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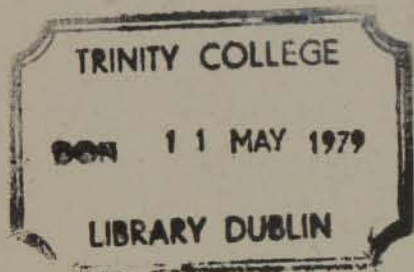
THE ECONOMIC RESULTS
OF THE DISESTABLISHMENT OF THE IRISH CHURCH

by

HUGH SHEARMAN

01857709





THESIS

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NOTE ON ABBREVIATIONS AND OTHER DETAILS

Few abbreviations have been found necessary. The following are used.

Commissioners, followed by indication of a year or years, has been used to refer to the successive reports, first of the Commissioners of Church Temporalities in Ireland and then of the Irish Land Commissioners.

Accounts, followed by indication of a year or years, has been used to refer to the accounts of the Commissioners of Church Temporalities in Ireland and to those of the Irish Land Commissioners in respect of church temporalities.

General synod journal, and General synod journal, R.C.B. report, refer to the journal of the general synod of the Church of Ireland and to the annual report of the Representative Church Body, published with it, sometimes paged continuously with it and sometimes separately. Other abbreviations used are 3 Hansard for Hansard's parliamentary debates, third series; S.R & O. for statutory rules and orders; S.E. for Saorstát Éireann; N.I. for Northern Ireland; D.N.B. for Dictionary of national biography.

In footnote references to British parliamentary papers, the house, session, sessional or command number and volume are indicated, except in a few cases where sources are indicated briefly in tabular statements or in similar circumstances, but the manuscript volume pagination is omitted in footnotes, though given in the bibliography. It has not been felt necessary to include in the bibliography the more exiguous details of a similar nature in connection with the more easily identified papers of the Irish Free State and Northern Ireland. Since square brackets were not available on the typewriters used, the numbers of British command papers are given between strokes, as / /, or between diagonal brackets, as / /.

As far as possible, uniformity of setting-out has been aimed at but has sometimes not been achieved, as the typescript was done largely in my absence, without detailed supervision and over a fairly long period of time. The bibliography was made out in great haste, on account of uncertainties arising out of war conditions, and, while adequate details are given for the identification of each work in it, there are a few slight lapses from complete uniformity. In the body of the typescript, modern spelling and forms of punctuation have been adopted in most quotations. For example, the use of the symbol £ has been preferred to the old-fashioned "l", a sign liable to cause confusion in typescript.

There are no appendixes, all tabular statements and similar matter being embodied in the text at the places where reference to them is made.

FOREWORD

The subject of the present thesis has not been adequately treated elsewhere, nor have its full implications been generally appreciated. For the most part, the shorter references to be found in many general works of history to the economic consequences of the disestablishment of the Church of Ireland have been such as to create the impression that those consequences were confined to a modification in the private circumstances of a number of clergymen and in the fortunes of a religious denomination.

This is not unnaturally the impression given by works which deal specifically with the history of the church itself.¹ Yet even in works where the writer or contributors have been consciously presenting an account of the disestablishment only as it affected the church, it seems sometimes surprising that close contact with the whole subject of the disestablishment should have evoked no comment or observation indicating an appreciation of the larger economic significance of the event

¹ E.g., H. Seddall, The Church of Ireland, a historical sketch (1886); J. T. Ball, The reformed church in Ireland, 1537-1889, (2nd ed., 1890); M. E. Patton, Fifty years of disestablishment, a sketch, (1922); W. A. Phillips, ed., The history of the Church of Ireland (1933), vol. iii.

in the history of Ireland or of Great Britain.

The writing of Irish history has been traditionally dominated by political and denominational rather than economic interests. When the disestablishment is dealt with, the emphasis has tended to be placed upon its significance as the setting right of a particular injustice in the relations between two religious denominations and two communities rather than upon its importance as a great adjustment of property and as the initiation of a new economic policy in Ireland. This political tradition, for instance, has quite dominated the treatment of the subject in the well known works of O'Brien and Lampson, so often used as quarries of information about nineteenth century Ireland.¹

Certain vital economic aspects of the history of the disestablishment have not, however, passed unnoticed. In 1888, a legal writer made the following observation:

"It is impossible to pass over this act (the Irish Church Act, 1869), as in one very important feature it proved efficacious in dealing with the land. Its provisions as to sales by the Church Commissioners, unlike the clauses of the acts of 1870 and 1881 dealing with purchase, proved

¹ R. B. O'Brien, Fifty years of concessions to Ireland, 1831-1881, (1885), vol. ii; G. Locker Lampson, A consideration of the state of Ireland in the nineteenth century (1907).

largely successful. This was the more remarkable, since although the amount which might be advanced by the Commissioners - or rather might be credited by them to the purchase on mortgage - exceeded that which the Land Commissioners were empowered by the act of 1870 to advance, still the rate of interest to be charged (4 per cent) was practically higher."¹

The same writer later in his essay sets out a series of figures representing the number of purchasers and the amount of money advanced under each of four acts, the Irish Church Act, 1869, the Land Act of 1870, the Land Act of 1881, and Lord Ashbourne's Act of 1885. By means of these figures he attempts to show that the Irish Church Act was the most considerable land purchase act until Lord Ashbourne's act, and that, in view of the much greater advances required for the latter in relation to the extent of sales operations, the Irish Church Act still held its position as the most successful of the acts.²

In other words, the Irish Church Act formed a cardinal episode in the history of Irish land purchase legislation. As will be later shown, the idea of turning Irish tenants into

¹ W. E. Montgomery, The history of land tenure in Ireland, being the Yorke Prize essay of the University of Cambridge for the year 1888, (1889), p. 135.

² Ibid., p. 175; his figures were based on a statement in 3 Hansard, cccxxx. 1520-1531. See below, p. 611

proprietors by state-aided land purchase schemes existed in the minds of a number of British statesmen in the 1860's and even much earlier. The legislation for the disestablishment of the Irish Church gave an opportunity for the first practical experiment in this method of altering the ownership of land; and, in this way, the Irish Church Act may be regarded as having a monumental position in the history of a method of large-scale economic change which has affected many other countries as well as Ireland.

State-aided land purchase did not begin in Ireland. Before such a system was tried out in the British Isles, those who advocated it could refer to examples on the continent of Europe. In 1867, Isaac Butt, setting forth the tale of contemporary Irish grievances, significantly enquired "whether the King of Prussia would have won the battle of Sadowa if Stein and Hardenberg had not altered the Prussian land laws."¹ The operation to which he was referring had essentially the character of a land purchase scheme. The example of Prussia cannot have failed to influence the method adopted in the liberation of the Russian serfs and indeed, directly or indirectly, all subsequent state-aided purchase schemes, whether concerned with land or not.

¹ I. Butt, The Irish querist (1867), p.23, qu. 173

It is not the purpose of this thesis to trace the history of state-aided land purchase. But the first practical adoption of it by the British government must be recognised as an important event in economic history. It was the tiny beginning of a great economic and social revolution in Ireland. And what is done, and done successfully, by a British government rarely fails to stimulate imitation in other countries. It may, for instance, be impossible to prove that the economic thinking and the philanthropic impulse which produced the land purchase sections of the Irish Church Act have had a large influence on the history of such other countries as Finland or Roumania, but it is not absurd to suggest that it may be so.

Thus the economic results of the disestablishment of the Irish Church have a significance quite apart from and beyond their more restricted bearing on the private fortunes of a number of Victorian clergymen. The present writer is unaware of any attempt to present a thorough study of the economic aspect of the disestablishment. He has, moreover, been impressed by the extent to which this aspect and its implications and significance have been overlooked by those who have written more generally on the subject of the Irish church or Irish land. This is all the more striking when it can be shown

that the economic bearing of this piece of legislation was a primary consideration in the minds of the legislators.

To give at the present stage only one example of this preoccupation of the legislators - when Gladstone spoke in debate in the House of Commons on 16th March, 1868, and made his first definite declaration in favour of disestablishment, he first approached the church question from the point of view of its possibilities as a field for land legislation on those lines of state-aided tenant purchase which had been advocated by Bright.

He said,

"There is another point we had to consider - namely, the plan of the honourable member for Birmingham (Bright) who proposes to bring the state into the market as a purchaser of land, with a view of disposing of it again on certain terms. No one, after the explanation of that plan by the honourable gentleman, would object to it as an interference with the rights of property. There are, however, difficulties connected with the functions proposed to be laid upon the state with regard to which we have not sufficient experience to pronounce; but I would beg to point out to the noble earl, the chief secretary for Ireland, that if, in the course of the changes to be adopted with regard to the Irish church, the state should become possessed in trust - for what purpose I do not now ask - of the ecclesiastical estates of Ireland, those estates, being in the hands of the civil power, would at once afford an opportunity, if it should seem to be wise and politic, to give a fair consideration to the plan of the honourable member."¹

¹ 3 Hansard, cxc. 1759

In the light of such words as these from the virtual author of the act, it is surprising to find how lightly the economic results of the disestablishment have been treated by writers, both at that time and subsequently, and how rarely efforts have been made to give the subject integrated treatment as part of the history of Irish land.

A few examples may be cited of how the economic significance of the disestablishment has been treated by various writers of authority.

Going back to the actual time of the disestablishment controversy, it is not easy to show that the appreciation which Gladstone and Bright had of the prospective effect of the act on property was shared by many of their contemporaries. The act was, of course, discussed, attacked or approved as an act which dealt, among other things, with property, an act which disendowed a church. But interest was centred on the fact that property was taken from the church, or that property was going to be redistributed; and the method laid down in the act for the liquidation of that portion of the property which consisted of tenanted land was not a predominant theme of comment, hardly a theme of comment at all. If the Irish Church Act provoked the hostility of some of those who were later to be dispossessed of their estates by the

operation of land purchase acts, these people do not seem to have been hostile because the land purchase part of the act appeared to threaten them prospectively and by implication. Such an idea does not seem to emerge in the speeches of Irish landlords in the Commons debates. They seemed to oppose the economic arrangements of the act simply because those arrangements involved a confiscation and not because they involved the putting into effect of a tenant purchase scheme after the confiscation should have taken place.

Writers and publicists who were contemporaries of Irish land and church legislation show little interest in the Irish Church Act as a land measure. T. E. C. Leslie, writing on Irish land systems and political economy, and being at the time professor of political economy in the Queen's University of Ireland and Queen's College, Belfast, does not mention the association of land purchase with the Irish Church Act.¹

W. O'Connor Morris, in a reprint of letters which he wrote at the beginning of 1870 on the Irish land question, as The Times special commissioner, showed no appreciation of the Irish Church Act as having any bearing on the land question, though he discussed J. S. Mill's proposals to institute what was practically

¹ T. E. C. Leslie, Land systems and industrial economy of Ireland, England and continental countries (1870).

a scheme for modified and conditional transfer of land ownership to the tenants.¹ It has already been mentioned how the matter was ignored by R. B. O'Brien.² The same ignoring of the land law significance of the Irish Church Act is to be found in other works of which he was author or editor, as well as in his Fifty years of concessions to Ireland.³ In a similar category may be placed the work of A. G. Richey.⁴

Subsequent writers of general histories of Ireland have not given the subject much attention. Curtis's history of Ireland may be mentioned as a modern work which has enjoyed wide popular authority and has passed into a third edition without even mentioning the fact that the Church of Ireland, at the time of its disestablishment, had endowments in the form of land.⁵

¹ W. O'Connor Morris, Letters on the land question of Ireland (1870).

² Above, p.7

³ R. B. O'Brien, The parliamentary history of the Irish land question from 1829 to 1869 (1880); G. P. MacDonell in R. B. O'Brien (ed.), Two centuries of Irish history, 1691-1870, (2nd ed., 1907), pt. v, chs. v & vi.

⁴ A. G. Richey, The Irish land laws (1880).

⁵ E. Curtis, A history of Ireland (3rd ed., 1937), p.374.

Similarly the subject rests unnoticed by many economic historians.¹ Even some of the biographers of the principal actor in the episode of the disestablishment have not made in their minds that association of the episode with an economic policy which was quite clearly made in the mind of the subject of their biographical studies.²

Writers on Irish land laws generally omit the Irish Church Act altogether from their lists of acts relating to land purchase, beginning their survey with the Landlord and Tenant Act, 1870, (parts ii & iii). The only mention of the Irish Church Act is usually indirect and consists of a brief reference to the fact of the powers and properties of the Commissioners of Church Temporalities being taken over by the Land Commission, by the Irish Church Amendment Act, 1881.³ This neglect of the Irish

¹ E.g., D. A. Chart, An economic history of Ireland (1920); A. Birnie, An economic history of the British Isles (1935); P. L. Prendeville, "A select bibliography of Irish economic history," pt. iii, in the Economic history review (1931-32)

² E.g., Erich Eyk, tr. B. Miell, Gladstone (1938), ch. vii, 2. The same is the case with two very important works, Lord Eversley, Gladstone and Ireland, the Irish policy of parliament 1850-1894 (1912); and J. L. Hammond, Gladstone and the Irish nation (1938).

³ This is the case in two big standard works, R. R. Cherry, The Irish land law and land purchase acts, 1860 to 1901, (3rd ed. 1903); and H. C. Bowen, Statutory land purchase in Ireland prior to 1923 and land acts Saorstát Éireann, 1923-1927, (1928).

Church Act by legal writers on land law is probably due to two causes; first, "The Land Purchase Acts" are defined by the acts of 1891, 1896 and 1903, for the purpose of collective title, as including certain previous acts, and the Irish Church Act is not listed in that category;¹ and, secondly, the success of the land operations of the Commissioners of Church Temporalities was so ample and the plan and administration of the act so sound that no noteworthy cases at law arose to attract the attention of such legal writers.

Usually, but not always, foreign or overseas writers, naturally relying mainly on British and Irish secondary authorities seem to have followed them in their failure to associate the Irish Church Act with land legislation.² M. J. Bonn, the virtual

¹ T. H. Maxwell, An outline of the law of landlord and tenant and of land purchase in Ireland for the use of students (1909), p.93 sq.

² E.g. F. de Pressensé, L'Irlande et l'Angleterre depuis l'Acte d'Union jusqu'à nos jours, 1800-1888, (1889); A. Bellesheim, Geschichte der Katholischen Kirche in Irland (1891), vol. iii, Bellesheim, of course, may be counted, like the various protestant church historians, as excused by the particular denominational subject on which he chose to specialise; but if he had mentioned the economic side of the ecclesiastical legislation which he described, he would not have committed an irrelevancy any more than they.

founder of Irish economic historical studies, counted the history of land purchase in practical British politics as beginning with the activities of John Bright in 1866 and counted the Irish Church Act as the first legislative effort in that direction.¹ Among European authorities, it is interesting to find a recent French geographical writer stating that Irish land purchase legislation started in 1869.² Among American writers, Elizabeth Hooker gives some prominence to the economic significance of the Irish Church Act, citing the essay of W. E. ~~Hansard~~^{Montgomery} already mentioned.³ She quotes Gladstone as saying that it provided "an experiment on a limited scale, of breaking up properties in a manner which I believe to be perfectly safe, perfectly easy and perfectly unexceptionable."⁴ In her terse survey of Irish land legislation she gives the Irish Church Act its place and shows a familiarity with the reports of the Church Temporalities Commissioners. But her work is a classification of the handling of land problems rather than a history

¹ M. J. Bonn, tr. T. W. Rolleston, Modern Ireland and her agrarian problem (1906), p.92.

² A. Demangeon, tr. E. D. Laborde, The British Isles (1939), p.133.

³ Above, p.8

⁴ 3 Hansard, exciv, 451; Hooker, p.54, gives a wrong citation.

and was written confessedly with a view to contemporary problems in the United States of America.¹ Her compatriot, J. E. Pomfret, has nothing to say about church land in an otherwise fairly complete and satisfying survey of Irish land legislation.²

The reason for this ignoring of the topic which forms the subject of the present thesis presumably lies, in the first instance, in the understandable absence of a detached appreciation of its historical significance by contemporary observers of the Irish Church Act and its operation, and in the predominance of political, theological and social considerations in the minds of those engaged in the great controversy which it caused. But, in so far as the topic is ignored by historical and economic writers, the reason must be sought simply in the lack of reliable detailed information. It is the object of this thesis to provide that information.

An account of the significance of the Irish Church Act as a land purchase act is not by any means the only original contribution which the present thesis makes to Irish economic

¹ E. R. Hooker, Readjustments of agricultural tenure in Ireland (1938), pp. 53-55.

² J. E. Pomfret, The struggle for land in Ireland, 1800-1923, (1930).

history. But the history of the struggle for Irish land and the redress of the grievances of the Irish tenant farmers in the nineteenth century has taken such an outstanding place in the attention of historians, that the general neglect of the place which the Irish Church Act and its results ought to hold in that history presents a very just indication of the neglect which the whole subject of this thesis has received. If there has been neglect of the more recent history of church land, there has been an almost equal neglect of the closing phase of the history of tithes and tithe rentcharge. And even the general subject of the compensation of the clergy and the buying out of other vested interests has not been so fully described by other writers as to impair the originality of the account offered in the present thesis. Moreover, the account given in this work of the financial transactions connected with the whole redistribution of property which the Irish Church Act brought about provides information unobtainable elsewhere, particularly in that part which is concerned with the spending of the residue of the church estate.

Outside the limits of economic history, the present subject has much interest and importance. There is an obvious and special interest in a detailed study of the effects of a single act of legislation traced from its very beginnings to an advanced stage

of practical realisation. The Irish Church Act, and the results which sprang from it, provide a neat and integral example of an effort made to express in legislation the results of grave and conscientious political thinking in a great and formative age of administrative and democratic expansion and reform. It sprang from the efforts of humane and sincere statesmen who had obtained for its principles the general endorsement of a great democratic nation. Its practical results can be minutely traced. When such has been its origin, the character of those results cannot be a matter of indifference.

This present subject is also an essential or desirable prelude to a study of any other aspect of Irish ecclesiastical history of the period or to a study of the contemporary history and problems of other churches in the Anglican communion, particularly the Church of England. It is essential also to a fully appreciative biographical study of any one of several statesmen closely associated with the legislation which brought about the disestablishment; for example, Bright, Gladstone, Disraeli and Lord John Russell. It has its bearing too, on political and constitutional history. The political importance of it is sufficiently obvious to be mentioned without special illustration; but, with regard to the importance of the episode

of the disestablishment in British constitutional history, it may be pointed out that it was not only an episode in the relations of church and state but also in the relations between Lords and Commons. It has its place, too, in the history of the parliamentary procedure adopted with regard to great national questions. The preliminary resolutions to test the feeling of the House of Commons, the claiming of a mandate from the electorate, the reliance of a government on the confidence of the House, the studied regard for the dignity and neutrality of the sovereign by the leaders of the two parties and the gracious acceptance by the sovereign of the will of the democracy and the guidance of ministers - all these are matters which should give the constitutional historian a special interest in the history of the Irish Church Act and should render serviceable to him an account of the actual operations of the important legislation which ensued. This thesis also describes an important phase in the development and definition of the powers and status of commissions established for administrative purposes and of the Comptroller and Auditor General; and it illustrates an important period in the history of British local and national government finance. Information about church land in the modern period may also be of some assistance to those who are attempting to investigate

this little known field of Irish history in some of its earlier phases; though it must be confessed that less of value can be presented in the present thesis to students of the ecclesiastical past than might have been hoped or expected.

Finally there is much justification for limiting this present study to the purely economic results of the disestablishment. The material facts of life - land, property and financial equivalents - are the things about which the historian may write with the highest degree of impersonal and impartial truth. And they provide a tangible framework of reality which restrains the distortions which may rise from the forceful impulses of the heart. Through these great questions of church and state involved in the disestablishment there was a play of strong sentiments and high claims. Moreover, when the Church of Ireland became disestablished, there was a great controversy within it about matters which concern the basis of the Christian faith and the guiding lights of a Christian life and of Christian institutions. Behind the whole episode of the disestablishment, loomed the great fundamental claims of faiths and churches. Primate Alexander, a vigorous opponent of disestablishment, spoke of these high claims years later at a discussion on the advantages of an established church at Carlisle Church Congress in 1884. He said,

"Come what may, all will be well with you if the church has deep in her heart the source and fountain of apostolic life which no act of parliament gave and no act of parliament can take away."¹

Here surely is a reference to forces and claims which the historian cannot easily, or to general satisfaction, assess or define in an objective fashion.

In conclusion, something must be said of the direction and limits of the research upon which the thesis is founded. Since the object of the work has been to give an account of the whole group of complex economic and financial processes set in motion by the Irish Church Act, much has had to be sacrificed and a severely defined frontier has been imposed upon the treatment given. In the preliminary account of the circumstances and persons setting the train of events in motion, some account of the human causes has been attempted. But a large part of the subject can be set forth, under existing limits of time and space, only as an explanation of the dry facts of finance and law. The investigation and interpretation of these facts has, moreover, proved so slow and intricate, and the field which they cover has been so large, that it has not been possible, in most cases, to pursue any material beyond the reports, accounts and statutes in

¹ E. Alexander, Primate Alexander, archbishop of Armagh, a memoir, (1913), p.165.

which the information was contained. There are undoubtedly many matters falling within the scope of the present subject which would be much illuminated by research into the comments of contemporaries, and there are many general adjustments of law and public or ecclesiastical accountancy described which might be fittingly and interestingly illustrated by particular examples. But the limited time and energy of one person have not been sufficient to make such extensions in most cases possible; and, even where opportunity for such a more detailed extension of research seemed to offer itself in an easy and attractive form, it had usually to be sacrificed to a consideration for the unity and balance of the whole study.

The available material has been so large that an exhaustive examination of it has not been possible. The large controversial literature which appeared before the disestablishment, for instance, had to be largely ignored; and the gleaning of information from over seventy years of newspapers has also been found impossible. Much time and labour had to be devoted to the mere task of exposition and interpretation, and it is to be feared that, to readers, many of the details set forth in what follows are likely to seem almost as difficult and intricate as they actually are or were, in spite of efforts to clarify and

generalise where possible. The fact that the thesis is the narrative of a process regulated by over five dozen acts of parliament, and three legislatures, and involving half a dozen churches, more than a dozen public bodies and many tens of thousands of individuals, will indicate some of the difficulties which had to be encountered. The annual reports and accounts of the commissioners charged with the administration of the Church Temporalities Fund contained from time to time items of receipt and expenditure under more than a hundred and fifty heads, and they extended over seventy years. Undoubtedly more could be gleaned from them and from the other parliamentary papers and reports of commissioners which touch on the subject, if a more searching comparison of items and more ingenious processes of special accounting were to be applied to them, but the time and experience of the present writer have not been able to extend to a more exacting research than is indicated in the following pages.

I must record my indebtedness to the following:- to Professor T. W. Moody, for his supervision and guidance during the course of the work; to the Superintendent of the Church Property Department of the Irish Land Commission, for access to material and information; to Mr. George B. Butler, for access to material and information at the office of the Representative Church Body; to

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CHAPTER ONE
INTRODUCTION

In making a detailed study of the results of a single piece of legislation of such importance and complexity as the Irish Church Act, it is impossible to omit some survey of the events and circumstances which preceded the passing of the act itself.

There are four necessary parts to such a survey. First, there is need for a short general historical account of the political and parliamentary events which preceded the act. Secondly, there is need for some account of the growth and change of the thoughts of certain great historical personalities with regard to the matters upon which the act touched and of the influence which they had upon its final form. For the Irish Church Act was peculiarly the work of individual statesmen, particularly of Gladstone and Bright; and an account of the tangible economic results of the act would be much less complete if it were to give no glimpse into what those statesmen had hoped and planned before framing it. When an economic operation is governed in every aspect by law, there is much significance in the extent to which it involves the carrying out of the real intentions of those who framed or sought to frame the original legislation. In detail, the intentions of the legislators will

be mentioned as particular parts of the operation come to be described; but a more general account of individual thought and efforts is also needed, since the act embodied, not merely considerations of expediency, but considerations of principle and the results of personal struggles for moral integrity. Thirdly, there is need for a survey of the condition of the opinion, in the country and more particularly in Parliament, which was brought to bear upon the bill before and during its passage through the legislature. Fourthly, since the act was one concerned with property, it is most desirable to give some indication of the extent and general condition of that property before it came under the influence and operation of the act.

None of these features of a preliminary survey can be given in very full detail. The account of antecedent political and parliamentary events must be based on secondary authorities and need be only sufficient to give some clue to the more important historical and chronological contexts of the Irish Church Act. The account of the views and hopes of statesmen has perhaps the greatest interest, as being the aspect of this thesis most intimately concerned with individual human nature; but this likewise must be based on published and mainly secondary material. The account of contemporary opinion has to be limited mainly

to such opinion as found a definite expression in the Houses of Parliament; for the huge mass of contemporary controversial literature, election speeches and press references could not be gleaned in the time available, nor would it be in keeping with a reasonable sense of proportion to make such an attempt in connection with the present subject. Finally, an account of the church property before the disestablishment, although embodied after a fashion in many parliamentary papers of the preceding period, is not available in a form which is easy to summarise. Some of the fullest of these reports and papers give their information as a series of returns set out parish by parish without summaries or totals; and the information which they contain could be extracted from them and given a significant and serviceable form only by a full and special study and arduous calculations by many workers.

Part I

The historical antecedents of the Irish Church Act

In 1800 the Church of Ireland had become in law one single entity with the Church of England. By the 5th article of the Act of Union it was enacted

"that the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called 'The United Church of England and Ireland'; and that the doctrine, worship, discipline and government

of the said United Church shall be, and shall remain in force for ever, as the same are now by law established for the Church of England; and that the continuance and preservation of the said United Church as the Established Church of England and Ireland shall be deemed and taken to be an essential and fundamental part of the Union."¹

The church established on this legal basis was that of a small minority of people in Ireland. The economic support of the Church in Ireland depended mainly on tithes and landed property. This property was held by the Church in no centralised fashion, but locally and by parishes, dioceses and special bodies, corporations or functionaries.

Three important pieces of legislation out of a long series must be specially mentioned as having modified the condition of the Church's property. Two were concerned with tithes. First, the Tithe Composition Act, 1832,² made tithe composition, the conversion of tithes into money payments, which had formerly been voluntary and temporary, compulsory and permanent. This made tithes a money charge, payable as formerly by the tenants of the land out of which it was due. Secondly, the Tithe Rentcharge (Ireland) Act, 1838,³ reduced the charge to 75% and shifted the burden of payment from the tenants to the landowners

¹ 39 & 40 Geo. 3, c.67, art.5.

² 2 & 3 Wm. 4, c.119.

³ 1 & 2 Vic., c.109.

or the holders of certain long leases. In effect, this removed the obligation of supporting the Protestant episcopal church from the impoverished Catholic tenants to the landowning class which consisted mainly of members of that church. In practice, since the tenants supported the landowners, they continued also to support the Protestant church; but the grievance of small specific payments wrung from the poorest class by tithe proctors, police and soldiers was effectively camouflaged.¹

Thirdly, in 1833, there was passed the Church Temporalities (Ireland) Act, 1833.² This act provided for the suppression of ten bishoprics and two archbishoprics and the reduction of the episcopal stipends in the remaining sees after the deaths of existing incumbents. A graduated tax was imposed upon the better paid livings. A body of Ecclesiastical Commissioners was set up to administer the incomes of the suppressed or reduced sees, and the ecclesiastical tax, for a variety of church purposes, particularly for the augmentation of poor livings. The commissioners were also empowered to suspend

¹ The stages and agitations by which these acts and others affecting the Church were passed are described in detail in R. B. O'Brien, Fifty years of concessions to Ireland, 1831-1881, (1885), 1. 372-530.

² 3 & 4 Wm. 4, c.37.

appointments to sinecure benefices. A proposal to use some of the temporalities of the Church for secular purposes, particularly education, was thwarted by a strong opposition led by Stanley, the future Lord Derby who was to make his last speech in parliament passionately opposing the bill for the disestablishment in 1869. The Church Temporalities Act provided the Church in Ireland with a central administrative body which it had formerly lacked, and rendered prospectively more easy the setting up of two other bodies, the Church Temporalities Commissioners for the state and the Representative Church Body for the church, at the time of the disestablishment.

These acts, and certain others associated with them, were early manifestations of a long tradition of parliamentary feeling in favour of a reform of the Church of Ireland, not necessarily to the point of disestablishment, but to the extent of partial disendowment. There were two schools of thought in this tradition. One proposed to use the proceeds of disendowment for secular purposes such as education. That had been the idea of the Whig reform ministry in the 1830's and was the scheme opposed by Stanley for a generation. The other plan was to use the proceeds of a measure of disendowment to enlarge the measure of

state assistance given to the other Irish denominations on the same principle as already operated in the case of the Maynooth grant to the Roman Catholics and the Regium Donum, the annual grant to the Irish Presbyterians. A varying but sometimes extreme parliamentary exponent of such a plan of "concurrent endowment" was, over a long period, Lord John Russell. Another parliamentary exponent of it was Lord Grey.¹ These traditions of political thinking caused some difficulty during the passage of the bill for the disestablishment in 1869, but they did not materially modify the form which it received from Gladstone and Bright, who set their faces both against a mere reform of the Church's economy without disestablishment and against the plan of "concurrent" endowment."²

After the reforms of the 1830's, the demand for further more or less drastic reform of the Church of Ireland continued to receive expression in parliament at fairly frequent intervals. The reasons for this demand can be easily explained and summarised.

¹ Henry, 3rd Earl Grey, His proposals were particularly debated in the Lords on 16th March, 1866; 3 Hansard, clxxxii.

² Below, pp. 52 + 77.

The Church of Ireland was relatively wealthy. In relation to its neighbours in Ireland, it was very wealthy. The royal commission set up in 1867 calculated its total annual revenue as £616,840.¹ In spite of the reforms brought about by the Church Temporalities Act and the elimination of acute friction by the Tithe Rentcharge Act, it continued to be felt that the wealthy privileged minority church, standing out in bright and inappropriate contradistinction to the prevailing misery and social evils among the majority in Ireland during the early and middle nineteenth century, was an institution which called for further and drastic modification.

The disparities of the position were particularly emphasised by the report of the Census Commissioners of 1861 which declared the population of Ireland to be 5,788,415, while the members of the Established Church numbered only 693,357, less than an eighth of the population. The Roman Catholics numbered 4,505,365, or about ten out of every thirteen of the population. This showed the claim of the Church of Ireland to be the national church as preposterous, particularly when these totals had been taken after the population changes which had been brought about by the famine, changes which had been numerically all in favour of the Protestants and against the Catholics. And not only was there this

¹ Below, p. 153

mere disparity in numbers to incite public feeling against the Establishment but there were also strange facts available about conditions in the church itself - 114 benefices, with a grand revenue of £18,735 in none of which the Church membership exceeded twenty-five, while five of them had only one member apiece. In 199 out of the 2,424 parishes, there was not a single Church member. Contemporary pamphleteers vigorously emphasised extraordinary individual cases of well paid clergy who had practically nothing to do; and the payment came, of course, mainly from tithe rentcharge paid largely ^{though indirectly} by Roman Catholics.¹

The 1861 census figures and their publication were probably a decisive event for the Church. From that time onwards an increasing attention was paid to the condition of the Church, and on 5th March, 1865, a resolution was moved in the House of Commons "That in the opinion of this House the present position of the Irish Church Establishment is unsatisfactory and calls for the early attention of Her Majesty's Government." The government opposed the motion and the debate was adjourned and never resumed. Among others who spoke against it was Gladstone; but

¹ G. Locker Lampson, A consideration of the state of Ireland in the nineteenth century, (1907) p.303. General arguments used by adverse critics of the Church are further summarised, below, p.99sq.

the ground of his opposition was, not that the motion was politically objectionable, but that the time was not ripe for "parliamentary action". A further more emphatic motion on 10th April, 1866, by Sir John Gray, member for Kilkenny, was also opposed by the government, not "on grounds of abstract justice", but "upon considerations of common sense, possibility, time and circumstances."¹ In other words, English public opinion was not yet sufficiently awakened. The debate was adjourned and never resumed; but it had been preceded by a famous and deeply influential speech by Bright to which reference will presently be made.²

The question of the Irish Church continued to agitate members of Parliament. On 24th June, 1867, Earl Russell successfully moved in the House of Lords for a royal commission to enquire into the temporalities of the Church of Ireland. But before that commission had reported on the condition of the church temporalities and had made its recommendations with regard to reform, the whole question of disestablishment had come before parliament; and though the report of the royal commission remains

¹ Chichester Fortescue, quoted by R. B. O'Brien, Fifty years of concessions to Ireland, ii, 344.

² Below, p. 47sq.

a valuable historical document, it had little influence on events save as a useful estimate of the value of the church property.¹

On 10th March, 1868, John Francis Maguire, M.P. for the city of Cork, moved for an inquiry into the state of Ireland. The episode of Fenianism had convinced many that there was something radically wrong with the state of Ireland. During the lengthy ensuing debate, Gladstone, as leader of the opposition, decided that the time had come to raise the matter of the Irish Church. On 16th March, he declared in his speech on Maguire's motion that "in order to the settlement of the question of the Irish Church, that Church, as a state church, must cease to exist." Maguire subsequently withdrew his motion, being "quite satisfied with the results."

On 23rd March,² Gladstone moved three resolutions:-

1 "That in the opinion of the House, it is necessary that the Established Church of Ireland should cease to exist as an establishment, due regard being had to all personal interests and to all individual rights of property.

2 "That subject to the foregoing considerations, it is expedient to prevent the creation of new personal interests, and to confine the operations of the Ecclesiastical Commissioners of Ireland to objects of immediate necessity or involving individual rights, pending the final decision of Parliament.

¹ Below, p. 148 sq.

² 3 Hansard, exci. 32.

3 "That an humble address be presented to Her Majesty, humbly to pray that with a view to the purposes aforesaid Her Majesty would be graciously pleased to place at the disposal of Parliament her interest in the temporalities of the archbishoprics, bishoprics and other ecclesiastical dignities and benefices in Ireland, and in the custody thereof."

To these resolutions there was added a fourth in the course of the ensuing debate.

4 "That when legislative effect shall have been given to the first resolution of this committee, respecting the Established Church of Ireland, it is right and necessary that the grant to Maynooth and the Regium Donum be discontinued, due regard being had to all personal interests."

The first resolution was carried against the Tory government on 30th April. The others were carried in the early summer, and Disraeli advised a dissolution of parliament. Meanwhile Gladstone in May moved a bill

"to prevent for a limited time new appointments in the Church of Ireland, and to restrain, for the same period, in certain respects, the proceedings of the Ecclesiastical Commissioners."

This measure, known as the Suspensory Bill, was passed by the Commons but rejected by the Lords.

Parliament was dissolved in November, 1868; and there was a general election. On 5th December, Gladstone was called upon by the Queen to form a government, his majority in the House of Commons being 112. On 1st March, 1869, Gladstone moved for leave to introduce the bill for the disestablishment and

disendowment of the Irish Church.

Part II

The statesmen

1. Bright

a. The basis of his political ideas

When we turn now to examine the motives and hopes of some individual statesmen, we have to acknowledge at once that Gladstone appeared to the eyes of the contemporary observer as the one dominant and responsible individual behind the legislation for the disestablishment and disendowment of the Irish Church, and he still appears in that character in most subsequent shorter accounts of the disestablishment in works of general history. Yet the longest and most vitally formative tradition of effort and thought directed by an individual towards the association of disestablishment with a particular kind of economic planning is to be sought in the career of John Bright. The scheme of disestablishment was advocated by Bright long years before the friend and colleague of his later life ventured to contemplate so sweeping a change. It was Bright who was Gladstone's guide and mentor in the great Irish reforms

of his first administration.¹ And this was particularly true of the economic aspect of those reforms and of the disestablishment.

Bright's remarkable personal position in British politics was the product of his strong, sincere character. He looked on politics not so much as an economist or a social reformer as with the eye of a Quaker, a believer in the Inner Light, and a moralist who believed in extending the virtues of personal relationships to the relationships of public life and of peoples.

"The House knows," he said, on resigning from Gladstone's government on account of its Egyptian policy, "that, at least, I have endeavoured from time to time to teach my countrymen an opinion and doctrine which I hold, which is that the moral law is intended not only for individual life, but is intended also for the life and practices of states."²

Bright entered politics and remained active in them because he wished to serve justice; and justice for him may be counted as meaning the same as compassion. Justice meant putting oneself by sympathetic imagination in another person's

¹ J. T. Mills, John Bright and the Quakers (1935), 11, 133

² Ibid., 11, 279

place and then acting realistically and tolerantly on what can be learnt by so doing. That was how he tried to act towards Ireland. There was little in his personal faith and temperament which might throw him into close sympathy with Roman Catholics; but, on 7th February, 1851, he had said in the House of Commons,

"I wish honourable gentlemen could for a moment imagine themselves Irish Catholics, with this Protestant Church and this Protestant state ruling them as the Irish Catholics have been ruled, and you will at once see that the system we have adopted would have been enough to make Catholicism not only a faith but a patriotism."¹

Justice, for Bright, could never be served by the elimination or suppression or disparagement of any party or class at the expense of another. That emerged particularly in his speeches on reform. "I deny altogether," he said in Glasgow in 1876, "that the rich alone are qualified to legislate for the poor, any more than that the poor alone would be qualified to legislate for the rich."² And what he believed about the relations of existing social classes in Great Britain he believed also about the relations between English and Irish.

With regard to the serious frictions and difficulties which must arise at times in the attempt to carry out a just policy,

¹ Ibid., ii, 119

² G. M. Trevelyan, The life of John Bright (1913), p.167

he believed that, if we follow what is good and just and tolerant, God will guide us aright in the details and problems of our undertaking. Speaking in the House of Commons on Irish questions in the debate on Maguire's motion, on 13th March, 1868, he quoted scripture, "To the upright there ariseth light in darkness."¹ He spoke there as a true Quaker and a man of most sensitive conscience. In the same speech there is a fine formulation of his own earnest belief in a generous, all-embracing tolerance, quoting the words of William Penn, that

"the humble, meek, merciful, just, pious and devout souls are everywhere of one religion, and when death has taken off the mask they will know one another, though the diverse liveries they wear here make them strangers."²

Bright's attitude towards church establishments was naturally defined for him by his denominational outlook and experience. He was deeply impressed by the history of the evils which an established church had inflicted on his own denomination, particularly in the seventeenth century.³ But, in his public speeches on the subject, it was evident that nothing of

¹ 3 Hansard, cxc, 1663.

² Ibid., cxc, 1660

³ Mills, John Bright and the Quakers, ii, 95 sq.

the more narrow kind of denominational consideration entered into his view of such matters and it can be seen how closely protest against the system of church establishment both in England and in Ireland was bound up in Bright's mind with the broader questions of religious tolerance and freedom of thought. In those speeches there was no trace of partisan bitterness or the exaltation of a combative sectarian loyalty. Justice alone was Bright's motive.¹

b. His view of Irish grievances and first advocacy of a plan for disestablishment.

The original cause that drew Bright's attention to Irish miseries and grievances was the fact that he could see so much of the pauperised Irish workers who had emigrated in enormous numbers to his own native district to seek employment in the expanding manufacturing industries of Lancashire.²

Bright's first parliamentary utterance on Irish church and land problems was made on the occasion of the Maynooth debate in April, 1845, when it was proposed to increase the grant to Maynooth College from £9,000 to £26,000 a year.³ His speech was

¹ Ibid., 11, 118.

² Trevelyan, The life of John Bright, p.159

³ Ibid., p.160.

the angry utterance of an outraged and impatient sense of justice.

He said,

"The object of this bill is to tone down ... agitators - it is a sop given to the priests. It is hush-money given that they may not proclaim to the whole country, to Europe and to the world the sufferings of the population to whom they administer the rites and consolations of religion. I assert that the Protestant Church in Ireland is at the root of the evils of that country. The Roman Catholics would thank you infinitely more if you were to wipe out that foul blot than they would even if Parliament were to establish the Roman Catholic Church alongside of it ... They have had everything Protestant - a Protestant clique which has been dominant in the country; a Protestant viceroy to distribute places and emoluments amongst the Protestant clique; Protestant judges who have polluted the seats of justice; Protestant magistrates before whom the Catholic peasant could not hope for justice. They have not only Protestant but exterminating landlords ... This House is not prepared yet to take those measures which would be really doing justice to Ireland, and to wipe away that Protestant establishment, which is the most disgraceful institution in Christendom."¹

The opposition of Bright to the Maynooth grant was to have significance for the future. Peel's endowment of Maynooth perhaps did more good than harm in Ireland as a symbol of the break-up of Protestant ascendancy and the intolerance of an earlier period. But if Bright and the English dissenters had not opposed this grant, it is possible that successive British governments might for a time have chosen the further endowment of the Catholic

¹ R. B. O'Brien, John Bright, a monograph, (1910), p.55.

priesthood as the line of least resistance for pacifying Ireland, instead of facing the policy of the land acts and the disestablishment. If "concurrent endowment" had not been resisted in the beginning by the dissenters, the state might gradually have been led to support a number of churches in both Great Britain and Ireland. Indeed Lord Russell had already in 1843 suggested that an equalisation of religions in Ireland should be achieved, not by disestablishing the Anglican church, but by establishing the Roman at its side. Bright was determined to prevent such a policy from developing.¹

It is interesting to see to what an extent Bright's views as to the appropriate manner of the disestablishment foreshadowed the actual event. His early ideas as to how the church should be disestablished were set out in a long letter to the editor of the Freeman's Journal, on 25th October, 1852.² The letter began by repudiating Lord Russell's former proposals for concurrent endowment and establishment of a Catholic church beside the Protestant one. Bright's own proposals, however, included a

¹ Trevelyan, The life of John Bright, p.160

² H. J. Leech (ed.), The public letters of the Rt. Hon. John Bright, M.P., (1885), p.6 sq.

gift of £1,000,000 to the Roman Catholic Church out of the sequestered property of the disendowed Anglican church and proportionate sums to the other religious bodies in Ireland. The Maynooth and all other renewable or yearly grants from the government were then to be stopped. The various Irish sects or churches were to be left entirely free, as was the Free Church in Scotland or the Wesleyan Methodist Church in England. The grants once made, each church would possess absolutely its own funds, just as much as if they were the accumulation of its members; and thus would be avoided the damage to religion and civil government which Bright believed to be inseparable from the union of church and state. After these distributions for religious purposes

"the remaining five or seven millions, as the case may be, might, and in my opinion ought, to be reserved for purposes strictly Irish, and directed to the educational and moral improvement of the people, without respect to class or creed."¹

So much for a general summary; but the following details may be quoted from the actual letter as showing the extent to which the general idea in Bright's mind resembled the subsequent legislation in the matter of practical machinery.

¹ This summary is based to some extent on Trevelyan, The life of John Bright, p.168 sq.

"Let an act be passed," he said, "to establish a 'Church Property Commission' in Ireland, and let this commission hold in trust, for certain purposes, all the tithes and other property now enjoyed by the Established Church; let it, in fact, become possessed of the £10,000,000 sterling, the income from which now forms the revenues of that church, as the livings and benefices become vacant. It would be desirable to offer facilities to the landed proprietors to purchase the tithes at an easy rate, in order that funds might be in hand to carry out the other arrangements of the scheme ... Let the commission be empowered and directed to appropriate certain portions of this fund as a free gift to each of the three churches in Ireland - to the Protestant episcopalians, the Presbyterians and the Roman Catholic Church."¹

Bright in this letter did not appear to grasp the fact that so much of the income of the Church of Ireland came from land rents, and he did not, therefore, mention the question of the disposal of the land. But the idea of setting up a commission, the buying out for good of the government's obligations to all the Irish churches, the buying out of tithe rentcharge - all these ideas are present in this letter of 1852 and were to have their place in the later legislation of 1869.

c. His speech of 1866

Perhaps the most vital and also the most dramatic parliamentary event in those which preceded the adoption of the

¹ Leech, The public letters of John Bright, p.11.

disestablishment policy by the Liberals was Bright's speech of 1866. When, in that year, a bill was introduced to suspend Habeas Corpus in Ireland, Bright made it the occasion, not to oppose the bill, but to make a solemn appeal for something more than coercion, for large remedial legislation on the Irish Church and on Irish land, such as he had urged for many years past. The times were beginning to change, and there were now some in the House and even on the Treasury Bench who were listening to Bright with an ever-increasing conviction that he was generally in the right. On the occasion of his speech of 17th February, 1866, not a few who heard him were moved to tears; and, although the speech aroused much indignation, it made a profound impression, particularly on Gladstone.¹

This speech of Bright's ended with a challenge to Gladstone of a very personal nature.

"I put the question to the Chancellor of the Exchequer (Gladstone). He is the only man of this government whom I have heard of late years who has spoken as if he comprehended this question, and he made a speech in the last session of Parliament which was not without its influence both in England and in Ireland. I should like to ask him whether this Irish question is above the stature of himself and his colleagues? If it be, I ask them to come down from the high places which they occupy and to learn the art of legislation and government before they practice it. I myself believe,

¹ Trevelyan, The life of John Bright, p.347 sq.

if we could divest ourselves of the feelings engendered by party strife, we might come to some better result. Take the Chancellor of the Exchequer. Is there in any legislative assembly in the world, a man, as the world judges, of more transcendent capacity? I will say even, is there a man with a more honest wish to do good to the country in which he occupies so conspicuous a place? Take the right honourable gentleman opposite, the leader of the Opposition (Disraeli) - is there in any legislative assembly in the world, at this moment, a man leading an Opposition of more genius for his position? Well, but these men - great men whom we on this side and you on that side, to a large extent, admire and follow - fight for office, and the result is they sit alternately, one on this side and one on that. But suppose it were possible for these men, with their intellects, with their far-reaching vision, to examine this question thoroughly; and, - whether this leads to office and to the miserable notoriety that men call fame which springs from office, or not - to say for once, 'If it be possible, we will act with loyalty to the sovereign and justice to the people; and if it be possible, we will make Ireland a strength and not a weakness to the British Empire.'"¹

d. His land policy

Next autumn, on 30th October, 1866, Bright spoke in Dublin, laying down what he considered ought to be the programme of England's future course of reparation and declaring that delay or inadequacy in giving justice to the Irish would ultimately drive them to republicanism and, looking to the example of the American colonies, to grasp "hands with the great republic of the west."²

¹ Ibid., p.349

² Ibid., p.349

He declared that the remedy lay in the disestablishment of the alien church and the buying out of the alien landed aristocracy in Ireland. He repeated his old arguments for Irish disestablishment and he also demanded the establishment of a "Parliamentary Commission empowered to buy up the large estates in Ireland belonging to the English nobility, for the purpose of selling them on easy terms to the occupiers of the farms and to the tenantry of Ireland."¹

Here is the idea of state-aided land purchase appearing in a fully developed form. Bright's views on land purchase at this period are perhaps most briefly and conveniently set out in a letter to a certain Mr. Henry Dix Hutton who had advocated a modified form of optional tenant purchase where landlords were willing. Bright, writing to him on 11th November, 1867, comments as follows.

"My dear Sir, I have read your Prussia and Ireland with much interest, and, as far as you go, I agree with you, but I think more requires to be done. Your plan is to help tenants to buy farms where owners are willing to sell, to lend them money on easy terms, and to take good security for the transaction. Owners are not very willing to sell, and the process of restoration, of creating an Irish proprietary, would be very slow. In my speech in Dublin a year ago I suggested another plan, not unlike yours, but certainly operative, and with which yours might be combined. I proposed a parliamentary commission, empowered to buy large estates, particularly of English proprietors of Irish property, and to re-sell them in existing farms to existing tenants on terms something like those which you propose.

