, *without the concurrence and against the will* of the Clergyman to whom the cure of souls is entrusted.

Now this, my Lord, is not only throwing over the whole constitutional position of the Board, as originally founded; it is not only throwing over its union with the National Society, for co-operation with which it was expressly so founded, and in affiliation to which it has for nearly thirty years carried on its work, but

something more still; it is, in the face of a resolution affirming the continued use of terms ensuring religious and Church Education, virtually repudiating the use of any terms and written guaranties whatsoever; even more yet—it is at once assuming to itself a licence to interfere, in a secular manner if it so will and the Bishop so will, with the education in any parish, subversively, as it may be, of the cure committed to the clergyman. We may henceforth have, for any thing that stands to the contrary, the Diocesan Board's Secular Schools, carried on in antagonism to the Incumbent's Church Schools.

What is this, my Lord, but a complete *bouleversement* of all ecclesiastical rights and duties? And, committed to this, how can the Board consistently profess a desire not to depart from "friendly relations" with a Society which continues to adhere to "the doctrines and discipline of the Church of England?"

So far as the Board, as at this Meeting constituted and arranged, could effect it, this *coup* has been struck. But the meeting was composed, it appears, of but twenty-three voting members out of seventy-six who form the complete Board. Sixteen voted for the amendment, seven against it; so that there are fifty-three who have not expressed their opinion, and sixty who have not declared their assent. Is, then, the question of the constitutional position of the Board to be taken for concluded by the votes of sixteen out of seventy-six[2]?

And *then* even, it will remain to be seen, whether the Churchmen, Laity and Clergy, of the Diocese, are satisfied to see every guaranty on which the Board was instituted, and commended to their confidence, by the sagacious wisdom and sound Churchmanship of Bishop Blomfield, thus finally swept away; and, if the

[2] At the First Annual Meeting of the Board on July 16, 1840, the Bishop said: "The only question now to be discussed was, how were the people to be taught, and what were they to be taught? Respecting the last point, there could be no difference of opinion among the present Meeting, who had clearly shown their sentiments by contributing to *form the London Diocesan Board of Education, in union and strict conformity with that important Society*, which had for a quarter of a century superintended the religious education of the poor in the doctrines of the Church—the National Society."

The question arises, whether it is competent for the Board to pass, at any other than an Annual Meeting, a valid direction to its Executive Committee contrary to its own constitutional basis. If the Board be a mere voluntary association of private gentlemen, with no assumption of official or public position, then possibly they may do what they like. But if they claim any position as a public body, they must surely be content to submit to the inconvenience of being bound by the fundamental Resolutions which are the very terms of the public and official existence of the Board, and the basis of its recognition, as the representative of the Church, by the Churchmen of the Diocese.

Board do conclusively so decide, whether they will continue to regard it as in any sense representing the Church of England in the Diocese of London.

On the very same day, the Clergy, I believe throughout the Diocese, received another—upon another—urgent pressure to make collections for the fund called the "Bishop of London's Fund."

This is the fund from which, in Educational respects, the grants are made by the Diocesan Board—for, beyond a mere trifle, it has no available funds of its own.

But what can the Committee of the "Bishop of London's Fund" expect will be the response, if this Resolution stands?

What security can there be for the character of the 250 Schools asked for, for the (imaginary) 150,000?

My Lord, I need not apologize for adverting to this subject to your Lordship. First, because the argument is general, though the illustration is local. And secondly, because it has already ceased to be a merely diocesan question. For the call has been even now made[3] in an article apparently "suggested," if not something more, by the revolutionists of the Board, upon *all the Dioceses* to follow the lead of the sixteen members of the London Board. *What will they do?*

The advice of those who have warned us that the Conscience Clause would save all other mischief is thus already shown to be merely nugatory. That it is a mere stepping-stone, and that no finality or permanence can be attached to it, Mr. Oakley's statement plainly shows.

He is prepared, with small compunction, to go through it to a system compulsory, in so far gratuitous, and wholly non-religious. Can it be that those of the Clergy, be they few or many, from whom answers in favour of obligatory measures have been elicited are prepared to do the same? Is it likely that they have even imagined that, in combining these epithets, Mr. Oakley is (for once) strictly logical and practical, and doing that which all authorities are agreed on? Yet he is.

For obligatory measures, of any general nature, and applicable to all grades, can only compel attendance for secular teaching. They therefore necessitate obligatory means of paying for such teaching: that is to say, obligatory school-rates. And

[3] *Daily News*, February 8.

these inevitably imply, either the establishment of professedly secular schools, or else (*or*, and also) the reduction, by the elimination of pervasive religious teaching, of denominational schools accepting secularist children paid for by rates, from religious to in so far secular schools.

Nay, even more, for on any general scale they imply the destruction of the Voluntary Denominational Religious System, and the substitution of one purely secular.

"I cannot," said Sir GEORGE GREY, in debate, April 11, 1856, "shut my eyes to the fact that the proposition with respect to rating does lead in the direction, at all events, of *Secular Education*."

The Rev. Canon MELVILLE, in Evidence, 1866 (App. p. 310).