A sum of £5,000,000 thus at the disposal of the commission would secure some large estates, and the process of creating farmers owners of farms would begin at once and would go on rapidly. Your plan in fifty years would do much good, mine would do much in five years, and in twenty years or less would change the aspect of things in Ireland."¹

e. His views and influence on the plan for disestablishment.

That the two cherished plans of church disestablishment and state-aided tenant purchase should have got their first expression in the one act was due to opportune circumstances which could, perhaps, have been foreseen but actually were not foreseen by Bright. Up to a late date, 27th January, 1868, Bright could write,

"There is no necessary connection between the Church and the land. To make a farmer proprietary would not involve the government in any permanent expense, and it may be done without touching the church question; and this, again, may be dealt with without meddling with the land. Now, the two schemes together and in one are a grand idea - perhaps too grand for so slow a nation and parliament as ours. Many persons may be ready to get rid of the Church who are unwilling to depart from present theories with regard to the land, and some may go with you on the land and hold back on the Church."²

Indeed there is nothing to show that Bright foresaw the handling of the property of the disendowed church as a possible field for trying out a land purchase scheme. He spoke often of the wealth of the Irish Church and of how it might be redistributed; but he

¹ Leech, The public letters of John Bright, p.138

² Ibid., p.142

did not seem to envisage clearly the steps that would have to be taken to liquidate the property before it could be redistributed.

Up to the beginning of 1868, Bright's outlook for Ireland was pessimistic, and he took a low view of the competence of his Liberal colleagues. He wrote, in the letter of 27th January, 1868, quoted above, on the subject of Irish land and church questions,

"Lord Russell is old, and cannot grapple with a great question like this. Mr. Gladstone hesitates and hardly knows how far to go. The material of his forces is not good, and I suspect he has not studied the land question, and knows little about it. The English people are in complete ignorance of Irish ways and know little or nothing of the real condition of your country."¹

Bright's attitude on two other aspects of the Irish Church question must, in conclusion, be given a fuller mention. These two aspects are, firstly, the concurrent endowment proposals and, secondly, the future prospects of the Church of Ireland itself after disestablishment. Bright's attitude towards concurrent endowment has already been noticed in connection with the Maynooth grant debate of April, 1845.² His attitude may be illustrated further by another short quotation from his letter of 1852 to the Freeman's Journal. He pointed then to what must

¹ Ibid., p.143.

² Above, p.44

be the logical result of the extension of concurrent endowment.

He said,

"To have two established churches in Ireland, the one Protestant and the other Catholic; to have in the House of Lords, Protestant and Catholic bishops, elbowing each other on 'the right reverend bench', guarding the temporal and spiritual interests of two churches which denounce each other as idolatrous or heretical, would be an inconsistency so glaring that it would go far to overthrow all reverence for governments and churches if not for Christianity itself."¹

He believed that it might be reasonable and proper to hand over a capital sum to a church; but he considered that continued state doles were not to be tolerated and would lead to absurd complexities.

Finally it must be made clear that Bright's eagerness for a change in the character of the Church of Ireland was supported and facilitated by a profound, and, in this case, justifiable, belief in human nature. He was eager to forward the scheme of disestablishment because he believed that the clergy and people of the Church of Ireland had the moral character and intelligence to pass through the temporary ordeal unscathed and that the Church of Ireland would positively benefit by such a measure. He considered that the members of the Irish Church had been paralysed in their efforts to undertake responsibility for maintaining

¹ Leech, The public letters of John Bright, p.9

their own religious institutions and services but that, if the causes of that paralysis could be removed, they could be as active in the support of their religion as were their Catholic neighbours.¹

He did not think at all ill of the Irish Protestant clergy as individuals. He said in Dublin in 1866,

"I shall not blame the bishops and clergy of the Established Church. There may be and I doubt not there are amongst them many pious and devoted men who labour to the utmost of their ability to do good in the district which is committed to their care; but I venture to say this, that if they were all good and pious, it would not in a national point of view compensate for this one fatal error - the error of their existence as ministers of an established Protestant church in Ireland."²

Bright's belief in the capacities of Irish Churchmen to cope with the situation that would be created by disestablishment was expressed in a practical and detailed way, correctly foretelling events, in a speech in June, 1868, in Liverpool. He said,

"Now, if this bill should pass - I mean the bill that in the course of things, if the Parliament to be elected in winter should take the same view as the Parliament now sitting, will pass, what will happen with the Irish Church? These archbishops and bishops believe that chaos will come again. Nothing of the sort. What will happen will be this:- The Irish Episcopal Church would summon what in America they call a convention. In other words, the archbishops, the bishops and clergy and their congregations, if they could

¹ Ibid., p.19; J. E. Thorold Rogers (ed.), Public addresses by John Bright, M.P., (1879), p.79 sq.

² J. E. Thorold Rogers, (ed.), Speeches on questions of public policy by John Bright, M.P. (1868), 1, 68 sq.

bring them together, would send to Dublin a thousand or five hundred or any smaller number of thoughtful, earnest men to determine on the future organisation of the Church. When they come together they can settle all questions of creed and all questions of discipline, and they will require, of course, to originate what they call in the Free Church of Scotland a Sustentation Fund - that is, a fund to which everybody gives who is able and willing to give - a fund out of which ministers are supported in remote parishes and districts where their congregations are too poor to support them. Of course the rich congregations in Ireland would be just as able and, I hope, just as willing to help the poorer congregations as the people of Wales or the people of Scotland. And when that is done there will be a free Protestant Episcopal Church in Ireland."¹

His general expectations as to the results of the bill upon the economic and constitutional arrangements of the Church itself were a sound forecast of what actually occurred, a forecast whose accuracy was based on human and psychological rather than economic calculation. Yet he took a very practical view. He was one of those who did regard the work of the clergy as capable of being considered to some extent in terms of goods and services, and in the House of Commons he argued with force that the Church was a body whose overhead expenses were out of all relation to the services which it performed.² Yet Bright's attitude towards the Irish Church was a sympathetic one. He said in the debate on the Resolutions, on 31st March, 1868,

¹ Rogers, Public addresses of John Bright, p.80.

² 3 Hansard, clxxxii, 647.

"If you adopt the policy we recommend, you will pluck up a weed which pollutes the air ... but you will leave a free Protestant church, which will be hereafter an ornament and a grace to all those who may be brought within the range of its influence."¹

Very rarely does one find his nonconformist outlook betraying him into a suggestion which showed any fundamental lack of understanding of some vital element in the churchman's way of thinking. There is a possible case of this when he wrote in his letter to the Freeman's Journal in 1852 of the possible letting or sale of churches, showing perhaps a nonconformist insensitiveness to what many churchmen felt and feel with regard to consecrated buildings, objects and places.² But this lapse, if it was one, was isolated, and his attitude as expressed in his utterances and proposals was tolerant and austerely just.

It was Bright who, more than any other person, laid the foundations of sympathy and thinking on which the main provisions of the Irish Church Act rested; but it was Gladstone who took the supreme part in the end in bringing public and parliamentary attention and action to bear on the question. Bright was a somewhat shrinking partner in the actual Liberal policy, though he was energetic in forwarding it in Parliament. His personal

¹ 3 Hansard, clxxxii, 659.

² Leech, The public letters of John Bright, p.15

feelings are recorded in his diary.

"12th March, 1868. To Mr. Gladstone's at 12 o'clock at his request. Met there Lord Granville, Mr. Cardwell, Mr. C. Fortescue, with Mr. Brand and Mr. Glyn, to discuss course on Irish question. Agreed that a specific motion should be brought forward after present debate is over, in such form as to pledge the House to the abolition of the Irish Church. I am thus admitted to a sort of 'Opposition Cabinet Meeting' and feel myself somewhat embarrassed at the prospect of responsibilities which I do not wish to undertake."¹

It was this tendency to feel "somewhat embarrassed at the prospect of responsibilities" which has caused Bright to gain less credit than is due to him in connection with this and other measures of reform. And the embarrassment probably sprang from his intense Protestantism, his nonconformity, his sense of an overwhelming duty to preserve the integrity of his own mind and heart and soul and to guard, against extraneous influences, that shrine of the Inner Light where he believed that each man must be his own priest.

2. Gladstone.

a. His personal supremacy in Cabinet and Parliament.

The Irish Church Act was rightly regarded at the time of its passing and subsequently as the peculiar personal triumph of Gladstone.

¹ R. A. J. Walling (ed.), The diaries of John Bright (1930), p.315

"It was carried through its various stages," said the Annual Register, "in the face of a united and powerful opposition, mainly by the resolute will and unflinching energy of the Prime Minister, who throughout the long and arduous discussions in which he took the leading part, displayed in full measure those qualities of acuteness, force of reasoning and thorough mastery of his subject for which he had long been conspicuous but which were never more signally exhibited than on this occasion."¹

It was he who had decided that the time had come to undertake this legislation. The weight of preparatory labour fell upon him personally. The beginning of 1869 was spent by him at Hawarden threshing out the detailed problems of the intricate piece of law-making. If he consulted his colleagues, it was as persons with expert knowledge on particular matters rather than as fellow legislators.

"Merrypebble (Gladstone)," wrote Lord Clarendon to Lady Salisbury on 21st January, 1869, "has not been hatching the Irish egg alone at Hawarden, but has had Puss (Lord Granville) with him and the Irish Attorney General (Sir Edward Sullivan). He writes in hopes of being able to submit a plan of detail - principles being long since agreed upon - to the Cabinet next week. I have not the remotest idea what it will be, and shall be slightly curious to know."²

It is to be noticed that Granville was the suave and dexterous politician who would have to pilot the measure in the House of

¹ Annual Register (1869), p.119

² Sir H. Maxwell, The life and letters of George William Frederick, fourth Earl of Clarendon, (1913), ii, 356.

Lords; and he was a person to be consulted more in details of expediency than in the expression of those broader issues of principle which Gladstone endeavoured to embody in even the smallest details of the bill. Sullivan was present to advise on legal points. But Gladstone's colleagues were very happy to leave to his wisdom alone the graver and broader problems of drafting the bill.

"There was a Cabinet meeting yesterday," wrote Clarendon on 27th January, "but I did not sit near Gladstone and had not a word with him, so I have no idea how his visit to the Queen went off and whether he talked Church with her; I only know that he did not to his colleagues for he said that the returns to his enquiries were not completed, and that it would be useless to discuss a measure for which the data were wanting. Everybody agreed, just as one agrees to go to the dentist to-morrow instead of to-day."¹

Constantly one comes upon evidence of the same attitude of almost helpless dependence upon Gladstone for leadership and guidance on the Church question. When the Address was being moved at the beginning of the new parliament, it was very striking to what an extent both the mover and seconder referred, with the deference of total ignorance, to Gladstone as the one authority personally responsible for the details of the coming bill and the one man who could and would explain what it was all about.²

¹ Ibid., ii, 357.

² 3 Hansard, xciv, 59 & 67

In the course of the Commons debates, Gladstone, with his special knowledge and personal responsibility, was immeasurably more important than any other speaker. He was not much aided by any speeches from Irish members or from his nonconformist supporters. They were effaced by his own complete defence of the bill. Otherwise the most conspicuous speech in support of the bill was that of Bright, one of his greatest efforts in the House of Commons. In the committee stage again, Gladstone was supreme. He defended his scheme against all opponents, and completely silenced them in debate on repeated occasions by his overwhelming superiority of knowledge of the subject. The only assistance which he needed and received was that of the Irish Attorney General, who, on legal points, showed great skill in debate.¹

b. The place of the disestablishment in Gladstone's political life.

In the broad extent of the reforming legislation which Gladstone achieved or projected, the disestablishment and disendowment of the Church of Ireland does not, perhaps, strike the casual present-day student as being of the greatest importance. Yet in the eyes of Gladstone himself that event was probably the most important of all, and it certainly marks one of the greatest

¹ Lord Eversley, Gladstone and Ireland, the Irish policy of Parliament 1850-1894, (1912) p.31.

stages in his political life and thought.

We are concerned with the economic results of the disestablishment and disendowment, and we are here considering the intentions and outlook of the legislators with a view to seeing how far those intentions really expressed themselves in the economic and practical working out of the act in subsequent years. But in the case of Gladstone, as in the case of Bright and of others, we cannot immediately fall upon such intentions and expressions of opinion as were concerned wholly with the economic aspect of the legislation; for, in the policy and thinking that produced it, many or indeed most of the formative considerations were other than strictly economic. Bright, as we have seen, although he concerned himself with very practical details of method and economic adjustment, played his part with the motives of a philanthropist and a mystic. It was equally true in the case of Gladstone that his intentions as to economic reform were deeply mingled with other motives. It is not easy to show that he was an economic thinker at all. It is easier to see him as a man of conscience, a theologian, a politician and a financier.

At the time of the disestablishment, a favourite argument of hostile critics was that Gladstone was acting in a way

utterly inconsistent with his own past. So popular did the search for opposing arguments among Gladstone's own earlier writings become that an Ulster member, Colonel Stuart Knox, went so far as to produce in the House of Commons, a spurious piece of Gladstonian prose, an action whose detection threw discredit on this type of argument.¹ Certainly, at the time of the disestablishment controversy, Gladstone had gone a long way from the position which he had held when, as an austere young Tory, he had declared that to have a "disposition to overthrow the principle of an established church" was "ultimately to deny that religion is the great sanction of civil society", and when he had apparently swept aside all social or economic considerations, other than those sanctified by the influence of an established church, in a disapproving reference to that knowledge "which tends too much to fix the eyes on the earth, instead of raising them to heaven to look for angel's bread."²

Yet, as Gladstone attempted himself to explain in his specially written apology,³ that change was not unconsidered or in-

¹ 3 Hansard, excii, 314.

² W. E. Gladstone, The state in its relations with the church (4th ed., 1841), ii 397-399.

³ W. E. Gladstone, A chapter of autobiography (1868).

comprehensible. Its gradations were not harsh nor illogical, nor were its motives unconscionable. He wrote about this to Bright on 10th December, 1867.

"I started in life a believer in the Irish Church Establishment, and I spoke strongly for it more than thirty years ago. But in 1845, when I left office to place myself in a position of freedom with respect to Sir R. Peel's proposals on the Maynooth grant, I considered that I became free with respect to all Irish ecclesiastical questions, and on first standing for Oxford in 1847 I declined pledging myself in principle to the Irish Established Church. If I took long to ruminate upon the matter before speaking, it was, first, because in Ireland itself the question slept; and, secondly, because it is well to ponder much upon a subject that, if I mistake not, will prove very difficult to deal with, and may again lead the Liberal party to martyrdom. My own personal difficulties or preferences on this great matter are as nothing to me compared with the evil of the present system and the advantages of altering it fundamentally. Further, I think that it is better so to alter it as to destroy the principle of state establishment in Ireland - better for the country at large, better for the members of the body itself, although I regret, from another point of view, to do anything which, by removing certain bishops from the House of Lords, affects the constitution of that House and weakens what is in one sense a popular element in its composition. The basis of your plan seems to me the best of any I have seen in print. There are many details that in your outline are not mentioned, and which would require time to consider, but the basis is the main thing."¹

Gladstone's tidy, practical and equitable mind came to see that no principle fails to suffer if it is enforced by a mechanism that is unjust, inexpedient and not adjusted to its purpose.

¹ D. C. Lathbury (ed.), Correspondence on church and religion of William Ewart Gladstone (1910), 1, 154.

After his first ardent championship of a rather extreme position, he came to feel increasingly that the spirit could be grievously frustrated or utterly stultified by the letter or the organism through which it was sought to be expressed.

"The whole of my public life," he wrote to the Bishop of Oxford in 1863, "with respect to matters ecclesiastical, for the last twenty years and more, has been a continuing effort, though a very weak one, to extricate her (the Church) in some degree from entangled relations without shock or violence."¹

In 1865 the logical progress of his views on ecclesiastical organisation and property had reached a stage which he succinctly explained to his son in a letter. Writing on 16th April, 1865, to W. H. Gladstone, on the subject of English church rate, he said,

"Were we asked to surrender an article of the creed in order to save the rest, or to consent to the abolition of the episcopal order, these things touch the faith of Christians and the life of the church and cannot in any measure become the subject of compromise. But the external possessions of the church were given it for the more effectual promotion of its work, and may be lessened or abandoned with a view to the same end."²

His faith in the church was high enough to make him willing to contemplate the stripping away of what he felt to be obsolete props and outer relationships. In earlier words of his, quoted in the

¹ John Viscount Morley, The life of William Ewart Gladstone (1903), ii, 159.

² Ibid., ii, 159

House of Commons during the debate on the Suspensory Bill of 1868, "The union (of church and state) is to the church of secondary though great importance; her foundations are on the holy hills; her charter is legibly divine."¹ And a sense of the sureness of the spiritual foundation made him feel himself at liberty to alter or remove some of the temporal scaffolding.

Gladstone was not rapid in turning his attention to Irish affairs. He was interested in finance and foreign affairs. It was in 1845, in the year when he resigned from Peel's administration over the Maynooth grant, that an uneasiness began to steal over him about Ireland. It was in 1845 that he wrote to his wife, "Ireland! Ireland! that cloud in the west, that coming storm, the minister of God's retribution upon cruel and inveterate and but half-stoned injustice!"² Yet long years were to pass before the utter conviction seized him that his mission was "to pacify Ireland." In a letter of 1872, to Guizot, it can be seen that it was ^rthough his eager attention to foreign affairs that he learnt to turn more and more seriously towards Ireland and that he was deeply impressed by the attitude of continental observers to

¹ 3 Hansard, excii, 770.

² J. L. Hammond, Gladstone and the Irish nation, p.51.

British treatment of Ireland.¹

c. His attitude towards property and reform.

Of the two outstanding histories of Gladstone's relations with Ireland, by Lord Eversley and J. L. Hammond, the latter is the more highly interpretative; and in it is advanced a striking and not unreasonable explanation of certain characteristics of Gladstone's attitude towards reform.

"He fell," said Hammond, "into a habit of looking at every problem with the eyes of a Chancellor of the Exchequer from which he never broke free. Applying this Treasury mind to Ireland in a pedantic spirit, he fell easily into the view of those who held that the famine had solved the agrarian problems and that it was dangerous to begin spending public money in a country which would soon learn to lean on England... Unfortunately, Gladstone's interpretation of 'legitimate wants' was often so rigid and narrow as to cramp and disable his constructive judgement. He was, as he himself observed, a slow learner, and Acton has noted the curious combination of this trait with an intellect remarkable for originality and independence. The effect of the Treasury atmosphere on his mind lasted much longer than the effect of the Tory principles, with which he started on his political career, for it lasted throughout his life. One of the great advantages that the Balfour brothers who were afterwards to make such notable contributions to the solution of the agrarian problem in Ireland possessed over Gladstone was that neither of them had ever been Chancellor of the Exchequer... It was a great misfortune that, at a time when social reconstruction was urgently needed, the office of the Chancellor of the Exchequer enjoyed such prestige that leading men sought it naturally as the chief prize for ascending talent, while the departments connected with town life, housing and labour were treated as relatively unimportant."²

¹ Ibid., p.68

² Ibid., p.72 sq.

Certainly when, in 1931, filial piety led Gladstone's son to arrange for the publication of a work on Gladstone as financier and economist, the virtues of the great financier were clearly set forth but the existence of the great economist remained noticeably unproven.¹ Gladstone handled with greatest competence, not property itself, but the financial equivalent of property.

His attitude towards property and the rights of property was extremely conservative. Lord Kilbracken, in describing the limits of Gladstone's liberalism, wrote,

"It will be borne in mind that the Liberal doctrines of that time, with their violent anti-socialist spirit and their strong insistence on the gospel of thrift, self-help, settlement of wages by the higgling of the market, and non-interference by the state, were not very different from those generally held by the Conservatives of the present day. I think that Mr. Gladstone was the strongest anti-socialist that I have known among persons who gave any serious thought to social and political questions. It is quite true, as has often been said, that 'we are all socialists up to a certain point;' but Mr. Gladstone fixed that point lower and was more vehement against those who went above it, than any other politician or official of my acquaintance."²

At the time when he was contemplating the Irish disestablishment scheme, this conservatism of Gladstone's was still in a very definite and unmodified stage. He was very far from being a

¹ F. W. Hirst, Gladstone as financier and economist, with introduction by H. N. Gladstone, (1931).

² Lord Kilbracken, Reminiscences (1931), p.83

complete convert to Bright's views on Irish land. Far from being an enthusiastic advocate of making Irish tenants into settled proprietors of Irish land, he let fall, in the very speech in which he called for the disestablishment of the Irish Church and urged the experiment of tenant purchase, on 16th March, 1868, the significant words, "I am not ashamed to say that I shrink from the attempt to procure direct legislation for fixity of tenure."¹ And he showed a marked tenderness for the proprietary rights of lay patrons of livings when speaking in the debates of the spring of 1868.² It was only because he felt that the disestablishment could be effected without disturbance of vested interests and proprietary rights that he was prepared to embark on such a scheme. It was because of the effort to procure a just respect for vested interests that the Irish Church Act cost him such labour and such anxious effort. He said,

"To effect by form of law the transition of a considerable religious communion from the condition of an established church to that of a voluntary society is a most grave and serious matter; and when it is not done by a mere act of violence, but with the recognition of proprietary rights and, above all, of vested interests, which the House, I am

¹ 3 Hansard, cxc, 1759.

² Ibid., exci, 1891.

certain, regards as fundamental in any honourable and satisfactory arrangements, it is then the difficulties arise." ¹

It is true that Gladstone, from the beginning of the major phase of the disestablishment controversy, was declaredly interested in Bright's plan of land purchase;² but it was a cautious interest and an interest which had failed to win Bright's confidence almost up to the last moment before the public declaration of Gladstone's sympathy with the plan.³

Thus, although the Irish Church Act may be said to embody the first practical results of Gladstone's conversion to a policy of state-aided tenant purchase, that claim must be qualified by his own definition of the land-purchase plan in the act. It was, he said, "the experiment on a limited scale, of breaking up properties in a manner which I believe to be perfectly safe, perfectly easy and perfectly unexceptionable."⁴ He did not say, as Bright had done, that it was a method of "changing the aspect of things in Ireland."⁵ He did not say

¹ Ibid., cxcii, 724.

² Above, p. 11

³ Above, p. 52

⁴ 3 Hansard, cxciv, 451.

⁵ Above, p. 57

that it was a method of economic and social reform. It was an attempt "to give a fair consideration to the plan of the honourable member" for Birmingham,¹ but, above all, a method of "breaking up properties." Possibly the qualifying words, "on a limited scale," implied an unexpressed sense of the ultimate expediency of breaking up properties on a larger scale and for other purposes; but we can only surmise this, and we can do so only because we know what followed.

Gladstone's great speech moving for leave to introduce the bill for the disestablishment, filling fifty-two columns of Hansard and running to over 22,000 words,² may be compared to one of his budget speeches in lucidity and in its power in presenting a large and proportioned survey of many complex and interrelated details. But it may be compared to a budget speech in another respect. It is a speech by a great and clear-sighted financier. The plan that it sets forth is a plan for adjusting, balancing, rounding off; and it is all in terms of money. For the purpose of Gladstone's plan and of his exposition of it, the property of the Irish Church must be converted into money. The land purchase scheme was a convenient way of doing so, a way of "breaking up properties" into a form which could be manipulated as he wished.

¹ 3 Hansard, cxc, 1759.
² Ibid., cxci, 417.

Therefore he adopted that scheme. Possibly the adoption of the scheme had other implications for the future. He did not at the time hint publicly, or privately, so far as we know, at his strong conviction of the necessity of pursuing those other implications. As a politician he would have been foolish to do so, if he had had such convictions. Such a confession of intentions or such a bias would have introduced a vast and probably warping complication into an already immensely difficult task of managing business in a legislative assembly. But one proof that he was not ready in his convictions to move at once in the direction of those larger possibilities of land purchase must be sought in his later career and in the long lapse of time which intervened between the Irish Church Act and the large and effective land purchase measures of later times, among which the cautious land act of 1870 can hardly be classed.

d. His respect for considerations of current expediency.

Perhaps the main difficulty of discovering Gladstone's hopes and intentions at the time of the legislation for the disestablishment lies in the fact that, unlike Bright, he was an experienced practical politician of great caution and insight. Bright/might blurt out his feelings with a generous, warm-hearted

disrespect for the prevalent feeling of the House of Commons or the nation. It was that very capacity which gave him his position as a great pioneer of reform. Gladstone, not a less just or less sincere man, might remain silent in order that he might more effectively serve a cause he had at heart. Clearly Gladstone had been converted some years previously;¹ yet he waited till the time was ripe and then came forward as the champion of disestablishment.² He introduced the Irish Church question when speaking on Maguire's motion because he had noted "the extraordinary progress of opinion on that question both within and without the House."³ Speaking on the three Resolutions, he said, "I have waited until, as it appeared to me, the hour had come when the call to duty summoned."⁴ And having announced that the time had come to alter the status of the Irish Church, he was unremitting in his pressure on the government. "Justice delayed," he said, "is justice denied."⁵

¹ Above, p. 63sq

² Above, pp. 35-37

³ 3 Hansard, exc, 1760.

⁴ Ibid., exci, 488.

⁵ Ibid., exc, 1771.

His opponents naturally denounced the apparent suddenness of his conversion. Disraeli spoke of "this monstrous invention of a crisis in Ireland got up by the right honourable gentleman opposite for the advantage of his party,"¹ and declared that "the right honourable gentleman, who has had the power of the Crown in large proportion for near a quarter of a century, has never done anything for Ireland but make speeches in favour of the Irish Church."² Far more unjust was Disraeli's similar accusation against Bright.

"The honourable member for Birmingham tells us truly that his training has given him great advantages in forming an impartial opinion upon these subjects - that from the first he has been deeply thinking of them - that he has since then been deeply musing over them and that now he has burst into eloquence and has announced the new evangelism to the House of Commons."³

On this subject, however, Bishop Thirlwall wrote on 26th June, 1868, to Lord Arthur Hervey,

"Among all the topics which have been urged on the Conservative side none surprise me more than that of the alleged 'suddenness of conviction' as to the disestablishment of the Irish Church in the leader of the Opposition and his followers. It is so directly opposed to all my recollections, and to what I had imagined to be the most patent and notorious facts in recent history. I cannot recollect the time when there

¹ Ibid., cxc, 1780.

² Ibid., cxc, 1781.

³ Ibid., cxc, 1783.

were two opinions among Liberal politicians as to the Irish Church. I do not know of any conviction that more generally pervaded the public mind before the opening of the present session, than that the state of Ireland would and must occupy the attention of Parliament above, if not to the exclusion of, every other question. The disclosure of the policy which the Government meant to adopt was looked for with the most anxious expectation. It turned out - as no doubt might have been foreseen - to be that of the man of phrases, utterly null. The Opposition took the place which the Government had abandoned, in the consciousness of its incapacity, intellectual as well as political, to deal with the Irish difficulty. That it should be taunted with the 'suddenness of its convictions' appears to me astonishing. But, if the taunt was as just as it appears to be unfounded, it would be totally irrelevant - an argumentum ad hominem not ad rem.¹

e. Gladstone's views on the future of the Church of Ireland.

Like Bright, Gladstone had faith in the members of the Irish Church. It was not a confidence shared by all who felt that disestablishment was necessary and inevitable, but he was emphatic in this belief from the earliest stage. On the second reading of the suspensory Bill, on 22nd May, 1868, he said,

"Speaking as an individual, I cannot for a moment share the apprehensions - and visionary apprehensions they appear to me - which are entertained on this subject in high and dignified quarters, and among persons of great authority in the church. I am astonished to find them so devoid of faith in the religious principles they profess as to entertain the altogether idle and visionary apprehensions that those who

¹ J. J. Perowne & L. Stokes (eds.), Letters, literary and theological of Connop Thirlwall, late Lord Bishop of St. David's, (1881), 1, 295.

hold our faith and religion in Ireland are not competent to direct themselves in their religious affairs, and that the moment these persons are released from restraint they are to astonish the world by their freaks and caprices in matters ecclesiastical."¹

Yet Gladstone had little confidence in the capacity of Irish Churchmen to understand intelligently the benevolence of his own intentions, while on the other side he had obvious motives for preventing the more extreme opponents of the Church of Ireland from divining how benevolent those intentions were. Lord Eversley remarked this dilemma with reference to the immense possibilities of the commutation principle embodied in the Irish Church Act.

"When we look at the results of the scheme, since it passed into law," he wrote, "we shall see how enormously important this principle of commutation has been in saving for the newly constituted church a large part of its endowment. Looking back we may surmise that Mr. Gladstone foresaw this, but abstained from explaining it more fully lest he should alienate some of his supporters among the Catholics of Ireland and the nonconformists of England by showing how favourable the scheme would be to the disestablished church and what large endowments would remain to it, on the assumption that the church people did their best to meet the new position."²

Gladstone was also a strong believer in denominational voluntarism and the value of the democratic lay element in the work of the church. In a letter On the functions of laymen in the church, in 1851, he had cited with warm approval cases of lay representation and voluntarism in colonial churches, of which he wrote,

¹ 3 Hansard, cxlii, 723

² Lord Eversley, Gladstone and Ireland, the Irish policy of Parliament, 1850-1894, p.31.

"The whole weight of testimony from the most competent and dispassionate authorities, quite irrespective of particular leanings of opinion, is in favour of this lay representation, as being not the cause but the corrective of passion and disorder, as adding greatly to what may be called the ballast of the church, while it is likewise found to be an incalculable and an indispensable source of expansive strength."¹

Having faith in churchmen, Gladstone tried from the beginning to make it clear that he did not wish to proceed "in the manner which has been in fashion in various continental countries, and in our own in former times, when churches have been disestablished, religious orders abolished, and the members of them turned out of doors,"² and that it was his intention and desire "to preserve the bishops and clergy not only in their pecuniary receipts but in their social position."³ But an Irish prelate, Bishop Alexander, argued that the bill left the Irish Church unprovided for after the death of the existing clergy.⁴ And "throughout all the speeches of the opponents of the bill there was the same misconception as to its effects. There was an incapacity to understand how the Irish Church could be reconstituted under the new scheme, and how its clergy and its services could be maintained."⁵ Under such circum-

¹ W. E. Gladstone, Gleanings of past years, 1843-78, vi, 20

² 3 Hansard, cxcii, 724.

³ Ibid., cxcii, 725.

⁴ Eversley, Gladstone and Ireland, p.33

⁵ Ibid., p.34

stances, a dexterous leadership of his party supporters was as important to Gladstone as a subtle system of apology.

On two special points Gladstone's feeling was utterly at one with Bright's - on the subject of concurrent endowment and on the necessity of completely and uncompromisingly ending the financial association of the Irish churches with the government. On concurrent endowment he argued that if disparities in Ireland were levelled up by larger subsidies to Presbyterians and others, there would be no end to this subsidising of denominations, - "burden upon burden must be laid upon the people of this country that we may be enabled to enjoy the blessing and the luxury of maintaining the Church Establishment in Ireland."¹ Of the breaking for good of the financial links between the state and the Irish churches, he said,

"Any plan such as I had been endeavouring to lay the basis and foundation of must include provisions, whether immediate or not, for the entire relief of the Consolidated Fund from all charges, either for the Maynooth grant or any other purposes of religion in Ireland."²

Thus the opening of the Irish Church controversy in 1868 saw Gladstone embarking, with his eyes partly opened to what it involved, upon the first British scheme of state-aided land purchase. It saw him making his first great effort for Irish reform. It saw

¹ 3 Hansard, cxc, 1761.

² Ibid., exci, 709

him irrevocably tearing away the last shreds of his Toryism. It saw him placing his more cold, concrete and complex capacities of mind partly under the guidance of the more simple, warm-hearted and philanthropic Bright. It saw him starting upon what was to be his first great work as Prime Minister of Great Britain and was to involve for him a great triumph for his wise judgement of the tendencies of the House of Commons, of the nation and of the age.

It was a beginning of new things for Gladstone. And, with Gladstone, beginnings were greatly significant. When the seed of a new idea obtained a place in that earnest, competent, cautious mind, it developed slowly but to a great magnitude.

3. Russell.

Now that something has been said of the intentions and motives of the two outstanding statesmen of the Irish Church disestablishment, little remains to be said of others; but there are three who may be referred to briefly.

Reference has already been made in another connection to the earlier career of Lord John Russell.¹ His policy had been rather varied as far as the Irish Church was concerned. Long before disestablishment had been possible or could have received the support of public opinion, he had advocated a redistribution of Irish

¹ Above., p. 33+ 36

ecclesiastical revenue in such a way as to equalise the incomes of the various churches. Still earlier he had been a supporter of the "appropriation" plan of reducing the Irish Church Establishment and appropriating some of its revenue to secular purposes.¹ More recently he had opposed the concurrent endowment scheme of Lord Grey,² but on grounds of expediency, and for such reasons as that Scotchmen would object to it. Indeed an expedient deference to public opinion at various times is the explanation of the somewhat polymorphous efforts of this statesman to deal with the Irish Church. He again declared himself in favour of the disestablish-

Just before Gladstone's declaration in favour of disestablishment, in the spring of 1868, Russell, on his own separate initiative declared in favour of disestablishment combined with a scheme of concurrent endowment. He published a pamphlet on the subject.³ In it, after considering the historical and political aspect of the Irish problem, he frankly discarded his own original proposals for appropriation, declaring that "what would have been healing in 1835 would be futile in 1868." He went on to argue that the time had come for establishing religious equality by the disestablishment of the Church, by the appropriation of three-

¹ Above, p. 32

² Above, p. 33

³ John Earl Russell, A letter to the Right Honourable Chichester Fortescue, M.P., on the State of Ireland (1868)

fourths of its revenue to the endowment of the Church of Rome and by the division of the remaining fourth between the Protestant episcopal and the Presbyterian churches - certainly a drastic scheme.¹ This was followed by a second pamphlet, a more general attack on the Tory government, but with a particular reference to disestablishment and disendowment, an issue which he accused the government of shirking.² Then, on 18th January, 1869, there came a third pamphlet.³ In this he not merely dealt with the Irish Church but strenuously advocated the reform of the Irish land laws. He again declared himself in favour of the disestablishment and disendowment of the church, though he desired that an interval of about a year should be allowed in which the Church should be enabled to frame a scheme for its future organisation. He proposed too that the Church should be allowed to retain certain portions of its property to which it might have an equit-

1

Spencer Walpole, The life of Lord John Russell (1889), 11, 433

2

Russell, A second letter to the Right Honourable Chichester Fortescue, M.P., on the state of Ireland (1868).

3

Russell, A third letter to the Right Honourable Chichester Fortescue, M.P., on the state of Ireland (1869)

able title, endowments of equal amount being handed over both to Roman Catholics and to Presbyterians, proposals less drastic than he had at first made. So far as the land was concerned, he desired to give the tenant some security against eviction and some compensation for improvement.¹

Lord Russell had meanwhile made an excursion into politics which was a source of embarrassment to Gladstone and Granville and apparently a source of some enjoyment to himself. The Liberal leaders tried to treat the old gentleman tactfully and persuade him to keep quiet, an effort in which they were signally unsuccessful. Only a few days after writing to Gladstone that he intended in future merely to watch the progress of affairs "with great interest, looking out from the loopholes of a retreat from the great world," he was proposing to move a whole set of resolutions in the House of Lords on the proper method of dealing with the surplus revenues of the Irish Church. His proposals suggested that he had determined to adopt a detached position in politics on the retirement of his old rival, Lord Derby, and claimed the right to revive his old advocacy of a certain measure of concurrent endowment, even although his appearance in the chair of a great meeting at St. James's Hall had been interpreted

¹ Walpole, Life of Lord John Russell, ii, 435

as a complete acceptance of Gladstone's policy. "I leave the patient under your soothing treatment," Gladstone ultimately wrote to Granville. There was a considerable element of comedy in the efforts of Granville and Gladstone to control Russell, to flatter him, to treat him deferentially, as one who was still in the innermost conclaves of the leaders, and so "group" him, and in Russell's perspicacity in seeing through their efforts and courteously declining to be easily led.¹

When the disestablishment bill entered committee in the upper house, it had to face two different sets of critics. The regular Opposition, led by Lord Cairns, who had succeeded Lord Malmesbury as leader of the Conservative party, seeing that disestablishment was certain to take effect, concentrated the whole of their attention on the improvement of the terms relating to disendowment which were to affect the church after disestablishment. On the other hand, a considerable body of peers, many of whom sat on the Liberal benches, were still anxious to introduce into the clauses of the bill some recognition of the principle of concurrent endowment. They found a leader in Russell, who was not the least active of the critics of the bill;

¹ Lord E. Fitzmaurice, The life of Granville George Leveson Gower, second Earl of Granville, 1815-1891, (1905), i, 528; J. P. Gooch (ed.), The later correspondence of Lord John Russell, 1840-1878, (1925), ii, 366.

and, though Granville was generally able to rely on the support of Russell against the amendments of Cairns, he was not able to prevent Cairns supporting some of the amendments of Russell.¹

It cannot be said that on the final agreed solution of the Irish disestablishment controversy, arranged between Cairns and the Liberal leaders and embodied in the Irish Church Act, the ideas of Russell had much influence. But his embarrassing free-lance activities may have been actually helpful to the promoters of the bill, though inevitably irritating to them. He may have acted as a sort of lightning conductor, a focus for sentiments among the nonconformists, the Liberal left wing and some Roman Catholics, which might otherwise have had a deleterious effect on the balance and success of Gladstone's delicate legislative architecture. His ideas and his action in the matter of the disestablishment, although not on lines of which Gladstone approved, also added, to the forces in favour of the general principle of disestablishment, the strength of a venerable and powerful tradition of liberal reform.

4. Mill.

It is impossible to make any very definite statement on the

¹ Fitzmaurice, The Life of second Earl of Granville, ii, 10

undoubtedly powerful influence of J. S. Mill on the tradition of thought which produced the disestablishment legislation. He had been a long-standing advocate both of disestablishment and of tenant purchase.¹ But he was an isolated individual, and, to his fellow members of the House of Commons, not a sympathetic individual such as Bright was. In the general election preceding the disestablishment he lost his seat.

It seems enough, therefore, to mention him here as a man who brought to bear on the Irish Church question a serious and rather acid rationalism at a time when that question was the centre of a general conflict of feeling rather than of thought. One quotation, though it comes from a much earlier period and does not refer directly to that question, will indicate the direction and utility of his long-exerted influence. In an essay on Corporation and church property, first published in 1833 and republished in 1859, he wrote,

"The founder of a college at Oxford did not bestow his money in order that some men then living, and an indefinite series of successors appointing one another in a direct line, might be comfortably fed and clothed. He, we may be sure, intended no benefit to them, further than as a necessary means to the end he had in view - the education of youth, and the advancement of learning. The like is true of the Church property; it is held in trust, for the spiritual

¹ Cf. J. S. Mill, Chapters and speeches on Irish land questions (1870), particularly his speech on Maguire's motion, *op.cit.*, p.108 sq.

culture of the people of England. The clergy and the universities are not the proprietors, nor even partly trustees and partly proprietors; they are called so, we know, in law, for convenience of classification; but it is a classification which only tends to mislead. The trustees are indeed, at present, owing to the supineness of the legislature, the sole tribunal empowered to judge of the performance of the trust; but it will scarcely be pretended that the money is made over to them for any other reason than because they are charged with the trust - or that it is not an implied condition that they shall apply every shilling of it with an exclusive regard to the performance of the duty entrusted to the collective body. Yet of persons thus situated, persons whose interest in the foundation is entirely subsidiary and subordinate, the whole of whose rights exist solely as the necessary means to enable them to perform certain duties - it is currently asserted, and that not modestly, and in a tone of discussion, but angrily, abusively, and in the spirit of arrogant assumption, that the endowments of the church and of the universities are THEIR property; to deprive them of which would be as much an act of confiscation as to rob a land owner of his estate!"¹

5. Disraeli.

It is certainly necessary to name Disraeli among the statesmen who had a positive formative influence on the disestablishment legislation, even though he was the leader of the opposition to it in the House of Commons. The disestablishment controversy provides an illustration of the fundamental conflict and, in fact, the fundamental pathos of Disraeli's career. He was a man

¹ J. W. M. Gibbs (ed.), Early essays by John Stuart Mill (1897), p.172.

of perception and sympathy and started his political career as a radical and a champion of reform. He saw that, to be effective in putting one's sympathies and perceptions into practical form, one must obtain power. In order to obtain it, one must be an opportunist and ally oneself with such great interests or institutions as can give it. He saw also, as Gladstone saw, that politics are just and appropriate not only on account of the abstract principles involved in them but on account also of the pattern of contemporary circumstances into which they can fit.

Disraeli had expressed this theory of political opportunism in a speech in 1834 with the vigorous, indiscreet frankness of a young man, declaring,

"The truth is, gentlemen, a statesman is the creature of his age, the child of circumstances, the creature of his times. A statesman is essentially a practical character; and when he is called upon to take office, he is not to enquire what his opinions might or might not have been upon this or that subject; he is only to ascertain the needful and the beneficial, and the most feasible measures are to be carried on. The fact is, the conduct and opinions of public men at different periods of their career must not be too curiously contrasted in a free and aspiring country. The people have their passions, and it is even the duty of public men occasionally to adopt sentiments with which they do not sympathise, because the people must have leaders ... I laugh, therefore, at the objection against a man that at a former period of his career he advocated a policy different to his present one. All I seek to ascertain is whether his present policy be just, necessary, expedient; whether at the present moment he is prepared to serve the

country according to its present necessities."¹

Deeply conscious of the truth of this opportunist conception of politics, Disraeli was to be caught repeatedly in the dilemmas of it. He had his sympathies of a radical and reforming character. In order to realise the hopes to which these sympathies gave rise, he sought power. And he found power in the Conservative party, whose constitution, character and traditions repeatedly thwarted him in his desire to follow his sympathies.

In 1844, in the course of a speech on the condition of the Irish people, he had said,

"That dense population in extreme distress inhabits an island where there is an established church which is not their church and a territorial aristocracy, the richest of whom live in distant capitals. Thus you have a starving population, an absentee aristocracy and an alien church, and in addition the weakest executive in the world. That is the Irish question."²

This speech became famous during the disestablishment debates a quarter of a century later. "A more closely woven tissue of argument and observation," said Gladstone, "has seldom been heard in the debates of this House." The phrases about the "alien church" were naturally turned against their author. Disraeli replied that at the time he made the speech nobody seemed to listen. "It may have been expressed," he said, "with the heedless

¹ W. F. Monypenny and G. E. Buckle, The life of Benjamin Disraeli, Earl of Beaconsfield, (1910-20), 1, 271.

² Ibid., ii, 188

rhetoric which I suppose is the appanage of all who sit below the gangway, but in my historical conscience the sentiment of that speech was right."¹

Maguire, in particular, referred to Disraeli's past record with regard to Ireland.

"The right honourable gentleman opposite," he said, taunted Sir Robert Peel twenty-four years ago with not bringing in a large and comprehensive scheme with respect to Ireland ... I do not taunt the right honourable gentleman or speak in a party spirit when I say it is the duty of the government to make the Irish people contented and happy at home."²

During the early weeks of 1868 Disraeli had been attempting to produce some sort of scheme to gain Catholic sympathy and allay Irish discontents. Cardinal Manning was in close touch with him on the subject of a Catholic university. Throughout January, 1868, Manning was lending his assistance in maturing the ministerial plans, and he hailed Disraeli's elevation to the premiership in terms which showed not obscurely that he was looking forward to co-operation with him in a policy of improving the position of the Roman Catholics in Ireland, a policy which involved, besides university education, a reform of the Irish land laws and an ultimate vision of concurrent endowment in Ireland for the Roman Church.³ But the forces which Gladstone

¹ Ibid., 11, 193; and 3 Hansard, cxc, 1771.

² 3 Hansard, cxc, 1312.

³ Monypenny and Buckle, Disraeli, v, 6.

led were superior in mobility, and Gladstone arrived first at the point of forwarding a policy when, on 16th March, he declared in favour of disestablishment.

With a bitter irony, Disraeli said of that declaration, when replying to it in the House of Commons,

"I could not but feel that I was the most unfortunate of ministers, since at the moment when I arrived, by Her Majesty's gracious favour, at the position I now fill, a controversy which had lasted for seven hundred years had reached its culminating point, and I was immediately called upon with my colleagues to produce measures equal to such a supernatural exigency."¹

He also made those accusations, already quoted,² about the suddenness of Gladstone's conviction, and said,

"The Liberal party have been in power for more than a quarter of a century. Have they prepared the mind of England upon this question? Have their leaders risen from the seats of authority and told the people that the great principles upon which the society and even the political condition of the country are founded are erroneous?"³

It was competent debating, but Disraeli had little heart for the defence of the Irish Establishment. With reference to the position in 1865, Buckle wrote, "Disraeli did not much relish the

¹ Ibid., v, 10; and 3 Hansard, exc, 1771.

² Above, pp. 72-73

³ 3 Hansard, exc, 1786.

prospect of fighting on behalf of the Irish Church, but comforted himself with the hope of a speedy break-up of the ministry."¹ And then, more specifically but still putting it very mildly, with reference to the actual controversy, he wrote, "The constant sense of the anomalous position of the Irish Church rather paralysed Disraeli's efforts in its defence."² In fact Disraeli's convictions were on the side of disestablishment.

The advocates of that policy claimed that they had behind them great principles of justice and order. The leader of their Conservative opponents brought forward no powerful claim of similar kind. Such a claim Disraeli certainly did make in form. Writing to the Queen on 1st May, 1868, advising a dissolution, he said,

"Mr. Gladstone at a few days' notice introduces a policy to disestablish the Church in Ireland.

"The objections of Your Majesty's Government to this measure are very grave.

"1. It is a retrograde policy, and would destroy the effect of thirty years of conciliation.

"2. It shakes property to the centre.

"3. It dissolves for the first time the connection between government and religion.

"And fourthly and chiefly in their opinion it introduces a

¹ Monypenny and Buckle, Disraeli, iv, 426.

² Ibid., v, 104.

principle which must sooner or later, and perhaps much sooner than is anticipated, be applied to England, where the effects must be of a most serious consequence."¹

And in a circular forwarded to every member of the party in both Houses and to the press in December, 1868, on the resignation of the government, it was declared that the ministers had not modified their opinion that Gladstone's policy of Irish disestablishment and disendowment was "wrong in principle, probably impracticable in application, and, if practicable, would be disastrous in its effects."²

But those expressions of principle were hollow and a mere matter of expediency. Disraeli felt none of the passionate motives of principle which led Lord Derby to put up a last, angry, unavailing fight in his last speech before his death. The motive which actuated Disraeli was his realisation that if he was to remain the leader of the Conservative party he must go the slow pace of his fellow members in Parliament and of his supporters in the country.

Before Gladstone had openly taken up the cause of disestablishment, Disraeli had certainly been conscious of it as an issue bound to be raised very soon and an issue difficult to handle.

¹ Ibid., v, 31.

² Ibid., v, 95.

He wrote to Lord Derby in November, 1865,

"If the government bring forward any specific measure respecting the Irish Church, it is possible that it may be effectually resisted, because it would not be difficult to pick holes in it, and of various kinds and sizes; but I do not think that any general resolution respecting the Irish Church could be successfully withstood in the present parliament. It is a very unpopular cause even with many of our best men."¹

When the great issue was at last raised, Disraeli's attitude can be seen clearly in a confidential letter to Cairns.

"Secret, 10 Downing Street, March, 19, 1868 - I wish very much to confer with you, but as that is, I suppose, impossible, I must endeavour, without loss of time, to convey to you my present impressions as to the critical position at which not only the Cabinet but the country has now arrived.

"I assume, from what reaches me, that Gladstone and his party will now propose the disestablishment of the Irish Church.

"He seems to me to have raised a clear and distinct issue. I don't think we could wish it better put.

"I think we ought to hold that the whole question of national establishments is now raised; that the Irish Church is but a small portion of the question; and that those who wish to demolish it must be held to desire the abolition of national establishments in the three kingdoms.

"But we must detach the Irish Church as much as possible from the prominent portions of the subject, for, there is no doubt it is not popular.

"I think, if the principle that the state should adopt and uphold religion as an essential portion of the constitution be broadly raised, a great number of members from the north of England and Scotland, called Liberals, would be obliged to leave the philosophic standard.

¹ Ibid., iv, 426.

"I am, therefore, inclined to an amendment which, while it admitted that the present condition of the Church in Ireland was susceptible of improvements, while it might be desirable to elevate the status of the unendowed clergy of that country, still declared it was the first duty of the state to acknowledge and maintain the religious principle in an established form, etc.

"All this is very rough writing, and the amendment would require the utmost thought and precision. What I want at present to do is to call your immediate thought to the situation. It has come on us like a thief in the night. It is useless to launch such thoughts, as I suggest, in an unprepared Cabinet. You and I must settle all this together, and then speak to one or two leading spirits."¹

In this letter the operative consideration is expediency, the practical problem of holding the party together and confusing the issue, even by supporting concurrent endowment. In the attempt to hold the party together, Disraeli and the Conservative chiefs got into a false and inconsistent position. Thus they attempted to counter the Liberal proposals by vague suggestions in the direction indicated by the phrase in the letter to Cairns, "to elevate the status of the unendowed clergy," in fact, a modified concurrent endowment. Then this was felt to be too bold a scheme for the party, and the leaders drew back a little. Granville, moving the second reading of the Suspensory Bill in the Lords on 25th June, 1868, showed how Lord Mayo, Chief Secretary for Ireland, had drawn in to a more conservative policy; he quoted The Times and

¹ Ibid., v, 18.

Hansard on the one hand and then the later revised editions of Lord Mayo's speech on the other and showed how the government had at first contemplated concurrent endowment and had then thought better of it.¹ In the same fashion, Disraeli, who had discussed the idea of an Irish Catholic university with Manning in January,² said in the House of Commons in May, "I myself have said over and over again that it never was proposed by us to endow a Roman Catholic university."³ Another discrepancy lay in the fact that his government did not renounce the possibility of their disestablishing the ecclesiastical establishment in Jamaica.⁴

This is not the place to analyse Disraeli's complex, sensitive and rather melancholy character, or to moralise upon the methods by which he forced his exotic presence into the front of British politics with a skilled and powerful thrust but with the sombre gravity of disillusionment. But in the present connection it is probably just to give Disraeli a positive and not merely a negative credit for the ultimate passage of the Irish Church Bill in a

¹ 3 Hansard, excii, 790.

² Above, p. 88

³ 3 Hansard, excii, 1923.

⁴ Ibid., excii, 1923.

workable form. No man knew better when a political situation had passed beyond his control; and, although bold in defeat or retreat, he was never graceless or intransigent. And in the case of the disestablishment there can be little doubt as to the real orientation of his sympathy and intelligence or even, in the case of his more enlightened colleagues, of his influence.

Part III. The disestablishment controversy and contemporary interests.

1. The imposed character of the settlement

The Irish Church Act showed a considerable element of "paternalism" in the manner of its passing into law. Of the government's attitude towards Irish legislation, Lord Eversley remarked, with particular reference to the Land Act of 1870, that it was strange that no effort was made to ascertain the views of the Irish tenants themselves on the legislation which was to be framed for their benefit.¹ Such negotiations with the affected parties could not have taken place with regard to the Irish Church Act, but it is nevertheless true that each piece of legislation for Ireland at that time partook not a little of the character of an imposed settlement. And an eager sympathy on the

¹ Eversley, Gladstone and Ireland, p.44.

part of Irishmen with the acts of the British government was hardly to be expected. A contemporary English observer, well acquainted with Ireland, probably exaggerated a good deal when he declared in a letter of 4th February, 1866, that, although "the Fenians seem to be blowing over," sympathy with them

"is very widely spread; ninety-nine out of every hundred of the entire population of Ireland go wholly with them so far as detestation of English government is concerned. All ranks and classes, sects and parties, Orangemen, Protestants, Catholics, priests, clergymen of the established Church, fellows of Trinity College, as well as peasantry, look on England as a foreign country; on the English government as a foreign government, ruling Ireland by no right but that of the strongest force ..."¹

But the circumstances were such that it was not possible for the government to consult Irish opinion to any overt extent. It has already been observed above how much the legislation on the Irish Church was the work of a few people only and particularly of Gladstone, who acted in the matter as fast as he believed that public opinion would allow him, but who nevertheless hoped for little more favourable than an attitude of negative or passive consent from a large part of the public of Great Britain and of Ireland.

Although democratically endorsed in a general sense, the

¹ J. B. Jukes Letters and extracts from addresses and occasional writings, p.554. He was for many years local director in the Geological Survey of Ireland.

project was worked out in detail and imposed on the country in a particular form as law by a small group of experts. Disraeli made it a matter of complaint that in the committee stage in the Commons, amendments "were immediately answered by the right honourable gentleman (Gladstone) or one of his friends; but we never could get at the opinion of independent members of the House."¹ Private members had much to say about principles, even after they had been settled, a cause of just complaint by other members;² but, to decisions as to the detailed application of the principles, they contributed almost nothing. The subject was not one on which Gladstone could expect much useful advice from any quarter. From the churches in Ireland - from the Church of Ireland itself or from the Roman Catholics or the Protestant nonconformist bodies - he could not, for obvious reasons, usefully evoke considered statements of policy; and, even among Churchmen, Presbyterians and nonconformists in England and Scotland, the proposed legislation caused much instability and also roused and irritated feelings which would have been harmful if they had been allowed to influence the course of legislation.

¹ 3 Hansard, cxcvii, 1896.

² E.g., comment by Miall, M.P. for Bradford, Ibid., cxciv, 1857.

Yet the attitude of all these bodies and the whole character of the movements of attack and defence which centred on the Irish Establishment had to be taken into consideration by the legislators. The defence, apology and claims advanced by the leaders of the Irish Church at that time were largely negative in that they were evoked by the momentary circumstances of attack from without. There was little in them which could be said to have modified Gladstone's legislation in any drastic way, least of all in its economic results; and the lines of attack, although often presenting an essentially economic argument, did not carry the law in any essential respect beyond Gladstone's intentions, once he had made his assessment of the factors. Yet both attack and defence were factors which he had taken prospectively very much into account in his drafting and methods of presentation.

It is a great tribute to Gladstone's capacities as a legislator, as well as to his calm and patient wisdom as leader of the House of Commons, that he gauged this complex of contemporary feeling, and all the ambitions, jealousies, conservatism, cupidities and nostalgias associated with the denominational differences of the time, so accurately that his bill emerged as law in a form only slightly different from

his original drafting.

2. The attack on the Established Church in Ireland.

The attitude of the leaders of the Irish Church clergy was inevitably one of strenuous and apprehensive opposition to the proposed legislation. They could hardly be expected to show eager, spontaneous appreciation of a law intended ultimately to make a great reduction in the property which they had been in the habit of using. But that personal consideration was not at all the most important one. The life interests of individuals were clearly guarded by the proposed legislation; and a very great part of the perturbation of the Irish clergy arose from their anxiety, not for themselves, but for the future of the Church and the welfare of their own successors and their congregations. And their anxiety was greatly intensified by a general and almost complete failure to understand what was actually going to happen when the bill passed into law. Gladstone and Bright had a very fair idea of what would happen; but the clergy largely failed to understand the bill or see how the Church could carry on in the future;¹ and their protests and anger were very sincere and sometimes very ill directed and undignified and

¹ Eversley, Gladstone and Ireland, p.34

of such character as to be a source of some amusement to on-lookers.

"While it was only our spiritual welfare, our eternal life that was in danger," wrote an Irish layman, "while the devil was so successfully sweeping multitudes to perdition, there was no great stir among the clergy; but as soon as the endowment was in jeopardy, what meetings! what efforts! what trouble!"¹

A further cause of indignation and distress among the Irish clergy was the fact that not all the supporters of the measure adopted Gladstone's restrained and considerate tone. Some of the nonconformists, opposed to all church establishments, did not hesitate to display a certain gleeful Schadenfreude at the predicament of the Irish Church. The famous English nonconformist leader, Spurgeon, was reported as saying that, if the Irish clergymen were turned into the streets to-morrow, it would only be an act of stern justice.² And even anti-clericalism of a most uncompromising kind emerged in the violent words of John Morley, then a young man, who said that there was no arguing with "cardinals, augurs, monks, archdeacons, obi-men" about public affairs. You talk policy; they answer with phrases of thaumaturgy. You ask about the common weal; they tell you about the

¹ John Hamilton, Sixty years' experience as an Irish landlord, ed. Rev. H. C. White, p.362.

² 3 Hansard, cxci, 1897.

sacred fowls or the thirty-nine articles; and so on in a similar vein.¹

The occasion of the Irish Church legislation was also used for the advocacy of other irrelevant measures of what then seemed a very alarming and revolutionary character. One member of Parliament, for instance, wanted to have all bishops removed from the House of Lords, on the grounds that they were a very unsuitable class of persons to take part in the deliberations of that House, being "often aged tutors and schoolmasters."²

The main ground of attack upon the Irish Establishment was that the Irish Church was endowed and set up to perform certain services and was now, first, either not performing them or, secondly, was performing them in a very wasteful and inefficient manner or, thirdly, was devoting its resources to objects foreign to the proper purpose of a church. There was also the additional argument that, whatever way the Irish Church might use the resources which it had, these resources were too large for its purposes and came from unsuitable and inequitable sources and were therefore hindering the work of the Church, first, by stultifying the independence and charitable impulses

¹ F. W. Hirst, Early life and letters of John Morley, 1, 136

² 3 Hansard, cxciv, 89

of its members and, secondly, by arousing both the jealousy and the outraged sense of justice of the members of other churches in Ireland.

The first objection, that the Church of Ireland was not performing its proper functions, particularly as a missionary church planted in Ireland to spread the Protestant form of Christianity there, was expressed by Robert Lowe in a famous speech which sometimes hurts Irish Churchmen to this day.

"You call it a missionary church," he said. "If so, its mission is unfulfilled. As a missionary church it has failed utterly. Like some exotic brought from a far country, with infinite pains and useless trouble, it is kept alive with difficulty and expense in an ungrateful climate and ungenial soil. The curse of barrenness is upon it; it has no leaves; it bears no blossoms; it yields no fruit. 'Cut it down; why cumbereth it the ground?'"¹

And another member of parliament declared,

"While I object to the Protestant Establishment in Ireland on many grounds, I object to it most of all on this - that it is the deadliest enemy to Protestantism that the most malignant enemy of Protestantism could devise."²

Gladstone himself used this argument, though more mildly. Mentioning the Irish famine and other circumstances of the past as weighing more heavily on the Catholics and tending to put patronage into the hands of the Protestant church, he pointed out that, in spite of these advantages, it would require fifteen to twenty

¹ Ibid., exci, 748

² Ibid., exc, 1473

centuries for the Church to complete its alleged missionary task at its present rate of progress.¹

The second objection, that the resources of the Church were being employed wastefully and inefficiently, was mainly advanced with regard to the uneconomic distribution of the clergy and the cumbersome administration of resources in the light of the purposes to be served. There was little criticism of the clergy themselves in their work or private character. Adverse criticism of this nature referred usually to injudicious proselytising activities in the west of Ireland. Earl Grey criticised the Irish Church missions adversely,² and an eye witness of a slightly earlier period commented very severely on "the injudicious, hot-headed performances of the tactless, under-bred young men whom they dispatch on their controversial errands."³ But more adverse criticism was directed simply to the contrasts between the number and salaries of the clergymen and the number of actual parishioners in particular areas. Gladstone, moving the second of the three Resolutions, gave cases of utterly uneconomical distribution

¹ Ibid., exci, 484.

² Ibid., excvii, 698.

³ Mrs. (sic) Houston, Twenty years in the wild west (1879), p.194

of clergy and exorbitantly large incomes of clergy in relation to their duties.¹ There were indeed very many cases which could be used to provide material for angry or scornful rhetoric. A parish in the diocese of Cloyne, called Nathlash, where there were 1,576 Catholics, and where an Irish Church clergyman drew an income of £207 a year for giving ghostly comfort to one solitary Protestant parishioner, was an appropriate cause of merriment to a pamphleteer.²

The size of the Irish establishment of bishops and dignitaries as compared with that in England also attracted much comment, and Robert Lowe declared in the House of Commons:-

"If, in England, for three million souls, 'tis conceded
Two proper-sized bishops are all that is needed,
'Tis plain, for the Irish half million who want 'em
One-third of a bishop is just the right quantum."³

This argument about the size of the hierarchy, like some others urged with telling success at that time, was essentially unsound; for the Church of Ireland has not reduced the number of its bishops since disestablishment, and the relative fewness of diocesan bishops in England has been due partly to the more compact

¹ 3 Hansard, cxci, 1888.

² J. C. Morison, Irish grievances shortly stated, p.19

³ 3 Hansard, cxci, 730.

distribution of their people and partly to the fact that numerous suffragans are appointed. Broadly speaking, however, the Irish Church was in a condition to provide many points of argument in favour of Roebuck's assertion, "I believe that a church establishment is a bad instrument for teaching religion."¹

The third objection to the state of the Irish Church, that its resources were being diverted to wrong objects, is implicit in what has already been mentioned about unnecessary clergymen being kept in idle comfort where there were almost no parishioners for them to look after. Whether such cases represent a positive misappropriation depends upon the view taken of the nature of church property² and of the moral responsibilities involved in the temporal control of such property. Probably the loftiest and wisest expression of opinion on this subject from an ecclesiastical source at that time is to be found in a charge of Bishop Thirlwall to the clergy of the diocese of St. David's, in October, 1869. He said,

"Whenever we speak of the sacredness of any material offering made to the Most High, it must always be with the reservation - tacit, if not express - of the fundamental truth that such an offering can never be acceptable

¹ Ibid., exci, 710.

² Cf. Mill, quoted above p.84

to God in itself, or as supplying any want of the Divine Nature, but only as a sign of that devotion of the heart which He has declared to be pleasing to Him, and by virtue of which it is at the same time in the highest degree beneficial to the offerer; so that the benefit to man is a measure of the degree in which it is acceptable to God. But when the offering is of a permanent kind, as an ecclesiastical endowment, a large experience has abundantly shown that the sign may remain after the thing signified has passed away; that it may become a form without the substance, a letter without the spirit; unmeaning as a sign; powerless as an instrument, worthless alike to God and man."¹

The fourth objection, that the Church's income was too large for the Church's purposes and was gained from inappropriate sources is also implicit in what has already been said about disproportionate expenditure in particular parishes in relation to the needs of the Church population. That a reduction of the stable sources of income would be a great positive benefit to the Church was the sincere belief of the promoters of the bill. This was a belief held even by some members of the Church itself. A layman, at the time, wrote,

"In a religious point of view I have little doubt Christianity will thrive and popery be kept down better, than by the paid clergy of the great minority paid by the funds collected from all sorts. As a matter of expediency I think the preponderance is in favour of disendowing the Church of England in Ireland, though it will have some bad effects, no doubt."²

¹ D. C. Lathbury (ed.), Correspondence on church and religion of William Ewart Gladstone, 1, 152

² John Hamilton, Sixty years' experience as an Irish landlord, p.360.

Finally it was widely felt that the privileged position of this minority church, and its financing mainly by tithe rent-charge levied directly or indirectly on the Catholic majority, constituted an intensely irritating political injustice. This indeed was the objection to the position of the Irish Church which was the most eminently operative factor in bringing about the movement for its reform and disestablishment. The great external consideration at the disestablishment was justice. "The Irish Church," said Lowe, "is founded on injustice; it is founded on the dominant rights of the few over the many, and shall not stand."¹ The Irish establishment was denounced as a warning of "how little power justice and truth have among men if unassisted by the stronger allies of interest and passion,"² and as "simply an appanage of Toryism."³ The combination of this sense of the injustice of the Church's privileged position with the irritation proceeding from its occasional proselytising efforts was especially stressed by Manning.⁴

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- ¹ 3 Hansard, xcvi, 747.
- ² J. C. Morison, Irish grievances shortly stated, p.11
- ³ G. Sigerson, Modern Ireland, its vital secrets, p.222
- ⁴ Archbishop H. E. Manning, Ireland, a letter to Earl Grey, p.9

In some cases, however, the belief in the immensity of the injustice and consequently in the great results which would proceed from its removal were obviously very exaggerated. Subsequent experience has not justified all the hopes implicit in the rhetorical question of the Honourable Captain C. W. White, M.P. for Tipperary, "What was it that arrayed Irishman against Irishman and made the streets of Belfast periodically flow with Irish blood, but the ascendancy of the Irish Church Establishment?"¹

3. The defence of the Irish Church.

The supporters of the Irish Church, in meeting these objections, could produce few positive assertions over and above the more obvious counter-arguments to those mentioned. The assault of the Church's critics and opponents was scarcely broken or diverted by any skilful or impressive armament of apology. As a possible exception, mention may be made of the activities of the Reverend Alfred T. Lee, rector of Ahoghill, who, for some years before the disestablishment, was an active controversialist on behalf of the Irish Church and did some hard hitting at the errors and over-statements of the Church's

¹ 3 Hansard, excd., 639

critics.¹ In December, 1868, a committee was set up, including the Lord Primate, a duke, a marquis, three earls, three viscounts, over a dozen members of parliament and other distinguished persons, to arrange for the presentation of an address and testimonial to the Reverend Alfred T. Lee for his services to the Church, and the ceremony of presentation was held on 26th June, 1869.² For the most part, however, the attitude of the principal spokesmen of the Church of Ireland was helplessly negative, an unsubtle declaration of "No surrender".³

Perhaps the most important claim made for the Church was that of its identity with the Church of England and of Ireland's identity with Great Britain, and the argument that "consequently the members of the Irish Church do not constitute a small separate minority, but form a part of the Church of the great majority of the Empire."⁴ Naturally, if this position were accepted, it destroyed the argument that the Church of Ireland was a minority church and it established a strong claim that any

¹ Cf. A. T. Lee and others, Essays on the Irish Church 2nd ed. (1868).

² Irish Ecclesiastical Gazette, xi, 73 & 176.

³ Ibid., xi, 33, (Feb., 1869)

⁴ Archbishop Beresford, 3 Hansard, exci, 639.

change in the Church of Ireland must inevitably be part of a similar change in the Church of England. At the time, supporters of the bill for the disestablishment swept this argument aside. Clarendon derisively used the Siamese twins metaphor with reference to the two churches¹, and Lowe spoke bitterly of tying "the living Church of England to the dying Church of Ireland."²

Looking back now, we see that this argument about the Act of Union was an appeal to a historical process which was to work out in an exactly opposite sense; and we may even feel that the history of the Church of Ireland at the time provided symptoms of the failure of that very legislative union to whose authority this appeal is made. We may find ample historical illustration for the claim made by Sir Joseph M'Kenna, in the debate on Maguire's motion, that

"the great mistake made by legislators in that House was confounding the idea of equality with that of similarity. The law might be the same for both countries; but, owing to a peculiarity of circumstances, laws that were fair, just and equal in England were not fair, just and equal in Ireland."³

But at a time when the more modern Home Rule movement was still a thing of the future⁴ and when English efforts at reform in

¹ Ibid., excii, 2087. ² Ibid., exci, 747 ³ Ibid., exc, 1609.

⁴ On 31st July, 1868, a motion brought forward by D. J. Rearden, M.P. for Athlone, for leave to bring in a bill for repeal of the Union, found no seconder. Ibid., exciii, 1948.

Ireland were devoted altogether to the aim of making the Union a success, those arguments that the United Church of England and Ireland formed one indivisible whole were seriously impressive and widely acceptable.

The general attack on the Church, on the grounds that its resources were used with gross neglect of the real needs of the country, was met by some admission that adjustments were necessary. Lord Stanley called this admission

"an idea which finds great favour, I believe, among a portion of Irish Churchmen, although I am bound to say I do not think it is one that a re-formed Parliament is likely to adopt - the scheme, I mean, of leaving untouched the Protestant endowments as a whole, but redistributing them so as to get rid of the scandal which everybody admits to exist - of sinecure livings and empty churches."¹

Stanley, also, had asked the House to admit, in a resolution amending Gladstone's first resolution of 23rd March, 1868, "that considerable modifications in the temporalities of the United Church in Ireland may, after the pending inquiry, appear to be expedient."²

The claim was also made on behalf of the Irish Church that its needs and circumstances were peculiar and required special concessions. It was claimed that the Irish Church had never

¹ Ibid., cxci, 499

² Ibid., cxci, 356

yet, in its whole history, had the chance to work in peace for a generation and so make its own internal adjustments, a claim which Gladstone himself frankly admitted.¹ But it was most particularly urged that the problems of remote, diminutive and scattered congregations rendered essential larger endowments than were available to other denominations and also created vested interests which must be respected, and that the voluntary principle could not work in remote parts of the country.²

The claim as to the essential injustice of tithes or tithe rentcharge was met by the plea that it was substantially specious, since the charge fell on landlords who were mostly Protestants.

"As things stand," wrote a pamphleteer, "he (the landlord) has the feeling that he gets his parish church served, the sick and poor visited, the parish schools attended, his children baptised, and any spiritual instruction or consolation he is willing to receive at the hands of the parish minister, free of charge."³

This view was adopted to some extent by Irish landowners of conservative feelings, and it was pointed out that, if tithe rentcharge were due from any particular piece of land, the person who bought that land got it so much the cheaper.

¹ Ibid., xcxi, 482.

² Gathorne Hardy, Ibid., xcxi, 587

³ A Barrister, Thoughts on the abolition of the established church, p.15

"When I purchased property," wrote a landlord, "I reckoned the tithe rentcharge as a charge upon the land like any other; and if you, my friend, were buying land you would give eight hundred or a thousand pounds less if a charge of forty pounds per annum existed on the estate. If you had to sell land you would find exactly the same estimate formed of this tithe rent, and may therefore conclude that the landlord pays the clergy."¹

Bound up in certain ways with this defence of tithes were certain arguments which were advanced with regard to the social services rendered by the Church. It had even ^{been} claimed that the reduction of the establishment by the Church Temporalities Act had been a social evil because it had deprived the country of so many episcopal establishments which had been economically beneficial to the districts in which they had been situated.²

The close connection between the Church and the landed gentry was also insisted upon. The results of the proposed legislation, said the contemporary Dean of Cork, would be the rapid absorption by the Church of Rome of the poor and scattered Protestants of the south and west, and the departure, in consequence, of the Protestant country gentry, whose isolation would have become intolerable and even dangerous.³

¹ Anon., A Saxon's remedy for Irish discontent, p.372

² Anon. (R. Maunsell?), Recollections of Ireland, p.172

³ J. C. Morison, Irish grievances shortly stated, p.19

High claims were naturally enough advanced for the very special value of the Protestant community in Ireland, "that great body of the people by whose intelligence and labour, mental and bodily, the business of the country is carried on and its prosperity, such as it is, had been produced" who were made to stand out in snow-white contradistinction to those of "the Romish creed ... who are priest-ridden and whose ignorance, sloth and want of thrift constitute the great impediment to Ireland's progress."¹ And hence was advanced the paradoxical idea that "to him that hath shall be given."

The argument was also, rather unreasonably, advanced in support of the Irish establishment, and backed by quotation from Roman Catholic sources such as The Tablet, that the denominational conflict was not the important problem but that the root of all discontent was the land question.² That argument was unreasonable because it was advanced by people who, for the most part, were not disposed to introduce reforms in the land system of Ireland. It had been a line of argument taken up strongly by Lord Cairns at one time.³

¹ G. Fitzgibbon, Ireland in 1868 (2nd ed. 1868), p.298

² 3 Hansard, exci, 522

³ Hugh McCalmont Cairns, The Irish Church, authorised report of speech in the House of Lords, 24th June, 1867, p.15

Finally, the upholders of the establishment advanced a variety of forebodings and lamentations on what might happen if disestablishment took effect. Even the possibility of the spread of polygamy was not ignored.¹ The denunciations of the bill were vigorous, sometimes picturesque and often undignified. One sentence will be sufficient to illustrate impressively an aspect of this subject which it would be useless and irrelevant to pursue further. It is from the work of a man who, in his day, and with certain denominational limitations was regarded as a sober, modest and accurate historical writer. He wrote,

"For plundering of our Church's property, for spoliation, even on a scale of unexampled magnitude, recent events, and recent utterances of a class of statesmen already referred to, had sufficiently prepared us - but not for all the flagrant iniquity of the bill now proposed to be made law in this land - not for the small pettishness of its most contemptible tyranny - not for the spiteful venom of its ferocious malignity - not for its miserable shuffling about sham compensations - not for the reckless extravagance of its puerile and unutterable folly - not for the outrageous audacity of its overwhelming sacrilege - not (for (?)) the shallow hypocrisy of its professions of religious indifference and cautions against being made an instrument for advancing foreign ascendancy in the country - not for the depth of its cringing servility to ultramontane pretensions - not for the violent exasperation of party animosity and religious acrimony to which it has given occasion, of whose duration, development, and end, human imagination however assisted by the lessons of the past, can as yet picture to itself but faint and shadowy outlines - not, in fine, for that unfortunate revulsion of sentiment, so largely observable, towards the Crown and Government of Great Britain,

¹ G. Fitzgibbon, Ireland in 1868 (2nd ed., 1868), p.300

in the minds of a portion of our people that had long been noted for the most loyal and well-disposed, and which has driven them so far into sympathy with the revolutionary enemies of monarchy and good order, as well nigh to wring from their hearts a prayer for deliverance from the tyranny of an English government and all its detestable enormities."¹

4. Irish Church support for disestablishment

It must not be assumed from the foregoing account of the controversy that the members of the Irish Church, clerical and lay, were all by any means wholly or intransigently opposed to disestablishment.

"There are many eminent persons in Ireland connected with the Church," said Gladstone, "who have shown a great disposition to meet us in the fair field of discussion, to recognise the judgement which has been pronounced at the tribunal of the nation, and to endeavour to arrive at a just and equitable settlement. Nay more, even upon that episcopal bench of England, from which oftentimes no sounds but those of persistent resistance have proceeded, there have been signs upon very recent occasions of a sense that it is their duty to look to the future interests of the Church as well as of the Establishment - of the religion as well as of the property with which it is endowed. And those counsels of moderation, which impose on us corresponding obligations, are likely to prevail, as we may hope, in those quarters during the coming discussions. In Ireland it has, indeed, been left to one single prelate - the Bishop of Down - among the episcopal order boldly to take his stand on behalf of the principle of settlement and accommodation; but yet I cannot but hope and believe that there are many, even among his episcopal brethren, who are by no means disposed to prolong this hopeless struggle or to make demands upon Parliament, as to terms

¹ Anon. (Rev. R. King), A primer of the history of the Holy Catholic Church in Ireland (4th ed., 1868), i, p.x

of surrender, which it would be impossible for Parliament to grant." ¹

Among the lower clergy in Ireland, some were positively in favour of disestablishment. On 23rd June, 1868, Lord Lyttelton presented a petition of 261 Church of England clergymen in favour of the disestablishment of the Irish Church, ² and, three days later, commenting upon this, he quoted a letter which he had received from a correspondent, who wrote,

"A brother-in-law of mine - an Irish clergyman of great ability and popularity as a preacher - wrote to me some time ago expressing his strongest sympathy with Mr. Gladstone's Resolutions, but adding that if he expressed those views publicly in Ireland such an outcry would be raised against him by his brethren that he rather shrank from saying anything about the matter. He has recently written to me again, saying, 'I find several neighbouring clergymen agreeing with me that it is the only hope for the future welfare of our Church that the millstone of the Establishment, and all its corruptions and scandals, should be cast off'." ³

As has already been indicated, some Irish Church laymen also warmly approved of the principle of disestablishment. ⁴ Of course

¹ 3 Hansard, exciv, 418.

² Ibid., excii, 1917.

³ Ibid., exciii, 90.

⁴ Above, p. 106. The John Hamilton there cited was also an opponent of re-endowing the Irish Church with central funds by private contributions after disestablishment.

some Irish laymen were probably influenced by their associations with the Liberal party quite apart from the Irish Church question. Special investigation would be required to ascertain the significance to be attached to the action of R. B. Osborne, M.P. for Nottingham, who spoke as an Irish Churchman against the establishment.¹ Colonel Adair, a prominent Irish Church Liberal, a member of the Commission of inquiry of 1867, whose services to the Liberal party in many election contests, nearly all of them unsuccessful, were rewarded by his elevation to the peerage, had shown strong sympathy with ideas of concurrent endowment,² and, though taking a conservative attitude with regard to the establishment, expressed moderate and politic views and referred to the case of the Protestant episcopal church in Canada.

On the whole it may be said that all this controversy, particularly the defence put up by the supporters of the establishment, did not have any appreciable influence on the progress or form of the bill, except in so far as it may have helped to win some of those concessions which were gained for the Irish

¹ 3 Hansard, xcxi, 771.

² R. F. S. Adair (Lord Waveney), "Ireland and her servile war," (1966), p.73, in The Established Church of Ireland, past and future, (1869).

Church by the majority in the House of Lords. But the state of feeling among Irish Churchmen must have been well known to Gladstone at the time when he was framing the bill; and how truly he judged all the factors in the Church's position may be expressed in the words of Archbishop Plunket, a former strong opponent of the bill. In his episcopal charge, in 1892, after more than twenty years' experience of the working of the Irish Church Act, he said,

"When I count up the advantages which followed disestablishment, when I think of the renewed strength and vitality which our Church has derived from the admission of the laity and their responsible participation in the councils, in the disposition of patronage, and in the financial departments of her work, when I observe the spirit of unity and mutual respect which has been engendered by the ordeal of our common adversity, and the increased loyalty and love which are being daily shown to their Mother Church by those who have had to make some sacrifice on her behalf, when I remember too the freedom from agrarian complications, which our disconnection with all questions of tithe and tithe rentcharge has brought about, and the more favourable attitude as regards our influence on the surrounding population which we enjoy in our new and independent position, and when I try to hold the balance evenly and weigh the losses and the gains of the whole, I say boldly and without reserve, that in my opinion at least the gain outweighs the loss."¹

5. The Roman Catholics.

An interest of great importance but of rather indefinable influence was the Roman Catholic Church in Ireland, the church

¹ Lord Eversley, Gladstone and Ireland, p.39.

of the majority whom it was hoped to conciliate by the disestablishment of the Protestant episcopal church. The disestablishment scheme was brought forward with a view to national welfare and not to the welfare of that denomination alone which was most immediately concerned in the matter. As Roebuck said, "The real question at issue is this - Is the property now held by the Irish Church so employed in the best way for the Irish people?"¹ And the majority of the Irish people were Catholics. Bright expressed a large part of his own motives with regard to the proposals to disestablish the Irish Church by quoting Cavour, "The Church remains, to the Catholics, a representative of the causes of their miseries, a sign of defeat and oppression. It exasperates their sufferings and makes their humiliation more keenly felt."² And Chichester Fortescue expressed his view of the general context, perspective and importance of the controversy by declaring that "the question of the Irish Establishment held and must hold the same place in the view of the House and the country as Catholic Emancipation did in 1829."³

¹ 3 Hansard, exci, 712.

² Ibid., exciv, 1886

³ Ibid., exc, 1606.

At no time during the disestablishment controversy, however, did any positive statement of policy on the subject come from the leaders of the Roman Catholic Church in Ireland; or, if what appeared to be an authoritative statement of views emanated at any time from that quarter, it was soon denied to have authority. On 9th July, 1869, the Earl of Denbigh stated in the House of Lords that "a meeting had been held of the Roman Catholic bench of Ireland when ... it had been resolved that it (concurrent endowment) could not be accepted if offered."¹ But on 12th July he withdrew this as an error.² There is a similar absence of clear declared policy at an earlier stage with regard to the Maynooth grant. A statement was made by the Right Honourable W. H. F. Cogan, the member for Co. Kildare; but that statement was made in extraordinarily vague terms which fastened responsibility to nobody, a mode of expression which characterised nearly all statements of Catholic opinion at that time. He said that,

²as an Irish Catholic member he was not in any way offering an opinion in favour of the continuance of the Maynooth grant or of the Regium Donum to the Presbytery of Ireland. And in saying this, he was authorised to say that he did not speak for himself alone. He begged to declare for

¹ Ibid., cxcvii, 1513.

² Ibid., cxcvii, 1657

himself, and those whose sentiments he conveyed, that they fully recognised the necessity, when religious equality was established in Ireland, that the Maynooth grant should cease to exist."¹

Clearly it was in the interests of Catholics to support the general policy of the government, and it was stated that every Roman Catholic member of the House of Commons voted for the first of Gladstone's three Resolutions.² But beyond this their attitude was vague. Indeed, so quiet and spectatorial a rôle had the Catholics chosen to adopt for some years previously that at one time a number of prominent Roman Catholics thought it necessary to contradict an interpretation of their silence as giving complete consent and approval to the state of affairs which existed before the disestablishment.³

Very wisely a courteous and considerate tone was usually taken by Roman Catholics towards the Irish Church clergy and their problems, and it was denied that any desire existed to gain any temporal advantage from the disestablishment of the Irish Church.

At the very outset of the controversy, Maguire had said,

¹ Ibid., cxc1, 1922

² Ibid., cxc1, 1605

³ Declaration of the Roman Catholic laity of Ireland, H. C. 1867-8, (161), liii.

"The Roman Catholic population of Ireland only ask for disestablishment and disendowment, and are content to leave the question of what is to be done with the funds to the wisdom of parliament and the course of time. They say further, that they have no selfish object in view, and that they have no hostility to the Protestant Church or people."¹

The most glowing eulogy of the Irish Protestant clergy out of the many quoted in the course of the disestablishment debates came from the Roman Catholic bishop of Kerry.

"In every relation of life," Bishop Moriarty had said, "the Protestant clergy we find among us are not only blameless but estimable and edifying; they are peaceful with all, and to their neighbours they are kind when they come into contact with them; and we know that on many occasions they would be more active and beneficent, but they do not wish to appear meddling nor to incur the suspicion of tampering with the poor Catholics. In bearing, manners and dress, they become their station. If not learned theologians, they are accomplished scholars and polished gentlemen. There is little intercourse between them and us, but they cannot escape our observation; and sometimes, when we notice their quiet, decorous and modest course of life, we find ourselves giving expression to the wish - 'Talis cum sis utinam noster esses'"²

Yet Gathorne Hardy was able to quote the same Bishop Moriarty as protesting against the commutation scheme as a "wilful waste" and urging complete disendowment and no re-endowment.³ He was

¹ 3 Hansard, exf., 1306

² Ibid., exciv, 2016

³ Ibid., exciv, 2084

understood to declare that some of the Church's funds ought to go to assist the Roman Catholic Church in the erecting of schools, churches and other ecclesiastical institutions and amenities.¹ Manning and others had entertained the same hopes.² At the same time the Roman Catholic hierarchy in Ireland allowed itself to be understood as being unwilling to accept anything from the Irish Church property. A conversation recorded at an earlier date, 1862, by Nassau Senior perhaps sums up the situation fairly well.

"'But,' said Mr. C., 'they have refused an endowment.'

"'It was never offered to them,' said the Archbishop.

"'They were asked,' said Mr. C., 'if they would take one, and they said, "No."'

"'Of course they did' said the Archbishop. 'If I were to go into a ball-room and say, "Let every young lady who wishes for a husband hold up her hand," how many hands would be held up?'"³

A cautious, non-committal attitude on the part of the Roman Catholics was prudent at that time; for Protestant feeling was very strong and emerged emphatically in the public controversies

¹ Ibid., cxc1, 1905

² Above, p. 88

³ N. W. Senior, Journals, conversations and essays relating to Ireland (1868), ii, 293

and the parliamentary debates. To show that the bill for the disestablishment might prove advantageous to Roman Catholics even in a most round-about way was enough to condemn it for many people.¹ Even the strongest opponents of the establishment were greatly concerned about this possibility. Spurgeon wrote to Bright, "The one point about which the dissenters of England have any fear is one which I trust you will mention to-night. We fear lest any share of the Church property should be given to the Papists."² And this Protestant zeal did not by any means stop short at an anxiety to prevent any scheme of concurrent endowment or any scheme for endowing education which would place patronage of a sort in Catholic hands. It went as far as to show opposition to giving the Irish Catholics such an equality of treatment with the Presbyterians as was arranged for in the part of the bill providing compensation for the ending of the Maynooth grant and the Regium Donum. The debates on this part of the bill were long and vehement in the Commons.³ It was urged, too, that the ambitions of the Irish Roman Catholics

¹ Cf. A. Dunlop, Fifty years of Irish journalism, p.23

² 3 Hansard, exci, 1903.

³ Ibid., excvi, 107 sq., and 265 sq.

were so insatiable that it was foolish to start an attempt to satisfy them in anything, for they would only pass on to demand something else, to the question of the land, for instance.¹

Since the policy of the government was really eminently satisfactory on the Church question from the Catholic point of view, it was not sound policy for Catholics to embarrass the government, in a time of strong anti-Catholic feeling, by a too forward or overt support or by an appearance of the hope of gain. The Earl of Denbigh said, with regard to the absence of Catholic comment, that the Catholics

"were anxious not to add fuel to the excitement already existing in the country, trusting that the sense of justice and good feeling which had originated the measure would carry it to a successful issue. If, however, the country should after all refuse to pass the measure, there would be an opportunity of judging whether or not the Catholics were apathetic."²

6. Presbyterians and nonconformists.

Although the position of the established Presbyterian church in Scotland caused some opposition to the disestablishment scheme from Scottish members of Parliament,³ the attitude

¹ Ibid., exciii, 97; and above, p. 114

² Ibid., excvii, 687

³ E.g. Sir John Kay, Ibid., cxci, 1623.

of Protestant bodies outside the Anglican communion was generally favourable to the bill; and some of them were very hostile towards the Irish Church,¹ although they tended in their denunciations to make some reservation in favour of the Irish clergy as individuals, taking the line which Sir Michael Hicks-Beach described as "the paradox of Mr. Spurgeon ... that, because the clergymen of the Irish Church were among the best of their order, therefore the distinguished favour of disestablishment should be conferred upon them."² The nonconformist feeling in England against tithes and establishments, the feeling represented by the Liberation Society and by individual members of Parliament such as Miall, the member for Bradford, was entirely against the Irish Church and in favour of complete disendowment.

In Ireland, however, Protestant nonconformist feeling was modified by the fact that the Presbyterians were to some extent parties to the bill, which provided for the capitalisation of the government's annual subsidies to the Presbyterian churches in Ireland. In addition, the Irish Presbyterians were quite

¹ Above, p. 100

² 3 Hansard, cxc1, 1584.

openly hopeful of gaining something from the funds of which the Irish Church was to be stripped. A few days before Gladstone's three resolutions were carried, Bright noted in his journal,

"A deputation from Presbyterians in Ireland to make 'better terms' on Regium Donum in case of disestablishment of Irish Church. Mr. ----, a very unsatisfactory specimen of Christian minister, fierce against Catholics and full of greed for public money for his own sect. I rebuked their subservience to the Tory and Church party."¹

Other political leaders of the party in favour of disestablishment were similarly approached.

"A deputation from the Presbyterians," wrote Granville on 14th February, 1869, "told me on Wednesday that, supposing the episcopal clergy got their glebe houses, they, the Presbyterians, had a right to demand a sum equivalent to the capital they had spent in manses."²

On the whole, however, the Irish Presbyterians did not want any form of concurrent endowment. Lord Dufferin sent Gladstone a series of resolutions passed by the Liberal Society of the North of Ireland in the summer of 1869, protesting against schemes of concurrent endowment on the ground, among others, that the Roman Catholics, the Presbyterians and the Methodists were all opposed to it.³ What some Irish Presby-

¹ Trevelyan, The life of John Bright, p.392.

² Fitzmaurice, Life of 2nd Earl of Granville, ii, 9.

³ Hammond, Gladstone and the Irish nation, p.89.

terians wanted, however, was compensation not merely for the loss of the Regium Donum but for past inequalities as well. When Peel Dawson, M.P. for Londonderry County, declared that the Ulster Presbyterians were extremely dissatisfied with the bill on account of the meagre compensation given to them in it, Gladstone cited a report of the Belfast Presbyterian Association as giving a contrary impression but also pointed out that "the government were obliged to proceed in this bill on certain rules," or, in fact, that the Irish Church Bill could not be made the occasion for redressing past dissatisfaction with the extent of the Regium Donum or of the aid given to the Catholics or any other denomination, being intended strictly and only for the liquidation of existing commitments.¹ Incidentally, Dawson's colleague, Sergeant Dowse, M.P. for Londonderry Borough, a Liberal Protestant episcopalian who supported the bill at nearly every stage, represented Presbyterian feeling in Derry as being well satisfied.

Although the bill was piloted through all its stages and at last became law without any considerable concession having been made to the Roman Catholics or the Presbyterians over and above equitable compensation for loss of annual government

¹ 3 Hansard, cxcvi, 67

grants, the knowledge that an eagerness for such concessions was abroad among members of those denominations was a cause of anxiety to the government.

"Mr. Gladstone," wrote Lord Granville to General Grey, in February, 1869, "will probably show the Queen that we are between two fires; that while the bishops think our bill too severe upon the episcopal Church, the Scotch, the nonconformists and the Catholics will complain that it does not effect anything like that religious equality which has been promised, and that the Episcopal Church with its cathedrals, churches, glebes, and glebe houses, and practically large endowments, is placed in a position of great superiority over the Presbyterians, who are to be merely compensated for the Regium Donum, and the Church of the great majority, who are only to be compensated for the seminary of their priests."¹

There was, however, another side to Presbyterian feeling in Ireland, particularly the north. The Presbyterians regarded the Church of Ireland as their ally against the Papists, and some of them felt very strongly that legislation liable to weaken any Protestant denomination in Ireland was to be opposed on Protestant principle. W. Johnston, M.P. for Belfast, declared that Presbyterian dissatisfaction with the bill was very great, particularly in Ballymena, and especially with regard to the provision for the Maynooth compensation.² The Reverend

¹ Fitzmaurice, Life of 2nd Earl of Granville, ii, 9.

² 3 Hansard, cxcvi, 70.

Hugh Hanna of Belfast, an eminent Protestant leader, was quoted as asserting that the Presbyterians of Ulster were definitely not in favour of the bill.¹ On the subject of the Maynooth compensation, much Irish Protestant feeling was hotly on the side of the extreme Protestant element in Scotland and in England, represented in Parliament by such stalwarts as R. Sinclair Aytoun, M.P. for Kirkcaldy, and C. N. Newdegate, M.P. for Warwickshire, who prolonged the debates on this and kindred subjects. Thus for a variety of reasons there was much Presbyterian support for the Irish Church opposition to disestablishment and disendowment. The Duke of Abercorn, presenting a petition from Belfast against disestablishment, stressed the strong Presbyterian support which the petition had.²

A considerable mass of feeling among Irish Presbyterians must have been pretty accurately expressed in the words of a resolution of the Presbytery of Omagh, cited by Colonel Stuart Knox. The resolution was,

¹ Ibid., excvi, 70.

² Ibid., excvi, 1581. There were naturally numerous petitions against the Irish Church Bill; cf. Return of the number of petitions and of signatures thereto for and against the Irish Church Bill, etc., H. L. 1868-9, (133), xix, and a further return of the same, H. L. 1868-9, (135), xix.

"That, while we should gladly see such re-arrangement of the revenues of the episcopal church as would better provide for the working clergy and curates of the establishment, we consider that its proposed sweeping disendowment after so lengthened an enjoyment and the arrangement made at the Union, is calculated seriously to shake public confidence, alienate the sympathies, and do great injustice to a large and influential section of our countrymen, without in any way propitiating the disloyal and disaffected classes in Ireland."¹

Thus the nonconformist influence on the measure for the disestablishment of the Irish Church was not great enough to make a material alteration in the terms of the act; but it was sufficient to make the government very wary of offending nonconformist feelings and very anxious to be considerate in the adjustment of details.

7. The Church of England and the House of Lords.

"The religious theory of the Irish Church Establishment," said Bishop Thirlwall, "rests upon the assumption that it is a right and a duty of a Christian State to exert all its power and influence for the maintenance and propagation of true religion. This, of course, involves the further assumption that the state, as represented by its rulers, is capable of ascertaining which is the true religion, and this not only as between Christians and adherents of other creeds, but as between various forms of Christian faith. As long, however, as society, in its religious aspect, is homogeneous, the question will not arise unless as matter of otiose speculation for thinkers in their closets; but the case is manifestly changed when

¹ Ibid., cxcv, 871.

the unity of Christian belief has been broken up into a number of Christian sects."¹

Thirlwall, alone of the bishops of the Anglican communion in Great Britain and Ireland, stood out as a positive advocate of the disestablishment of the Irish Church, and his advocacy was powerful and energetic. "I have been told," said the editor of his letters, "by those who heard his celebrated speech on the disestablishment of the Irish Church,² that no single speech had so much influence on the fate of the measure in the Upper House as his."³ But the hierarchy of the Church of England, mostly far from sharing Thirlwall's sympathy with the plan of disestablishment, rightly felt that, in the scheme for breaking the bond between church and state in the case of the Church of Ireland, there was a menace to the constitutional anchorage of their own Church of England. And they shared the fear, summarised in the words of Bright,

"that ... the disorder of voluntarism ... in Ireland, like any other contagious disorder, might cross the channel, by force of the west wind, lodging first in Scotland, and then crossing the Tweed and coming south to England."⁴

¹ Lathbury, Letters on church and religion of William Ewart Gladstone, i, 150.

² 3 Hansard, cxcvi, 1820.

³ Perowne & Stokes, Letters of Connop Thirlwall, i, p.vii.