"A rate-supported system of Education must in event be secular, compulsory, gratuitous.

"Secular; because the denominational rests, necessarily, on the voluntary principle, and a rate and voluntary contributions could never co-exist. The rate would kill the voluntary aid; and *with that the denominational system*, i.e. *the only recognition of the religious element possible in this country, would fall likewise.*

"Compulsory; because that which is supplied by a rate could never be allowed to be refused or neglected. The mere will or caprice or indifference of parents could never be allowed to paralyze that result for which funds were legally and necessarily raised.

"Gratuitous; because you could not ask voluntary payment for that which the recipients were forced to take, and might not be willing to take of themselves. Besides, that for which people have directly to pay on legal enactments they will not pay for otherwise."

Mr. LOWE (673—1865):—

"I think that the local [rate] system would be an undenominational system in the end."

Lord JOHN RUSSELL, in debate, April 11, 1856:—

"I confess that, if you impose a rate upon all the inhabitants of a place, I do not see how you can do otherwise than vest in the hands of persons selected by themselves the direction and management of that rate."

The Rev. Canon NORRIS (2061—1866):—

"I have no hesitation in saying that I should regard any scheme of rating disastrous. The first reason is, that it would transfer the government of schools from the most charitable people in each parish, who now have it in their hands, to the rate-payers; and that would be a transfer from an admirable body of governors, to a very objectionable body of governors. The second objection to any scheme of rating is what is called the religious difficulty. It *would inevitably secularize our schools*."

To the same effect is the evidence of the Rev. J. Fraser (4010—4392, 1866), of the Rev. Canon Robinson (5783, 5996), and of other witnesses.

Mr. Gladstone, in the same debate :—

"It appears to me clear, that the day you *sanction compulsory rating for the purpose of Education, you sign the death-warrant of voluntary exertions.* It is impossible that a voluntary school can compete with a rate-supported school; for the supporters of the voluntary system are paying the expenses of both schools; and when the promoters of the voluntary school improve their arrangements, and increase their cost to maintain the competition with the rate-school, the rate-school likewise improves its arrangements at the expense, in a great measure, of the supporters of the voluntary school. We all know what must be the end of a competition like that. If this be the true tendency of the system which my noble friend seeks to introduce, are we prepared to undergo the risk of extinguishing that vast amount of voluntary effort which now exists throughout the country?

"We here touch the question of the difference between Education and mere instruction—between that which only touches the understanding of man, and that which acts upon his heart, purifies his sentiments, elevates his thoughts, and raises him to the standard of a Christian life. It is that which we expect from the voluntary system, but its spring is found deep in the human heart, in the heart of Christian philanthropy; and you cannot supply by any legislation that which comes from a different source. Aid it you may; strengthen, and invigorate, and enlarge it you may; you have done so to an extraordinary degree; you have every encouragement to persevere in the same course; but always recollect that *you depend upon influences of which you get the benefit, but which are not at your command—influences which you may, perchance, in an unhappy day, extinguish, but which you can never create.*"

Surely, my Lord, there is enough here to make us pause, and think well, before we consent to rush in at the bidding, and with the bold folly, of the empiric, to dispense with the established system, the working machinery, the zealous agents, the liberal offerings, the warm nourishment—even to Life Eternal—of Religious Education, in order to *try an experiment.*

And therefore, my Lord, whether we are not wise in resolutely setting ourselves to resist all attempts at tampering therewith, from whatever quarter they may come; either from enemies without, or friends within; either by insidious destruction of *securities* for Religious Education, or by interference with the *liberty* of Religious Education—I venture to submit to your Lordship's consideration very respectfully, and with the deepest earnestness.

Churchmen have nothing personal to gain. On the contrary, they incur great expense, of time, labour, money, anxiety. It is

no pleasure to them to be always fighting battles of resistance. Still they acknowledge that it is their duty—to a higher Authority than the State—to give of these talents in order to furnish forth useful citizens for the good of the commonwealth. But this they can do on one basis only, and in one hope only. They must see that it is Education on their own Christian Church principles, and Education for a Society in Heaven as well as a Society on earth. They must see—what the Earl of Shaftesbury has said in better words than I can frame—

"I want to see the Church of England stand upon her Formularies, her Articles, and upon her sublime and heartstirring Liturgy. I want her to carry to the mind and hearts of all the people that religion which satisfied Cranmer, Ridley, Latimer, Bishop Andrewes, and Hooper. If she can but diffuse this among her people she will be safe amidst the greatest difficulties, and after this great conflict now at hand—and GOD only knows the issue—I trust out of that issue we shall be delivered; and that the Church of England, having done her duty, by His grace, with an earnest heart, and devout prayer, directing the hearts of her people heavenward, by teaching them to do their duty in that state of life to which it has pleased GOD to call them in this life—I trust that at the close of this dispensation, the Church may still be found erect, in the attitude of prayer and thanksgiving to Almighty GOD, saying, 'Behold, here am I, and the children THOU hast given me.'"

I have the honour to be,

My Lord,

Your Lordship's faithful servant,

C. A. STEVENS.

ALL SAINTS', BLACKHEATH,

February 8, 1867.

THE END.

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