⁴ J. E. Thorold Rogers, Speeches on questions of public policy by John Bright, i, 429

Sympathy with the Irish clergy was also naturally strong in the Church of England, an interplay of sentiment expressed by the Bishop of Peterborough when he preached in Dublin on the rather happily chosen text from Luke 5, 7. "And they beckoned unto their partners which were in the other ship, that they should come and help them."¹

At the same time, the proposal to disestablish the Church of Ireland was not the first experience which the Anglican community had had of this operation. An Anglican prelate who had had personal experience of being in a church at the time of its virtual disestablishment, the Bishop of Ontario, wrote to Lord Monck, "I deprecate disestablishment but do not dread it."² Also the episcopal church in Scotland was not established and yet was able to carry on its work successfully and to remain in smooth co-operative relationship with the sister churches of the Anglican communion. The Queen was rather disturbed as to whether this satisfactory relationship could endure in the case of the Church of Ireland after disestablishment, and she desired that some protective link should remain to bind the two churches to one another in some

¹ H. Seddall, The Church of Ireland, a historical sketch, p.168

² 3 Hansard, cxcvi, 1896; and cf. below, p.234 sq.

degree. Gladstone wrote to her on 1st February, 1869, that

"judging ... both from what has happened in Scotland and otherwise, Mr. Gladstone believes that the moral influence and attractive power of the Church of England over the Church of Ireland will continue to be great, indeed that it is likely to increase in the new state of things: but that any attempt to place the Church of Ireland in subordination to the Church of England would be resented and opposed by the Church of Ireland which has always claimed nationality and enjoyed historical independence."¹

But the hierarchy and members of the Church of England were by no means all convinced that this satisfactory state of affairs would take shape. A large body of opinion was in favour of keeping the position as it was or adjusting it only very slightly. Another large body of opinion lent itself to various plans of compromise, of which two principal types may be distinguished - plans of concurrent endowment and plans for the more generous re-endowment of the disestablished Church of Ireland. Expressing the intentions of these two types of plan in a slightly different way, it may be said that the concurrent endowment plan, in its more conservative form, aimed at preserving for the Church of Ireland its constitutional status as an establishment by sacrificing a considerable portion of its endowments to be given to other churches; and the other plan of preserving most of the

¹ P. Guedalla, The Queen and Mr. Gladstone, 1, 155. for another expression of similar views by Gladstone, cf. above, p. 74

Church's endowments, or of more generously re-endowing it, was aimed at preserving the economic position of the Church while sacrificing its privileged constitutional status. The compromise consisted either of sacrificing finances to status or status to finances. Thirdly, there was a section of Church of England opinion actually in favour of the disestablishment of the Church of Ireland.¹ The chief ecclesiastic representing this view being Bishop Thirlwall.

The third school of opinion expressed itself mainly through the Liberal party in Parliament, while the various groups of English Churchmen who aimed at preventing or modifying the legislation for the disestablishment found their political outlet through the Conservative party in Parliament, more particularly in the House of Lords, where there was a Tory majority effective for blocking or amending the legislation sent there by the majority in the Commons.

On the side of those who wished to maintain the status quo in Ireland were the extreme high Tory reactionaries, those who dismissed with contempt the claim that any reform whatever was necessary. The extreme reactionary view of Irish grievances is

¹ Above, p. 117

well exemplified in a pamphlet of the period which opened a catechism on the subject thus,

"Is remedial land legislation required in Ireland? No. Why? Because it is not a new law but the enforcing of existing law that is wanted. Is there, then, no land grievance in Ireland? None."¹

In a similar category to those who held such views as this about Irish land were some who held religious views which had not advanced far, in the direction of tolerance, from the Act of Uniformity. In many cases they saw the disestablishment controversy simply as an episode in the old battle against Popery.

"The tenets and teachings of the Roman Catholic Church are immutable," wrote a contemporary pamphleteer, "and so essentially opposed to the doctrines of the Christian Church that no Christian government can exist under the dominion of the Anti-Christian spirit of the Roman Church."²

And therefore, by natural sequence of thought, any alleviation of Catholic grievances was wrong.

On the ground of principle, the attitude of the extreme opponents of disestablishment was intelligible and logical. Complete, coercive uniformity had been abandoned in favour of a uniformity tempered with tolerance for dissidents. But, now

¹ Anon., Irish land as viewed from British shores, p.3

² Charles Tennant, Ireland and England, or the Irish land and church questions, p.169.

that it was proposed to withdraw constitutional privilege from a portion of the national church, a new stage was reached, a new surrender was contemplated. By no casuistry could it be held that the disestablishment of the Church of Ireland contained no threat to the English establishment. In the last great parliamentary speech of his life, Lord Derby quoted the well known gipsy vaticinations from Scott's Guy Mannering ("Ride your ways, Laird of Ellangowan ...") and then rendered it, "Go your ways, ye Ministers of England! Ye have this day, so far as in you lay, quenched the light of spiritual truth in 1,500 parishes. See if your own church stand the faster for that."¹ And Derby was right in this. Part of the traditional doctrinal structure of the Church of England was implicitly abandoned. If it were held that the Church of England possessed and taught the true gospel and was the true institutional means to salvation in the land, then tolerance of other sects was perhaps justifiable forbearance towards those who lived in darkness and error; but disestablishment, viewed from such premises, was an unjustifiable connivance at error itself.

The formal protests made by sixty peers headed by the Earl

¹ 3 Hansard, excvii, 20.

of Derby, against the third reading of the bill,¹ do not express so plain a view of the matter; but they reveal a deep uneasiness and a feeling that fundamental things were being very dangerously tampered with. In logical keeping with such a doctrine of the national church as has been suggested, the bias of the Lords' amendments to the bill was altogether in favour of the financial welfare of the Church of Ireland, without any care for a similar softening of the terms of the bill in favour of Protestant nonconformists. Gladstone drew attention to the fact that at one stage the House of Lords had added twenty-one per cent to the value of the commutations of the bishops and clergy of the Church of Ireland while leaving the Presbyterians without any addition at all to their commutations in connection with the Regium Donum-compensation.²

Among those who favoured some kind of compromise, the plan of concurrent endowment, with or without the continuance of the Irish Church's status as an established church, had many supporters; but they supported it for too great a variety of reasons

¹ Ibid., cxvii, 1661.

² Ibid., cxvii, 1968.

and in too great a variety of forms to produce a powerful influence over the final form of the measure. Many who approved of disestablishment hoped for a measure of concurrent endowment as well. Bishop Thirlwall regretted that such a principle could not have been adopted in disposing of the surplus of the Church's property after disendowment, for he thought that this would "have been more generally beneficial, more in accordance with the professed object of the measure, more conciliatory to Irish feelings." But he saw that such a plan "appears to have been for the present impracticable, and so opposed to the general mind and will of the country that it would have been beyond the power of any government to have carried into effect."¹ Dean Stanley, speaking in January, 1869, on "the three Irish churches", also expressed a wish that something might be done for the Irish Catholics. He drew attention to the predicaments of inadequately endowed churches depending entirely on voluntary contributions, particularly in a poor community. He instanced the difficulties and the unpopularity of the Russian church and urged that the Irish Catholic priests should be saved from the false position

¹ Lathbury, Letters on church and religion of William Ewart Gladstone, 1, 152

of being compelled to adopt an attitude of "imperious mendicancy."¹

Some of those, also, who were most strongly opposed to disestablishment offered various sorts of palliative schemes ranging from a mild degree of disendowment to quite an extensive measure of concurrent endowment. One of the most conservative of these schemes, sponsored in the Commons by Colonel W. B. Farttelot, member for West Sussex, was virtually the revival of the Whig "appropriation" scheme which Lord Derby had opposed in the 1830's.² The leaders of the Conservative party, however, were not in favour of the allocation of Church funds to secular purposes. "A secular purpose," said Disraeli, "is always a job."³ Among some who wished to give concurrent endowment to Roman Catholics, the face-saving motives of the expedient were indicated by expressions which showed that it was imagined that the Roman Catholics could be endowed as it were by force, and whether they liked it or not.⁴

¹ A. P. Stanley, The three Irish churches, address at Sion College, 28th January, 1869, p.60.

² 3 Hansard, exci, 1653.

³ Monypenny and Buckle, Beaconsfield, v, 23.

⁴ 3 Hansard, exc, 1515.

A popular theme for agitation was the provision of glebes for denominations other than the Church of Ireland. Among some supporters of the principle of disestablishment and among a few who did not support it, there was a feeling that the inequality between the Irish religious denominations consisted most eminently in the amenities provided for the clergy.¹ The claims of Presbyterians in this respect have already been mentioned.² Earl Grey had some support for his idea "of providing for building parsonage houses and purchasing small glebes for the Roman Catholic clergy of Ireland out of the proceeds of the Church property."³ On the side of a somewhat different scheme of concurrent endowment was used the rather esoteric influence of Magee, Bishop of Peterborough and former Dean of Cork, whose statesman-like reputation caused him to be specially consulted by Gladstone with a view to convincing the Queen and the heads of the Irish and English Churches that the circumstances and the result of the general election made it necessary, as Magee himself saw, that

¹ Above, p. 130

² Above, p. 128

³ 3 Hansard, cxvii, 702.

large concessions should be made. Magee interviewed the Queen, but his actual suggestions as to detail were unacceptable to the government. He seems to have desired that the endowments of the Church of Ireland which had an origin posterior to the Reformation should be given to the Church, but those of an earlier origin to the Roman Catholics, and that the Presbyterians should be compensated for the loss of the Regium Donum by the payment of a capital sum out of Church funds.¹ Obvious complexities of a historical and antiquarian character rendered his plan with regard to endowments impossible of satisfactory realisation. The concurrent endowment question came to a head in the Lords in a debate on an amendment moved by the Duke of Cleveland, to provide glebes and residences for Roman Catholic or Presbyterian clergy. Eloquent speeches were made in support of the amendment by the Bishop of Gloucester, Viscount Halifax, the Earl of Hardwicke, Lord Athlumney, the Marquis of Salisbury, Earl Russell, the Bishop of Oxford and the Archbishop of Canterbury; but Lord Cairns rejected it as inconsistent with the views of the electorate, and it was defeated.²

¹ Fitzmaurice, Life of 2nd Earl of Granville, ii, 6 sq.

² 3 Hansard, cxcvii, 1032.

More vigorous and effective than the agitation for concurrent endowment was the attempt to secure for the disestablished Church of Ireland a larger part of its former property. This movement drew much of its strength from a failure to realise how much of the Church's property actually was left to it, through the commutation scheme and in other ways, by the proposed legislation. Many were led by this misunderstanding to see very great injustice in Gladstone's plan.¹ The result of such impressions was that the bill received extensive amendment in the House of Lords in a way which might have stultified its whole effectiveness. That such should be the character of the Lords' amendments was the expectation and fear of some of the bill's principal well-wishers.

"My chief fear, I confess," said Lord Monck, seconding the Address on the Speech at the opening of the new parliament, in February, 1869, "is that the opponents of the measure, though unable to defeat it in its main objects, may be sufficiently powerful to retain some paltry shred or shadow of establishment or endowment which will be of no substantial advantage to the Church, will diminish the beneficial effect of the measure on the minds of the population, and will perpetuate that spirit of hostility towards the Church which, I am sorry to say, now animates a large portion of the Irish people."²

This was to no small extent the character of part of the mass of

¹ Ibid., cxci, 15

² Ibid., cxci, 38.

amendments added to the bill in the Lords. There was passed, said the Duke of Argyll,

"a long series of amendments which go ... to the root of the whole principle of the bill and the main object of which is to secure to the Church a very large portion - I believe my noble friend (Granville) was correct in calculating upwards of £5,000,000 - of the surplus."¹

This is not the place to discuss the crisis which arose in the relations between the Houses of Parliament, or at least between the government and the House of Lords, which was ultimately closed by a private agreement made between Granville and Cairns with the good offices of Archbishop Tait and others.² The principal alterations introduced into the Irish Church Act by the Lords and accepted by the government were the substitution of a grant of £500,000 to the disestablished Church in place of private endowments, and the addition of seven per cent to the commutation money of individual clergymen, to meet the cost of the longer expectation of life in the ecclesiastical profession, and of five per cent more when commutation was effected through the Church Body. The meaning of these alterations will be explained more fully when the provisions of the Act are described.

¹ Ibid., cxvii, 892.

² Cf. relevant chapters in R. T. Davidson and W. Benham, Life of Archibald Campbell Tait, Archbishop of Canterbury, (1891).

8. The Irish Church's tenants and the payers of tithe rentcharge.

The tenants of the Irish Church lands were a purely passive interest which had no influence on the legislation which was to affect them. They were almost entirely overlooked by those who took part in the parliamentary debates, only the Irish lawyers taking a certain technical interest in the matter and that only lightly. It was for the most part assumed that the arrangements proposed for the liquidation of church property were an immaterial administrative detail. The effusive anxiety in the House of Lords to protect as fully as possible every person who might be inconvenienced by the Irish Church Act, down to the very boy who blew the parish organ, led, however, to some small attention being paid to the protection of the vested interests of the tenants. In the debate on Clause 12 ("Church property vested in Commissioners under Act") Cairns raised a suggestion about guarding even more fully the rights of renewal of lessees of bishops' lands.¹ But the clause was let pass and he held his amendment for the report stage. The amendment was actually moved by Granville. In the Commons, when Sergeant Dowse made an effort to raise controversy about Clause 33 ("Power of Commissioners to sell their property")²

¹ 3 Hansard, excvii, 1231.

² S. 34 in the act.

the tenant purchase provisions, he brought down upon him a sharp rebuke from Disraeli for insincerity and for wasting time with trivialities.¹ Some of those who supported the principle of disestablishment were not ^{at} all interested in the Irish land question. Lowe, for instance, might be described as very unsympathetic towards Irish land grievances.²

No question of principle was allowed to arise about the part of the bill concerned with church land; and the detailed alterations were trivial.³ There was some interest in the problems of buying out tithe rentcharge, as there were a good many Irish landowners in both Houses. Here again, however, the detailed alterations were trivial and there was no change in principle, unless it be the abandonment by Gladstone of the principle of compulsory purchase before the text of the bill reached the House.⁴

¹ 3 Hansard, cxcvi, 62 sq.

² Ibid., exc, 1483.

³ Below, p. 539 sq.

⁴ Below, p. 470 sq.

Part IV. The Irish Church and its property before the disestablishment.

As the result of a motion in the House of Lords from Earl Russell,¹ a royal commission had been set up in 1867 with very wide instructions. The commissioners were

"to inquire and report as to the several archbishoprics, bishoprics, dignities and benefices, and also as to the several ecclesiastical corporations aggregate existing in Ireland, and as to the revenues, property and emoluments belonging to the same respectively, and as to the several charges, incumbrances, and other outgoings affecting the same respectively, and also as to the several united and separate parishes and parochial districts in Ireland; ... and also as to the property and emoluments vested in and administered by the Ecclesiastical Commissioners for Ireland, the administration of the same by such commissioners and the mode and purposes in and for which the last mentioned property has been applied, and also to inquire and report whether alterations or improvements should be made in the management, administration and distribution of the revenues and property hereinbefore mentioned, or in the state and condition of the several offices, dignities, corporations and benefices."²

The actual report of the commissioners was dated 27th July, 1868, by which time the whole disestablishment question had come

¹ Above, p. 36

² Copy of the commission for inquiring into the Revenues and other matters relating to the established Church in Ireland, 73956/, H.C. 1867-8, xxiv.

before Parliament and before the British public; and the recommendations of the commissioners as to measures of reform in the constitution and economy of the Church were rendered largely obsolete and ineffective. But as an account of the condition of the Church's property immediately before the disestablishment, the report is the most useful and comprehensive authority we possess.

As a description of the Church's property, however, the report is far from being perfectly satisfactory. The materials for it had to be collected very hurriedly and from very imperfect sources. The final totals of revenue published in the body of the report had to be corrected later in the appendix.¹ The schedules of information supplied by diocesan and other authorities are of varying accuracy and do not give all the information

¹ Report of Her Majesty's commissioners on the revenues and condition of the Established Church in Ireland, Appendix, p. 249, /4082/, H.C. 1867-68, xxiv. It is interesting to notice that this fact gives a clue to the inadequate manner in which certain writers on Irish Church history have made use of the report. Thus in H. Seddall, The Church of Ireland, a historical sketch, (1868), p. 165, and in M. D. Emerson, "The last phase of the establishment," in W. A. Phillips (ed.), History of the Church of Ireland (1933), iii, 319, figures are given which indicate that in both cases the writers had not explored the appendix to the report and were content to record what they read in its opening pages.

for which one would wish. Thus in the land rentals of the archbishops and bishops, the totals of the acreage of land are given only in a few cases,¹ there is evidently some doubt about renewal fines in various cases, tithe rents appear in one case to be mixed with land rents,² and one is in some doubt as to what to make of a column of figures given as acres, roods and perches, of which the total is given in pounds, shillings and pence.³ Regarding the accuracy of other parts of the returns, the secretary to the commissioners, in asking for information from the Ecclesiastical Commissioners, wrote that "the information sought by this letter is not required to be given with critical accuracy", and the secretary to the Ecclesiastical Commissioners gave information as being upon "such estimate as they have been able to make within the limits of time allowed them by the Royal Commissioners."⁴ It is perhaps significant that one of the recommendations of the royal commissioners was "that the accounts

¹ Report on revenues of Established Church in Ireland (1868), schedules, p.12 sq.

² Ibid., schedules, p.27

³ Ibid., schedules, p.26

⁴ Ibid., appendix, p.59

of the (Ecclesiastical) Commissioners should be annually examined under some efficient system of audit."¹

Naturally it was not the business of the commissioners to set forth their information in such manner as would be most convenient for the writer of this thesis or even to give all the kinds of information that we should like to have, such as the acreage and situation of various church lands. Much of the information that is given is, moreover, set out in such a form that it could not be collated by one person. Still more is this the case with earlier reports and returns.

The report stated that the Irish branch of the United Church of England and Ireland consisted of two archbishops, ten bishops, thirty corporations of deans and chapters, twelve minor corporations of quasi-corporate bodies connected with cathedrals, thirty-two deans, thirty-three archdeacons, 1,509 beneficed incumbents, including perpetual curates, and more than five hundred stipendiary curates. The membership of the church was returned by the census of 1861 as 693,357.²

The annual net value of church property and revenues amounted

¹ Ibid., report, p. xvii, par. 73.

² Ibid., report, par. 6.

to about £616,840.¹ The main sources of revenue were tithe rentcharge and lands let to tenants. In addition there were various endowments in the form of government stock, and similar sources of income other than lands. The revenues were estimated to be allocated as follows:-

From lands let to tenants:	£	s	d	£	s	d
Bishoprics	73,592	1	10			
Deans and chapters	3,669	5	6			
Minor Corporations	5,374	0	0			
Cathedral Dignitaries	5,894	0	0			
Beneficed Clergy	62,164	12	1			
Ecol. Commissioners	54,239	0	0			
				204,932	19	7

From tithe rentcharge:

Bishoprics	576	6	10			
Deans and chapters	6,938	12	3			
Minor Corporations	4,648	0	0			
Cathedral Dignitaries	4,714	0	0			
Beneficed Clergy	329,087	17	10			
Ecol. Commissioners	18,260	0	0			
				364,224	16	11

¹ Ibid., appendix, p.249.

From other sources:	£	s	d	£	s	d
Bishoprics	355	19	2			
Deans and chapters	141	6	11			
Minor Corporations	154	0	0			
Cathedral Dignitaries	40	0	0			
Beneficed Clergy	6,784	0	0			
Ecc. Commissioners	8,055	0	0			
				15,530	6	1
<hr/>						
Total net revenue				584,688	2	7
Annual value of houses of residence and of lands in the occupations of ecclesiastical persons				32,152	0	0
<hr/>						
Total				616,840	2	7 ¹

The figures for income are all net, and refer to income after deduction of peer rate, quit rents and expenses of collection.

Before commenting further on the state of the property from which this income was drawn, it may be of interest to compare the general estimate of the value of the Church's property in the report of 1868 with some other estimates. Gladstone said in the House of Commons,

"With respect to the income of the Irish Church, I shall say very little, for I have great difficulty in making out what it really is. The Church Commission laboured assiduously between 1867 and the end of 1868, and they have reported, as the result of their inquiries, that the income of the Irish Church is 2616,000 a year. I must say,

¹ Ibid., report, p.xxv, and appendix, p.249.

with very great respect for their sixteen months of toil, that I humbly dissent from the conclusion at which the commission arrived. It seems to me that they placed the revenue too low. I find that one of the commissioners (Colonel Adair) who is known to have taken an active part in their labours, has within the last fortnight published a statement in which he puts the income of the Irish Church as high as £839,000 a year. I do not place it quite so high as Colonel Adair, nor quite so low as the Irish Church Commission. I believe it to be about £700,000 a year, which I think is no unfair statement."¹

Before the commission had reported, Lord Dufferin had estimated the revenues of the Irish Church as being as low as £420,000, and Dr. Maziere Brady had asserted that they were over £700,000.² A return of the value of bishoprics and livings in the Irish Church made in 1864 and known sometimes as "Stackpoole's return", gave the gross total of the revenues of the church as £586,428, and the net total as £448,943. 15. 10.³

The difficulty in finding out the value of the Church's property before the disestablishment does not lie in the absence of information. Very detailed information about all the parishes and livings in the country and about all ecclesiastical

¹ 3 Hansard, exciv, 451.

² Copy of observations on Dr. Maziere Brady's letter to The Times, p.1, H.C. 1867-68, (274), liii.

³ Returns showing the present value of each bishopric in Ireland, etc., etc., p.111, H.C. 1864, (267), xliiv.

lands can be had from a variety of reports and returns.¹ Information about tithe rentcharge liability is also to be had in the records of the Irish Land Commission, where the tithe applotment books are still preserved. The real difficulty in getting information about the Church property lies in the fact that these earlier returns were made up of a vast accumulation

¹ The following may be mentioned: Report of H.M. Commissioners on ecclesiastical inquiry, Ireland, 1831, H.C. 1831, (93), ix; First report of H.M. Commissioners on ecclesiastical revenue and patronage, Ireland, H.C. 1833, (762), xxi; Digest of inquiry into the archiepiscopal and episcopal revenues and patronage in Ireland, H.C. 1833, (263), xxvii, which gives a summary of the preceding report; Second report of H.M. Commissioners on ecclesiastical revenue and patronage, Ireland, H.C. 1834, (589), xxiii; Third ditto, H.C. 1836, (246), xxv; Fourth ditto, H.C. 1837, (500), xxi. Some further information about the Church's property can be gleaned from the annual reports of the Ecclesiastical Commissioners, First report of the Ecclesiastical Commissioners under 3 & 4 Wm. 4, relating to the temporalities of the Church of Ireland, H.C. 1835, (113), xxii, and similar reports as issued. But only a relatively small part of the property of the Church came within the purview of those commissioners, and they could not usually give information about anything outside that small part. It is therefore to be noticed that, although returns issued by the Ecclesiastical Commissioners are sometimes given titles which repeat the words of the questions which elicited them, they do not necessarily contain the answers to the questions. For example A return of the actual amount of revenue of the Irish Church, H.C. 1844, (279), xliii, gives information only about the revenues of suppressed bishoprics; and A return of all lands and houses belonging to the Established Church in Ireland, H.C. 1854, (499), lviii, has a similar grave limitation in spite of its comprehensive title.

of details, without adequate summaries or totals. A useful effort to cope with the mass of information embodied in the earlier reports and returns and to give it significant shape was made, apparently before the publication of "Stackpole's Return" of 1864, and published in Dublin in two anonymous and undated pamphlets.¹ These two publications gave an estimate of £447,670. 4. 6. for the total value of the Church's property.² Details are also given of four unsuspended benefices where there were no members of the Established Church, seventy-six where there were less than twenty members, and forty-nine where there was no church.³

Estimates of the value of Church property and revenue, made earlier than the various official returns which were brought out in the 1830's and afterwards, are liable to be

¹ Memorandum based upon returns which have been compiled by Sir Robert Peel's directions, with the view of exhibiting the actual condition of the Established Church in Ireland, Dublin, 1863 (?); and Compilation giving the distribution of the members of the Established Church in Ireland and the distribution of the church revenues and patronage, Dublin, 1865 (?). The dates are those suggested in the catalogue of the National Library, Dublin.

² Memorandum, p.17

³ Ibid., pp. 9 & 10.

unsound and err on the side of excess. An interesting estimate given just before the appearance of the series of reports and returns to which reference has been made, gives the following details, which, although they refer to a period before the Church Temporalities Act and the Tithe Rentcharge Act, are obviously excessive.

Landed property

	acres
Glebes	73,220
See lands	617,598
Ecclesiastical Corporations and Dignitaries...	500,000
Demesne lands of Bishops	5,500
	<hr/>
Total	1,196,318

Revenue

	£	s	d
See lands.....	140,704	7	0
Demesne lands.....	10,295	13	0
Deans and Chapters...	130,000	0	0
Glebe lands	150,000	0	0
Tithes	590,450	0	0
Ministers' Money	25,000	0	0
Church fees (marriages etc.)	250,000	0	0
	<hr/>		
Total	1,296,450	0	0 ¹

¹ J. D'Alton, The history of tithes, church lands and other ecclesiastical benefices (1836), pp. 50-54

It is probably nearly always the case that the wealth of an institution, when unknown, is exaggerated; and, even when the extent of the wealth is known, there is a corresponding tendency to exaggerate its extent in relation to needs. The Church of Ireland was the victim of both these tendencies.

As well as referring to other reports and returns of the period before the disestablishment for enlargement or corroboration of the information contained in the report of 1868, we can also refer to what was discovered afterwards when the whole property came under the control of the Church Temporalities Commissioners. Even this, however, is not a perfectly satisfactory source of information on the wealth of the Church. Superior methods of administration made the property yield more after the disestablishment; and at no time were the receipts coming in to the commissioners in such a form as to make comparison with the preceding period easy, for the whole position was greatly complicated by sales and redemptions. There is therefore little to be gained by pursuing the matter very far, and it will be sufficient to compare the totals for the two main items of receipt, tithe rentcharge and land rents. In both cases, the Commissioners of Church Temporalities found that they were receiving a larger income than was ascribed by the royal commission

of 1867-68. They found that they had £409,689 of annual tithe rentcharge vested in them, as against £364,224 estimated by the royal commission.¹ They found also that they had £225,622 of annual rents from lands let to tenants vested in them, as against £204,932 estimated by the royal commission.² An additional reason for the discrepancy is probably to be found in the fact that, while the clergy would not have been at all inclined to give a more favourable account of their wealth than seemed necessary when they were making returns for the royal commission, they were keenly alive to the need for declaring every halfpenny of their income when applying to the Church Temporalities Commissioners for compensation or commutation, an element in the position which the Church Temporalities Commissioners themselves remarked upon.³

The nature of tithe rentcharge has already been sufficiently indicated,⁴ but the disposition of the Church's landed income is a subject of much less uniformity and simplicity. As can be seen from the figures already given,⁵ the bishops were the principal

¹ Below, p. 476 sq.

² Below, p. 547 sq.

³ Below, p. 318

⁴ Above, p. 30

⁵ Above, p. 152

recipients of income from this source. About £62,000 a year from lands belonged to the parochial clergy; but by far the greater part of the landed income of the Church belonged to the bishops, the Ecclesiastical Commissioners, the corporations aggregate and the dignitaries of the cathedrals, producing about £142,000 a year according to the estimate of the royal commission. The methods of letting and leasing the episcopal lands were old-fashioned and easy-going, and the income from them was not proportional to their actual value. The power of the bishops, dignitaries and corporations to alienate or lease these lands was controlled by a series of acts, commencing with 1 Charles 1, c. 3.¹ In many cases these lands were let on leases renewable on payment of fines. Since this arrangement, particularly when worked in conjunction with sub-letting by an engagement known as a totes quoties covenant, led to much insecurity of tenure, facilities were made available by the Church Temporalities Act for tenants of bishops, of dignitaries or of the Ecclesiastical Commissioners to purchase a conveyance of a perpetual estate in their lands, subject to a fee farm rent. This rent was liable to variation at intervals of seven years in relation to

¹ The complicated law of this subject is expounded in J. Lyne, The statute law of ecclesiastical leases in Ireland, and purchases under the Church Temporalities Acts (1838).

the average price of wheat or oats, whichever was grown most in the district where the lands were situated. Up to 1844, the valuation of the lands for the purpose of sales of perpetuity leases was done by simply multiplying the customary fine in the diocese of Armagh by eight and in all other dioceses by five. But after 1844 the valuation was carried out by more accurate methods, with the result that there was a general rise in the cost of purchasing a perpetuity and a fall in the number of applications to be allowed to do so. The money required for purchase of a perpetuity tenure was advanced to the tenant by the Ecclesiastical Commissioners on mortgage at 5% interest. The lands belonging to ecclesiastical corporations aggregate, as distinct from corporations sole such as bishops and dignitaries, although generally let on the same principles as those of corporations sole, were omitted from the provisions of the Church Temporalities Act.¹ The system of mortgage purchase of perpetuities is an interesting foreshadowing of the later scheme for the purchase of the land itself.

In 1833, before the suppression of bishoprics by the Church Temporalities Act of that year, the total acreage of the episcopal lands was stated to be 669,247, from which was received £45,258

¹ Report on revenues of Established Church in Ireland (1868), report, pp. xiii-xv.

rent and 275,422 renewal fines, the amounts in each case being gross. The distribution of the episcopal lands by dioceses at that time was set forth in detail in a return of that year. There is no other complete or convenient return of this distribution at a later period.¹

In addition to the episcopal lands there were also the glebes of the beneficed clergy, some of which were extensive and were let to tenants. Tables of the value of income from this source in each diocese were included in the report of the royal commission of 1867-68.²

It may have been noticed that, while bishops were the main holders of Church lands and beneficed clergy the main recipients of tithe rentcharge, the Ecclesiastical Commissioners were the largest holders of what were classified as "other sources" of income.³ The Ecclesiastical Commissioners controlled revenues estimated at about £113,000 annually. These were derived from the episcopal estates transferred to them by the Church Temporalities Act, 1833, from the property of suspended dignities and benefices, from rentcharges payable to the commissioners out of

¹ Digest of inquiry into the archiepiscopal and episcopal revenues and patronage in Ireland, H.C. 1833, (263), xxvii.

² Report on revenues of Established Church in Ireland (1868), report, pp. xxiii-xxvi.

³ Above, p. 153

the sees of Armagh and Derry, and from the tax on ecclesiastical incomes. The Ecclesiastical Commissioners consisted of four ex officio members, the Lord Primate of All Ireland, the Lord High Chancellor of Ireland, the Archbishop of Dublin and the Lord Chief Justice of Ireland, provided the lay persons in these offices were members of the Church, and of four bishops nominated by the crown and three other "proper and discreet persons", of whom two were to be nominated by the Crown and one by the Archbishops of Armagh and Dublin. In practice, two of the "proper and discreet persons" were paid officials who did most of the work and were assisted by an office staff. The revenues of the Ecclesiastical Commissioners constituted a general fund, applicable to the following purposes:- discharging the expenses of the commissioners' establishment, providing church requisites, payment of parish clerks, sextons and organists, building and repairing churches, certain special charges such as salaries to Dublin curates, augmenting small benefices, and payments to parochial clergy in certain places in lieu of a tax known as "ministers' money" abolished by 20 & 21 Vic., c.8.¹

By the Irish Church Temporalities Act Amendment Act, 1836,

¹ Report on revenues of Established Church in Ireland (1868), report, pp. xv-xvi.

all moneys received from purchase of perpetuities were to be invested in public securities.¹ The Ecclesiastical Commissioners thus held a certain amount of government stock. In addition they acted as trustees for some property appropriated for particular purposes. Thus the funds known as Primate Boulter's Fund and Primate Robinson's Fund, the former amounting to about £89,000 government stock and the latter to £985 consols, were transferred to the commissioners by the 61st section of the Church Temporalities Act of 1833. These funds resulted from bequests from the two prelates to buy glebes and to augment small benefices. They also administered a similar fund in the dioceses of Waterford and Lismore, called Bishop Gore's Fund, and a variety of private endowments for churches, in all about £4, 240 of government stock.²

We thus get an impression of the Church of Ireland property, large, badly administered, but sufficiently controlled and centralised, particularly through the machinery of the Ecclesiastical Commissioners, to make possible without shock or major

¹ 6 & 7 Wm. 4, c. 99, s. 15

² Ibid., report, pp. xv-xvi. A higher capital value was subsequently assigned to Primate Boulter's Fund; below p. 190.

difficulty the fairly orderly transfer of the whole to the Church Temporalities Commissioners and its administration for the purposes of a public fund. At the same time, the economic constitution of the Church, loose though it was, had developed far enough by the time of the disestablishment to have provided the members and leaders of the Church with the necessary experience to enable them to receive and successfully administer large centralised funds through the mechanism of the future Representative Church Body.

CHAPTER TWO

The Irish Church Act and the Church Temporalities Commissioners

1. The main principles of the Irish Church Act.

The best brief summary of the main features and general objects of the Irish Church Act, 1869,¹ is the speech in which Gladstone explained them to the House of Commons.²; but it is by no means an entirely complete or entirely accurate description of the act, since it referred to the unamended bill. In the present thesis, where a detailed examination of the meaning and results of a large part of the act is to be undertaken, it is less necessary to give a preliminary account of the act in detail than to explain its broad principles, relegating the treatment of details to their proper place in other later chapters.

The act was almost entirely concerned with the necessary business arrangements for the transfer and disposal of property in accordance with certain principles. Matters lying outside that immediate purpose were in most cases dealt with by other acts. Thus, although the Irish Church Act abolished the ecclesiastical courts in Ireland on 1st January, 1871,³ provision for having matrimonial causes and other matters, formerly dealt with by

¹ 32 & 33 Vic., c. 42

² 3 Hansard, cxciv, 417.

³ 32 & 33 Vic., c. 42, s. 21

those courts, dealt with in another way and for carrying on all suits and proceedings pending on 1st January, 1871, was made in a separate act, the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870,¹ Similarly, although the Irish Church Act made provision for the transfer of sums of money to trustees to be appointed to administer them for the payment of Presbyterian clergymen and for other purposes formerly fulfilled by the annual payments of the Regium Donum, the legalisation of a central body of trustees for the Presbyterian Church in Ireland was carried out in a separate act, the Irish Presbyterian Church Act, 1871.² In the same category of these acts for carrying out the intention of the Irish Church Act in spheres beyond that limited central area of administration covered by the act itself, may be placed all the acts dealing with the ultimate spending of the residue of the church property, and also perhaps the Glebe Loan (Ireland) Acts.

The Irish Church Act is thus a more simple, logical and compact piece of legislation than its seventy-two lengthy sections might at first glance suggest. The more remote legislative extensions and sequels which its aims rendered necessary

¹ 33 & 34 Vic., c.110.

² 34 & 35 Vic., c.24

are for the most part omitted from the body of the act itself. It remains a simple set of directions for the administration of property and a very fine piece of legislative draftsmanship. In their final report in 1880 the Church Temporalities Commissioners said

"It will not be out of place to remark here on the great ability with which the law of 1869 was framed. It might have been expected that in administering a measure so intricate and which dealt with such a variety of interests we should have discovered many omissions and that cases would have constantly arisen that were unprovided for in its clauses. Without asserting that there were no such cases, we can state they were extraordinarily few in number, and that the skill and foresight with which the statute was drawn up were very striking as it came to be practically carried out."¹

The feature of central significance in the whole act was the establishment of a single clearing house and administrative agency, for carrying out all the desired adjustments of property, in the body styled "The Commissioners of Church Temporalities in Ireland." The act established these commissioners, defined their powers and duties and was, in effect, a body of instructions for their guidance. The Church of Ireland was to cease to be established and all its property was to be vested in the commissioners on 1st January, 1871. The Ecclesiastical Commission was to terminate at the date of the passing of the act, and its property

¹ Commissioners, 1869-80, pp. 20-21, /C.2773~~X~~/, H.C. 1881, xxviii.

and such of its functions as required to be continued were to be taken over by the Commissioners of Church Temporalities. The Regium Donum grant to the Presbyterians and the Maynooth grant to the Catholics were to cease.

The Commissioners of Church Temporalities were to hand back to a central body of trustees, which the members of the Church of Ireland were empowered to set up, certain portions of the confiscated property, such as church fabric and the sum of £500,000 named in the act to compensate for loss of private endowments. They were also to give compensation, according to certain rules, for all loss of individual income and disturbance of individual rights arising from the disendowment of the Church of Ireland or from the cessation of the grants to the Presbyterians or the Catholics. Since the church property which passed into the hands of the commissioners could not immediately be turned into its financial equivalents with sufficient rapidity to carry out these extensive money compensations, they were given powers to borrow on the security of the property from the Commissioners for the Reduction of the National Debt. The act laid down the manner in which the financial value of the church property was then to be realised, by enabling payers of tithe rentcharge to redeem their

liabilities and enabling tenants of former church land to buy their holdings. The act also indicated the intention, but did not define the manner, of spending the residue of the property upon various objects in Ireland.

These are the essential principles of the Irish Church Act, and they were developed but not fundamentally altered by the amending legislation of subsequent years.

In order, therefore, to make clear the detailed meaning of the act and its various economic results, it is necessary to describe a group of inter-related operations all performed by the Church Temporalities Commissioners and their successors. These operations to be separately described are, first, the compensation of vested interests and the winding up of all the financial relations between the state and the churches in Ireland; secondly, the administration and sale of tithe rentcharge; thirdly, the administration and sale of landed property; fourthly, the allocation of the residue of the church property to various public purposes in Ireland. In addition, it will, fifthly, be necessary to describe the strictly financial aspect of the management of the property, considered as a public fund.

In the present chapter, a description will be given of the powers and constitution of the Church Temporalities Commissioners,

of their methods of business, their relations with other public bodies and their performance of certain duties, mostly of an interim nature, not falling conveniently within the scope of any of the five main operations just mentioned.

2. The commissioners and their powers.

The three commissioners appointed were Viscount Monck, Mr. Justice Lawson and George Alexander Hamilton.¹ All of them were Irishmen of wide experience. Lord Monck² had returned a few years previously from his work as Governor General of Canada. He had had a legal training in his youth and had been a liberal M.P. He supported the government in its measure for disestablishment but held views more advanced than his colleagues. Lord Granville described him as one "who, though a churchman, has avowed himself, differing from the government, to be opposed to all church establishments, and who therefore will receive a stimulus to the utmost degree to show that a free church can be made to work well."³ Mr. Justice Lawson⁴ a justice of common

¹ 32 & 33 Vic., c.42, s.3

² Sir Charles Stanley Monck, 4th Viscount Monck in Irish peerage and 1st Baron Monck in peerage of U.K. (1829-94); D.N.B., Suppl. iii, 183.

³ 3 Hansard, cxvii, 1646.

⁴ James Anthony Lawson, (1817-87), D.N.B., xxxii, 292

pleas in Ireland, had also been an M.P. and was a known supporter of the principle of disestablishment. Hamilton,¹ a former conservative M.P. for Dublin University, was a known opponent of disestablishment and, when offered his post, had written to Gladstone and stated that, if his acceptance of it implied his acceptance of the principle either of disestablishment or disendowment, it would be his duty to decline it,² the announcement of the names of the commissioners being necessarily antecedent to the final decision of parliament with regard to the fate of the bill for the disestablishment. The list of names drew expressions of satisfaction from all parties.

The act laid down that if any vacancy should occur in the office of any commissioner by death, resignation or incapacity, it was to be filled, by warrant under the royal sign manual, by some other fit person who was a member of the Church of Ireland or the Church of England.³ On 17th September, 1871, Hamilton died; and the remaining two commissioners "thought it their duty to intimate to the First Lord of the Treasury that they were prepared to undertake the whole duty of the commission, and that

¹ George Alexander Hamilton, (1802-71), D.N.B., xxiv, 158.

² 3 Hansard, cxvii, 422.

³ 32 & 33 Vic., c.42, s.3.

the appointment of a third commissioner was unnecessary if provision could be made for constituting the court of appeal,"¹ referring to the 4th section of the Irish Church Act which allowed an appeal from the decision of any one commissioner to a court of appeal consisting of all three. The government followed this proposal of Monck and Lawson and passed the Irish Church Amendment Act, 1872.² This laid down that the vacancy was not to be filled³ and that appeals were to be heard by the two commissioners sitting with one of the Irish judges.⁴ The Master of the Rolls was accordingly appointed member of the court of appeal.⁵

The commissioners were constituted a body corporate with a common seal.⁶ Any powers conferred upon the commissioners as a

¹ Commissioners, 1869-74, p. 3, /C.1148/, H.C. 1875, xx.

² 35 & 36 Vic., c. 13.

³ Ibid., s. 1.

⁴ Ibid., s. 2

⁵ Commissioners, 1869-74, p. 3, /C.1148/, H.C. 1875, xx.

⁶ 32 & 33 Vic., c. 42, s. 3.

body might be exercised by any one of them, with the provision that any aggrieved person might appeal to a court consisting of all three commissioners;¹ or, after the act of 1872, the two commissioners sitting with a judge. They were given powers to employ subordinate officers and outside specialists for the purpose of the act.² They were given powers to pay, out of any money in their hands for the time being, salaries of not exceeding £2000 a year to themselves, and appropriate salaries or wages to all persons whom they employed, with the sanction of the Lord Lieutenant and the Commissioners of the Treasury, and also to make all necessary disbursements required by the act.³

They were given "full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this act." And they were given "all such powers, rights and privileges as are vested in the High Court of Chancery in Ireland" for purposes of enforcing attendance of witnesses and production of documents, issuing commissions for the examination of witnesses, punishing persons resisting their powers or guilty of contempt in their presence, and of making or

¹ Ibid., s. 4.

² Ibid., s. 5.

³ Ibid., s. 6.

enforcing any order to be made by them for the purpose of carrying the objects of the act into effect. All proceedings before the commissioners were to be deemed to be judicial proceedings before a court of record. And the Commissioners were given power to revise or rescind any order or decision previously made by them; but, except where otherwise provided in the act, their orders or decisions were to be final.¹ They were given power to issue instructions and forms of application in connection with the carrying out of the act; and they had power to make rules, provided they were submitted to and approved by the Privy Council of Ireland, such rules being enrolled in the High Court of Chancery in Ireland and given the force of an enactment of parliament, subject to amendment or alteration by similar procedure. Such rules were also to be laid before parliament at its next available session.² No commissioner and no officer appointed by them was to hold office for a longer period than ten years from the passing of the act; and, while in office, such persons were incapable of being elected to or sitting in the House of Commons.³ The 65th section of the act provided for an

¹ Ibid., s. 7

² Ibid., s. 8

³ Ibid., s. 9

appeal to arbitration by any person feeling aggrieved in connection with the carrying out of the act, by incorporating for that purpose the appropriate parts of the Railway Clauses Consolidation Act, 1845,¹ substituting for the Board of Trade, as the body appointing umpires, the Commissioners of Public Works in Ireland.

From and after the passing of the act, all the property of the Ecclesiastical Commissioners for Ireland was to be transferred to the Church Temporalities Commissioners.² And similarly, on 1st January, 1871, save as otherwise provided, all the other property of the church was to be transferred to them.³

A large part of the remainder of the act laid down the manner in which this property was to be treated; first, how the clergy and others were to be compensated, how the church was to hold property after the passing of the act into force, what property and money were to be handed over to the church after the disestablishment;⁴ secondly, what arrangements were to be come to with the payers of tithe rentcharge;⁵ thirdly, what arrangements

¹ 8 & 9 Vic., c. 20, s. 126-139

² 32 & 33 Vic., c. 42, s. 11.

³ Ibid., s. 12

⁴ Below, ch. 3, pp. 280-299

⁵ Below, ch. 4, pp. 470-475

were to be come to with tenants of church lands and how the lands were to be disposed of;¹ fourthly, provision was made for the repeal of the acts giving a grant to Maynooth College and for compensation to be given for that cessation and similarly for compensation to be given to the Presbyterians for the discontinuance of the Regium Donum²; fifthly, vague indications were given as to the intention of spending the residue of the church property.³ These portions of the act, together with a variety of supporting sections and subsequent amending acts are described hereafter in the chapters dealing with compensation, tithe rent-charge, land and the expenditure of the residue. The remainder of the act will be described in the appropriate places in this present chapter.

One section of the Irish Church Act which may be mentioned here is the 71st, which formally enacted that the Irish Church Act in no way impaired the Act of Union, except in respect of the union of the churches. This section was of no practical importance and was inserted only to counter certain arguments of constitutional theorists.

¹ Below, ch. 5, pp. 539-546

² Below, ch. 3, pp. 274-280

³ Below, ch. 6, pp. 622-629

3. Business methods and financial relations.

The house at 24 Upper Merrion Street, Dublin, formerly occupied by the Ecclesiastical Commissioners, was to be handed over to the Church Temporalities Commissioners with all its contents, furniture, records and equipment;¹ and, while power was given to the Church Temporalities Commissioners to compensate such members of the staff of the Ecclesiastical Commission as might not be required, it was presumed that a proportion of the existing staff at Upper Merrion Street would be carried on under the new commission, provision being made for their continued services to be taken into account for all purposes of superannuation.²

The first duty of the commissioners was to review the establishment which fell to them at Upper Merrion Street. For this purpose they obtained the services of two officials from the Treasury, by whom, in consultation with the commissioners, the office arrangements and scales of salaries were fixed. These were subsequently approved by the Treasury. At the same time a system of receipt and payment was introduced by A. J. Phipps, the

¹ 32 & 33 Vic., c. 42, s. 43

² Ibid., s. 44.

accountant to the commissioners. It was arranged that operations both of receipt and payment should be made through the agency of the Bank of Ireland.¹ It was decided that, as far as possible, collection of revenue should not be performed through agents but by direct postal application from the office of the commissioners to the person liable to pay. The system adopted for this purpose was that of "receivable orders." A "receivable order" was sent to the person liable for the payment. It authorised him to pay the specified sum to the credit of the commissioners at the nearest branch of the Bank of Ireland or any other bank or to the Bank of Ireland at Dublin. The money was transferred to the commissioners' account and the receivable order transmitted to their office where the details were entered on the books of the commissioners, the receipt was stamped by a machine on the order and it was posted back to the payer. This made one document serve several purposes and it did away with written receipts. The system was devised by Phipps, the accountant.² It drew particular expressions of admiration from the Comptroller and Auditor General, who recommended that it might be extended with

¹ Commissioners, 1869-74, p.3, /C.1148/, H.C. 1875, xx.

² Ibid., p. 7

advantage to other public departments.¹ Some form of this system of receivable orders is now generally used for the collection of sums falling periodically due to public departments in Great Britain and other parts of the world.

The volume of work which fell upon the commissioners was very considerable and expanded rapidly with the coming into operation of the parts of the act transferring to them the property of the Church of Ireland and making incumbent upon them the duty of declaring and paying the amount of compensations. The following figures indicate something of the extent and character of this work:-

	Year ending 26th July, 1870	Year ending 1st January, 1872
Number of letters, claims, etc., received	35,502	182,369
Number of letters, circulars, receipts, etc., issued	28,544	230,789
Estimated amount of annual revenue, exclusive of sales of property	£155,000	£558,000
Estimated number of tenants and tithe rentcharge payers, etc.	8,000	51,000
Amount of disbursements	£282,845	£5,091,510
Number of payments	12,312	23,815
Number of first and second class clerks, probationary and temporary	27	67 ²

¹ Accounts, 1869-70, p.9 sq., H.C. 1871, (264), lv; and Accounts 1871, p.22, H.C. 1872, (373), xlvi.

² Second report from the Committee of Public Accounts, 1875, appendix, p.57, H.C. 1875, (336), viii.

In 1874 there were seventy clerks in the office of the commissioners.¹ The staff of the commissioners in 1877, was as follows:-

Department	Number of persons	Salaries		
		£	s	d
Secretary, Denis Godley, (appointed 1st January, 1870)	1	800	0	0
Solicitor, John H. Franke (appointed 7th June, 1876)	1	1500	0	0
Chief Clerk's Department	22	4,434	0	0
Registrar's Department	3	830	0	0
Collection Department	30	4,956	0	0
Accountant's Department	4	1,650	0	0
Office keeper, messengers, etc.	6	344	8	0
	67	14,514	8	0 ²

The expenses of the commission during the whole period of its duration were as follows. They are divided as office establishment expenses, which included salaries, extra service allowances, travelling expenses, rent, repairs, fuel, light, stationery and printing, and gross expenses, which include the foregoing together with costs of claimants, postage and incidental expenses, legal work, surveys and valuation.

¹ Ibid., p.58

² Return of the officers and persons in the employment of the Commissioners of Irish Church Temporalities, p.2, H.C. 1877, (122), lxvi. The solicitor was liable to meet certain expenses out of his salary.

Year	Office establishment £	Gross £
1869-70	20,428	30,239
1871	21,066	28,389
1872	22,925	31,112
1873	21,879	30,773
1874	23,037	32,409
1875	22,885	30,503
1876	19,274	24,703
1877	18,759	22,339
1878	18,585	21,540
1879	16,942	21,962
1880	16,336	20,041
	222,106	294,010 ¹

By the terms of the Irish Church Act, the Church Temporalities Commissioners were given power to borrow, with the consent of the Commissioners of the Treasury, such sums of money as they required for carrying out the purposes of the act.² Against this, powers were conferred upon the Commissioners for the Reduction of the National Debt,³ with the approval of the Commissioners of the Treasury and under the guarantee authorised by the act, to make advances to meet these loan requirements out of any money in their hands under the Post Office Savings Bank

¹ Commissioners, 1869-80, appendix, p.270, /C.2773-I/, H.C. 1881, xxviii.

² 32 & 33 Vic., c. 42, s. 59. The use made by the commissioners of their power to borrow money is described below, ch. 7, p. 677^{sq.}

³ Ibid., s. 60.

Act, 1861,¹ or the Post Office Savings Bank Act, 1863.² The Commissioners of the Treasury were allowed to guarantee the payment of principal and interest of all or any part of such an advance;³ and they were allowed to give effect to such a guarantee by payments out of the Consolidated Fund or out of a sinking fund established from a Consolidated Fund advance.⁴ They were empowered to cause ultimate repayment of such advances from the Consolidated Fund to be made out of funds in the hands of the Commissioners of Church Temporalities;⁵ and the Commissioners of the Treasury were also required to give their approval of any security to be given by the Church Temporalities Commissioners, and security given was to carry a certificate of their guarantee.⁶

One question which arose was whether the Church Temporalities Commissioners were liable to pay income tax on certain portions of their property. Exemption from income tax was claimed, under the Income Tax Act, 1842,⁷ for certain property formerly held by

¹ 24 & 25 Vic., c. 14

² 26 & 27 Vic., c. 87

³ 32 & 33 Vic., c. 42, s. 61

⁴ Ibid., s. 63

⁵ Ibid., s. 64

⁶ Ibid., s. 62

⁷ 5 & 6 Vic., c. 35, s. 105

the Ecclesiastical Commissioners. The property fell within schedules A and C of that act, for it consisted of lands and investments. The Inland Revenue Commissioners stated on 20 th April, 1871, that none of the landed estates held by the Ecclesiastical Commissioners had ever been exempt from assessment for income tax, but that the allowances to which those commissioners may have been entitled on account of the profits of such lands, when they had been applied to charitable purposes, were always granted to them by way of repayment. With regard to schedule C, certain amounts of government stock held by the Ecclesiastical Commissioners were, from time to time, exempt as charity property; but, when these passed to the Church Temporalities Commissioners, to be used after 1st January, 1871, for other purposes under the Irish Church Act, they became liable to income tax. The Church Temporalities Commissioners, however, were entitled to repayment of income tax in respect of all items of expenditure made prior to 1st January, 1871, which would have been admitted as involving valid claims if made by the Ecclesiastical Commissioners before the passing of the act. The Inland Revenue Commissioners further stated that, with regard to the question of whether the Church Temporalities Commissioners were entitled to repayment of income tax in respect of expenditure under the 68th section of the Irish

Church Act, which provided for the ultimate trust of the surplus of the church estate, to be "appropriated mainly to the relief of unavoidable calamity and suffering," and applied "in the manner Parliament shall hereafter direct," no answer could be given until the actual mode of application should be laid down by parliament.¹ Although the correspondence took place with reference to the Income Tax Act, 1842,² the act which had first affected the Ecclesiastical Commissioners, the actual payments and refunding were made in accordance with the Income Tax Act, 1853,³ which continued the act of 1842 and other acts.

The total extent of payments made for property and income tax during the period of the commission up to 1880 were as follows, the payments under schedules A and C being for lands and dividends and under schedule E for disbursements from public funds.

	£	s	d		£	s	d
Payments: schedules A & C	71,911	11	1	Refunds	56,926	16	2
" " E	2,548	8	1	"	2,548	8	14

¹ Accounts, 1869-70, p.22, H.C. 1871, (264), lv

² 5 & 6 Vic., c. 35

³ 16 & 17 Vic., c. 34, s. 5

⁴ Accounts, 1880, pp. 22-23, H.C. 1881, (268), xxviii.

4. The Commissioners of Church Temporalities as successors to the Ecclesiastical Commissioners.

The Commissioners of Church Temporalities were not specifically constituted the successors of the Ecclesiastical Commissioners; but, since the transfer of the property of those commissioners was made to them "subject to all tenancies, charges, incumbrances, rights (including tenants rights of renewal) or liabilities affecting the same," they found themselves with a variety of interim duties to perform prior to the complete break of the relations between the state and the Church of Ireland at 1st January, 1871.

These duties of the Ecclesiastical Commissioners have already been summarised.¹ They consisted mainly of the administration of certain funds and revenues and of disbursements for various church purposes.

As well as the income which the Ecclesiastical Commissioners had drawn from tithe rentcharge and lands falling to them under the Irish Church Temporalities Act, 1833, an important source of income was the ecclesiastical tax which they were empowered by that act to levy on the incomes of the clergy.² It was levied on

¹ Above, p. 163

² 3 & 4 Wm. 4, c. 37, s. 14

the incomes of all ecclesiastical persons whose ecclesiastical incomes (as distinct from any private means they might have) exceeded £300 a year. In this, as in many other matters, the Church Temporalities Commissioners experienced considerable difficulties on account of the easy-going business methods of their predecessors. When the Comptroller and Auditor General asked to be furnished with a certified copy of the revenues of ecclesiastical offices and also "a certified copy of the return of the annual value of their ecclesiastical offices made by spiritual persons," as required by the 18th section of the Church Temporalities Act, the Church Temporalities Commissioners had to reply that these copies could not be provided because many of the original papers had been lost; because many ~~of~~ clergymen had neglected to furnish proper returns at all; because, when furnished, the returns were sometimes incorrect; and because, when the valuations had been entered in the books of the Ecclesiastical Commissioners, they had never been checked. In addition it had to be stated that, whereas the Ecclesiastical Commissioners had been directed by section 14 of the Church Temporalities Act of 1833 to cause amended valuations to be made "from time to time", they had never made such amended valuations, so that the information upon which the tax had to be

assessed was quite out of date.¹

The sum derived from this tax in the opening period of the commission, while the Church Temporalities Commissioners were doing the duties of the Ecclesiastical Commissioners, was £22,177. 5. 3.² and for the whole period of the commission up to 1880 was £47,515. 7. 4.³ Although the ecclesiastical tax payable to the Church Temporalities Commissioners was that due for the period of seventeen months intervening between their superseding the Ecclesiastical Commissioners and the coming into operation of the main parts of the Irish Church Act, together with any arrears due to the Ecclesiastical Commissioners for the preceding period, the payments of the tax lingered for several years as an annual item in their accounts, slowly dwindling as arrears were paid, until the item was represented by such payments as £2. 17. 9. in 1874⁴ and £29. 7. 9. in 1876.⁵ An appeal against the legality of the collection of the tax was not allowed by the commissioners.⁶

¹ Accounts, 1870, p.10, H.C. 1871, (264), lv.

² Ibid. p.4

³ Accounts, 1880, p. 18, H.C. 1881, (268), xxviii

⁴ Accounts, 1874, p.36, H.C. 1875, (252), xx.

⁵ Accounts, 1876, p.16, H.C. 1877, (233), xxvi

⁶ W. L. Bernard, The Irish Church Act, with reports of leading cases, (1876), p.84

Somewhat similar to the ecclesiastical tax was the charge levied on each of the sees of Armagh and Derry. These charges were placed upon the revenues of these two sees by the 54th section of the Irish Church Temporalities Act of 1833 and had been vested in the Ecclesiastical Commissioners to be devoted to the general purposes of that act. They were accordingly collected by the Church Temporalities Commissioners.¹ Total receipts from this source over the whole period of the commission up to 1880 were, from the see of Armagh £13,500. 0. 0. and from the see of Derry £21,359. 2. 7.² Receipts from this source would have been greater had an appeal not been made by the Archbishop of Armagh and allowed by the commissioners. The commissioners decided in full court that they were entitled after a certain date to certain renewal fines claimed by the archbishop but that he was not liable to a charge calculated upon the fines. The amount of the fines was about £4,000 and the amount of charge remitted to him was £1,200.³ This event was the subject of protest by the Comptroller and Auditor General who pointed out that

¹ Accounts, 1870, p.10, H.C. 1871, (264), lv.

² Accounts, 1880, p.18, H.C. 1881, (268), xxviii

³ Second report from the Committee of Public Accounts, 1875, pp. xi and 24, H.C. 1875, (336), viii.

Accounts, 1870, p. 6, H.C. 1871, (264), lv.

Second report from the Committee of Public Accounts, 1875, H.C. 1875, (336), viii.

by the 54th section of the Church Temporalities Act the annual sum of £4,500 was to be deducted from the revenue of the see and that the reply of the commissioners that they had allowed a claim by the archbishop against this was not understandable, whether equitable or not.¹ A corresponding adjustment was made in the case of the charge on the see of Derry.²

As the successors of the Ecclesiastical Commissioners, the Church Temporalities Commissioners were also the recipients of certain funds set aside for particular purposes or carrying particular trusts. Of these the most considerable was Primate Boulter's Fund, which gave an income, in the first seventeen months of account, of £5,646. 16. 2. from stock and tithe rentcharge.³ The total capital value of the fund was about £150,000.⁴ The difficulties which arose with regard to this fund after the Church Temporalities Commissioners took it over provided a further example of the way in which those commissioners were embarrassed by the business methods of their predecessors, the Ecclesiastical Commissioners, and of how those methods were shown up in an unflattering light by the more severe conditions of public audit

¹ Accounts, 1872, p.26, H.C. 1874, (233), 11.

² Accounts, 1873, p.6, H.C. 1875, (42), xx.

³ Accounts, 1870, p. 6, H.C. 1871, (264), lv.

⁴ Second report from the Committee of Public Accounts, 1875, p.x, H.C. 1875, (336), viii

which were applied under the provisions of the Irish Church Act. Three separate controversies arose over the Boulter Fund.

The fund had been left by Archbishop Boulter¹ for the purpose of augmenting small livings and for other charitable objects. By an act of George III² adopting and amending an Irish act of George II, it was enacted that small livings should be augmented by grants from the fund so that the value of such livings, together with the augmentation, should not exceed a total of £100 a year in each case. This act was repealed by the Church Temporalities Act of 1833³ but the Comptroller and Auditor General argued that the restriction as to the amount of augmentation contained in the act of George III was re-enacted by the act of William IV⁴ and also by the Church Temporalities (Ireland) Acts Amendment Act, 1860.⁵ He therefore challenged certain payments from the fund for the augmentation of livings

¹ Hugh Boulter, Archbishop of Armagh, (1672-1742); D.N.B. 11, 915.

² 46 Geo. 3, c. 60.

³ 3 & 4 Wm. 4, c. 37

⁴ Ibid., s. 61.

⁵ 23 & 24 Vic., c. 150, s. 32.

of more than £100 in annual value. The Church Temporalities Commissioners gave a reply which represented their standard and necessary rejoinder to all objections raised to acts or payments made by them in continuation of similar functions carried out by the Ecclesiastical Commissioners. They answered that they "are of opinion, and have so decided, that they have no power to question or review the proceedings or orders of the Ecclesiastical Commissioners, and are bound, in taking the property, to discharge the demands which attached upon them."¹ In other words, whether the Ecclesiastical Commissioners had correctly carried out the law or not, the Church Temporalities Commissioners would have to respect existing arrangements and existing vested interests in carrying out the remainder of the duties of the Ecclesiastical Commissioners; and practices which had endured for many years could not equitably be upset at this final stage.

Subsequently, however, the commissioners showed that by 3 & 4 Wm. 4, c. 37, s. 61 and s. 93, and by 23 & 24 Vic., c. 150, s. 32, the correct construction of the law was actually directly contrary to that put upon it by the Comptroller and Auditor

¹ Accounts, 1870, p. 14, H.C. 1871, (264), lv.

General, and that the disbursements in augmentation of livings, which had been challenged by him, were valid.¹ The Comptroller and Auditor General admitted his error but remarked that, judging by the successive replies to his queries about the matter, the commissioners themselves had not been aware of the state of the law relating to the application of the Boulter Fund.²

A second controversy which arose about the Boulter Fund referred to the original trust contained in Archbishop Boulter's will. It was found on investigation by the Comptroller and Auditor General and the Commissioners of Church Temporalities that certain original directions of the will with regard to purchase of estates to provide pensions for the widows of clergymen had never been carried out.³ This was a case in which something had to be done to end the illegality. It could not be laid aside as incapable of being remedied, like some of the minor inefficiencies and lapses in the administration of the Ecclesiastical Commissioners. Yet, since the relations between the Church Temporalities Commissioners and the Comptroller and

¹ Commissioners, 1869-74, p.17, /C.1148/, H.C. 1875, xx.

² Accounts, 1874, p.10, H.C. 1875, (252), xx.

³ Accounts, 1871, p. 21, H.C. 1872, (373), xlvi

Auditor General were bad, the commissioners felt bound specifically to disclaim any responsibility for the failure of the original trustees to carry out the terms of Primate Boulter's will.¹ The matter was finally settled between the Church Temporalities Commissioners and the Commissioners of Charitable Donations and Bequests by the payment of a sum of £2,500.²

The third controversy which arose over the Boulter Fund sprang from the action of the Comptroller and Auditor General in challenging the commissioners' interpretation of the 29th section of the Irish Church Act. That section directed the commissioners to pay the sum of £500,000 to the Representative Body of the Church of Ireland in lieu of private endowments. The Comptroller and Auditor General argued that this cancelled any obligation on the part of the commissioners to make certain payments from the Boulter Fund.³ But the commissioners, on appeal, in full court, sitting with the Master of the Rolls, confirmed their decision that one liability did not impair the other.⁴

¹ Commissioners, 1869-74, p.19, /C.1148/, H.C. 1875, xx.

² Accounts, 1872, p. 7, H.C. 1874, (233), 11.

³ Accounts, 1871, p. 25, H.C. 1872, (373), xlvi.

⁴ Second report from the Committee of Public Accounts, 1875, p.x H.C. 1875, (336), viii.

Other financial transactions of a peculiar character which were managed by the Church Temporalities Commissioners as successors to the Ecclesiastical Commissioners were in connection with advances and mortgages for glebe houses. These glebe house advances had been first made by the Board of First Fruits by 43 Geo. 3, c. 106, such advances being not chargeable with interest unless made under bond,¹ which does not seem to have been done. The Board of First Fruits was dissolved under the provisions of the Irish Church Temporalities Act,² the ecclesiastical tax took the place of first fruits, and the remaining powers and engagements of the Board were transferred to the Ecclesiastical Commissioners. By the Tithe Rentcharge (Ireland) Act, 1838,³ the rate of payment was regulated as 3%. This referred to amount of capital to be repaid each year and not to interest. The glebe house mortgages (kept distinct from "glebe house advances") had been made by the Ecclesiastical Commissioners under the Church Temporalities (Ireland) Acts Amendment Act, 1860,⁴ for the purpose of erecting glebe houses, interest being charged at the rate of

¹ 43 Geo.3, c. 106, s. 4

² 3 & 4 Wm.4, c. 37, s. 1.

³ 1 & 2 Vic., c. 109, s. 48

⁴ 23 & 24 Vic., c. 150, s. 30.

4% per annum. In addition, by that act, there was applied to these mortgages a system embodied in the Ecclesiastical Residences (Ireland) Act, 1851,¹ for repayment of one thirtieth part of the principal sum each year. In this matter the proceedings of the Ecclesiastical Commissioners once more proved to have been irregular; for they had adopted the practice of striking off these instalments of the principal, even when not paid, and charging them as arrears against the incumbent but charging no interest upon them.²

The payment of instalments to the Commissioners of Church Temporalities in respect of these two classes of advances went on very rapidly, and before the end of the commission they had fallen to trivial sums. In 1878, total receipts from glebe house advances (late Board of First Fruits) had dropped to £1. 9. 6. and receipts from glebe house mortgages had fallen to £13. 2. 8.³ The Commissioners of Church Temporalities, following the practice of the Board of First Fruits and the Ecclesiastical Commissioners, did not charge interest on instalments of either

¹ 14 & 15 Vic., c. 73, s. 20.

² Accounts, 1870, p. 10, H.C. 1871, (264), lv.

³ Accounts, 1878, p. 6, H.C. 1878-9, (217), xx.

kind which had fallen into arrears,¹ a method and interpretation of the law with regard to which the Comptroller and Auditor General tried to confute them from the text of the relevant statutes.² But the commissioners adopted the course of reducing the annuities to be paid to the clergy after the disestablishment by the amounts due in respect of glebe house mortgages and similar payments, thus greatly accelerating the clearing up of old debts.³

Another small source of receipt which fell to the Commissioners of Church Temporalities as successors of the Ecclesiastical Commissioners was private subscriptions towards the building, enlarging and repair of churches. Since some of these subscriptions were being paid in fulfilment of engagements entered into with the Ecclesiastical Commissioners, payments continued to be received for several years.⁴ This type of payment involved several problems arising out of the methods of the Ecclesiastical Commissioners. In certain instances the inhabitants of a parish,

¹ Commissioners, 1869-74, pp. 18-19, /C.1148/, H.C. 1875, xx.

² Accounts, 1874, p. 7, H.C. 1875, (252), xx.

³ Ibid., p. 15

⁴ Accounts, 1870, p. 10, H.C. 1871, (264), lv.

unable to pay the required contributions, entered into bonds or gave other securities for the payment of the stipulated sum. These bonds fell to the Church Temporalities Commissioners, but in a number of cases there were requests for further time.¹ Instructions were finally given for legal proceedings to be taken for recovery.²

In one case the Church Temporalities Commissioners felt bound to revise conditions imposed by the Ecclesiastical Commissioners. In the case of the Mariners' Church, Belfast, a bond had been given guaranteeing to the Ecclesiastical Commissioners £1,000 on the completion of the church, with tower and spire. When the building was in progress, and before the tower and spire were commenced, the subscribers of the bond had asked the Ecclesiastical Commissioners not to proceed with the tower and spire. Their request was refused, and the Ecclesiastical Commissioners continued the erection of the tower and spire at a cost of £984. 10. 0.; so that, if these parts of the building had omitted, the bond might have been cancelled. The Church Temporalities Commissioners, in consultation with the Treasury, finally

¹ Accounts, 1873, p. 8, H.C. 1875, (42), xx.

² Commissioners, 1875, supplemental report, p. 9, /C.1200/, H.C. 1875, xx.

agreed to accept £250 from the subscribers and not to enforce payment of the remainder of the debt.¹

A further problem in connection with transactions of this nature lay in the fact that by the Church Temporalities Act of 1833² the Ecclesiastical Commissioners were entitled to receive pew rents from churches towards the erection of which they had contributed. On investigation, however, it was found that these dues had never been collected, and they had to be ignored by the Church Temporalities Commissioners.³

The principal expenditure which the Church Temporalities Commissioners had to make as successors to the Ecclesiastical Commissioners was for building and repair of churches and for church requisites. The Irish Church Act⁴ confined all expenditure for building churches to the meeting of existing obligations incurred by the Ecclesiastical Commissioners. A similar limitation was made with regard to repair of churches, provision of

¹ Commissioners, 1876, p. 4, and appendix, p. 8, /C.1648/, H.C. 1877, x vi

² 3 & 4 Wm.4, c. 37, s. 78.

³ Accounts, 1870, p. 10, H.C. 1871, (264), lv

⁴ 32 & 33 Vic., c. 42, s. 48.

church requisites and payment of clerks, sextons and others during the interim period between the end of the Ecclesiastical Commission and the actual date of disestablishment. Only essential needs and existing commitments were to be met.¹ During the opening seventeen months of the commission, the outlay of the commissioners under these heads of expenditure was very considerable, being as follows:-

Expenditure under 48th section of the Irish Church Act

	£	s	d
Building churches	42,556	11	1
Enlarging churches	11,573	5	10
	<u>54,129</u>	<u>16</u>	<u>11</u>

Expenditure under 49th section of the Irish Church Act

	£	s	d
Repair of churches	46,038	17	9
Church requisites	18,371	9	1
Salaries of clerks, sextons, etc.	38,836	11	6
	<u>103,246</u>	<u>18</u>	<u>4</u> 2

But subsequently, as these liabilities were progressively met, the annual outlay on building and repair of churches and similar objects fell to insignificant sums and then vanished from the accounts. The total expenditure up to 1880 on these objects was

¹ Ibid., s. 49.

² Accounts, 1869-70, p. 5, H.C. 1871, (264), lv.

	£	s	d
Building churches	77,364	12	3
Enlarging churches	15,066	7	3
Repair of churches	70,318	4	6
Church requisites	19,075	10	5
Salaries of clerks, sextons, etc.	45,913	14	0
	<u>227,738</u>	<u>8</u>	<u>5</u> 1

The office work was also heavy in proportion to the extent of the outlay on these objects, involving at first the dispatch of about 11,000 letters in the year.²

The payments for repair of churches met with a challenge from the Comptroller and Auditor General which again threw into sharp relief the contrast between the standards of public audit and those which had prevailed in the office of the Ecclesiastical Commissioners. On the demand of the auditor that he should be shown the tradesmen's receipts relating to such expenditures, the commissioners had to reply that the clergyman's certificate that the work was done had been deemed sufficient. The Comptroller and Auditor General recorded his opinion that the certificate of a clergyman was no evidence that tradesmen had been paid amounts due to them or that the money had been applied in accord-

¹ Accounts, 1880, p. 19, H.C. 1881, (268), xxviii

² Second report from the Committee of Public Accounts, 1875, appendix, p. 58, H.C. 1875, (336), viii.

ance with the terms of the act.¹ It is obvious that the Church Temporalities Commissioners could not at that late stage revise the methods of their predecessors. Indeed they adopted a method for clearing up these liabilities which involved less investigation of individual claims than had been made under the preceding commission. The Ecclesiastical Commissioners had had a special department which investigated such matters and carried on correspondence "which chiefly related to grants for surplices, coal-boxes and other church furniture." This department employed the attention of three clerks. The Commissioners of Church Temporalities wound up the department and declared by order what the final grants from the department would be, basing the amount on past estimates and the current estimates of clergymen. They followed the custom of the Ecclesiastical Commissioners in requiring no bills of particulars.²

A rather similar objection to the carrying on of the methods of the preceding commission was made by the Comptroller and Auditor General with reference to payments from Bishop Evans' Fund to clergymen. As had previously been the custom, no vouchers

¹ Accounts, 1869-70, p. 13, H.C. 1871, (264), lv

² Commissioners, 1869-74, pp. 15-16, /C.1148/, H.C. 1875, xx.

were furnished for these payments, and the Comptroller and Auditor General reported,

"I have only to add that the accounts furnished by the Commissioners cannot be exempted from the principles and rules which regulate the examination of all other accounts, nor can the mere decision or declaration of any accountant that his account is correct to^{bc} taken as sufficient evidence of its being so."¹

This represented the consistent attitude of the Comptroller and Auditor General towards all cases in which the commissioners found themselves compelled to continue obsolete or exceptionable business methods for a short period in order to complete operations of their predecessors. His attitude gave rise to a bitter sense of injustice in the commissioners which showed itself in a rising tone of irritation and expostulation in the communications between the two departments.

Among other payments made by the Church Temporalities Commissioners as successors to the Ecclesiastical Commissioners, the following may be noted. The amounts given refer to the whole total of disbursements from the beginning of the commission to 1880.

¹ Accounts, 1874, p. 19, H.C. 1875, (252), xx.

	£	s	d
Stipends to Dublin curates.....	3,850	0	3
Stipends to vicars choral and curates of suspended benefices, etc.	8,542	6	0
Stipends to incumbents of Tullow and Kill parishes	300	0	0
Stipends in augmentation of small livings.....	14,952	1	0
Salaries of diocesan schoolmasters	629	6	0
Ministers' money	19,636	17	4
Superannuation allowances granted prior to 27th July, 1869	1,010	3	6
Compensation and superannuation allowances of the commissioners and officers of Ecclesias- tical Commission	24,873	19	8 1

Most of these payments occurred only with reference to the short period of seventeen months at the beginning of the commission, and few of them survived the transfer of the work of the Church Temporalities Commissioners to the Irish Land Commission in 1881. Of those which did survive that event, the most important was naturally the superannuation allowances.

5. The Church Temporalities Commissioners and the Comptroller and Auditor General

A section of the Irish Church Act which gave rise to sharp controversy and had a considerable influence upon the commissioners' methods of doing business was that which provided for audit. The 37th section directed that the commissioners should

¹ Accounts, 1880, p. 19, H.C. 1881, (268), xxviii.

prepare accounts of their receipts and expenditures, in such form and at such intervals as the Treasury might direct, and transmit them within three months of the end of each year or other period of account to the Comptroller and Auditor General, "to be audited, certified and reported upon with reference to the provisions of this act and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts." These accounts, with the reports of the Comptroller and Auditor General upon them, were to be laid before both Houses of Parliament not later than two months after they should have been rendered for audit, if Parliament were sitting, and otherwise within a week after Parliament should next assemble. It was also enacted that the expense of the audit should be included in the incidental expenses of carrying the act into operation and be defrayed accordingly - that is, from the funds of the commissioners.

This section was not really well drafted, and it raised acute disagreement as to the respective frontiers of competence and jurisdiction to be observed by the Church Temporalities Commissioners and by the department of the Comptroller and Auditor General. In the first instance, the Comptroller and Auditor

General was to examine the accounts of the commissioners with reference to the provisions of the Irish Church Act. At the same time, by other sections already described,¹ the commissioners had been constituted a court of law with "full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this act." Obviously, if the Comptroller and Auditor General was to examine the accounts of the commissioners with reference to the provisions of the act, he too was constituted in some degree a judge of the interpretation to be placed upon the law; and a clash of jurisdictions was almost inevitable unless particularly sympathetic and friendly relations should be established between the two departments. In the event, the relations which were established were hostile and made a sympathetic understanding impossible.

Secondly, this possibility of conflict inherent in the wording of the act was greatly heightened by the added provision that audit was to be made "in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts." That act had established the Comptroller and Auditor General with security

¹ Above, pp. 174-5

of tenure similar to that of a judge.¹ The portion of the act which dealt with the audit of appropriation accounts² referred to accounts of payments charged directly on the Consolidated Fund and specifically appropriated by act of parliament and to accounts of supply grants comprised in the Appropriation Act of each year, the items of which were also specifically appropriated by act of parliament. These accounts were to be examined with reference to two considerations, first, whether the payments were supported by vouchers or proofs of payment, and, secondly, whether the money expended had been applied to the purpose or purposes for which the grant was intended to provide.³

It will be evident how this instruction, contained in the Irish Church Act, that the audit of the Church Temporalities accounts was to be carried out in accordance with the regulations for audit of appropriation accounts laid down in the Exchequer and Audit Departments Act, intensified the likelihood of difficulty and friction. The reference to that act did something to stress the judicial status of the Comptroller and Auditor General; and that act also referred to a class of account and type of audit requirements rather different from those created by the

¹ 29 & 30 Vic., c. 39, s. 3

² Ibid., s. 21-32

³ Ibid., s. 27

Irish Church Act. Whereas the amount of an expenditure falling within an appropriation account was in its general limits defined by act of parliament, the proper expenditure of the Commissioners of Church Temporalities had, for the most part, to be defined by themselves, apart from one specific mention of a sum of £500,000 to be paid to the Representative Body of the Church of Ireland in lieu of private endowments. A phrase recurring in the act was, "The commissioners shall ascertain and declare by order." Quite unlike a public department administering an appropriation grant, they had had delegated to them some of the powers exercised in the case of such grants normally only by parliament. With their power to decide all questions of fact, they could in many cases decide the limits of their own expenditure, deciding, for example, (upon facts, but at their own discretion) how much they were to pay in compensation to a particular clergyman or to a whole class of ecclesiastical persons. With their power to decide all questions of law, they could decide any matter of doubtful interpretation in the act at their discretion and without reference to a court of law other than themselves or back to Parliament itself. They were thus able, in various cases to declare the legal principles under which their own expenditure

of public money was to be made. Thus the essential difference between the commissioners and a public department administering an appropriation grant lay in the fact that where the accounts of the latter could be examined with reference to principles and definitions to be decided solely by an external authority, those of the Church Temporalities Commissioners had to be examined with reference to definitions and principles which might to some extent be laid down by themselves.

Finally it may be mentioned that events proved the time limits which the act prescribed for rendering accounts or reporting to Parliament, to be incompatible with the extent and character of the tasks with which the commissioners were charged, particularly the carrying out of compensations within a limited time early in the period of the commission.

By arrangement with the Treasury and the Comptroller and Auditor General it was agreed that the first period of account would be from the commencement of the commission on 26th July, 1869, to 31st December, 1870, covering the interim period between the passing of the act and the undertaking of the regular work and expenditure of the commission upon compensations.¹ The sub-

1

Accounts, 1870, p. 9, H.C. 1871, (264), lv.

sequent annual accounts closed in each case at 31st December of each year, a date which was rather unfavourable to the commissioners since it found them each year with the greater part of their autumn rents and tithe rentscharges only in process of collection.¹ The form of the accounts to be rendered was also arranged with the Treasury.² On reference to the Treasury, it was arranged to pay a remuneration to the Comptroller and Auditor General for actual expense of audit. The Comptroller and Auditor General writing to the commissioners on 12th February, 1870, pointed out that it seemed to him that these accounts "will entail an amount of labour and responsibility such as could scarcely have been anticipated," and he suggested the setting up of a small establishment for the special service" within the Exchequer and Audit Department. He suggested an annual sum of £600 for this purpose. He also mentioned but dismissed the suggestion that the accounts of the commissioners should be actually run through his department and by his staff.³ When payments were actually made for the cost of audit, however, they were even greater than was anticipated and amounted to the following.

¹ Ibid., p. 15.

² Commissioners, 1869-74, p. 12, /C.1148/, H.C. 1875, xx.

³ Ibid., p. 34.

	£	s	d
To 31st March, 1871.....	665	18	2
" " " 1872.....	1,438	18	2
" " " 1873.....	2,072	3	2
" " " 1874.....	2,073	7	10 1

The contemporary holder of the office of Comptroller and Auditor General was Sir William Dunbar, a man of strict and controversial temper. The work of the commissioners had soon to undergo a continuous ordeal of challenge and criticism from him; and the relations between his department and the commissioners came presently to take the form of an angry controversy which touched upon every main aspect of the operations carried out under the act. In so far as this controversy affected particular operations to be described hereafter in other chapters, it is sufficient to note that it covered many points of interpretation in connection with compensations,² the interpretation of the amending act of 1872 in connection with tithe rentcharge³ and also certain matters connected with mortgage sales of land.⁴ Already something has been said of the adverse reports of the Comptroller and Auditor General upon certain operations carried out by the commissioners as successors of the Ecclesiastical Commissioners.⁵ Having noted that the controversy had these

¹ Ibid., p. 4

² Below, p. 230

³ Below, p. 493⁵

⁴ Below, p. 550

⁵ Above, p. 203

many widespread and little related sources, some account of the more central phases of the conflict may conveniently be given here. But before passing to the main part of the controversy it is necessary to refer to one special cause of friction which had a harmful influence upon the relations between the two departments out of all proportion to its real importance.

If the controversy gained some heat from the rather aggressive temperament of the Comptroller and Auditor General, it also gained much from the stubborn, litigious and predatory attitude of John Ball, the solicitor to the commissioners. This official had been taken over from the former Ecclesiastical Commission. He was a salaried officer of the Church Temporalities Commissioners and also received fees for preparation of mortgages and other deeds, and costs incurred in collecting arrears of rent due to the commissioners.¹ This person first drew the attention of the auditors by his practice of lodging the arrears of rent which he collected to his own credit at his own bank and not paying them over at once to the account of the commissioners at the Bank of Ireland.² A statement of dates of lodgements showed

¹ Accounts, 1872, p. 7, H.C. 1874, (233), 11

² Ibid., pp. 10-23

that he did not retain the money in his own bank for any great length of time, but the Commissioners of the Treasury also expressed the opinion that this system was undesirable.¹ A further activity of Ball's which drew the interested attention of the auditors was his receiving of costs for professional work done, not as solicitor to the commissioners, but as the solicitor of intending purchasers from them, thus lucratively fulfilling a sort of double rôle.² A review of his emoluments and allowances for expenses seemed to show that they were in excess of what was reasonable and justifiable.³ It is difficult to assess his financial position, since, although his basic salary of £1,500 a year was large, it was burdened with a variable amount of expenses for which he himself was liable. On reviewing his general position, however, it is hard not to conclude that he was highly remunerated for what he did and that there were few opportunities for personal profit which he had neglected.

The case of John Ball might have been cleared up quickly if he had yielded gracefully and recognised the need for avoiding collision with powerful public departments. On the contrary,

¹ Ibid., p. 11

² Ibid., p. 13

³ Ibid., p. 16

⁴ Ibid. (supplemental report), p. 3

however, this provincial solicitor showed himself ready to engage in a personal battle with the Comptroller and Auditor General and with the Lords Commissioners of the Treasury, and to do so on what seem to have been singularly unreasonable grounds. In spite of their expressions of opinion as to the impropriety of his actions, he continued to put the rents which he collected through his own personal bank account.¹ At the same time he provided grounds for what would seem to have been valid adverse criticism of the efficiency of his department by his dilatory performance of essential work.² The commissioners finally intervened to end his lodgements of rents in his own bank.³ But the controversy about Ball did not end at that, and Ball himself attacked the Comptroller and Auditor General in letters to the press, a matter into which the commissioners refused to enter.⁴ On the decision of the commissioners to ignore Ball's letters to the press, Sir William Dunbar commented,

"Whether this manner of dealing with the matter, though it may approve itself to the commissioners, is such as the Head of a great State Department might fairly have

¹ Accounts, 1873, p. 8, H.C. 1875, (42), xx.

² Ibid., pp. 6-7.

³ Commissioners, 1869-74, p. 28, /C.1148/, H.C. 1875, xx; and Commissioners, 1875, supplemental report, p. 9, /C.1200/, H.C. 1875, xx.

⁴ Ibid. (supplemental report), p. 9

looked for at their hands, or is compatible with the official relations which should subsist between them and him, I am content to leave to the judgement of Parliament."¹

A further cause of friction was Ball's retention of costs paid by persons with whom the commissioners had been engaged in successful litigation. This was ended in 1875 by the Treasury. He was allowed to retain costs up to the date of this decision but had to hand over any costs received subsequently. The size of the sums which he ^{was} thus made to disgorge varied between £40 and £189 a month.² From 1875 to 1880, the total amount of legal costs and fees thus received by the commissioners was £12,745. 5. 6. which shows how well Ball had cared for his personal interests in appropriating these during the earlier period.³ Fresh trouble was in store, however, on account of Ball's objections to the form of certificate which he was instructed to give with regard to these payments. Subsequently, also, Ball was found to have retained payments arising from sales in the Landed Estates Court which he claimed were not covered by this Treasury settlement.⁴

¹ Accounts, 1874, p. 28, H.C. 1875, (252), xx.

² Accounts, 1875, pp. 3-4, H.C. 1876, (263), xx.

³ Commissioners, 1869-80, appendix, p. 265, /C.2773-I/, H.C. 188 xxviii.

⁴ Accounts, 1876, p. 2, H.C. 1877, (233), xxvi.

Ball was dismissed in June, 1876, his place being taken by a young man who was appointed on condition of his occupying rooms in the commissioners' own offices and practically devoting his whole time to the transaction of their business. The change produced an immediate rise in the efficiency of the work done.¹ The newly appointed solicitor was John Hamilton Franks. His appointment was vigorously attacked by Ball who described him as "a solicitor of three years' standing, and who at the time, as one of my assistants, had charge of the Arrears Department in this office."² The appointment is of some interest, as Sir John Franks was later secretary of the Irish Land Commission from 1888 to 1910.³

After his dismissal, the controversy with Ball continued. He engaged in a prolonged series of conflicts with the Comptroller

¹ Commissioners, 1876, p. 6, /C.1648/, H.C. 1877, xxvi.

² The controversy was set out in twenty-five foolscap pages of small print in Letter of the Commissioners of Irish Church Temporalities appointing Mr. John H. Franks solicitor to the commission and correspondence having relation to that appointment or to the removal of Mr. Ball from that office, H.C. 1877, (129), lxvi.

³ Below, p. 229

¹ Accounts, 1876, H.C. 1877, (123), xxvi.

² Accounts, 1876, pp. 3-4, H.C. 1877, (123), xxviii.

and Aud'itor General, the Lords Commissioners of the Treasury and the Commissioners of Church Temporalities, fighting the last through the law courts. His failure to pay over sums due from him or to give a certificate with regard to sums which he was to pay caused the commissioners to refrain from recommending the granting of a pension to him until these and other matters should be settled.¹ Ball sued the commissioners on grounds of wrongful dismissal. The whole tangle of claims and counter claims was made the subject of a settlement by order of the Court of Appeal on 3rd July, 1880, Ball withdrawing his prosecution and the protests which he had made with regard to certain payments. He was also to make certain further payments and the commissioners were then to recommend that he should be granted a pension. Ball, however, defied the Court of Appeal, would not make the payments and did not receive a pension.²

We pass now to the central phase of the conflict between the commissioners and the Comptroller and Auditor General. In his report on the accounts for 1871, the latter said,

"I have deemed it a duty incumbent upon me under the 37th section of the act to draw the attention of Parliament to various points of legal construction, in which there appears room for difference of opinion with the Commissioners. At

¹ Accounts, 1876, H.C. 1877, (233), xxvi.

² Accounts, 1880, pp. 3-4, H.C. 1881, (268), xxviii.

the same time, I have not excluded from the account the amounts called in question, because I am quite aware that under the 7th section, the Commissioners are empowered to decide all questions whatsoever whether of law or fact."¹

After that year, the delays resulting from the burden of duties which fell upon the commissioners led to the annual audit reports being made considerably behind time.² This was due principally to delay on the part of the commissioners in presenting the land rental for the information of the audit department, there being considerable difficulty in compiling it.³ The general effect of this delay was to concentrate the major phase of the open controversy into 1874 and 1875, and it reached a crisis in the latter year. The letters and documents reproduced with the reports of the Comptroller and Auditor General show a growing uneasiness on the part of the commissioners. With the report on the accounts for 1872 was published a minute by Mr. Justice

¹ Accounts, 1871, pp. 25-26, H.C. 1872, (373), xlvi.

² Report of the Comptroller and Auditor General in reference to the account of the Commissioners of Church Temporalities in Ireland from 1st January to 31st December, 1872, H.C. 1874, (333), 11; and Report of the Comptroller and Auditor General in reference to the account of the Commissioners of Church Temporalities in Ireland from 1st January to 31st December, 1873, H.C. 1874, (340), 11.

³ Accounts, 1872, p. 3, H.C. 1874, (233) 11

Lawson setting out his views on the principles of audit, stressing the difficulties which faced the commissioners and protesting against a direction from the Comptroller and Auditor General that the commissioners should recover the capitalised value of sevenpence which had been erroneously included in the rent paid by the tenant of a commuting rector and upon which commutation capital had therefore been paid. He argued that an order of this nature for payment could not be rescinded unless there was a case of fraud or wilful misrepresentation.¹ The essentially unjust selection of this particular case of the sevenpence gave the Comptroller and Auditor an opportunity for a tart rejoinder in which he quoted Lawson's reference to himself as "legal head of the commission" in inverted commas which hinted at more than the suspicion of a sneer.²

Lawson's minute was the first effort of the Church Temporalities Commissioners to make a reply on general principles to the Comptroller and Auditor General, who, in his annual reports, had been able to have things all his own way in getting the

¹ Accounts, 1872, p. 23, H.C. 1874, (233), li

² Accounts, 1873, p. 10, H.C. 1875, (42), xx.

attention of parliament or the public. At the close of 1874, the commissioners decided that, although the Irish Church Act had contained no direction to that effect, it was necessary that they should issue a report of their own upon the progress of their work; and one was accordingly addressed to the Lord Lieutenant on 30th January, 1875.¹ The report was obviously designed to meet the adverse criticisms in the reports of the Comptroller and Auditor General on the accounts of the commission and to counter the bad impression which those reports were liable to create. The report gave a clear description of the duties of the commissioners and of the manner in which they had attempted to carry them out. Having given this description, the commissioners set down their view of what they considered ought to be their relations with the Comptroller and Auditor General, stressing their own powers to decide all questions of law or fact. Their view of the position may be summed up in their own words as follows.

"It appears obvious that in all cases when the commissioners are directed to ascertain and by order declare what should be paid, their decisions stood, for the purposes of appropriation audit, in the place of the specific appropriations

¹ Commissioners, 1869-74, p. 3, /C.1148/, H.C. 1875, xx.

by parliament, contemplated by the Exchequer and Audit Act, and that the Comptroller and Auditor General had no right in making his audit to question the validity of the decision of the commissioners as to the amount to be paid than he had to question the specific sum voted by parliament."¹

In expressing these views, the commissioners also said that they wished to express satisfaction that their accounts had been subjected to such an acute and searching examination, adding that

"in the performance of the multifarious and novel duties which were imposed on the Commissioners, it was almost inevitable that cases should arise of trifling omissions and clerical inaccuracy, and they readily acknowledge the assistance which they have derived from the examination of their accounts by the Comptroller and Auditor General in discovering and rectifying any such mistakes. They venture at the same time to think that the infrequency of such cases, and the small amounts involved in them ... are matters highly creditable to the capacity and diligence of their staff."²

Many pages of their report were then devoted to refuting objections made by the Comptroller and Auditor General, taking up his reports year by year and point by point up to the end of 1872.³ The commissioners concluded by taking the war into the enemy's camp by suggesting that the audit was being conducted in a clumsy and unnecessarily costly way and drawing attention to

¹ Ibid., p. 12

² Ibid., p. 11

³ Ibid., p. 12 sq.

the fact that the charge for cost of audit was not made the subject of audit by any authority.¹

In April 1875 the commissioners presented a supplemental report dealing with the Comptroller and Auditor General's then newly available report on their accounts for 1873.²

These two reports of the commissioners got a very unfavourable reception from the Comptroller and Auditor General, who, in reporting on the accounts for 1874, got his chance of alluding to them in great detail shortly after their appearance. He expressed the view that the presentation of these reports was an intolerable impropriety on the part of the commissioners. He said

"I would point out the great public inconvenience that would arise if the permission granted to the Commissioners were to be held as a precedent upon which other public accountants might claim the privilege of animadverting upon the reports of the Head of this Department, made in the unavoidable and conscientious discharge of his statutory functions. His duties, it need not be said, are already sufficiently onerous and invidious, and his position would become wellnigh intolerable if the further task were forced upon him of engaging in controversial written discussions with public accountants who believe that they have more or less reason to be dissatisfied with his criticisms upon their financial transactions."³

¹ Ibid., p. 30

² Commissioners, 1875, supplemental report, p. 9 /C%1200/, H.C. 1875, xx.

³ Accounts, 1874, p. 3, H.C. 1875, (252), xx. It will be noted that the word "accountants" is here used to denote a body presenting an account and has not the modern colloquial meaning of persons trained to examine accounts or put them in order.

He replied at length on all points that had been raised, admitting some and controverting others. The observations of the commissioners on the cost of audit were met with a retort as to the large expenses of the commission itself.¹ The analogy between the decisions of the commissioners and the appropriations specified by parliament was repudiated.² The general theme of his observations on particular points was that the commissioners were spending carelessly the public fund entrusted to them and on the particular question of the value of the audit it was stated

"With respect to these 'trifling omissions' and 'clerical inaccuracies' involving 'small amounts', without counting the numerous queries asking for documents and requesting explanations, there were sent to the Commissioners, on the accounts from 1869-70 to 31st December, 1873, queries pointing out about 1,450 errors and irregularities; 394 of these errors involved over-payments of nearly £2,000, and eighty-three, undercharges to the amount of about £520. It may be added that nearly 400 errors were pointed out and admitted in the land and tithe rentals for 1872."³

Twice in the report the Comptroller and Auditor General referred to the appeal facilities provided by the Public Accounts Committee.⁴

The rising volume of reports, counter reports and angry recriminations between the commissioners and the Comptroller and

¹ Ibid., p. 7

² Ibid., p. 3

³ Ibid., p. 5

⁴ Ibid., pp. 3-4

Auditor General had brought matters to a state of crisis in 1875; and a public investigation was deemed to be necessary. The matter was examined before the Committee of Public Accounts on 16th June and 23rd June, 1875, and a report was issued.¹ The reports of the Comptroller and Auditor General on the church temporalities accounts had already been referred to this committee by special direction of the House of Commons on 30th July, 1874, but the session had been then too far advanced to admit of their being taken into consideration. They were now considered along with the reports of the commissioners.²

The main recommendation of the Committee of Public Accounts was that, contrary to the earlier views expressed by the Comptroller and Auditor General, it was most desirable that the commissioners should issue annual reports. They declared that it seemed to be a defect in the act that no direction for the making of such reports was included. They said

"Your committee consider that it is not desirable that parliament should be left to derive its information as to the proceedings of a commission entrusted with extraordinary and important powers and responsibilities only from the

¹ Second report from the Committee of Public Accounts, 1875, H.C. 1875, (336), viii

² Ibid., p. vi

observations incidental to an audit of its accounts. It is due to the commissioners that they should have a means of stating their own position, and that they should not be left exposed to animadversions, whether in parliament or out, which such statements might have prevented or refuted."¹

They also added,

"It appears probable to your committee that the misunderstandings and somewhat heated controversies which have unfortunately arisen between the Comptroller and Auditor General and the commission would have been in great part, if not altogether, obviated, had the commissioners been from the first under the obligation and had recognised opportunities of making reports."²

They also drew from the Comptroller and Auditor General an admission that many points were now cleared up by the explanations of the commissioners, which, had they been explained earlier, he would not have felt called to report upon.³

Since the effort of the committee was directed mainly to promoting a peaceful and efficient co-operation between the two contestants, the details of the controversy were not too curiously exposed.⁴ Broadly speaking, however, as between the commissioners and the Comptroller and Auditor General, the committee gave a decision in favour of the commissioners. In the report this fact was rather veiled. The great value and importance of a strict

¹ Ibid., p. vii, s. 32.

² Ibid., p. vii, s. 33

³ Ibid., p. vii, s. 34

⁴ Ibid., pp. vii-viii, s. 37-42

audit was strongly stressed.¹ It was recommended that the expenses of the commission, including those of audit, should be "closely watched from year to year, and due diligence used to reduce them whenever opportunity should be afforded;" but the committee also recorded their appreciation of the cost of the commission being kept so low, actually less than 4 $\frac{1}{2}$ % of the revenue to be managed, and they noted that "it seems apparent that neither payments nor receipts can be taken as an adequate test of the work of the commission, which includes many and various branches of business."² The committee also drew attention to the fact that the expenditure of the commissioners on compensations under the act exceeded the estimate made in the house of commons by Gladstone, and urged that when the commissioners should next present a report they should enter into detailed explanations of this excess of expenditure on compensations.³ The general trend of the report, however, was by no means against the commissioners, and in so far as they were not adversely criticised or caused to retract upon any material point, they

¹ Ibid., p. ix, s. 46

² Ibid., p. ix, s. 47-48.

³ Ibid., pp. xii-xiii, s. 68-69.

were upheld against the Comptroller and Auditor General. In their next report they carried out the recommendations of the Committee of Public Accounts and entered into detailed explanations of the matters mentioned.¹ The subsequent reports of the Comptroller and Auditor General were milder and more cautious, and a definite advance had been achieved in the definition of the functions of that official and of such a commission as the Church Temporalities Commissioners or the future Irish Land Commission.

6. The Church Temporalities Commissioners and their successors.

By the Irish Church Act Amendment Act, 1881,² the corporation of the Commissioners of Church Temporalities in Ireland was to be dissolved upon a day to be fixed by the Lord Lieutenant by order in Council, and its properties, powers and duties were transferred to the Irish Land Commission set up by the Land Law (Ireland) Act, 1881.³ The actual dissolution took place on 13th September, 1881.⁴ This transfer to the Land Commission closely

¹ Commissioners, 1875, p. 3, /C.1400/, H.C. 1876, xx.

² 44 & 45 Vic., c. 71.

³ 44 & 45 Vic., c. 49

⁴ Commissioners, 1881-82, p. 1, /C.3413/, H.C. 1882, xx.

resembled the earlier transfer of property and powers from the Ecclesiastical Commissioners to the Church Temporalities Commissioners; but the continuity of personnel was greater and so was the ultimate social significance of the event. In effect, the Church Temporalities Commission became the Irish Land Commission; and the administrative machinery which had been set up to manage and dispose of the property of the Church of Ireland had proved so successful, particularly in its land transactions, that it was adopted as the nucleus of a new administrative organism which was destined ultimately to carry out a social and agrarian revolution in Ireland. A very large proportion of the staff of the Church Temporalities Commission was taken over by the Land Commission, and the experience of the more senior officials proved of the greatest value in organising the new establishment.¹ Denis Godley, the former secretary of the Church Temporalities Commission became secretary of the Irish Land Commission, and other officials of the old body were advanced to responsible posts in the new.² For many years the former lower officials, clerks and employees of the Church Temporalities Commission also formed a very large element

¹ Ibid.

² First report from the select committee of the House of Lords on land law (Ireland), p. 4, H.C. 1882, (249), xi.

on the staff of the Irish Land Commission.¹ When Godley retired in 1888, he was succeeded as secretary of the Land Commission by John H. Franks, the former solicitor of the Church Temporalities Commissioners.² Sir John Franks retired in 1910, having been secretary of the Irish Land Commission during the years of its greatest expansion and activity.³ Lord Monck was also for a short time one of the Land Commissioners.⁴ The house at 24 Upper Merrion Street, Dublin, was taken over by the Land Commission, which is still established there and in the adjoining houses, though the Church Property Department itself is now established at 8 Hume Street, Dublin.

A report of the condition of the former church property up to the August of each year continued to be published with the annual reports of the Land Commission; and the annual accounts of the Church Temporalities Fund continued to be published separately

¹ Return of names, titles and salaries of officers and clerks in the Land Commission, Ireland, 31st December, 1891, H.C. 1892, (248-Sess. 1.), lxx.

² Commissioners, 1888-89, p. 9, /C.5876/, H.C. 1889, xxvii.

³ Commissioners, 1910-11, p. 9, /C.5795/, H.C. 1911, xxix Pt.1.

⁴ D.N.B., Suppl. iii. 183.

for a financial year ending 31st March, instead of 31st December as formerly, and were separately reported upon by the Comptroller and Auditor General. In the Irish Free State or Eire this procedure of management and reporting has been retained up to the present day. A totally different mode of procedure has been adopted in Northern Ireland, where the successor of the Church Temporalities Commissioners is now the Ministry of Finance, and the revenue and expenditure formerly run through the Church Temporalities Fund are merged in the general revenue and payments of the state.¹

When the Land Commissioners took over the management of the former church property, they estimated the cost of the Church Property Department as £10,500 a year and taxed the property annually at that rate with the sanction of the Treasury.² The total cost of management by the Land Commission up to 1923 was £509,065. 16. 2., the cost for the year 1922-23 being £6,599. 13. 3.³ The cost of management under the government of Eire in 1941-42 was £3,500, paid as an appropriation in aid

¹ Below, p. 705 *sq.*

² Commissioners, 1881-82, p. 19, /C.3413/, H.C. 1882, xx.

³ Accounts, 1922-23, p. 7, H.C. 1924, (22), xiii.

to the Land Commission Vote.¹

The principal alterations made in the Irish Church Act by subsequent legislation will be noticed in their appropriate places hereafter. The main act for repealing the obsolete portions of the Irish Church Act was the Statute Law Revision (No.2) Act, 1893.²

¹ Commissioners, 1941-42, p. 24, Eire, P. No. 5710.

² 56 & 57 Vic., c. 54.

CHAPTER THREE

Compensation and the Churches

1. General principles.

The provisions of the Irish Church Act for the disposal and management of the Church property by the Church Temporalities Commissioners can be regarded from one point of view as falling into two categories. There are the provisions which were concerned with liquidating the obligations from the past, and those which were concerned with arrangements for the future. Into the former category fall all the provisions for compensating vested interests disturbed by the act and for squaring up and closing all the former financial relations which had existed between the state and the churches in Ireland. Into the second category fall all the provisions of the act for selling confiscated church land and tithe rentcharge and realising a fund to be expended upon other objects after the compensations had been provided for. In this present chapter we shall examine the whole operation of those provisions which fall into the first category and were concerned with clearing up old obligations and compensating vested interests.

Some small part of this has already been treated in that

section of the preceding chapter which described certain work done by the Church Temporalities Commissioners as successors to the former Ecclesiastical Commissioners. It has been a matter of convenience to deal with these brief, limited and rather special operations separately from the main subject of compensations; though, as operations concerned with transactions of the period antecedent to the passing of the act, they might quite properly be regarded as falling into the first of the categories suggested.

The principles and methods of compensation adopted in the Irish Church Act were necessarily varied and complex on account of the great variety of cases and contingencies to which they had to be applied. The exposition of them tends, therefore, to be correspondingly complex and lengthy.

Perhaps the most useful and clarifying introduction that can be offered to this subject of the Irish Church Act compensation provisions is a brief description of the operations which took place in the case of the Canadian church. These operations formed a model upon which the measures for the disendowment and compensation of Irish Church interests were largely designed, and their successful example did much to encourage the authors of the Irish Church Act.

"Substantially, and after allowing for necessary differences of expression," said Gladstone, introducing the Irish dis-establishment bill, "we think the basis afforded by the Canadian measure supplies us with no unsuitable pattern after which to shape our own proceedings."¹

In the reign of George III a grant of land was made for the endowment of the Church of England clergy in Canada. The grant was known as the Clergy Reserve Lands. For many years these reserves were used solely for the support and benefit of the Anglican church and clergy; but, owing to some ambiguity on the terms of the grant, the Presbyterian church presently put in a claim to participate in the benefits of the grant on the ground that that church was acknowledged by the Crown as "a church established by law." A controversy of no little violence broke out, the supporters of the Church of England resisting the Presbyterian claim, and the members of the Free Kirk and other Christian denominations vigorously opposing the absolute claims of both Anglican and Presbyterian bodies and demanding the secularisation of the Reserve Lands. The Free Kirk party was joined by the Roman Catholics and gained ground. After a period in which there was a plan in operation for sharing the funds, a sort of "concurrent endowment", addresses were brought into the Canadian legislature and passed by both houses requesting

¹ 3 Hansard, exciv, 428.

powers from the British government to deal with the matter by complete secularisation. The powers were granted by the Clergy Reserves (Canada) Act, 1853.¹

Armed with the necessary powers in respect of legislation on ecclesiastical matters, which had not formerly been conferred by the acts setting up the Canadian legislature, the Canadian government introduced a bill to secularise the whole actual or prospective proceeds of the Reserves, with exceptions in favour of life and other interests excepted specially in the British act. But the party which had gained such momentum against the special endowment of the Anglican clergy complained vigorously against this arrangement on the grounds that the Anglican clergy would remain annuitants for life and that payments to them would continue for many years.

Those who were caring for the Anglican interests in the controversy then felt that it was prudent to suggest that the bill should be amended so as to provide instead for the buying out of the vested interests by the immediate payment of a capital sum. This plan was adopted by the legislature. Much of the provision embodied in detail in the text of the Irish Church Act was made

¹ 16 & 17 Vic., c. 21.

in Canada in the arrangements drawn up by the church organisers themselves and embodied in a deed of attorney drawn up to be signed by each clergyman and his bishop. By that deed, authority was given to commute the life interest of the individual clergyman for a fixed capital sum. The capital sum was to be paid over to the treasurer of the Incorporated Church Society in the diocese to which the clergyman belonged, to be invested for the benefit of the church, provided that the Church Society guaranteed to the clergyman the same annual amount of income as he had formerly received, so long as he continued to officiate or when disabled from age or infirmity.

The result was that the whole body of the clergy gave up the government guarantee of their stipends and accepted the guarantee of the Incorporated Church Society which provided for the trusteeship of the capital sum. The payment of the future clergy, after the death of those who were guaranteed annuities by the Church Society, was provided for by an endowment formed partly from the unexpended residue of the capital sum and partly from voluntary subscriptions and donations.¹

¹ H. J. Clarke, Constitutional church government in the dominions (1924), p.206 sq.; and W. Sherlock, Church organisation, the constitution of the church in the United States of America, in Canada, and in New Zealand, etc., (1868), p.xxx sq.

The development of these events in Canada had been watched with interest by Gladstone.¹ The example of Canada was publicised both by moderate advocates of reform of the Irish Church,² and by those liberal-minded members of the Irish Church, who, though opposed to disestablishment, were not appalled by it.³ The contemporary bishop of Ontario took a personal interest in making known to the Irish clergy the favourable experience of their Canadian brethren and wrote to Lord Monck,

"I am indulging in the hope that you are preparing some statistics with a view to the Irish Church question. I have succeeded, at all events, in stimulating inquiry in Ireland as to our method of sustaining the church in Canada, and have been alternately abused and commended for my suggestions."⁴

On the other hand, the semi-official organ of the Church of Ireland, the Irish ecclesiastical gazette, claimed that the change had promoted great disorder in the Canadian church and that, in particular, there was now friction and scandal over every episcopal

¹ W. E. Gladstone, Gleanings of past years, vi, 20-21†

² E.g., R. F. S. Adair, The established Church in Ireland past and present (1869), p.51 sq.

³ E.g., W. Sherlock, Church organisation, etc., (1868), p.xxx, sq.

⁴ 3 Hansard, cxovi, 1896.

election there. This journal also devoted an article to an account of bad conditions and underpaid and badly educated clergy under the voluntary system in the Anglican church in the United States of America.¹

The general principles described above in the case of the Canadian disendowment were applied to the Church of Ireland, but with the changes and extensions necessitated by its vastly more complex circumstances and constitution. The main part of the transaction in Ireland was really just the same as that in Canada. The endowments of the church were taken from it, and a lump sum representing the capital value of the former annual incomes of the clergy was handed over to a body of trustees, to be used for the purposes of the church but subject to the continued payment to the clergy of their existing stipends. There were many cases in which this principle was departed from and many peculiar circumstances requiring special treatment; but this ~~individual~~ principle, of complete disendowment and of commutation of individual interests for a capital sum, accounted for by far the major portion of the financial transactions for compensation under the Irish Church Act.

¹ Irish ecclesiastical gazette, xi, 34 & 41 (18th Feb., 1869)

2. Intentions and legislation

In explaining his detailed hopes and intentions with regard to the legislation which he was introducing, Gladstone chose to review the projected operations from the point of view of three stages of time. The first stage was the date of the passing of the act; the second was 1st January, 1871, when the act would come into full operation; and the third stage was a subsequent time when the operation of the act might be presumed to have reached completion.¹

At the first stage, the passing of the act, the old Ecclesiastical Commission would be wound up and the new Church Temporalities Commission would be established, as has already been described.² In this commission the entire property of the Church of Ireland was to vest at the date of disestablishment, subject to life interests protected by the act and to a variety of compensations and special provisions. Any subsequent arrangements connected with church fabric or other matters ^{were} to be "technically in the nature of a re-endowment."³ The date of the passing of the

¹ 3 Hansard, exciv, 419.

² Above, ch. ii, p. 168sq.

³ Gladstone, 3 Hansard, exciv, 420.

act was 29th July, 1869; and the date chosen for the actual breaking of the church's connection with the state and the vesting of its property in the Church Temporalities Commissioners was 1st January, 1871. There was thus an interim period of seventeen months during which the members of the Church of Ireland, and the commissioners, were able to make active preparations for the forthcoming transfers of property and compensations.

During this interim period, appointments to spiritual offices and benefices in the Church of Ireland were to be made without investing the person appointed with any sort of freehold. He might receive during the interval the income, as nearly as could be calculated, which he would have received if he had been given the freehold of his appointment in the ordinary course; but his title to it would end at the close of the interim period and his future maintenance would fall as a charge upon the newly dis-established church.¹ Any episcopal appointments during the intermediate period were to be made by the Crown, but only on the prayer of the Irish bishops themselves to consecrate a particular person to a vacancy. Such an appointment carried no vested interest or right of peerage.

¹ Ibid., 421-422; and 32 & 33 Vic., c.42, s.66.

As has already been described in the preceding chapter, the Church Temporalities Commissioners were required to carry on the work of the Ecclesiastical Commission during the intermediate period; but they were inhibited from expending money on new permanent objects and were authorised only to spend it on essential repairs, the fulfilment of engagements already entered upon and for necessary charges in connection with the performance of worship.¹

During this intermediate period which lay between the passing of the act and its coming into force, it was intended that the members of the Church of Ireland should make some sort of provision for the organisation of their church to meet the needs of the period after the disendowment and to establish some kind of trustee body for holding and administering such property as might be transferred back to the church or to its clergy and its members in particular parishes. Convocation in Ireland had not functioned in modern times, and there was also special legislation still in operation - the Convention Act - passed for purely civil and political purposes, which had the effect of preventing the clergy and laity of the church from meeting in any general assembly.

¹ Above, p. 186sq.

From and after the passing of the act, therefore, full power was given to the archbishops, bishops, clergy or laity of the church to hold assemblies, synods or conventions, to elect representatives and to frame constitutions and regulations for the general management and government of the church and its property.¹ If the bishops, clergy and laity of the church appointed a representative body to hold property for any of the church's purposes it was made lawful for the Crown to incorporate such a body by royal charter; and the body was to have power to hold lands to such an extent as the act laid down, the statutes of mortmain notwithstanding.²

It was an essential principle in this part of the legislation that the members of the Irish church should be left entirely free to do as they saw best. This may seem a very obvious principle; but it was not entirely obvious to everybody at the time, and Gladstone felt it necessary to repudiate strongly the idea of any interference to prevent a deviation of the Church of Ireland from the norm of Anglican orthodoxy or from a degree of union and association with the Church of England.³ The legislation for the

¹ 32 & 33 Vic., c. 42, s. 19.

² Ibid., s. 22.

³ 3 Hansard, cxciv, 424.

constitution of a representative body was also entirely permissive.

"We presume," said Gladstone, "that, during the interval, which the bill will create after the disabilities are removed, the bishops, clergy and laity of the Church of Ireland will proceed to constitute for themselves, in the same manner as other religious communities have done, something in the nature of a governing body. We therefore take by this measure power to Her Majesty in Council, not to create such a body, but to recognise it when created, and we seek to avoid making Her Majesty the judge, either directly or by implication, whether this body is or is not for all purposes created wisely and well. But in the enacting words of the bill, we should direct the attention of the Crown solely to one point - that it must be a representative body, representative alike of the bishops, clergy and laity."¹

We pass now to the second of Gladstone's three stages, the date 1st January, 1871, when the act would come into full operation. On that day the union between the Church of England and Ireland was to be dissolved, a saving clause being inserted to declare that the Act of Union was in no way affected or impaired save in the manner and to the extent strictly limited and defined in the Irish Church Act.²

On the chosen day, every ecclesiastical corporation in Ireland, sole or aggregate, and every cathedral corporation as defined by the act, was to be dissolved. And the Irish bishops were to cease to be summoned or qualified to sit in the House of

¹ Ibid., 424-425.

² 32 & 33 Vic., c. 42, s. 2, s. 69 and s. 71.

Lords, every existing dignitary, however, being secured in the life enjoyment of his title and precedence.¹ The ecclesiastical courts and ecclesiastical law were to be abolished.² Subsequently, certain types of cases formerly dealt with in the ecclesiastical courts were provided for by the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870.³ So far as the church itself was concerned, the existing ecclesiastical law, articles, doctrines, rites, discipline and ordinances, and any alteration made in them according to the constitution of the church, were to be deemed to be binding on the members for the time being in the same manner as if those members had mutually contracted and agreed to abide by them. They were liable to be enforced in the temporal courts with reference to any property; but no coercive powers were conferred upon any ecclesiastical person.

A very important saving provision was inserted, however, in this section of the act. No alteration in the laws, rites and doctrines of the church was to be hindring upon any person in such a manner as to deprive him of any annuity or compensation given by

¹ Ibid., s. 13.

² Ibid., s. 21

³ 33 & 34 Vic., c. 110.

the Irish Church Act, provided he signified in writing to the representative body his dissent from that alteration within one month after it might be made.¹ This meant that, while a clergyman was bound by his existing pre-disestablishment obligations as to doctrine and discipline, he might refuse to be bound by any subsequent alteration in doctrine and discipline without any risk to his financial security.

"The recognition of life interests," Gladstone said, "which would be conditional as regards the performance of the duties that now are the equivalent for the income, would be unconditional in other respects."²

The provision was intended to give complete security against victimisation to any person who objected to some kind of change in doctrine or ritual which might possibly take place after the Church of Ireland was cut adrift from a partnership in which the English Church had hitherto been the dominant member. As we shall see, this privilege was made use of by quite a number of the Irish clergy, mainly because they were out of sympathy with the extreme low-church protestantism of the Prayer Book revision movement immediately after the disestablishment.³

¹ 32 & 33 Vic., c. 42, s. 20.

² 3 Hansard, exciv, 430.

³ Below, p. 439

At the date of the coming into operation of the act, all the property of the Church of Ireland vested in the Church Temporalities Commissioners, subject to any existing charges, encumbrances and tenants' rights of renewal. The vesting of lands and buildings from which ecclesiastical persons had been receiving rent or profit was made subject to the life interests of such ecclesiastical persons according to various conditions laid down in other sections of the act.¹

How this general confiscation of the church's property was for practical purposes qualified and conditioned in various ways we shall presently see; but technically the process consisted of a complete confiscation and then a compensation of those whose interests suffered. Turning first to the case of the Church of Ireland clergy who could be classified as "incumbents" (including the bishops) and setting aside for the moment the case of the curates who were dealt with by other sections of the act, the commissioners were required, to ascertain and declare by order, for the purpose of compensation, the amount of yearly income of all bishops and incumbents and other ecclesiastical holders of benefices or offices. They were to deduct all rates, taxes,

¹ 32 & 33 Vic., c. 42, s. 12

payments to permanent curates and schoolmasters and other outgoings to which the ecclesiastical person was legally and normally liable as the holder of his particular office or benefice; but there was to be no deduction for property or income tax. They were also to take into account the prospective lapsing of some of the normal outgoings and charges on an income as the result of the operation of other parts of the act. Then, as from 1st January, 1871, the commissioners were to pay to the ecclesiastical person for the remainder of his life, while he continued to discharge his existing church duties or any other duties substituted for them with his own consent and with the consent of the representative body of the church, or while he was disabled by age, sickness or infirmity, an annuity equal to the declared annual amount of his former income.¹

Through the efforts of those who were opposed to disestablishment or who were anxious to secure specially favourable terms for the clergy in the event of disestablishment, some very curious amendments were tacked onto this 14th section, dealing with the compensation of incumbents. It will have been observed that in calculating the annuity of an incumbent, the

¹ Ibid., s. 14.

commissioners were required to deduct from the value of his former income the amount which he paid normally to any permanent curate working under him. What constituted a permanent curate was to be settled according to another part of the act. Now, by way of amendment, it was enacted that no deduction was to be made in the case of any incumbent in respect of a curate's salary unless a deduction had been made in the case of the same incumbency by the Ecclesiastical Commissioners during the five years preceding 1st January, 1869. And it was further enacted that, where a deduction was made in respect of a curate's salary and the salary ceased otherwise than through commutation (the provisions for which we shall presently review), an annuity equal to the lapsed salary of the curate was then to be paid to the incumbent.¹

This addition to the section was quite contrary to the general intentions of the measure and its possible results were clearly unreasonable and quite inequitable. For example, an incumbent who normally employed a curate and who, for some brief period during the five years preceding 1st January, 1869, had, even in a most nominal and technical way, not employed a curate,

¹ Ibid.

was given an increase in his income equal to that of the salary of his curate. Likewise, though with less probable frequency, an incumbent might quite unreasonably be given a substantial increase of salary because his curate died or went away. It may be noted that deduction by the Ecclesiastical Commissioners for this purpose had been made only on paper for purposes of taxation and was an advantage to the incumbent since it meant that he was taxed on a smaller amount. Its use as a standard in the Irish Church Act was highly paradoxical.¹

Passing now to the case of the permanent curates, we may most easily describe the intentions and provisions of the act by noting what Gladstone himself had to say about "this most meritorious class of men."² He drew a sharp distinction in his speech, and evidently in his own mind, between permanent and temporary curates; but in practice he left the distinction to be made in particular cases at the discretion of the commissioners.

"In speaking of the case of curates," he said, "I do not speak simply of those clergymen who have entered into transitory and fluctuating arrangements for a week, month, or other short period. I speak of those who are regularly enlisted in the service of the church as curates, and, in

¹ 3 Hansard, cxcviii, 565.

² Ibid., cxciv, 432.

point of fact, are bound to that office by a long life tenure, unless, as they hope may at some time happen, they should be presented to benefices ... In the main I am only studying to secure the due application to the benefit of the curate of those deductions which we have already made from the income of the incumbent, when proceeding to calculate his annuity for the purpose of ascertaining his vested interest. We propose, then, to deal with the curates as follows. The commissioners are to determine who are the curates permanently employed. In some cases the form of instrument under which they are employed will adequately determine this point; but in others it would not. We propose to leave the matter to the commissioners, giving also to the incumbent the power of objecting that..... his curate was not permanently employed. It is required, also, in order to enable the curate to take advantage of the provision on this point, that he should have been employed on 1st January, 1869, and that he continue to be employed on 1st January, 1871; or that, if he has ceased to be employed, the discontinuance of his employment shall be due to some cause other than his own free choice or misconduct.....Being so eligible, he would... be entitled to have the interest in his curacy calculated for life, he would have a vested interest in it in the same way as the incumbent has in the income of his living or bishopric, and he would be entitled to have it commuted upon the same terms. He would also be subjected to the corresponding obligations."¹

These provisions described by Gladstone were embodied in the act, with an exception which we shall presently notice.² In addition it was made permissible for the capital value of a curate's annuity or any part of it to be paid over, between 1st January, 1871, and 1st January, 1872, to him or to the represent-

¹ Ibid., 432-433

² 32 & 33 Vic., c.42, s.15.

ative body of the church in such proportions as those two parties should agree, upon the application of the curate and with the consent of the representative body. Where the salary of a curate had been deducted from the income of an incumbent, the curate was to be deemed permanent within the meaning of the section; and no commutation of his salary or change in his duties was to be made without the consent of the incumbent.¹

It was remarked above that there was an exception to the general statement that the provisions described by Gladstone were embodied in the text of the act. Gladstone had stated that a permanent curate was required to have been employed on 1st January, 1869, and to have continued to be employed on 1st January, 1871.

The act, however, laid down that

"the commissioners shall enquire whether any curate serving as such at any time between the first day of January, 1869, and the first day of January, 1871, is to be deemed a permanent curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity or other incapacity of the incumbent, or his habit of employing a curate."²

It can be seen that this made it arguable that any person who was

¹ Ibid.

² Ibid.

appointed a curate at any time before 1st January, 1871, - not necessarily before 1st January, 1869, - might, according to the duties he was required to perform, be deemed a permanent curate and obtain the full benefits of the act in the way of compensation.

"With regard to the curates of a more transitory class," said Gladstone, "we have a provision in the bill which appears to us a fair analogy to a similar provision in the Civil Service Superannuation Acts, according to which gratuities may be awarded in consequence of disadvantages they may have sustained."¹

This arrangement was embodied in legislation to the effect that any curate not entitled to compensation as a permanent curate and serving on any day between 1st January, 1869, and 1st January, 1871, was to receive a gratuity, such as the commissioners might think just, so that the amount did not exceed £25 for every year during which he had served. Where the period of service was less than eight years, the gratuity was to be made up to £200, and in no case was it to exceed £600.²

Provision was also made, in the act, for the compensation of diocesan and district schoolmasters, clerks, sextons and any

¹ 3 Hansard, cxciv, 433

² 32 & 33 Vic., c. 42, s. 15.

other holder of a freehold office connected with the church, or of any office held during good behaviour which the commissioners might think equal to a freehold office. Such persons were granted annuities equal to the value of any income of which they were deprived by the passing of the act, so long as they lived and discharged their duties personally or by sufficient deputy. Like the permanent curates, such annuitants, other than the schoolmasters, might take a lump sum in payment of the capital value of all or part of the annuity, or they might commute by agreeing to the transfer of all or part of the capital value of the annuity to the representative body; but such operations could be performed only on the application of the annuitant and with the consent of the representative body. In the case of these annuitants, as in that of permanent curates, commutation was also conditional on the consent of the ecclesiastical person under whom the annuitant was serving.¹

Provision was also made for compensation by gratuity or annuity of any other persons not covered by the foregoing section, and having in the opinion of the commissioners an equitable claim to compensation.²

¹ Ibid., s. 16

² Ibid., s. 17.

Special provision was made for compensation by annuity to the two paid Ecclesiastical Commissioners and such members of the staff of that commission as were not required for the further work of the new commission.¹ Another group, consisting mainly of laymen, who received compensation were the diocesan officials, the vicars general, commissaries general, chancellors and registrars and others.² A section for compensation for rights of succession to benefices, where a title to such rights should be ascertained, was added to the bill and embodied in the act.³

Having reviewed the principles upon which annuities were to be granted to incumbents, permanent curates and others employed in the Church of Ireland, we may now pass to the principle of commutation. In the actual event, most of the estimates of the extent of the annuities, payable in compensation to the various classes of persons connected with the church, were used, not for the payment of the annuities themselves, but for the calculation

¹ Ibid., s. 44.

² Ibid., s. 45

³ 32 & 33 Vic., c. 42, s. 46; and Commissioners, 1875, p. 10, /c.1400/, 1876, xx.

of their capital value according to certain rules, the capital sum being handed over to the representative body of the church, subject to the payment of an annuity to the individual who commuted. The principle was described by Gladstone as follows.

"The amount of income to which each incumbent is entitled will be ascertained. It will be made subject to deductions for curates he may have employed. It will be made payable, in the case of each, so long as he discharges the duty. And then there will be a provision that the annuity itself may be commuted upon the basis of capitalising it as an annuity for life. Therefore, the commutation, taking the rate of interest at 3½%, will represent his whole interest in the income he receives, presuming it to last for life. This commutation can only be made upon the application of the incumbent... Upon his application, the sum of money will be paid to the church body, subject to the legal trust of discharging the obligation or covenant which we had ourselves to discharge to the incumbent... Undoubtedly commutation would be an arrangement so far favourable to the church collectively... enabling the church body and the individual to adjust their relations and to make a more economical application of their resources than would be possible by the maintenance of the original annuities, yet the interest of the state in bringing these transactions to a close will be felt amply to justify and strongly to recommend some arrangement of the kind."

This redemption or commutation of the annuities of ecclesiastical persons was made entirely voluntary so far as the individual bishop or incumbent was concerned. In the event of the representative church body being constituted, it was open to any

¹ 3 Hansard, cxiv, 428-429

archbishop, bishop or person holding any benefice or cathedral preferment, or any curate entitled to an annuity under the act, to apply to the Church Temporalities Commissioners after 1st January, 1871, to commute his annuity and the value of any life interests, exclusive of pew rents and burial fees, for a capital sum. And this sum was to be handed over to the representative body by the commissioners, when they were satisfied that the annuity and life interest were in all cases free of encumbrances or that any encumbrancers consented to the commutation, and when they had got the assent of the representative body. In the case of a curate, the consent of any incumbent from whose income his salary had been deducted had to be obtained. The representative body was then free to make ~~whatever~~ further arrangements with the commuting person for the application of the commutation money or any part of it to church purposes, provided always that the commuting person received the full amount of his annuity so long as he required it to be paid to him. On an ecclesiastical person commuting, his annuity ceased to be payable by the commissioners; and the commissioners also became possessed of any life interest in respect of the value of which he had commuted, such, for

example, as the house and land which he enjoyed.¹ We have already noted the arrangements made for the commutation of the annuities of curates and other persons whose interests might have been disturbed by the passing of the act. The actual number of years' purchase taken for the valuation of the life interests of the clergy and others was estimated by Gladstone in the beginning to be twelve years in the case of the bishops, thirteen in the case of parochial incumbents, fifteen in the case of Presbyterian clergy and seventeen in the case of curates.²

The individual clergyman was thus permitted to choose between receiving from the Church Temporalities Commissioners an annuity equal to his former income and allowing the capital value of his annuity to be transferred instead to the church as part of a central endowment from which he would still be entitled to the same annual payment. In theory the whole of this capital would be exhausted by the annual payments by the end of the lives of the existing clergy, so that the word "endowment" must not mislead and it must be understood that capital as well as interest would have to be drawn on to meet the extent of the liabilities to the

¹ 32 & 33 Vic., c. 42, s. 23

² 3 Hansard, exciv, 1659

clergyman. As a rich inducement to the clergy in general to commute, the act, in its final amended form, laid down that where, in any diocese or united diocese in Ireland, three-fourths of the whole number of ecclesiastical persons agreed to commute, a bonus of 12% should be added to the commutation money handed over in respect of those clergy to the representative body.¹ Earlier, in the bill, the number of clergy required to qualify for the bonus in any diocese or united diocese was four-fifths and the bonus was 7%.²

In one respect the freedom which was given to the clergyman to choose whether he would commute or not was a boon and a security. It left him quite free to decide to take a secure government life annuity rather than take whatever risk there might be in getting his salary from the theoretically less secure central funds of the newly disestablished church. Such a choice on his part would not even be to the inevitable prejudice of the church, since an endowment for his successor could be provided to some extent in many cases by insuring his life. But the extent of the bonus, the freedom which was left for advantageous adjust-

¹ 32 & 33 Vic., c. 42, s. 23

² 3 Hansard, cxcviii, 568

ments of various kinds, and other considerations, made the choice of commutation seem more in keeping with church loyalty. Thus the merely permissive nature of the whole commutation scheme placed each clergyman face to face with a conflict between the demands of his highest personal and family financial security and the needs of the church. The conflict was perhaps less real than it was felt to be; and the risk of depending on the administration of centralised funds by a trustee body was really negligible. To many of the clergy, however, the conflict was acute and distressing.

An adverse critic of the bill in parliament, Beresford Hope, member for Cambridge University, said,

"A crying iniquity of the measure from first to last, as he regarded it, was that it put the reasonable personal interest of the incumbent in unfair competition with the spiritual interest of the whole community. The one tempted him, for the sake of those depending on him, to take the life interest; the other urged him to claim commutation, and so win a little endowment back for the church."¹

And the protest was not without justice. Yet it is probable that if commutation had been made altogether compulsory, it would have evoked a still greater resistance and might have

¹ Ibid., cxcv, 1391.

resulted in some ruinous degree of tampering by the opposition with the essential principles of the bill.

When an ecclesiastical person commuted, the commissioners were to ascertain and by order declare the amount of any building charge to which he might be entitled, and, after deducting any proper sum for dilapidations, to pay it to him or to any person with a valid claim to it.¹ This building charge arose out of the fact that the greater part of the funds for the building, enlarging or repair of glebe houses had come from charges deducted from the incomes of the clergy under acts of parliament which enabled them to charge their successors as well as themselves.² Logically, the Church Temporalities Commissioners, as successors to the clergy, had to meet the outstanding charges on that part of the property. At the time of the disestablishment it was estimated that the total of outstanding charges of this nature which remained to be cleared up was £250,000.³ The system had been a decidedly clumsy one and sometimes entailed no little inconvenience or hardship in particular cases.⁴

¹ 32 & 33 Vic., c. 42, s. 24.

² 3 Hansard, exciv, 439

³ Ibid., 440

⁴ Nassau W. Senior, Journals, conversations and essays relating to Ireland (1868), ii, 267

It was also permissible for a commuting ecclesiastical person to have any house or land in his actual occupation excluded from commutation, in which case the building charge did not become payable till the termination of his life interest.¹ This was the result of an amendment to the bill.² Similarly, there was no speeding-up or alteration of the normal procedure for the payment of building charges in the case of annuitants who did not commute.³

To clarify the practical meaning of the various operations which have been described, we shall later consider what they meant for the individual clergyman who was affected by them. First, however, we must notice the further legislature for dealing with land and buildings formerly in the possession of the church.

A type of property which had in most cases naturally to be restored to the Church of Ireland was the actual churches. Where a church was in use at the time of the passing of the act, the representative body could obtain possession of it from the Church Temporalities Commissioners by simply stating at any time during the first six months of 1871 that they required it

¹ 32 & 33 Vic., c. 42, s. 67

² 3 Hansard, cxcviii, 566

³ 32 & 33 Vic., c. 42, s. 50.

for religious purposes or for demolition. The commissioners were required thereupon to vest the church in the representative body. When a church was in use, was not applied for by the representative body, and had been erected at the private expense of any person, the commissioners were required, if that person had died ^{not} ~~since~~ ^{prior to} 1800, to vest it in him or in his heirs or representatives upon application, or otherwise as he or they might direct. When any church or ecclesiastical building vested in the commissioners was of such character or interest as to merit, in their opinion, preservation as a national monument and was not required for actual use, they were to vest it in the secretary of the Commissioners of Public Works in Ireland and pay a sum to meet the cost of its future maintenance. Any church not disposed of by the foregoing arrangements was to be disposed of as the commissioners saw fit. Any schoolhouse connected with a church, and any land occupied with the schoolhouse, were, in every case to be vested with the church in the representative body where the church was so vested. No vesting order of any kind was to prejudice rights of sepulture.¹

Burial grounds were a type of property of even less possible

¹ Ibid., B. 25.

value to the commissioners; and they were disposed of without profit. Where a church vested in the representative body, a burial ground "annexed or adjacent thereto, but not separated therefrom by any carriage highway," or one that had been granted by a private donor or was exclusively used by the parishioners attending the church, was to be vested with the church in the representative body, subject to any life estate or interest or rights of sepulture.¹ For the most part, the re-vesting of a burial ground was desirable and advantageous to the members of the church, since the letting of grave plots was a source of revenue. But where the representative body chose not to take over a burial ground, as might be the case with one that had ceased to be profitable, or where the burial ground was separated from the church and was not donated or specifically denominational in character, the commissioners were to vest it in the guardians of the poor law union within which it was situated, subject to various provisions to protect rights of access to the church and prevent the holding of funerals at such times as would interfere with the church services.² In all other cases, except those of a burial ground

¹ Ibid., s. 26

² Ibid.

in a private demesne or ornamental gardens, the commissioners were to vest the burial ground in the guardians of the poor law union to be administered in accordance with the Burial Grounds (Ireland) Act, 1856.¹

A further type of church property of which something has already been said is the glebe houses and see houses, the residences of the clergy and bishops, together with the lands attached to them. Such houses when they had been in use were to be vested in the representative body, together with the garden and curtilage, subject to any subsisting life estate or interest, upon a payment by the representative body. Where there was a building charge, the payment to be made by the representative body was to amount to the building charge or ten times the annual value of the house with garden and curtilage according to the general tenement valuation, whichever was the smaller sum. If there was no building charge, the payment was to be ten times the amount of the annual value of the site of the house, estimated as land, together with the garden and curtilage.² The valuation and payment were to be

¹ Ibid., and 19 & 20 Vict., c. 98.

² "Curtilage" was later defined by the commissioners as meaning the offices and enclosed yard attached to a dwelling house; W. L. Bernard, Decisions under the Irish Church Act, 1865 (3rd ed., 1873), p. 37.

made at the time of the making of the vesting order if there was no life estate or interest subsisting in the property. But if there was a life estate or interest - in other words, if the incumbent did not commute or applied for the exclusion of his residence and land from his commutation - the transaction was to take place when the life interest terminated.¹

It can be seen that the representative body was being enabled to acquire these ecclesiastical residences at a very cheap rate; and the transaction was all the more advantageous to them since many of the clergy commuted the annual value of their residences and lands, and that annual amount was estimated in terms of real current value and not by the artificial standards embodied in this section. In this way compensation was given at a full and equitable rate for the confiscation of the residences; and then it was made possible to buy the residences back at an artificially cheap rate, at the building charge or ten times the annual value of the land if the residence had not been built on it or at ten times the tenement valuation.

The commissioners were also permitted, on the application of the representative body, to vest a further portion of land

¹ 32 & 33 Vic., c. 42, s. 27

in the representative body in connection with any glebe or see house, not exceeding thirty acres in the case of a see house and not exceeding ten in the case of a glebe house or any other ecclesiastical residence, always provided that they might vest more land if they were of opinion that more land was necessary for the convenient enjoyment of the residence. The price was to be settled by agreement, and any vesting order made in connection with such land was to have annexed to it a map of the property.¹

All plate, furniture and other moveable chattels which belonged to any church or chapel or the enjoyment of which was incident to the occupation of any benefice or residence, vested in the representative body. Any trust, for the poor or other charitable purposes, attached to any property vested in the representative body, continued unimpaired after the vesting and was to be discharged by the persons who would be carrying out the same or analogous duties after the disestablishment as those who had discharged the trust previously.²

Very early, Gladstone had committed himself to the confiscation of the Church of Ireland's more long-standing private en-

¹ Ibid., s. 28

² Ibid., s. 30.

downments.¹ The original legislative plan for compensating the Church of Ireland for the loss of private endowments was to give back to the church compensation for all endowments contributed from private sources since 1660, the year of the Restoration. Gladstone had previously seen the embarrassing implications of making the Reformation the dividing date,² though that plan seems to have been propounded at one time by Magee, bishop of Peterborough.³ It had even been urged that, in effect, the Ulster glebes, granted at the plantation of Ulster, should be restored to the church intact in this manner.⁴ The value of the private endowments since 1660 was estimated by Gladstone at not more than £500,000, and the Church Temporalities Commissioners were required in the bill to compensate any parties who could establish claims to a right to such endowments. Gladstone emphasised

¹ 3 Hansard, cxci, 1918.

² P. Guedalla, The Queen and Mr. Gladstone, i, 155.

³ Lord Fitzmaurice, Life of 2nd Earl of Granville, ii, 6.

⁴ 3 Hansard, cxvii, 1129. The actual proposal was that the Church of Ireland should be given all landed property granted as glebe by royal grant or letters patent since the second year of the reign of Elizabeth. Bill to put an end to the establishment of the Church of Ireland, etc., Commons amendments to Lords amendments and reasons for disagreeing to other of the said amendments, p.5, H.L. 1868-9, (197), v.

the curious and complex nature of some of these endowments, mentioning in particular an endowment left by Dean Swift with a special provision for its cessation in the event of the Protestant episcopal church ceasing to be established in Ireland, and he stressed the difficulty of tracing and proving claims in many cases.¹ Finally, in the act as amended, the commissioners were required to pay, in place of the private endowments, a sum of £500,000 upon the application of the representative body of the church, without prejudice to any claim in respect of any particular endowment against that sum.² Gladstone saw in this concession of a lump sum the advantage of "getting rid of a considerable expense as well as a great deal of labour, possibly of litigation, in ascertaining these private endowments."³

This enactment contained some possibility of double compensation in certain cases. If a clergyman was compensated for loss of income, it might still be possible, if part of that income had come from a private endowment, to substantiate a claim against the £500,000 and have an equivalent of the endow-

¹ 3 Hansard, exciv, 436

² 32 & 33 Vic., c. 42, s. 29

³ 3 Hansard, excviii, 564.

ment restored as well as obtaining compensation for the loss of it. In such a case there would be an increase in the income of that clergyman as the result of the disestablishment.

We are now in a position to consider the meaning of the Irish Church Act for an individual clergyman. Let us take a rector, living in the country in a glebe house with land attached to it. He had been receiving an income of adequate size, mainly from tithe rentcharge and perhaps also from a little landed property attached to the parish. He himself might have had to give a good deal of attention to the collection of that income from the various people liable to pay it, and sometimes that part of his duty might have had its humiliating and unpleasant aspects.

At the passing of the Irish Church Act into operation, that rector would have two courses open to him. First, he could rest satisfied with receiving an annuity. In that case he would receive the same income as before, but without any of the former trouble of collecting it. It would come to him each year by post from the Church Temporalities Commissioners. He would continue in undisturbed enjoyment of his glebe house and land and would find his personal financial position no worse off than it had

been before. Secondly, that clergyman could choose to commute, to have the estimated value of his income and life interests handed over to the representative body of the church with a liability upon them to pay him the full extent of his income and the annual value of his life interests. In that case he would lose all or part of his glebe lands. Probably the representative body would buy back from the commissioners, not merely the house, garden and curtilage, but also ten acres at least of the glebe land for the clergyman's convenience, so that he could continue to keep a couple of cows, maintain a pony to draw him on his round of parish calls, and let a small field for tillage to a neighbouring farmer from time to time. Against this, his regular income would be larger than it had formerly been by the value of the life interest in land which he lost. It would also be more certain and regular and more easily obtained. So much as he had formerly collected from tithe rentcharge or from church land let to tenants would be represented by a stipend from funds administered by the representative body; and so much of his income as came from letting or farming the glebe would now be secured to him without the former labour. Even though the house he lived in would

nominally be taken from him and then sold over his head to the representative body, he would continue to live in it without the least disturbance, merely relieved of the possible old complication of being in debt for a building charge incurred on account of expenditure before he ever came there. On the other hand, he might exclude his life interest in the house and land from commutation, and in that case he would be in that particular respect similar to a clergyman who took a simple annuity.

If he had formerly been paying a curate, it was possible, in either case, whether he took an annuity or commuted, that he might continue to have the services of the curate but might cease to have to pay him, thus, in effect, having the curate's salary added to his own. In any case he would not lose by the change. Or if he had received some money from some private endowment attached to his benefice or office, he might perhaps first be compensated for the loss of it and then get its equivalent back again as well as the compensation.

On the other hand, a rector, whether taking an annuity or commuting, would be practically compelled to give some thought to the future income of the benefice in which he was working. The annuity, or the claim to payments from the representative

body against commutation money, was his as an individual and did not belong to the parish. If he moved to another ecclesiastical appointment, he took his annuity with him. If he died, it ceased. He was therefore virtually compelled by public opinion, by his own sense of duty, by the pressure of his ecclesiastical superiors, to give serious attention to some arrangement which would provide some continuation of the income for any other clergyman who might succeed him and might have in his own right no annuity and no claim to a payment from commutation money. If the incumbent was a simple annuitant, he could arrange for an endowment for his successor by insuring his life heavily and persuading his parishioners to contribute to this plan. If he was a commutant, he might endeavour to save some of the commutation capital paid in respect of his annuity by persuading his parishioners to undertake to pay part of his salary themselves and so not exhaust all the capital; or he might, if he was a very public-spirited churchman, forgo some of his income that more of the capital might be kept intact. It was pretty clear, also, that he could serve the church better in these respects as a commutant than as an annuitant.

In any case, while his existing rights and income were left undisturbed, his prospects of promotion or transfer were much more strictly controlled and conditioned than in the past. He was given his annuity or his right to a payment against commutation money, so long as he discharged his existing duties "or any other spiritual duties in Ireland which may be substituted for them, with his own consent and with the consent of the representative body."¹ Thus every incumbent who sought a transfer, exchange or promotion was placed in such a position that he had necessarily to make such an arrangement with the representative body as would ensure to their entire satisfaction that his moving to another benefice would not create a financial problem anywhere.

From the point of view of the permanent curate, the corresponding limitation on movement and promotion was still more severe; for, although he also had his existing personal financial interests fully guarded, his transfer to other work in the church required the approval, not merely of the representative body, but of the rector who employed him. This was not as grave a limitation as it may seem, compared with the permanent curate's

¹ Ibid., s. 14.

conditions of service before the disestablishment. At all times the curate's success and promotion had been very greatly at the mercy of his rector. If a curate sought advancement after the disestablishment, financial arrangements with the representative body could be such that there would be no inducement to the rector to block that advancement; and a rector who used his position selfishly and inconsiderately in this respect would meet, in any case, with the powerful sanctions of public opinion and serious inconveniences in any strained relations with the representative body.

There now remain to be described a number of other compensation provisions not connected or less closely connected with the Church of Ireland and its clergy.

The most important of these compensations were not for rights or interests disturbed by the disendowment of the Irish Church itself. They were compensation for certain cessations of income incidental to the more general policy of the government to end all public endowment of religion in Ireland. The policy of ending the grants to the Presbyterians and to Maynooth College, compensation being given for all individual interests liable to disturbance, was implicit in the disestablishment

project very early and was expressed in the additional fourth resolution which was appended to the three in favour of disestablishment which Gladstone and his colleagues carried against the government in 1868.¹

The annual parliamentary grant to certain nonconforming churches in Ireland, known as the Regium Donum, was now, according to the policy of the government, to be discontinued; and, on that discontinuance, the Church Temporalities Commissioners were to ascertain and declare by order the amount which each minister, who would have been entitled to a yearly sum out of the grant, would have received. They were to pay him an annuity to that amount so long as he lived and carried out his duties with the consent of the governing body of his church or religious community. They were also to pay a deferred life annuity to compensate any assistant successors who might have been prospectively entitled to a Regium Donum payment. They were also to investigate and make orders with regard to congregations liable to receive grants from the Regium Donum for their ministers and were to pay annuities to those ministers, though not to any minister receiving his appointment for the first time

¹ Above, p. 38

after the passing of the act.¹ Permission was also given to nonconformist ministers to commute their annuities for a capital sum to be paid ~~by~~^{to} trustees appointed by themselves or by the General Assembly, synod or presbytery of their particular church or religious community.² In a manner similar to the granting of a bonus in dioceses where three-quarters of the Church of Ireland clergy commuted, a bonus of 12% was to be granted where three-quarters of the whole number of nonconforming ministers in one body or communion, who were authorised to commute, did so.³

The caution and courtesy of the times are well illustrated by a reply given by Gladstone to a question on "the specific uses and future purposes for which such sums are intended to provide" in the case of sums to be apportioned to the Presbyterians.

Gladstone said,

"They depend... on the ages of the Presbyterian clergy, and we are not in possession of the age of each Presbyterian clergyman, nor could we with propriety well call upon those gentlemen to return their ages."⁴

¹ Ibid., s. 38

² Ibid., s. 39

³ Ibid., s. 23.

⁴ 3 Hansard, cxciv, 1087

He estimated the number of years' purchase taken for compensation of the life interests of Presbyterian ministers as fifteen.¹

As in the case of the Regium Donum, so also the acts granting an annual income for the maintenance of Maynooth College were repealed, and provision was made for payment of a compensation to the trustees of the college on the basis of fourteen times the annual amount of the former grant. Similar compensations amounting to fourteen times the annual sums formerly payable were to be made to the Presbyterian Widows Fund Association; to certain other widows' funds associated with nonconforming denominations; to trustees to be appointed by the moderator of the General Assembly or synod or presbytery of the various churches on behalf of clerks of the synod; to trustees appointed by the General Assembly of the Presbyterian Church in Ireland to compensate for salaries and expenses of the General Assembly's college in Belfast; and to trustees appointed by professors or presidents of the non-subscribing associations of Presbyterians to compensate for salaries of theological professors. Provision was also made for a payment of a sum not exceeding £15,000 to the trustees to be

¹ Ibid., 1659

appointed by the General Assembly of the Presbyterian Church in Ireland "in respect of the buildings" of the Assembly's College in Belfast. The trustees of Maynooth College were required to pay a pension equal to two-thirds of his salary to any member of their teaching staff who retired from any cause but his own wilful default.¹ A debt due from the trustees of Maynooth College to the Commissioners of Public Works in Ireland, on account of advances made for building purposes, was remitted.² The debt had had to be incurred because expectations created at the time of the Maynooth bill of 1845 had been disappointed.³ The method of compensating Presbyterian professors was adopted at the request of the denomination itself.⁴

Another small class of persons who were compensated by the payment of a lump sum were the lay patrons, persons with rights of presentation to livings. The value of the rights of these persons was to be declared by order by the commissioners and an award made accordingly. This was naturally subject to an appeal to arbitration

¹ 32 & 33 Vic., c. 42, s. 40

² Ibid., s. 41

³ 3 Hansard, exciv, 453

⁴ Ibid., exevi, 73 & 75.

provided for in another section of the act. A provision was also made that any person who, but for the statutes affecting Roman Catholics, would have had any advowson or right of presentation was to receive compensation as if he had had the full exercise of his right.¹ Nothing in the act, however, was to affect the patronage or right of presentation to any proprietary or district parochial church or endowed chapel of ease which was endowed out of private funds, or to affect the property in any such church, or the property attached to it, or the constitution of any trust relating to it.² Gladstone had been very careful about rights of private patronage, and had refused to include them in the Suspensory Bill.³

The third stage in the disestablishment operations, as envisaged by Gladstone, was at a period when the whole operation of the act was completed and the connection between state and church had been brought to an end. At that period he foresaw a financial surplus left over from the residue of the confiscated church property. His expression of views as to how that

¹ 32 & 33 Vic., c. 42, s. 18

² Ibid., s. 70.

³ 3 Hansard, exxi, 1891.

surplus might most properly be spent will be described in a later chapter.¹ As for the church itself at that period, he compared the coming fate of the then anxious members of the Irish establishment to that of the blind Gloucester in King Lear, who was persuaded that he had fallen over a great cliff and then found that he had not fallen at all.

"So I trust," said Gladstone, "that, when, instead of the fictitious and adventitious aid on which we have too long taught the Irish establishment to lean, it should come to place its trust in its own resources, in its own great mission, in all that it can draw from the energy of its ministers and its members, and the high hopes and promises of the gospel that it teaches, it will find that it has entered upon a new era of existence, an era bright with hope and potent for good."²

3. The preliminary reorganisation of the Church of Ireland.

Between the passing of the act and the date of its coming into operation, the clergy and laity of the Church of Ireland took measures to set up a new system of organisation by diocesan and general synods to carry on the work of the church. At the same time they set up that representative trustee body which it was assumed they would create for the purposes of the act.³

¹ Below, ch. 6, p. 622 sq.

² 3 Hansard, cxciv, 464

³ The following account of the formal events of the reorganisation of the Church of Ireland is based upon A. T. Lee (ed.), Journal of the general convention of the Church of Ireland, 1870, i, v sq

The act became law on 29th July, 1869. On 18th August, the archbishops of Armagh and Dublin issued their summons for a reassembling of the old national synod of the Church of Ireland. The synods of the two provinces of Armagh and Dublin accordingly met in a united synod in St. Patrick's Cathedral, Dublin, on Tuesday, 4th September, 1869, under the presidency of the archbishop of Armagh, and continued in session for three days.

A series of resolutions was passed defining in a general way the constitution of future synods. The first resolution placed on record a declaration that the synod was now called upon "not to originate a constitution for a new communion, but to repair a sudden breach in one of the most ancient churches in Christendom," and that "under the present circumstances of the Church of Ireland, the co-operation of the faithful laity has become more than ever desirable." The remaining resolutions laid down that the future representatives of the clergy in a general synod or convention of the bishops, clergy and laity of the church should be elected by the diocesan synods. Voting and election were limited to clergy in priest's orders who had

been in holy orders for five years; and there was to be one representative for every ten of the qualified clergy in each diocese and one for every remaining number exceeding five.

On 31st August, a representative assembly of the laity of the Church of Ireland had met in Molesworth Hall, Dublin, under the chairmanship of the Earl of Meath, and passed resolutions requesting the archbishops to summon a lay conference to be held in Dublin to consider the mode and extent of lay representation in the future organisation of the church.

The archbishops convened such a lay conference accordingly, its members being elected from delegates sent to the diocesan synods by a meeting of parishioners held in every parish in Ireland. The conference, consisting of 417 members, met in Dublin on 12th October, 1869, and continued in session for a couple of days, the Lord Primate presiding on the opening day and the Duke of Abercorn on subsequent days.

It was from this lay conference that the essential moves towards church reorganisation were made. A series of resolutions ~~were~~^{as} adopted. The principle was laid down that the number of lay representatives in the general synod ^{or general convention of the church} should be to the clerical representatives in the proportion of two to one. Principles for

the distribution of representation among the parishes were defined; and a recommendation was made for the appointment of a committee of four delegates, two lay and two clerical, from each diocese or united diocese, chosen from its representatives, together with the bishops and "such learned persons as they might think it expedient to call to their aid," to meet in Dublin to make the necessary preparations for the general synod, and, among other things, to frame a draft constitution for the government of the Church of Ireland, the draft when completed to be printed and a copy sent to every delegate at least a week before the meeting. ^{of the initial convention} The honorary secretaries of the lay conference were requested to convene a committee immediately after the diocesan elections.

The archbishops having signified their approval of the resolution of the lay conference recommending the appointment of a committee of organisation, a committee was accordingly convened and sat from 5th to 28th January, 1870. It was constituted as already described. The "learned persons" called in to assist in the deliberations consisted particularly of legal men. They included the Rt. Hon. J. T. Ball, M.P., five judges, Sir Joseph Napier and others.¹ The committee produced

¹ Ibid., i, xxiv.

a draft act of constitution, with standing orders, and a finance report. This draft constitution formed the basis of the subsequent proceedings of the general convention which met to legislate for the future of the church.

The elections having taken place in the manner indicated, the general convention met in St. Patrick's Cathedral, Dublin, on the morning of Tuesday, 15th February, 1870, and, after holy communion, adjourned to the Antient Concert Rooms, Great Brunswick Street, Dublin, where it was formally opened in the afternoon by the Lord Primate.¹ In his address the archbishop said, "By being deprived of the support and recognition of the state, with which we have been so long connected, we have received a rude shock, but not a vital injury." He expressed the thanks of the convention to the organisation committee for their labours on the constitution and drew attention to the large fund of experience of the voluntary system which existed in other churches in the Anglican communion and had been made available, in particular, in the report of the Lambeth conference of 1867.² He

¹ Ibid., 1, 1.

² Cf. The six Lambeth conferences, 1867-1920, (2nd ed., 1929) p. 52 sq.

then tersely summarized the work that had immediately to be done by the convention.

"The matter of the most immediate importance," he said, "and the one which requires the earliest attention of this convention, is the formation of the Representative body of the church. Other matters may brook delay, but this cannot be deferred without injury to the church. Until the representative body be chartered there will be no public confidence as to the prolonged existence of our church, we cannot become legally possessed of our churches; our glebe houses, and lands cannot be given over to us, and the whole question of commutation must remain in abeyance. But what is more immediately pressing is the collection of subscriptions to form a sustentation fund for the support of the future clergy. To the church body alone will these be paid, and further delay will very sensibly affect them. It may be by almost imperceptible footsteps, but we cannot shut our eyes to the fact that poverty is advancing upon us like an armed man. There are not a few benefices already vacant, and before the year closes, there will be, according to the inexorable law of mortality, some fifty churches to be provided for."¹

After the opening address, a resolution was moved and carried denouncing the Irish Church Act as "an oppressive and arbitrary measure, culpable in its conception and oblique and partial in its policy."² Having thus relieved their feelings on that subject, the members of the convention occupied themselves with debating, amending and passing the draft constitution which

¹ Journal of the general convention of the Church of Ireland, 1870, 1, 3.

² Ibid., 1, 6

had been prepared for them. Having dealt with the first chapter of the constitution, a statute concerning the general synod, diocesan synods, parishes and parochial organisation, they passed chapter II, a statute concerning the Representative Body of the church.¹ This enactment, providing the machinery for the future economic and financial organisation of the church, calls for some description.

The Representative Body was to consist of all the archbishops and bishops for the time being, and of one clerical and two lay members from each diocese or united diocese. These clerical and lay members were to be elected by the clerical and lay representatives of their respective dioceses in the general convention. In addition to the elected members, there were to be co-opted members, to a number equal to the number of dioceses or united dioceses. These were to be chosen by the elected members and approved by the general convention which might reject or substitute names. The qualifications for members of the Representative Body were the same as those for members of the

¹ Ibid., 1, 198 sq. I have given the Representative Church Body capital letters where it is referred to as an actually constituted and functioning institution and small initial letters where it has figured as a future and suppositional scheme, as in the act.

general synod. Provision was made for the retirement of the members by rotation, one-third retiring each year and remaining eligible for re-election, and provision was also made for the filling of casual vacancies. The general synod was given power to remove any member of the Representative Body by a resolution expressing a sufficient cause.

The Representative Body was to hold all property which should become vested in it in trust for such objects and purposes and in such manner as the convention or the general synod should direct, and was to be "subjected to the order and control of this convention or the general synod in all matters not provided for by the laws of the realm." It was given power to appoint sub-committees of its members, make bye-laws, subject to the approval of the next ordinary session of the general synod, and appoint employees. A statement of accounts and report of proceedings was to be laid before the general synod by the Representative Body on the first day of each ordinary session.

With a view to incorporation by royal charter, a committee of the Representative Body was required to prepare a draft charter and report it to the convention. After the approval

of the draft charter by the convention, the Representative Body was to apply to Her Majesty for a charter of incorporation. In the event of any substantial departure of the charter of incorporation from the draft charter, the Representative Body was not to accept the royal charter but to request the archbishops to summon a special meeting of the convention to consider its acceptance.

The names of the thirty-six elected members of the Representative Body were announced at the convention on 11th March, 1870, and the twelve names of the co-opted members were made known twelve days later.¹ The draft charter was drawn up in due course,² and application made for incorporation by the Crown. The actual charter of incorporation as the Representative Church Body was slightly different from the draft, the law officers of the Crown having removed from it certain clauses directing the detailed operations and powers of the body and having inserted a general clause placing these matters under the control of the general convention or the general synod.³ This raised the

¹ Ibid., i, 97 & 112.

² Ibid., i, 208 sq.

³ Ibid., ii, 2 sq. & 69 sq.

question of providing for these more detailed directions by legislation. This legislation was embodied in a series of resolutions on finance¹ and will be referred to later.²

The special committee set up by the lay conference performed two functions, first the drafting of a constitution and, secondly, the preparing of a report on finance. The latter was presented to the convention at the end of March, 1870.³

The report dealt with three main subjects, first, a sustentation fund, secondly, church property, and, thirdly, commutation.

Emphasising the almost complete deprivation of all endowments (which the Church of Ireland was about to experience, the committee drew attention to the immediate need for voluntary contributions. They explained that, taking the average expectation of life of the existing clergy as fifteen years, the provisions of the act for securing the maintenance of the existing clergy during their lives amounted to giving the members of the church fifteen years' notice of a time when they would be deprived of all public provision for the payment of their clergy. The

¹ Ibid., 11, 79 sq.

² Below, p. 396

³ Ibid., 1, 156 sq.

future of the church would depend upon the use that was made of that interval. If no exertions were made, all the benefit of the forewarning would be lost, and, on the death of the existing clergy, the church would be in a worse plight than if the act had taken away every income at once and without notice. On the other hand, every pound voluntarily contributed in the meantime to a sustentation fund would accumulate at compound interest. If the effort was made at once, half the sacrifice would be saved which would otherwise be necessary.

To illustrate the need for a prompt response, the committee gave as example the case of a parish wishing to secure £200 a year to its clergyman. If the parishioners subscribed on an average £100 a year during the incumbent's life and while he was supported by the annuity secured to him by the Irish Church Act, the annual contribution of £100 would mount up to an endowment of £100 a year, by the time of his death. Then, by simply continuing to subscribe £100 a year, the parishioners would be able to provide his successor with £200 a year; whereas, if they delayed till the death of the present incumbent, they would have to subscribe twice as much.

Expressing in another way the urgency of prompt action, the committee pointed out that their proposal might be regarded as equivalent to insuring the lives of the existing clergy. Thus, as time went on, some of the clergy would die and the expectation of life of the others would decrease and therefore they would become more costly to insure. In this way, the church was the loser^{by} every month that was wasted before exertions were begun to secure an endowment from voluntary sources.

The committee therefore recommended the immediate issue of an address and appeal by the archbishops and bishops to all parishes, and the appointment of a central committee to organise collections and manage the sums subscribed, pending the incorporation of the representative body, with a corresponding committee in each diocese. They also advised that every member of the church should be invited to make an immediate special donation to the sustentation fund, that every member should also be invited to become a regular periodic subscriber of a fixed amount, whether weekly, monthly, quarterly or annual, and that a register of church members and a record of payments should be made at once in every parish. For the full achievement of the plan proposed by the committee, they estimated that it would be

necessary for the subscriptions to amount on an average to 2% on the annual income of every member of the church. They reported that they had learnt that some farming members of the church had already promised to subscribe a percentage on the poor law valuation of their lands. They urged that absentee owners of property should be asked to give in the same proportion as residents.

Further recommendations on this subject were concerned with administration and a variety of supplemental details. They included a proposal that subscribers should be given the liberty to allocate their subscription, or any part of it, to a particular diocese, parish or fund. The question of subscription being made a qualification for voting was mentioned. The allocation of church collections to provision of church requisites and the insurance of buildings was recommended, and also the establishment of a special cathedral fund to aid parishes which had to maintain cathedrals, and funds for clergymen's widows and other purposes. The appointment of a special financial committee to advise the representative body on investments was recommended, and systematic centralisation of financial control and regular, accurate methods

of accounting and report were advised.

Reporting on church property,¹ the committee advised the prompt preparation by diocesan authorities of lists of churches for which application was intended and also of schoolhouses and graveyards which it might be expedient to take over. A similar list of glebe houses which it was proposed to purchase in each diocese, with recommendations as to land to be purchased with them in any cases, was also asked for. It was proposed that the houses should be let to incumbents at a small rent, sufficient to cover repairs, dilapidations and depreciation; and the establishment of facilities for the insurance of churches and glebe houses with the representative body was recommended. The committee declined to make any recommendations about the \$500,000 in lieu of private endowments until it should be known what claims could be substantiated against it.

The committee, turning to the subject of commutation,² advised its immediate and general adoption, while expressing the hope that the commissioners would make their regulations in a liberal spirit. They were at pains to make clear that the lump

¹ Ibid., 1, 159

² Ibid., 1, 159 sq.

sum, which would be paid over in the event of a general commutation, could not be regarded as the equivalent of an endowment and did not impair the obligation upon members of the church to provide a sustentation fund; but they stated that they recommended the general adoption of commutation because they foresaw a substantial balance as likely to remain from the commutation capital after the discharge of all liabilities upon it. To provide a guarantee favourable to the adoption of commutation by the clergy, they recommended that all property at the disposal of the representative body should be made in the first instance liable for the annuities of the clergy and that a special guarantee fund should also be established, to be merged in the sustentation fund when the need for it was over.

To increase the security of commutation and to render its terms more convenient, attractive and elastic for the clergy, the committee proposed¹ that commuting clergy should be allowed to compound for a lump sum from the representative body. A re-arrangement of the parochial system and a reduction in the number of clergy in some districts was clearly necessary; and it was

¹ Ibid., 1, 161.

proposed, therefore, that clergy desiring to be relieved of their existing duties should be given sums not less than one-third and not more than two-thirds of the value of their life interests, provided that their applications should be made before the end of 1871 and that the lives of those clergy should be insurable, and provided, also, that the diocesan authorities should be consulted first in each case. Tables published at that time¹ had shown that the commuted value of life interests, together with the bonus of 12%, would be sufficient to purchase government annuities for the clergy and to leave a balance to the church.

Another device by which the committee proposed to increase the security of a general commutation was by enabling the representative body to lend to any commuting annuitant a sum not greater than that which he would be entitled to receive if he were to compound, on condition of his annuity being reduced by the interest on the sum lent, together with the amount necessary to insure his life for an equal sum.²

¹ Cf. tables in G. Atkins, The Irish Church Act, 1869, annotated with practical directions for procedure (1869).

² Journal of the general convention of the Church of Ireland, 1870, 1, 161

Other recommendations of the committee included the drawing up of forms of contract to secure the continued performance of duties by commuting clergy, while leaving them the same rights and freedom as before. It was also advised that such a contract should include a provision that the whole of the fund handed over for commutation should be charged with the liability for the payment of each individual clergyman and not merely that part of the fund representing the commutation of his interest. It was inevitable that the arrangement should be made in that way, but it was apparently the desire of the committee that the fact should be emphasised to encourage confidence.

Summarising the advantages of commutation, the committee pointed to three purely financial considerations; first, the possibility of saving part of the bonus after meeting liabilities; secondly, the possibility of investing at rates higher than 3½%; thirdly, the saving of sums left over after compounding with clergymen whose services need not be replaced. But the chief advantage which they stressed was that it was possible for the members of the church, by great efforts, to provide so largely by voluntary subscriptions for the support of their clergy that

the liabilities on the commutation capital could be met by such subscriptions and by the interest on the capital, so that the entire capital or a very great part of it could be saved as a central endowment for the church.

Discussing the project, proposed by some, of insuring the lives of the clergy and not adopting commutation, the committee recommended that facilities for such insurance ought to be provided by the representative body.¹ The many advantages of this were pointed out: better terms through cutting out the overhead expenses and profits of an insurance company, no need for purchase or cost of transfer of investments at the clergyman's death, no heavy loss to the church through forfeiture or surrender of policy.² In connection with insurance arrangements, it was recommended that there should be an agreed minimum income for

¹ Ibid., 1, 163

² There seems to be a slight confusion in the report; for one of the advantages of insuring with the representative body which is urged is that a balance of risks would be established between liability for payment of an annuity and liability for meeting the insurance at the clergyman's death, the premiums over a long or short period providing a rising credit margin against continued payment of the annuity, or the early lapse of liability to pay the annuity counterbalancing the falling due of payment on the policy. But this argument could not apply to a clergyman who was paid his annuity by the Church Temporalities Commissioners, though it showed a method by which an endowment could be provided conveniently in the case of a commuting clergyman.

clergymen, of £200 a year for incumbents and £100 a year for curates in priest's orders; and it was advised that all financial arrangements, including insurance, should be done on a diocesan basis and, while there was no wish to condition the liberality of churchmen in any particular way, the desirability of arranging that endowments should not be too inelastically attached to special localities was stressed.

Most of the recommendations of this report were embodied in a series of resolutions of the general convention.¹ On the subject of commutation and related schemes, however, the convention rightly sought a further report to be published by the representative body as soon as possible. Many of the more detailed suggestions of the committee were embodied in the sustentation fund appeal which was soon published.² The argument of the appeal was that the yearly income of all the clergy, for the purpose of commutation, might be estimated as £460,000 and its commuted value with bonus as £5,750,000. If the members of the church would contribute half the annual charge, a sum of

¹ Ibid., 1, appendix, p. 61 sq.

² Ibid., 1, appendix, p. 57

£230,000, the rest could be met from the interest of the commutation capital and the capital could be saved as an endowment and not drawn upon to meet liabilities to the clergy. The immediate aim held before the members of the Church of Ireland was the raising of a sum of at least £1,000,000. The appeal was issued on 26th April, 1870, over the names of Professor J. A. Galbraith, Fellow of Trinity College, Dublin, who had very largely contributed to the devising of the various insurance and other methods of financial adjustment set out in the finance report, and W. D. La Touche, a member of the well known Irish banking family.

It has been felt worth while to summarise at some length the contents and character of this finance report which represented the preliminary arrangements and plans of the leaders of the Church of Ireland. It was quite a statesmanlike document. While attempting to give a lead in a particular direction with regard to commutation, it gave an encouraging tolerance to all other schemes, such as that of insuring the lives of the clergy, and found a profitable place for them in the general plan. The report gives evidence of the competent and clear-minded fashion in which the leaders of the Church of Ireland undertook their task of

reconstruction and of using to the full every advantage that the Irish Church Act held out to them. Acting with great astuteness and promptitude and with some boldness, and having at their service many of the best administrative minds in the country, they laid foundations for a degree of future prosperity of the disestablished church which became the envy of the other churches in Ireland and has sometimes created the impression that the terms of the Irish Church Act were much more favourable to the Church of Ireland than they actually were.

4. The compensating of Church of Ireland interests.

There were two sides to the process of compensating the interests connected with the Church of Ireland which were disturbed by the Irish Church Act, two points of view from which the operation can be studied. There is the point of view of the body which paid the compensation money and that of the body which received it. Having seen something of the constitution of both these bodies, the Church Temporalities Commissioners and the Representative Church Body, and having noticed the general principles and legislation which governed their relations, we can now pass to the compensation operation itself. So complex was it,

however, that it is more convenient to see it at first in its two separate aspects than as one process, to look at it first from the point of view of the Church Temporalities Commissioners and then from that of the Representative Church Body.

There is another reason, apart from merely artificial considerations of treatment and exposition, why this division of study is appropriate. So generally was the principle of commutation accepted that there is relatively little detailed, individual financial relationship between the commissioners and the clergy. Once the extent of the various annuities was discovered and declared, the greater part of the obligations of the commissioners to the annuitants was met by a series of payments of large lump sums to the Representative Church Body. There was, so to speak, a bottle-neck between the commissioners and the church. The great mass of individual compensations was gathered together into one simple, unified form to be handed over to the church; and then the money was divided out again in terms of the individual complexities after it had been received by the Representative Church Body. We cannot, for the most part, trace out payments from commissioners to individual clergymen in one level, direct and distinguishable flow of money. There is,

instead, one large, simplified financial nexus between the commissioners and the Representative Church Body, in which the individual payments were merged and for a time lost their separate identities. The subject of compensation may thus be much more satisfactorily divided, for the purpose of explanation and study, at this nexus than by divisions based upon a parallel study of counterparts of expenditure and receipt on each side of the nexus.

a. Annuities and gratuities

The opening phase of compensation imposed upon the commissioners and their staff a great quantity of intricate work demanding rapid completion. The amount to be awarded in every case had to be ascertained and declared before 1st January, 1871, because at that date the right accrued, not merely to receive, but to commute these annuities which were to be awarded in compensation of the life interests of individuals. Any delay after that date would have involved inconvenient subsequent adjustments in the case of annuities paid directly and a diminution in the value of life interests for the purpose of commutation.

A set of general rules and forms of application suitable to all the various classes of cases was carefully prepared by the

commissioners and approved by the Privy Council on 21st October, 1869. A circular was framed and sent to every incumbent in Ireland and to every other claimant known. The circular took the form of a questionnaire, and the answers to it, verified by a solemn declaration, formed the basis upon which the commissioners began their investigation into the extent of their obligation to award compensation. The settling of these claims often required long and frequent correspondence. Many demands were made for allowances for incidental and occasional charges which needed minute investigation. In many cases there was an appeal to the full court of the three commissioners, or two commissioners and a judge. In almost all cases brought before the full court, the applicants appeared by counsel, and in every case which seemed to involve an important principle or which involved any considerable sum of money, the commissioners asked to have the Attorney General also represented in order that the public interest might not be prejudiced for want of proper advocacy. The number of appeals heard before the full court up to the close of 1874 was 417. Including those of the nonconformist clergy, the total number of annuities awarded was 6,251; and there were also gratuities awarded in 565 cases to persons not

entitled to annuities. Claims were disallowed in 1,127 cases.¹

On 1st January, 1871, it was possible for any annuitant to request the commissioners to commute his life interest in his annuity for a lump sum, to be handed over to the Representative Church Body in the case of the Church of Ireland clergy, or to trustees in certain other cases. For this purpose the commissioners had life tables constructed by A. G. Finlaison, actuary to the Commissioners for the Reduction of the National Debt; and these were approved by the Privy Council on 30th May, 1870. Their publication aroused vigorous protest among the clergy.² The Representative Church Body consulted other authorities and obtained the opinion of a certain Dr. Farr, "an eminent actuary," that the commissioners' table was based on too low an estimate of the value of clerical life and that "to form a table that would be perfectly reliable, the experience of life duration should be collected from classes resembling in social position and personal habits that particular class which it was proposed to deal with,"³ or, in other words, that the table

¹ Commissioners, 1869-74, pp. 4 & 5, /G.1148/, H.C. 1875, xx.

² Ibid., p. 5.

³ General synod journal, 1871, R.C.B. report, p.145.

ought to take into consideration the safe and easy lives and consequent longevity of clergymen.

The Church Temporalities Commissioners were furnished with a copy of this opinion, but they refused to make any alteration in their table and subsequently refused to allow the table to be submitted to the arbitration of actuaries. The Representative Church Body, however, then consulted a certain Dr. Sprague, "a gentleman of great experience," who also gave his opinion that they were entitled to a better life table.¹

The controversy really turned upon the question of whether the bonus of 12% was intended as a pure gratuity or was intended to offset the higher expectation of life in the clerical profession. The Representative Church Body held the view that the former was the case and that "by the terms of the Irish Church Act they were entitled to have the true value of clerical life estimated in the table and have the 12% bonus in addition." The commissioners, however, took a different view, and it became clear to the Representative Church Body that any attempt to enforce their interpretation of the matter "would be doubtful

¹ Ibid., p. 146.

in result and attended with serious delay and expense."¹ Moreover, when they set out the Finlaison table, with bonus added, against the Farr table without the bonus, it was obvious that the former represented a more advantageous estimate and one in keeping with the commissioners' interpretation of the act.² The controversy went on for some months, and at one time it seemed likely to the commissioners that no commutation would take place, and that one of the great objects of the act would be defeated. The commissioners, however, stuck to their resolve to abide by the tables.

Ultimately commutation took place prior to 1st January, 1875, to an extent which enabled every diocese to obtain the bonus of 12% which was conditional on the commutation before that date of three-fourths of the ecclesiastical persons within the diocese. The effect of the tables was that on an average 12.8 years' purchase was paid as the commutation value, including the 12% bonus, of the annuities and life interests of 2,282 ecclesiastical persons commuting under the 23rd section of the act. The total

¹ Ibid., p. 146

² Ibid.

number of commutations up to 1874 was 5,721, leaving only 423 existing annuities uncommuted, of which 303 were annuities of small amount, payable to clerks and sextons.¹

Since the main part of the transaction consisted of commutation, it is well to notice that theoretically the fundamental operation was the awarding of annuities upon which the commutation money was afterwards calculated. A certain number of individuals chose to remain at the first stage of the process and take their annuities from the commissioners without going on to apply for commutation. Since these persons may be regarded as representing a sort of fundamental substratum in the compensation operations, we shall briefly follow their history here before going on to that of the vastly more numerous class of the commutants.

As has been noted, the number of annuities which were not commuted was only 423. Except during a period after 1900 when a number of retiring officials of the Church Temporalities Branch of the Land Commission became annuitants, there was nothing to check the steady decrease of this number by deaths.

During the first year after the actual date of disestablish-

¹ Commissioners, 1869-74, pp. 5-6, /C.1148/, H.C. 1875, xx.

ment, the commissioners paid £300,482 in compensations, annuities and gratuities to people who did not or could not commute, of which over £230,000 consisted of annuities to Church of Ireland clergy.¹ At first the Representative Church Body merely certified that these annuitants were in the discharge of their duties "to the best of their belief." At the instance of the Comptroller and Auditor General, a signed certificate from the bishop of the diocese was insisted upon for the future in every case.² Much of this expenditure, however, was changed immediately by commutation.

By 1875 the number of persons whose annuities still remained chargeable on the commissioners had become only 401, the majority of whom were receiving very small annual amounts because they fell into the category of clerks, sextons and other holders of part-time offices and were not annuitants to the extent of their whole incomes. It had become improbable at that date that many more would commute, all advantage in the form of a 12% bonus being at an end. A few also belonged to classes of annuitants who had by that time lost the right to commute. The

¹ Accounts, 1871, pp. 3, 22 & 23, H.C. 1872, (373), xlvi.

² Ibid., p. 22.

position with regard to the commissioners' liabilities to annuitants at the close of 1875 can be summarised as follows.

Number in 1875

Extinguished by death or commutation

Description Original number Original amount of annuities

Amount of annuities in 1875

Description	Original number	Original amount of annuities	Extinguished by death or commutation	Number in 1875	Amount of annuities in 1875
		£ s d			£ s d
Ecclesiastical persons	1,459	345,529 3 10	1,399	60	17,472 7 4
Permanent curates	921	98,301 14 7	910	11	1,235 0 0
Diocesan schoolmasters	14	1,477 12 8	11	3	358 13 0
Clerks, sextons, etc.	3,189	30,643 12 6	2,900	289	2,988 9 10
Nonconformist ministers	626	43,870 15 10	599	27	1,892 7 6
Vicars general, etc.	42	8,032 17 2	31	11	2,072 14 4
Total	6,251	528,655 16 7	5,850	401	26,019 12 0

1 Commissioners, 1875, p. 16, /C.1400/, H.C. 1876, xx.

The following is a summary of the annuities in force at 31st December, 1880

Description	Number	Amount of annuities			
		£	s.	d.	
Insubents	36	10,558	10	8	} Payable half-yearly on 1st January and 1st July
Curates	9	1,055	0	0	
Diocesan schoolmasters	2	294	11	6	
Clerks, sextons, etc.	232	2,310	15	4	
Nonconformist ministers	13	900	0	8	Payable quarterly on 1st January, 1st April, 1st July & 1st October
Vicars general, etc.	7	2,004	10	0	Payable half-yearly on 1st January and 1st July
Officers of Ecclesiastical Commission	6	1,289	18	4	Payable monthly
	305	17,415	6	6 ¹	

The number of annuities extinguished by commutation between 1st January, 1875, and 31st December, 1880, was thirty-five, of an annual value of £1,992. 6. 6., and the total commutation money paid was £35,548. 13. 4.² The other extinctions were due to deaths.

Occasional claims continued to be substantiated against the

¹ Commissioners, 1869-80, appendix, p.275. /C.2773-I/, H.C. 1881, xxviii

² Ibid.

commissioners till a late period. In 1877 payments were extended for the first time to cover annuities to certain bailiffs formerly employed by the Ecclesiastical Commissioners. Their annuities were for small amounts, the largest being £17.10.0. a year.¹

The number of annuities payable by the Land Commissioners under the Irish Church Act fell away rapidly as the years went past. A provision of the Purchase of Land (Ireland) Act, 1891, placed several extra annuities on their books, payable to former officers and clerks of the Church Temporalities Commission.²

The payment of annuities was the only cash transaction that remained to be dealt with annually in connection with the compensation part of the disestablishment operation. As we shall see, other parts of the operation, such as those connected with land and tithe rentcharge, have continued to give rise to financial transactions up to the present day. But the compensation of life interests was only a small decreasing annual item of expenditure after the first large payments of commutation money. There is little interest in tracing the extent of these

¹ Accounts, 1877, p. 3, H.C. 1878, (217), xxiv.

² 54 & 55 Vic., c. 48, s. 28

payments to the dwindling ranks of the annuitants, of whom the last is now dead. The following table shows the nature and extent of these payments to annuitants.

Year	1895	1900	1905	1910	1915	1920
Incumbents	7	4	3			
Curates	5	2	2	1	1	1
Schoolmasters	2	2	1	1	1	
Sextons, etc	108	84	62	41	28	16
Ministers	4	3	2	2		
Eccles. comm.	4	1	1			
Ch. temp. comm.	3	2	4	4	10	14
Total number	133	98	75	49	40	31
Annual amount	£4,451	£2,621	£2,130	£1,277	£1,738	£1,921 ¹

The last payment of an annuity was in 1940, when expenditure of £3. 13. 4. was recorded under this head.²

In rather the same class as the annuities were gratuities paid

¹ The sources of these figures are Commissioners, 1894-95, p. 96; ibid., 1899-1900, p. 113; ibid., 1904-05, p. 144; ibid., 1909-10, p. 148; ibid., 1914-15, p. 119; ibid., 1919-20, p. 70.

² Accounts, 1939-40, p. 3, Eire, P. No. 4704

to 565 individuals who did not fall within the strict category of persons with life interests but who nevertheless suffered loss through the passing of the Irish Church Act. The total amount of these was £40,025, exclusive of £5,398 paid in compensation for loss of fees to registrars and others. A very large number of claims for gratuities were altogether disallowed.¹

We may also notice here certain payments made by the commissioners in respect of the interim period between the passing of the act and the actual date of disestablishment, but not made in their capacity as successors to the Ecclesiastical Commissioners. During that period the see of Kilmore and seventy-six incumbencies fell vacant and their new occupants were paid up to 1st January, 1871,² and certain compensations were also paid. In the first seventeen months of working, a sum of £564. 10. 11. was paid to diocesan officials as compensation for loss of fees during that period as the result of the passing of the act. And £7,609. 14. 0. was paid to persons newly appointed to ecclesiastical offices during the period, not as compensation, but in accordance with the principles of the act that all incomes

¹ Commissioners, 1869-80, p. 5, /C.2773/, H.C. 71881, xxviii

² Ibid., p. 4.

and payments should go on as usual until January, 1871. There were certain charges, however, which fell on the commissioners as the body prospectively liable to take over the church's property, and they paid over £939 of building charges in connection with benefices which fell vacant during the interim period.¹

A similar interim payment made by the commissioners which figured in their accounts for some years was "proportion of income paid over to the clergy." This was paid under the 55th section of the Irish Church Act which provided that any person deprived of any rent, interest or other sum, by reason of property vesting in the commissioners, was to receive a proportionate part of that income which would have been due to him between the last day on which it was regularly payable and the date of vesting in the commissioners, any charges payable out of the property being deducted. This head of expenditure covers a rent apportionment operation rather than a compensation. The payments were made principally in the second year of working and amounted in 1871 to £69,269. 10. 7.² In the total these payments did not much exceed £100,000.

¹ Accounts, 1869-70, pp. 3 & 11, H.C. 1871, (264), lv.

² Accounts, 1871, pp. 3 & 24, H.C. 1872, (373), xlvi

b. Commutation and its attendant problems

In making their preliminary arrangements to obtain loans from the Commissioners for the Reduction of the National Debt, the Church Temporalities Commissioners were quite uncertain as to whether the clergy generally would commute or not. They suggested that much would depend on the amount of subscriptions to the sustentation fund, which would constitute the collateral security to the clergy for payment of their annuities by the Representative Church Body.¹ There was, however, a general adoption of commutation by the Church of Ireland clergy.

In addition it was made possible for a number of other annuitants, diocesan schoolmasters, vicars general and other officers and also the officers of the Ecclesiastical Commission to commute as well as the clergy, clerks and sextons, by the Irish Church Act, 1869, Amendment Act, 1872.²

The commutation operation involved a considerable amount of extra work for the staff of the commissioners by the nature of the position in which the commissioners were placed by the act. Thus, annuities had to be declared, charges on the incomes

¹ Accounts, 1869-70, p. 18, H.C. 1871, (264), lv.

² 35 & 36 Vic., c. 90, s. 3 & 4.

of incumbents had to be satisfied, and commutation money paid over when demanded or in a very short time, leaving the commissioners to recover the revenue of the church property at a subsequent time. Whenever a difference arose between the money realised on collection and the data which formed the basis of the annuity granted, each difference not only became the subject of question by the Comptroller and Auditor General but resulted in a supplemental transaction on the books of the commissioners.¹

The collection and preparation of the information upon which the operation was based involved arduous work of a very detailed nature. The difficulties with regard to checking the accuracy of the income which was stated to come to the clergy from tithe rentcharge will be described in greater detail in the chapter devoted to that subject, where it will be seen that the exact extent of the tithe rentcharge due was not settled till the second decade after the disestablishment.² As for the landed property in respect of which the clergy sought to commute, it was necessary for the commissioners to make a very careful survey and valuation of the glebe lands and houses. In any ordinary circumstances it would have been necessary in such a

¹ Commissioners, 1869-74, p. 23, /C.1148/, H.C. 1875, xx.

² Below, p. 516 sq.

transaction to have had searches made for encumbrances. Since this would not only have involved great expense but have rendered quite impossible the completing of commutation within the limited period specified in the act, the commissioners inserted advertisements in the press calling upon encumbrancers to come forward and make any claims, and they also required from each applicant for commutation a solemn declaration that there were no encumbrances save those specified in his application. In the outcome there were only two instances of undisclosed encumbrances being subsequently discovered, and the methods adopted fully justified themselves. In addition, many of the glebes were subject to building and drainage charges, quit rent and other charges which required careful investigation before commutation took place.¹

The commissioners stated that in the compensation of bishops, dignitaries and incumbents there was ultimately an expenditure of 2548,768 in excess of the amount originally estimated. ^{by Gladstone} As they pointed out, the estimate was probably made upon the returns of their income formerly made by the incumbents to the Ecclesiastical Commissioners for the purposes of the levying of the ecclesiastical tax and to the commission of enquiry which

¹ Commissioners, 1869-74, p. 6 /C.1148/, H.C. 1875, xx.

reported in 1868. In the cases of both these commissions it was clearly the interest of the clergyman to represent his income as being as small as possible. The Ecclesiastical Commissioners were assessing him for a tax, and he probably had a strong suspicion that the commission of enquiry sought information from him which might one day be used as the basis for arguments in favour of confiscating church property, if not as the basis for an actual confiscation. On the other hand, when the same clergyman came to claim compensation for the loss of his income from the Church Temporalities Commissioners, it was clearly in his interest to make his income out to be as large as possible. As the commissioners tolerantly explained,

"Every person of practical experience knows that a return of income made for the purposes of taxation is likely to be less than when it is returned for the purpose of being valued for compulsory purchase. It is the interest of the person in the first case to make it as small as he can; in the second case it is his interest to make it appear as large as he fairly can. Therefore, without imputing any bad faith, it is not a matter of surprise that in many cases the returns of income made to us were greater than those which appeared in the Established Church Commission report or in the books of the Ecclesiastical Commissioners."¹

The commissioners added that they compared each return very

¹ Commissioners, 1875, p. 7, /C.1400/, H.C. 1876, xx.

strictly with the earlier ones and scrutinised them narrowly; but they had no power to bind claimants by their previous returns and could examine only how and whether the present returns were sustained. Their decisions, moreover, were come to in the knowledge that the claimant, if dissatisfied, could always appeal to arbitration. And in every arbitration which actually did take place, with only one exception, the award given went against the commissioners, increasing the compensation to be given and imposing the cost of the arbitration upon them.¹

In certain cases the doubt as to whether a compensation or annuity was due, combined with the necessity for paying it at once if it should be due, produced much embarrassment. In the case of payments out of Bishop Evans' Fund, the commissioners took the course of granting to each clergymen who drew benefit from the fund a contingent annuity, to become absolute if the fund were found definitely to vest in the commissioners.²

The commissioners tended to treat the clergy with the utmost consideration and courtesy in all their dealings with them, and there was a distinct inclination on their part to allow

¹ Ibid.

² Commissioners, 1869-74, p. 25, /C.1148/, H.C. 1875, xx.

the clergyman the benefit of any doubt or the advantage of any small error and to avoid any unpleasantness or anything that might appear to be such. Thus, in 1875, the Comptroller and Auditor General alluded to their unwillingness to recover from the Representative Church Body a small sum which had been over-paid as the result of an error made by a clergyman who was since dead.¹

Considerable controversy took place between the Comptroller and Auditor General and the commissioners on the subject of subsequent correction of over-payments and of the orders declaring annuities when found to be erroneous. It is fairly clear that such corrections had to be made with a view to convenience and in the light of the particular circumstances of each case. Before the Committee of Public Accounts in 1875, the commissioners showed that they could and did reopen such incorrect orders in case of fraud, misrepresentation or inadvertence, "if they deem the matter of sufficient importance."² In evidence before that committee, the Comptroller and Auditor General agreed that it lay within the discretion of the commissioners to reopen an

¹ Accounts, 1875, p. 3, H.C. 1876, (263), xx.

² Second report from the Committee of Public Accounts, 1875, p. xi H.C. 1875, (336), viii.

order or not as they pleased, but declared that it did not lie within his discretion to ignore any over-payment that he observed. He also claimed that small under-payments were revised while small over-payments were not.¹ This tenderness of the commissioners towards the clergy did much to worsen their relations with the Comptroller and Auditor General.

In the course of the work of discovering the existing income of various dignitaries and offices, the Church Temporalities Commissioners, as in other parts of their work, came up against evidences of inefficiencies in the work of the Ecclesiastical Commissioners who had preceded them. Nor did these inefficiencies of the earlier commissioners fail to provoke the adverse comments of the Comptroller and Auditor General and to add to the discord between him and the Church Temporalities Commissioners. An example is provided by the case of two amounts of stock to the value of nearly £4,000 which had formerly been in the possession of the dean of Christ Church, Dublin, and had vested in the Ecclesiastical Commissioners by the Church Temporalities Act of 1833.² Although the Ecclesiastical Commissioners drew the

¹ Ibid., minutes, p. 30, qs. 1106, 1114 & 1116.

² 3 & 4 Wm. 4, c. 37, s. 49

interest from the stock, they omitted to make the actual transfer to their own account. The episode caused a controversy of several years' duration between the Comptroller and Auditor General and the Church Temporalities Commissioners as to which of them had discovered the irregularity and as to the terms in which the former had referred to the matter in his report.¹

The commissioners had to decide about certain matters connected with commutation for which the act did not fully provide. Their decisions in some cases tended to be favourable to the clergy to a very marked extent. Thus, under the 14th section of the act, incumbents were to receive annuities after deducting the amounts of their curates' salaries, and in the event of the curates ceasing to draw their salaries otherwise than by commutation, the incumbents were then allowed an additional annuity to the amount of the curate's salary. The Comptroller and Auditor General complained that the commissioners were allowing incumbents to commute their prospective annuities, although there was no provision in the act for their commutation at all, the addition being in respect of an annuity and not of

¹ Accounts, 1871, pp. 20 & 21, H.C. 1872, (373), xlvj; Commissioners, 1869-74, p. 18, /C.1148/, H.C. 1875, xx; Accounts, 1874, pp. 6 & 11, H.C. 1875, (252), xx.

commutation money. Also, in some cases, he stated that the incumbents claimed and obtained additions to their annuities, notwithstanding the fact that their curates had already commuted. The commissioners replied that these increases to the annuities or commutation money of incumbents were paid to the Representative Church Body. The Comptroller and Auditor General commented that if the increases were not legally due to the incumbents they would not be made legal by being paid to the Representative Body.¹ This position was not clarified until the affairs of the commissioners were investigated by the Committee of Public Accounts in 1875, and even then their explanation showed that, as a matter of convenience and economy, they had taken the law into their own hands. By the 23rd section, the curate whose salary had been deducted from the incumbent's was not allowed to commute without the consent of the incumbent. There were 153 cases of curates so circumstanced, and in all these cases the contingent liability of the commissioners would have continued unascertained if the curates did not commute, and therefore the value of the incumbent's life interest could not be

¹ Accounts, 1871, pp. 23 & 28, H.C. 1872, (373), xlv1

ascertained in each case for the purpose of effecting his commutation. In May, 1871, a deputation of the Representative Church Body brought this curious state of deadlock to the notice of the commissioners and laid before them a paper on the subject written by Judge Longfield. Finally, the commissioners agreed to pay the Representative Church Body two years' purchase of the deducted salary in order to extinguish the liability and allow commutation to proceed. The commissioners expressed the conviction that the arrangement was beneficial to the funds which they administered.¹ It is clear, nevertheless, that they took considerable liberty in interpreting the act at this point.

Other decisions of the commissioners cannot be said to have worked out to the advantage or convenience of the clergy. Thus, finding themselves standing in the relation of creditors to many of the clergy for sums due in respect of glebe house mortgages and other charges, they settled these arrears by deduction from the gross amount of commutation claims. By this method of procedure, the sums representing discharged debts did not appear on the accounts, and the Comptroller and Auditor General

¹ Second report from the Committee of Public Accounts, 1875, pp. xii, 53, 54 & 55, H.C. 1875, (336), viii.

objected to this as liable to mislead parliament with regard to the actual full gross amount of commutation. He also commented on the fact that the commissioners, after clearing up these sums due to themselves, had paid to the Representative Church Body a bonus, not on the gross amount of commutation, but on the net amount, after the deductions had been made.¹ Ultimately, after some controversy, the Comptroller and Auditor General agreed to the course which the commissioners took in this matter.²

In so far as the commissioners were made the judges of claims against themselves, they often showed themselves patient and generous towards claimants and appellants. In 1872 investigations were reported to be in progress as to whether a quantity of stock amounting to £645. 19. 1. should vest in the commissioners or in the minister and churchwardens of St. Werburgh's church.³ The following year, the commissioners definitely claimed the stock.⁴ The clergyman and churchwardens

¹ Accounts, 1871, pp. 24, 28 & 29, H.C. 1872, (272), xlv

² Accounts, 1874, p. 15, H.C. 1875, (252), xx.

³ Accounts, 1872, p. 5, H.C. 1874, (233), 11.

⁴ Accounts, 1873, p. 7, H.C. 1875, (42), xx.

of St. Werburgh's resisted the claim and a case came before the commissioners.¹ In 1876 the case, after lengthy preparation, was stated to be about to come up for appeal,¹ but, on the appellants claiming to have discovered fresh evidence, it was delayed through 1877,² and the matter remained in suspense also through 1878.³ The case was finally settled in 1879, and the commissioners made good their claim to the £645. 19. 1. of stock. But they generously allowed the appellants their costs to the extent of £250.⁴

The provisions of the act of 1872 allowing for the commutation of the annuities of officers of the Ecclesiastical Commission did not technically cover a provision of the 11th section of the Irish Church Act for the meeting of existing rights and claims upon the Ecclesiastical Commissioners. Thus two officers of that commission who were superannuated prior to the passing of the Irish Church Act were drawing their pensions, not as persons compensated under the Irish Church Act, but as persons with claims upon the property of the Ecclesiastical Commissioners.

¹ Accounts, 1876, p. 2, H.C. 1877, (233), xxvi.

² Accounts, 1877, p. 3, H.C. 1878, (217), xxiv.

³ Accounts, 1878, p. 3, H.C. 1878-9, (217), xx.

⁴ Accounts, 1879, p. 3, H.C. 1880, (204- sess.2), xviii.

The Commissioners of Church Temporalities, however, allowed them to commute their pensions for a lump sum, like other officers of the Ecclesiastical Commission who had been compensated under the Irish Church Act. While drawing attention to the illegality, the Comptroller and Auditor General states that "the payments do not appear to be inconsistent with the spirit of the act."¹

A few stipends were received by the commissioners, from landowners and others, which had formerly been paid to the clergy and which quickly ceased after the commissioners took them over, because they had been free gifts and not legally enforceable payments as were some of the old stipends which must originally have arisen in connection with lay impropriation of tithes.² In this way a curious anomaly arose in connection with the wording of the compensation provisions of the act, resulting in the granting of compensation for loss of ^a payment which was not confiscated by the commissioners under the act. The fundamental principle of the act was that the church's income should be taken over by the commissioners and compensation then given to individuals for the loss of their interest in it. The wording of the act which

¹ Accounts, 1872, p. 6, H.C. 1874, (233), 11.

² Accounts, 1872, p. 4, H.C. 1874, (233), 11.

provided for compensation to those who were deprived of their emoluments "by virtue of this act" seemed clearly to refer to this process. A case, however, arose of a curate who had been receiving a stipend from a source of private benefaction. With the disestablishment, the stipend was stopped, and the curate, the Rev. M. Beattie of Bangor, Co. Down, applied for compensation to the commissioners. The compensation was granted and vigorously challenged by the Comptroller and Auditor General who argued that the stipend did not stop by virtue of the act. The commissioners, however, pointed to the 15th section of the act which required them to "ascertain and declare by order the amount of yearly income received."¹

This principle of the commissioners, that they were not to concern themselves with the source of any particular clerical income, cannot be reasonably challenged as unsound law. Its application led, however, to certain double compensations. According to the letter of one section of the act, the commissioners compensated clergymen for the loss of income derived from the Boulter fund; and yet the £500,000 paid to the Repre-

¹ Accounts, 1871, pp. 23 & 27, H.C. 1872, (373), xlvi.

sentative Church Body was to compensate for loss of this and other private endowments.¹ This decision of the commissioners, resulting in double compensation, caused continued controversy with the Comptroller and Auditor General.² Their decision, however, was recorded without disapproval by the Committee of Public Accounts in 1875.³

The decision already noticed with regard to the stipend of a curate, however, had a further and curious result. The 14th section of the Irish Church Act had provided that holders of ecclesiastical preferments were to be compensated for the income of which they were deprived "by virtue of the act;" but the 15th section provided that curates were to be compensated for the "income received," without any qualification as to the source from which they received it or even whether they had been deprived of it. The consequent awarding of compensation for loss of income by curates, without regard to the source of it, may be defended as equitable; but, on hearing an appeal and as the

¹ Ibid., pp. 7, 23 & 25.

² Commissioners, 1869-74, p. 21, /C.1148/, H.C. 1875, xx.

³ Second report from the Committee of Public Accounts, 1875, p. x, H.C. 1875, (336), viii.

result of subsequent legal representations based upon the letter of the act, the commissioners decided that they were bound to compensate curates for the whole of their former income, whether they had lost it or not, thus doubling the portions of the incomes of certain curates which were derived from private sources not disturbed by the act. The Committee of Public Accounts drily reported,

"Whether the omission of limiting words in section 15, corresponding to these in section 14, was intentional or accidental on the part of the legislature does not appear."¹

The amount due for commutation money and bonus in the first year after commutation became possible was £2,978, 915, of which £1,276,832 was paid and the remaining portion was held over to be paid by instalment under the terms of the 53rd section of the act, with interest at 3½%.²

The commissioners had thus to make fairly full use of the permission given by the 53rd section of the Irish Church Act which enabled them to pay commutation capital to the Representative Body by instalments, giving 3½% interest on sums due. Thus, in 1872, they awarded amounts for the commutation of the annuities

¹ Ibid.

² Accounts, 1871, p. 24, H.C. 1872, (373), xlvi.

of archbishops and incumbents of £3,887, 127. 0. 1, of which £152,289. 10. 3. was paid in cash and £3,734,837. 9. 10. was held over as a liability to be met by instalments with interest at 3½%.¹ The total amount of interest which had to be paid on these delayed instalments of commutation money was over £250,000.² This really involved a loss to the Representative Church Body, since, if the capital had been handed over at once it could have been invested at over 4%.

c. Compensation and commutation of curates.

Since some very curious amendments were added to the dis-establishment bill in connection with the compensation of curates, and since this resulted first in a great increase in the cost of compensating curates over that which had originally been estimated, and, secondly, in a long controversy and re-criminations which have hardly died down yet, it seems desirable to devote a special part of this section to the peculiar circumstances of the compensation and commutation of the curates and to an examination of the basis of that controversy.

¹ Accounts, 1872, p. 5, H.C. 1874, (233), 11.

² Below, p. 377

Attention has already been drawn, in the summary of the compensation provisions of the Irish Church Act earlier in the present chapter, to the peculiar effects which sprang from a change made in the bill affecting the deduction of curates' salaries from the salaries of the incumbents who had been paying them. The amendment was a direction that the deduction was to be made only "in those cases where a deduction had been made in the case of the same incumbency by the Ecclesiastical Commissioners for five years next before the 1st January, 1869." This provision produced a number of irrational and inequitable results. Thus all incumbents appointed before 1833 were not liable to deduction by the Ecclesiastical Commissioners and therefore suffered no deduction now. They were not a large class, but the commissioners drew attention to the case of the Dean of Raphoe, who had been regularly employing two curates who were paid £300 a year out of his income, leaving him with an income of £966. 15. 9. for which he would have commuted if the amendment had not been introduced into the act. But, in the event, he was able to commute instead on an income of £1,266. 15. 9., his income being thus raised by £300 a year, while his curates

were compensated as well.¹ Then this same amendment relieved from deduction all incumbents who had, from any accident, not been regularly employing a curate during the whole period of five years. This occurred in various cases, and the commissioners illustrated the anomaly by describing that of the rector of Garrycloyne, who had his income raised from £955. 11. 3. before the act to £1,060. 11. 3. after its passing, because there had been an interval in one of the five years during which he had otherwise normally employed a curate at £105 a year. The curate, who assisted the rector in the spiritual care of thirty-eight persons, was then compensated separately.²

The peculiar character of the amended law on this subject of deduction for curates' salaries was explained by Mr. Justice Lawson who drew attention to the fact that the deductions made by the Ecclesiastical Commissioners meant quite a different thing from the deductions now to be made in respect of a curate's salary. The deduction to be made by the Ecclesiastical Commissioners was from the valuation of the incumbency for the purpose of the ecclesiastical tax, not necessarily only, or at all,

¹ Commissioners, 1875, p. 4, /C.1400/, H.C. 1876, xx.

² Ibid., p. 5.

for a curate's salary. Thus, as he explained,

"The word means two quite different and opposite things. The deduction made by the Ecclesiastical Commissioners was a benefit to the incumbent; the deduction to be made under the act is a deduction from his income. To make one the test of the other is, perhaps, as capricious and extraordinary a piece of legislation as can be imagined; but we must, of course, give the proviso its ordinary grammatical meaning, and carry it out, although it leads to consequences the most unreasonable and unjust, and which the framers of it could not have understood."¹

Furthermore, all incumbents with incomes under £300 a year, and all incumbents appointing a curate recently, entirely escaped deduction. The general result was that out of 764 curates, whose salaries might have been deducted from the incumbent if the amendment had not been introduced into the act, only 153 were found to be cases where the salary was legally deductible, and the remaining 611 were provided for out of the general fund at the disposal of the commissioners.²

In connection with the compensation of curates, a very difficult responsibility was thrown on the commissioners by the provision which made it possible for curates to be compensated who were appointed up to 1st January, 1871, and left the comm-

¹ Ibid., p. 5.

² Ibid., pp. 5-6.

missioners the judges as to whether such curates could be counted as permanent curates. Subsequently the charge was made that this provision was used unscrupulously by the church for the manufacture of new curates and that the commissioners did not act with integrity in permitting some of these curates to receive compensation. Certainly the provision worked out in such a way as to be apparently favourable to the Church of Ireland as compared with the Presbyterians. A Presbyterian historian wrote,

"The episcopal body as usual obtained special advantages. Their curates were permitted to commute, although paid by their rectors, while no provision was made for licentiates of the Presbyterian Church who discharged similar duties. Besides, curates who were in office before 1st January, 1871, obtained compensation, while that right was denied to Presbyterian clergymen ordained after the passing of the act. The episcopal church took advantage of the additional time to manufacture about four hundred curates, many of whom had never passed through college but who were able to claim a vast amount for their life interests."¹

As we shall see, this picture of the position is greatly exaggerated. It is quite evident, however, that the members and clergy of the Church of Ireland were determined to make the utmost use of any legal argument or opportunity by which they could gain anything financially at the time of disestablishment.

¹ W. T. Latimer, A history of the Irish Presbyterians, p. 505.

It is also evident that they entertained an exaggerated estimate of what could be gained from this particular expedient of appointing curates before 1st January, 1871, who could then claim annuities and commute.

The error which was generally made by the Church of Ireland clergy was to overlook the provision in the act that the commissioners were to determine the cases in which a curate was to be deemed permanent. They seemed to take it that any individual who was appointed a curate before 1st January, 1871, could claim an annuity. Thus in the Irish Ecclesiastical Gazette, the journal of the denomination, there was a regular column in which a contributor signing himself "LL.D." was in the habit of answering queries about church law or the law as it affected the clergy and their interests. In August, 1869, a note appeared in this column stating that "LL.D." was away from home and could not deal with correspondence that month, but, in reply to enquiries an answer was given to one question about the appointment of curates, which was evidently a matter of much interest and concern. The answer was,

"We beg to state that a curate appointed now or before the 1st January, 1871, will be entitled to commutation or com-

compensation if the incumbent were appointed before the passing of the Irish Church Act."¹

Other early popular expositions of the new law were not so emphatic and usually drew adequate attention to the discretionary powers of the Commissioners to decide whether a curate could be deemed permanent or not.² But there is evidence that the account of the position given in the Irish Ecclesiastical Gazette, misleading as it was, gained a very general acceptance, possibly because it was flattering to hopes; and a large number of clergy seem to have imagined that the Irish Church Act enabled them to appoint curates who would inevitably be compensated in due course. This impression can be seen in some of the advertisements for curates during 1870.

There was a distinct increase in these advertisements for curates. Turning to the volume of the Irish ecclesiastical gazette for 1866, one finds about six advertisements for curates each month.³ From September 1869 there was a steady rise in the number of these.⁴ In the later part of 1870 the increase

¹ Irish ecclesiastical gazette, xi, 171 (21st Aug. 1869)

² E.g. W. G. Brooke, The Irish Church Act, 1869, (1st ed., 1869) p. 25.

³ Irish ecclesiastical gazette, vol. viii (1866)

⁴ Ibid., vol. xi (1869)

became very marked. Thus there were thirteen in May, eighteen in June, sixteen in July, twenty-two in August, twenty-one in September and twenty-seven in October, after which there was a decline till the end of the year.¹ A clear indication of the view taken of the expectations of a person appointed to a curacy is given in an advertisement for a curate for Dundrum, Co. Down, in April, 1870, which stated that "the clergyman who may be appointed can obtain from Church Temporalities Commissioners an order for an annuity to amount of stipend from and after January 1st, 1871." And, as a further inducement, it was added, "Duty light and good society." The great demand for curates led to appointments being offered to students, as was stated in another advertisement in the same issue and in many more.²

The outcome of these efforts was in many cases disappointing to hopes. The commissioners gave a careful review of what happened. They pointed out the curious effect of the amendment. The bill had contained the words "The commissioners shall determine the cases in which a curate is to be deemed a permanent

¹ Ibid., vol. xii (1870)

² Ibid., xii, 85 (23rd April, 1870)

curate, after hearing any objections that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving." This was quite right and consistent with the rest of the bill as it then was; for, if the curate was found to be permanent, his salary was deducted from that of the incumbent. With the amending of the bill in such a way as to do away with most of these deductions, the position became reversed. Where formerly, according to the bill, the interest of the incumbent was to prevent the curate's position being recognised as permanent and so save his salary from deduction, it now, according to the act, became in most cases an advantage to him to claim that the curate was permanent. Thus, the incumbent, in most cases, as the result of this change that was introduced into the act, appeared to be offered the opportunity of obtaining, without loss to himself, the services of a curate, who, if deemed permanent, would be entitled to an annuity. And the bishop, looking to the future supply of clergy and the interests of the church as a whole, was naturally disposed to sanction such an appointment wherever it could reasonably be shown that the parish required the aid of a curate.

Thus, the check of the incumbent's self-interest having been

removed, the only check still imposed by the act was that contained in the 15th section, as follows

"The commissioners shall inquire whether any curate serving as such at any time between 1st January, 1869, and 1st January, 1871, is to be deemed a permanent curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity or other incapacity of the incumbent or his habit of employing a curate."

This was a very difficult kind of enquiry to place upon the commissioners. It was strenuously argued before them that in all cases where the appointment of a curate was duly made in the interval before 1st January, 1871, and sanctioned by the bishop, they were bound to recognise it. The commissioners, however, did not agree to this argument, and in every case enquired into the circumstances in accordance with the letter of the act. The principle by which they judged each case was "whether the appointment was one required by the exigencies of the parish, and made in the ordinary course of business, and which would probably have been made if the Irish Church Act had not passed."¹

The result of this attitude of the commissioners was that 310 claims of persons seeking annuities as permanent curates

¹ Commissioners, 1875, pp. 5-7, /C.1400/, H.C. 1876, xx.

were disallowed. The claims of 764 permanent curates were allowed. Of these, only 153 were found to be cases in which a deduction could be made from the incumbent's salary. With these figures before us, the question arises as to whether this number of permanent curates represents an improper increase on the number of curates formerly employed. The commissioners stated that the ordinary and average number of curates required in the establishment at full work might be taken as 760, the number given in the revenue and patronage reports of 1836 and 1837, after excluding those holding small curacies of appropriate or suspended benefices. In the period preceding the passing of the Irish Church Act the number fell to 563, a decline of about 200. The commissioners stated that this reduction was mainly due to the insecure position of the establishment and the apprehension, which was entertained for a good while before the actual time of the disestablishment, that it would be reduced or abolished very soon. Under these circumstances, incumbents were reluctant to make new appointments to curacies in their parishes, fearing that the salaries of the curates would be a burden upon them and anxious to avoid, at all costs, entering

upon a time of insecurity and confiscation with any liability upon them to pay the salary of another person. Vacancies were thus left unfilled, and bishops, appreciating the feelings of the incumbents, were not at all inclined to press any clergyman to employ a curate if he could possibly discharge the duties of his parish without one.¹

With the passing of the Irish Church Act in its amended form, this tendency became instantly reversed, as it would not have been without the amendment. With no amendment, it would still have been politic for the clergy to make every effort to do without curates, ~~who would have been only so many more life interests to be met out of a commutation capital which would in many cases have been not at all increased.~~ But with the passing of the amended act, it became the obvious interest of every incumbent, and his duty to the church, to employ a curate, if it could be arguably shown that a curate was needed in his parish, and to exercise no further economy in the matter. Thus, as we have seen, the commissioners, on hearing the claims for a recognition of the resumed practice of appointing curates freely, allowed an increase in their number up to that which had formerly

¹ Ibid.

been customary in the church, having regard to the merits of each individual case.

A detailed investigation of the individual cases would be necessary before one could make any statement as to the extent if any, to which the commissioners were biased in favour of the claims of the incumbents to be allowed curates. Certainly they firmly rejected over three hundred such claims. Probably an investigation would show some cases of curates being allowed which would not be regarded as reasonable in a freely operating church not in process of transition. Thus there must have been some cases of elderly and decayed clergymen, claiming curates, not necessarily newly appointed ones, on the grounds of their own infirmity, who ought to have been pensioned off and replaced by younger men; but the commissioners had no power to make such an adjustment and would have had to allow the appointment of the curate. Also there were curates given recognition as permanent on grounds of length of service who were egregiously unnecessary from the point of view of the duties to be performed, though these, again, were not newly created curates. This was the case of the curate who assisted the rector of Garrycloyne to care for the souls of thirty-eight members of the Church of

Ireland. He was recognised as "permanent" because he had been at work so long and not because he was necessary in that particular parish.¹ But there seems no reason to doubt the good faith of the commissioners in adjudicating upon this matter of the recognition as permanent of curates claiming annuities.

A return made in 1671 shows a possible source of the erroneous idea that "upwards of four hundred" new curates were created. The total number of persons declared to be permanent curates was 921; but 157 of these held "curacies ^{of} suspended and appropriate benefices or small parishes in addition to their incumbencies or ordinary curacies," and had annuities in that way to the amount of £6,845. The number of ordinary stipendiary curates before the passing of the Irish Church Act was 563, not counting the 157 men who were not classified as normal curates on full-time work. If the 157 men, who were compensated as permanent curates but held their curacies in addition to other work, are to be counted at all, they will tend to show the creation of the two hundred extra curates as a proportionately less important element in the grand total. But to add them onto the two hundred in order to argue that there were "upwards of

¹ Ibid., p. 5.

four hundred" new jobs created is to misread the facts altogether. The 157 men were not new creations as curates but were omitted from many statements of the total number of curates because they were not solely dependent on their curacies for their incomes. As can be seen, their average annuities as permanent curates came to less than £50 a head. Another point of interest which is recorded in this return is that, of the 201 curates appointed after the passing of the act, thirty had their incomes charged against the annuities of their rectors. This shows clearly that their appointment was essential and involved no ^{mere} motive of gaining commutation money in respect of them. If the act had allowed a more general deduction of curates' salaries from the incumbents' salaries, it is likely that similar evidence of unassailable motives would be available in the case of a fair proportion of the other 171 appointments.¹

The foregoing account of what occurred shows that the claim of the Presbyterian writer that the Church of Ireland created four hundred extra curates able to claim annuities was much exaggerated. It remains to see how much truth there is

¹ Returns of income declared payable to curates under 32 & 33 Vic., c. 42, s. 15, etc., 1871, H.C. 1871, (493), lv.

in his claim that such curates as were created at that time were "able to claim a vast amount for their life interests."

The total increase in the cost of compensating the curates as the result of the two new principles introduced into the bill, first the principle of not deducting curates' salaries from the salaries of the incumbents and secondly that of allowing appointments up to 1st January, 1871, was stated to be £746,671.¹ But Gladstone had already allowed for part of this. He had estimated that the amendment preventing the deduction of curates' salaries from those of the incumbents would cost "£150,000, or it might be more." The commissioners thought that, if the creation of new curates after the passing of the act had not been allowed, this might have been correct.² It is really impossible to separate the financial results of the two alterations in the principle of the act. But if we take Gladstone's £150,000 as applying to the non-deduction principle alone, it applied then only to four hundred cases of existing curates and would have to be extended by half as much again, since six hundred cases were actually allowed in which deduction did not occur. By this very artificial

¹ Commissioners, 1875, p. 7 /C.1400/, H.C. 1876, xx.

² Ibid., p. 5.

allocation between the two amendments of the effective responsibility for increase, we might argue that the increase to commutation capital which came as the result solely of the creation of the extra two hundred curates was about £450,000; and this was burdened with the life interests of over two hundred young men. Against this it will be recollected that the church had taken into its employment 310 other young men who were flatly refused any annuities. In the total of the commutation capital, the amount gained by this increase in the number of curates was not really "vast", and it was off-set by a very considerable increase in liabilities. The chief gain to the Church of Ireland from the operation came when the process of thinning the ranks of the older clergy by "compounding" was undertaken. It is evident that much of the creating of new curates was misinformed, foolish and disadvantageous, a silly "ramp" in a time of crisis; and the rumour and excitement of it was evidently able to lead a critical observer of another denomination into a false estimate of its importance and value.

d. Ecclesiastical residences, glebes and church buildings

By the 27th section of the Irish Church Act, the Represent-

ative Church Body was entitled to claim the vesting in them of every ecclesiastical residence occupied by a clergyman, together with the garden and curtilage, at a very cheap rate of purchase. In addition, by the 28th section, they were allowed to purchase from the commissioners such further portion of land as they might consider necessary for the convenient enjoyment of the residence, at a price to be settled by agreement or arbitration; and it was further provided that the vesting orders made with respect to such land were to have a map annexed to them. This involved a voluminous correspondence for the commissioners, in which the Representative Church Body, the incumbents and the local vestries took part. There were also management problems connected with the lands between the vesting of them in the commissioners and the vesting of them in the Representative Church Body. While power was given to the commissioners to sell as much extra land as might be required for the enjoyment of any residence, the act limited the amount to ten acres for a glebe house and thirty acres for a see house, except where more than that maximum should be absolutely necessary.

For the purpose of settling a fair price for the additional

land to go with the glebe houses, the commissioners applied to the judge of the Landed Estates Court, who furnished them with what he considered a fair average of the prices recently obtained for property in each of the four provinces of Ireland. The commissioners then proposed to the Representative Church Body that they should pay for their lands the average of land ^{price} in Ireland, which appeared to be fair, as the lands were situated in all parts of the country. This proposal was accepted. Where a residue of former mensal glebe remained over after these sales to the Representative Church Body, the commissioners thought it proper to treat the clergyman as a tenant and give him the privilege of pre-emption as in the case of other tenants. By the close of 1874, 880 ecclesiastical residences had been claimed by the Representative Church Body, but orders ascertaining the amount of land to be given with each house had been made in only 373 cases, and 237 glebes alone had been actually vested in the Representative Church Body, so slow was the process of detailed enquiry and the making of maps. No inconvenience, however, arose for anyone from this delay; for the houses continued throughout to be in occupation of the incumbents and in

the practical control of the Representative Church Body.¹

A very considerable loss to the commissioners arose through the working of the provisions of the act respecting glebe houses. When an incumbent applied to commute and included his glebe house, which was the usual course, the commissioners were required to compensate him for his life interest in the glebe house, garden and curtilage at its annual or letting value, subject to the appeal to arbitration if the incumbent thought the valuation too low. Then the commissioners were obliged to sell the house at an artificially low value to the Representative Church Body, at ten times the value of the site estimated as land, at the building charge or at ten years' purchase of the value according to tenement valuation. The Representative Church Body required 880 glebe houses for purchase at this nominal price, and the commuting clergy had been compensated for their life interests in them at 12.8 times the real annual letting value, this being the average number of years' purchase on commutation for all Ireland. Some of the results were strange in detail, and the aggregate financial result showed a distinct defect in the act.

¹ Commissioners, 1869-74, pp. 6-9, /C.1148/, H.C. 1875, xx.

In illustrating the working of these provisions, the commissioners chose cases which were fairly extreme. They instanced the deanery house of Armagh, which was valued in commutation at £90 a year and later sold to the Representative Church Body for £102. 11. 1., the amount of the building charge. The vicarage house of St. Anne's, situated in one of the best streets in Dublin, and valued at £110 a year for commutation purposes, was sold to the Representative Church Body for £93. 17. 6., the amount of the building charge. The glebe house of Killylea was valued at £50 a year, and was sold to the Representative Church Body for £26. 10. 10., the value of the site as land, since there was no building charge.¹

These cases were stated by the commissioners to be extreme but by no means exceptional. In calculating the loss to their funds through this operation, they estimated the annual value of all the glebe houses, gardens and curtilages at £30,000; and, at 12.8 years' purchase, this must have involved payments to the amount of about £384,000 in commutation money for the life interests of the incumbents in the property. On the other hand, the commissioners were obliged to sell the property to

¹ Commissioners, 1875, p. 8, /C.1400/, H.C. 1876, xx.

the Representative Church Body for about £120,000. The result showed that £264,000 would have been saved if the glebehouses, gardens and curtilages had been made over as a free gift to the incumbents for their lives and then to the Representative Church Body.¹ In any case, there was not merely the expense of buying dear and selling cheap, but there was also considerable expense in inspecting, valuing and mapping all the glebes, which would have been saved if they had been simply handed over in the manner indicated.

Some controversy arose over the deduction of an allowance for head rent from the price of ecclesiastical residences, the Comptroller and Auditor General being under the impression that head rents had been deducted at twenty-one years' purchase in the case of ecclesiastical residences sold at ten years' purchase. It proved, however, that the head rent was chargeable, not upon the house, but upon the house and lands. In the case of the sale of the house alone for ten times the annual value, a deduction was made of only ten times the annual head rent from the purchase money. Where it was a glebe house with land,

¹ Ibid.

twenty-one years' purchase of the head rents was deducted. Even where the house was alone and without land, the head rent was on the land on which it was built.¹

There was also a controversy with the Comptroller and Auditor General about payment of stamp duty on the orders vesting ecclesiastical residences. While stamp duty on merging orders, in connection with the sale of tithe rentcharge to the persons who formerly paid it, was met by the commissioners as a liability upon them after the passing of the amending act of 1872, they paid the stamp duty from the beginning on vesting orders made in connection with the handing over of ecclesiastical residences to the Representative Church Body, taking it that the relevant sections of the Irish Church Act intended that they should make a complete conveyance and that that completeness of the conveyance implied the vesting of the residences free of this charge.²

Where the original certificate in connection with any building charges was lost, secondary evidence as to its contents had to be investigated and usually accepted.³

¹ Second report from the Committee of Public Accounts, 1875, p. xi, and minutes, pp. 44-45, qs. 1297-1303, H.C. 1875, (336), viii.

² Ibid., p. xi.

³ Commissioners, 1869-74, p. 27, /C.1148/, H.C. 1875, xx

In selling glebe houses with land to the Representative Church Body, the commissioners found themselves able in comparatively few cases to restrict the amount of land vested with the house to thirty acres in the case of see houses and ten in the case of glebe houses. In most cases they found that the amount of land required for the convenient enjoyment of the house was in excess of the amount contemplated in the act. In some cases nearly the whole of the ten acres was found to be taken up with ornamental planting, leaving the glebe houses without land for supplying practical needs. In such cases the commissioners vested more land. In other cases, extra land was needed to give adequate access to a public road, and in others the water supply of the house was so situated as to make the vesting of an additional area necessary. In other cases the land was so placed that any portion detached from it would have been very difficult to dispose of and might have had no means of access except through the rest of the land; and here again the commissioners vested more land than the ten acres indicated in the act. In the case of the see houses, the establishments were sometimes large and on a scale which made the vesting of only thirty acres quite inadequate. Thus the see house of

Armagh had mensal lands extending to 390 acres, enclosed by a high park wall. After inspection it was decided that, having regard to the position and size of the house and offices, the approaches from the town and the configuration of the surrounding grounds, the place would have been quite spoilt as a residence and its value destroyed if the land vested were limited to thirty acres. Finally eighty-five acres were vested in addition to the yard, offices and gardens which covered ten acres.¹

The following table shows details of sales of residences and lands year by year to the Representative Church Body.

(Table on next page)

¹ Commissioners, 1875, p. 14, /C.1400/, H.C. 1876, xx.

Year Number vested Annual headrents subject to which they were vested

Year	Number vested	£	s	d
1871	1			
1872	38	86	1	1
1873	59	480	10	3
1874	138	608	13	1
1875	171	569	5	5
1876	149	441	7	3
1877	153	435	12	9
1878	121	962	14	4
1879	41	394	6	4
1880	24	254	16	11
Total	896	4,233	7	5

Purchase money

Houses, etc.		Lands		Total	
£	s	d	£	s	d
1,150	0	0	2,770	0	0
8,369	17	7	21,233	12	9
4,256	16	2	35,760	5	9
21,208	19	2	57,999	6	3
20,597	13	8	89,195	3	5
20,844	0	6	69,056	0	0
15,891	12	4	46,995	15	2
14,592	14	11	37,355	12	9
3,405	15	5	12,760	13	3
1,389	9	6	6,846	11	6
111,706	19	3	379,973	1	0
			491,680	0	3

Over £8,000 of the purchase money for 1880, and therefore of the total purchase money, was not payable until 1881, but is entered here to give a view of the complete transactions.¹

The following table shows the extent of sales of residues of mensal lands excluded from sales of glebe lands to the Representative Church Body.

Year	Annual value of holding			Sales								
				For cash			Secured by mortgage			Total		
	£	s	d	£	s	d	£	s	d	£	s	d
1872	1,029	5	8	21,699	1	4	5,793	16	1	27,492	17	5
1873	864	3	9	6,854	4	3	12,355	16	7	19,210	0	10
1874	790	15	7	9,128	16	3	11,301	8	4	20,430	4	7
1875	1,488	6	9	17,240	6	3	16,804	14	9	34,045	1	0
1876	2,684	16	10	30,331	10	4	37,413	8	4	67,744	18	8
1877	3,186	17	4	63,431	14	2	25,762	19	5	89,194	13	7
1878	1,187	11	5	23,787	11	9	10,902	11	10	34,690	3	7
1879	545	18	0	10,094	0	9	5,530	19	3	15,625	0	0
1880	63	2	7	1,737	0	0	-			1,737	0	0
Total	11,840	17	11	184,304	5	1	125,865	14	7	310,169	19	8²

¹ Commissioners, 1869-80, appendix, p. 270, /O. 2773-I/, H.C. 1881, xxviii. A schedule of all sales of ecclesiastical residences with gardens and curtilages and additional lands sold to the Representative Church Body and also of the sales of surplus areas of mensal glebe lands, with detailed acreages, is given in *ibid.*, pp. 141-151.

² *Ibid.* p. 270

Two acts passed subsequent to the Irish Church Act extended the power of the Representative Church Body to obtain and hold land and property. The first, the Leasing Powers Amendment Act for Religious Purposes in Ireland, 1875,¹ extended to the dis-established church various benefits contained in an earlier act, the Leasing Powers Act for Religious Worship in Ireland, 1855,² an act which had enabled "limited owners" to grant or demise lands for glebes. The second of these acts to extend the powers of the Representative Church Body was the Glebe Land, Representative Church Body, (Ireland) Act, 1875.³ It gave the Representative Church Body power to purchase lands for glebes, to hold lands in trust for colleges and other institutions, and to sell any surplus land. This act was a necessary sequel to the Irish Church Act and gave to the disestablished body the position which was justly due to it as a free church responsible for its own affairs.⁴

¹ 38 & 39 Vic., c. 11.

² 18 & 19 Vic., c. 39

³ 38 & 39 Vic., c. 42

⁴ On enquiry at the glebes department of the Representative Church Body, I was informed in 1943 that extensive use had been made of the powers conferred by the second of these acts, particularly for the purpose of disposing of unwanted property in

(continued next page)

The policy of the Irish Church Act had been criticised in some quarters because it had offered no assistance to other religious denominations in Ireland to acquire glebe houses and glebe lands.¹ An attempt was made to do something to meet this objection by the passing of the Glebe Loan (Ireland) Act, 1870.² This act afforded facilities for obtaining loans for the erection, enlargement and improvement of glebe houses and for the acquisition of lands for glebes. The Commissioners of Public Works in Ireland were empowered to make loans of up to two-thirds of the cost of the proposed purchase of land or building. The loan was to be repaid by annuity - that is to say, by a sinking fund arrangement. The act was to operate till 1st September, 1875. It was amended and reconstructed in many points of detail by the Glebe Loan (Ireland) Amendment Act, 1871, which, among other provisions, enabled loans to be applied to the extinction of debts incurred prior to 1870 for the erection or improvement

(continued from last page)

connection with the amalgamation of parishes. I was also informed, however, that it would be impossible to estimate the total extent of such operations or obtain information as to the present general position of the Representative Church Body as a proprietor of landed property and buildings, all records being kept with reference to individual pieces of property and there being no motive for recording particulars about the property in the aggregate.

¹ Above, p. 142

² 33 & 34 Vic., c. 112

of any house for an ecclesiastical person.¹ The operation of these acts was extended to 31st August, 1878, by the Glebe Loan (Ireland) Amendment Act, 1875,² and to 1880 by a similar act of 1878.³ This process of continuation by special acts went on for some years.⁴ Finally a simpler system of renewal was adopted by the Glebe Loan (Ireland) Acts Amendment Act, 1886, which declared that the Glebe Loan (Ireland) Act, 1870, and any unrepealed acts amending or affecting it were temporary acts which might be continued, if parliament saw fit, by the Expiring Laws Continuance Act, 1888, and by similar acts of subsequent years.⁵ These loan facilities remained available for many years, being continued even after 1922.⁶ Although there was some agitation by borrowers under these acts to have the terms of repayment eased, the

¹ 34 & 35 Vic., c. 100, s. 4, ss. 21.

² 38 & 39 Vic., c. 30.

³ 41 & 42 Vic., c. 6.

⁴ By the Glebe Loan (Ireland) Acts of 1880 and 1883 (43 & 44 Vic., c. 2, and 46 & 47 Vic., c. 8).

⁵ 49 Vic., c. 6.

⁶ By the Expiring Laws Continuance Act, 1922, Seorstat Eireann, (No. 5 of 1922) and the Expiring Laws Continuance Act (Northern Ireland) 1923, (13 & 14 Geo. 5, c. 25, (N.I.)).

Treasury officials did not feel it necessary to recommend any alteration in the quite generous and widely used facilities which the acts offered.¹

The Church Temporalities Commissioners dealt with ecclesiastical buildings in the manner indicated in the act. They vested in the Representative Church Body without payment, together with any schoolhouses habitually used in connection with them, all the churches for which application was made. They also vested the graveyards, except in cases where they were separated from the churches by a carriage highway. In these cases the graveyards were to be vested in the boards of guardians, unless they were situated in private demesnes or were of an exclusively denominational character. The graveyards situated in private demesnes were vested in such persons as the Lord Lieutenant in Council directed in each particular case.² Most of this work was completed by the commissioners in 1878, and the churches and other buildings were vested in the Representative Church Body by a single vesting order.³ The number of churches

¹ Memorial of glebe loans borrowers, 1897, and subsequent correspondence, H.C. 1898, (342), lxxviii

² Commissioners, 1869-74, p. 8, /C.1148/, H.C. 1875, xx.

³ Commissioners, 1878, p. 6, /C.2288/, H.C. 1878-9, xx.

was 1,628.¹ The schoolhouses were vested with them, and there was little difficulty about them. The burial grounds, however, required a more searching investigation. After enquiring into the status of about 4,000 burial grounds, the commissioners vested about 1,400 of them in the Representative Church Body and 2,178 in the burial boards of the various sanitary districts of Ireland, in accordance with the Public Health (Ireland) Act, 1878,² which had amended the law on this subject since the passing of the Irish Church Act.³ Forty-seven burial grounds situated in private demesnes were vested by direction of the Lord Lieutenant in Council in the owners of the demesnes up to 23rd November, 1880, and eighty-eight were not vested in the owners.⁴

The provisions of the Irish Church Act for saving rights connected with proprietary or district churches endowed out of private funds, and trusts connected with such churches, were

¹ Commissioners, 1869-80, p. 10, /C.2773/, H.C. 1881, xxviii

² 41 & 42 Vic., c. 52, s. 161

³ Commissioners, 1869-80, p. 11, /C.2773/, H.C. 1881, xxviii

⁴ Ibid., appendix, pp. 107-132, /C.2773-I/, H.C. 1881, xxviii. This gives detailed lists of these various churches and burial grounds.

modified by an act of 1884, the Trustee Churches (Ireland) Act, 1884.¹ This made it possible for trustees to transfer such churches to the Representative Church Body, to alter or end the trusts connected with them and otherwise to forward the winding up of an awkward anomaly.

The commissioners used their powers at first in a rather conservative fashion to vest buildings worthy of preservation as national monuments in the Commissioners of Public Works, confining themselves to the vesting of such famous edifices as those on the Rock of Cashel, for which they paid a maintenance allowance of £7,100.² By the end of 1874 they had thus vested about twenty well known edifices, paying £22,554 for their maintenance.³ Ultimately, however, after consultation with archaeologists, they decided that "it was a matter of national interest to rescue from decay and from the destruction that appeared to await them, as large a number of these medieval remains as by a liberal construction of the law we could decide to be justifiable."⁴ A total of 137 structures was vested in

¹ 47 & 48 Vic., c. 10.

² Accounts, 1872, p. 6, H.C. 1874, (233), li.

³ Commissioners, 1869-74, pp. 8 & 40, /C.1148/, H.C. 1875, xx.

⁴ Commissioners, 1869-80, p. 11, /C.2773/, H.C. 1881, xxviii

the Commissioners of Public Works, and the list of these national monuments includes many of the best known and most valued in Ireland.¹ The total expense of paying for their maintenance was £50,000.² This allocation of funds proved to be more than adequate for the purpose, and provision was later made, by the Ancient Monuments Protection (Ireland) Act, 1892, for the application of the surplus to the maintenance of other structures entrusted to the Commissioners of Public Works under that act.³

e. Compensation for advowsons and private endowments

Another class of person whom the commissioners had to compensate was the lay patrons or holders of advowsons. Some difficulty was experienced in this operation, for, since lay patrons were relatively few and advowsons were not often sold in Ireland, there was no evidence obtainable which could be relied on to show the reasonable market price of such property.⁴

After some consultation, the commissioners decided to settle the matter by placing a valuation upon some typical cases.

¹ Ibid., appendix, pp. 134-140, /C.2773-I/, H.C. 1881, xxviii.

² Accounts, 1880, p. 17, H.C. 1881, (268), xxviii

³ 55 & 56 Vic., c. 46, s. 2.

⁴ Return of all sales in the Landed Estates Court (Ireland) of advowsons for the last ten years, etc., H.L. 1868-9, (127), xix

From this valuation the parties concerned might, if they were dissatisfied, appeal to arbitration.¹ The first valuation was made by an actuary called Hancock in consultation with the commissioners, and many cases were calculated for according to his system of valuing advowsons. As soon as the extent of the proposed compensations was made known, the arbitration clause of the act was invoked by all claimants. The commissioners, in view of the heavy expenses which would arise if all these arbitrations were required to be dealt with and the costs to which they themselves would be liable in the event of defeat, amounting, they believed, to £100 or £150 in each case, selected three representative cases. These three cases were put forward together by consent, so that the commissioners might either succeed in having their own method of valuation sanctioned or else might have some other principle laid down to guide them in future calculations in ~~such~~ a manner as to avoid further litigation. The claimants were represented on the arbitration committee by J. T. Ball, Lord Chancellor of Ireland, and the commissioners by Judge M. Longfield. The umpire was Mr. May, C.C. The three cases were selected as representing different

¹ Commissioners, 1869-74, p. 5. /U.1148/, H.C. 1875, xx.

classes of advowson, one being of very small value, one of moderate value and one of considerable value. The arbitration took place on 11th April, 1872. There was a long period during which judgement was reserved, and then elaborate principles were laid down to guide the commissioners in future. The financial result of the arbitration may be seen by the following table. The middle column of valuations represents the claim of Watney, the principal witness for the appellants, who attempted to base his valuation on English practice.

Benefice	Annual value	Commissioners' award			Watney's estimate			Arbitrators' award		
		£	s	d	£	s	d	£	s	d
Dunaney	125	46	19	10	1,148	17	10	395	15	4
Mahoonagh	390	1,864	0	0	4,222	0	0	2,259	5	8
Newcastle	624	1,057	0	0	4,332	0	0	3,222	0	0
Totals		2,967	19	10	9,702	17	10	5,877	1	0

Gladstone had estimated the value of advowsons in Ireland at about £300,000.² The commissioners estimated that if their valuation had been accepted, the cost of compensating the holders of advowsons would have been about £380,000.³ The actual cost

¹ Commissioners, 1875, pp. 8-9, /C.1400/, H.C. 1876, xx.

² 3 Hansard, xciv, 452

³ Commissioners, 1875, p. 9, /C.1400/, H.C. 1876, xx.

amounted to £778,887.¹

The proprietors of advowsons were required by the Irish Church Act to make their claims for compensation within three years after the passing of the act. By 26th July, 1872, the closing date for claims of this nature, 351 claims had been made. Most of these were disposed of early, and, by the close of 1874, 327 of the claims had been dealt with. The remaining twenty-four cases were delayed on account of difficulties connected with title.² There were only twelve appeals to arbitration in advowson cases, including the three specimen cases already referred to. In each of the other nine cases, although the advowson was valued by the principles laid down at the first arbitration, the amount awarded to the appellant represented a considerable advance on the valuation of the commissioners, and the commissioners had also to pay the costs. In one case there was an advance in the amount awarded from £13,272 to £19,000 and in another an advance from £5,891 to £9,464. The commissioners appeared to regard the working of arbitration in these cases as having been inequitable, and they reported,

¹ Accounts, 1880, p. 17, H.C. 1881, (268), xxviii

² Commissioners, 1869-74, p. 4, /C.1148/, H.C. 1875, xx.

"The experience of the working of the arbitration clause in respect of advowsons and life interests is calculated to raise a doubt whether such a tribunal is an eligible one where the claimant is an individual and the defendants represent a public fund."¹

The greater part of the payment of compensation to lay patrons fell into the accounts for 1873, in which year over £550,000 was paid for this purpose.² The business of compensating for loss of rights to presentation to benefices was entirely completed in 1877.³ Claims to compensation for loss of advowsons were actually established in 301 cases out of the 351.⁴ The largest holder of advowsons was Trinity College, Dublin, which was compensated for twenty-one.⁵

In the course of one of the first arbitrations, the arbitrators awarded a rate of 4% per annum on the compensation for the period after 26th July, 1869, and the commissioners made a regular practice of paying at this rate.⁶ The Comptroller and

¹ Commissioners, 1875, p. 9, /C.1400/, H.C. 1876, xx.

² Accounts, 1873, p. 19, H.C. 1875, (42), xx.

³ Commissioners, 1877, p. 6, /C.1960/, H.C. 1878, xxiv.

⁴ Commissioners, 1869-80, p. 9, /C.2773/, H.C. 1881, xxviii.

⁵ Ibid., appendix, pp. 102-106, /C.2773-I/, H.C. 1881, xxviii

⁶ Accounts, 1872, p. 6, H.C., 1874, (233), 11.

Auditor General took an unfavourable view of this allowance of 4%,¹ but the commissioners defended it, pointing out that, the act having put an end to the power to present to a benefice from 26th July, 1869, the value of the advowson ought to be calculated as on that date. To value it at a later date would have been to increase the amount of compensation, for the theoretical value of the advowson would increase as the incumbent got older. Since compensation was delayed for a time after the date, interest was paid on the debt. At first the commissioners had intended to pay only 3½%, but when 4% was given in a case on arbitration, it would have been useless for them to have challenged further arbitrations on the subject.²

The provision of the Irish Church Act that £500,000 was to be paid over to the Representative Church Body in compensation for loss of private endowments worked out as a loss to the commissioners in two ways. First, the commissioners found that the capital value of the endowments which came into their hands amounted, not to half a million, but only to about

¹ Ibid.

² Commissioners, 1869-74, p. 27, /C.1148/, H.C. 1875, xx.

£350,000. This was partly due to the operation of the 70th section of the act which made an exception for all endowments connected with proprietary and district churches and endowed chapels of ease. Then, secondly, the commissioners had decided that the clergy had to be compensated for their life interests in various endowments, in Boulter's fund, Robinson's fund, Evans' fund and others, thus making a double compensation. They calculated this loss at £150,000 at least, making a total loss of £300,000 to the Church Temporalities Fund in connection with compensation for loss of private endowments.¹

f. General financial results of compensation

It has been noticed that the bill for the disestablishment of the Church of Ireland was amended in various ways in the course of its passage through parliament. Many of these amendments were of small interest and served mainly to clarify particular points or to provide for contingencies that had been overlooked. Several, however, were definitely dictated by the desire to make the act more favourable to the disestablished church and tended to increase the expenditure on compensations

¹ Commissioners, 1875, p. 9-10, /C.1400/, H.C. 1876, xx.

in a way advantageous to the clergy and members of the church. When introducing the bill, Gladstone had estimated that the cost of all the compensations would be about £8,650,000.¹ The principal amendment tending to increase the extent of compensations was that which increased the bonus to be paid with commutation money. Gladstone estimated that this and the other favourable amendments would grant to the Church of Ireland an additional sum of money "little short of £800,000" in addition to the augmentation which was made in the commutation money of the Presbyterians.² The actual additional charge for the bonus was £871,887.³

Most of these various causes of increased expenditure have already been described. Two more may be mentioned here for the sake of completeness. First, a considerable increase in the amounts awarded, particularly to bishops and dignitaries, arose from an amendment, not contained in the original bill but embodied in the act, including in the value of the life interest of an ecclesiastical person the benefit derived from fines paid on the renewal of leases on an average of fourteen years preceding

¹ 3 Hansard, cxciv, 454.

² Ibid., cxcviii, 570

³ Commissioners, 1875, p. 10, /C.1400/, H.C. 1876, xx.

1st January, 1869. Thus the Archbishop of Dublin claimed an annual sum of £4,098 under this provision. The commissioners allowed him £1,519, and, on his appealing to arbitration, he obtained an increase of the amount to £1,914.¹ Secondly, there was expenditure of £23,715 as compensation for loss of rights of succession to benefices.²

In two points in which the bill was not altered, the liabilities of the commissioners proved to be slightly less than Gladstone had estimated. Lay compensation, other than for advowsons, which he had estimated at £600,000, proved to cost about £550,000; and building charges, which he had estimated at £250,000, proved to be about £230,000.³

As we shall see, when considering the history of the Church Temporalities Fund, the Church Temporalities Commissioners tended at first to take a very optimistic view of the limited extent of their prospective expenditure and their capacity for meeting liabilities.⁴ Their hopes were not realised. Partly this was because their income from sales and redemptions in connection

¹ Ibid., p. 8.

² Commissioners, 1869-80, p. 9, /C.2773/, H.C. 1881, xxviii

³ Commissioners, 1875, p. 10, /C.1400/, H.C. 1876, xx.

⁴ Below, p. 677 sq.

with land and tithe rentcharge came to them much less rapidly than they had expected. But it was also due to the fact that expenditure on compensations greatly exceeded estimate. By the end of 1873, a total of £10,367,594 had already been spent on commutation and other compensations granted to all parties.¹

When the affairs of the commissioners came up for investigation by the Committee of Public Accounts in 1875, the Comptroller and Auditor General presented a statement showing the details of Mr. Gladstone's amended estimate for the expenditure, which he represented as amounting in all to £9,530,000. The commissioners' own statement at that time exceeded Gladstone's amended estimate by £2,030,000.² The committee expressed the hope that if, as they advised, the commissioners should in future issue regular reports on their proceedings,

"a future report will, together with other important information, which may be looked for, point out the reasons of several compensations and heads of expenditure generally having proved in excess of the amounts anticipated by those most competent to form an opinion."³

The commissioners therefore devoted the first part of their report for 1875 to "observations on the excess of expenditure

¹ Accounts, 1873, p. 9, H.C. 1875, (42), xx.

² Second report from the Committee of Public Accounts, 1875, pp. xii, xiii & 60, H.C. 1875, (336), viii

³ Ibid., p. xiii

over estimate."¹ They naturally introduced their observations on the subject by pointing out that they were not responsible for the original estimate and knew no more about it than any member of the public might discover from the pages of Hansard. They also emphatically repudiated the idea that they were appointed to work out some particular result or verify Gladstone's calculations. They stated that they had come to all their decisions in accordance with the letter of the act and not with an eye to the hopes expressed by any person in parliament or elsewhere. They said,

"The decisions of the commissioners were made upon claims regularly lodged and verified, sustained by evidence, heard in open court, and argued by counsel; the judgements were publicly delivered upon their responsibility as judges. We therefore, in the observations we are about to make, entirely disclaim all idea of entering into any justification of the decisions. They were made by us in the exercise of our judicial discretion, and are by law final and conclusive. We are not, therefore, called upon to reconcile the result of our decisions with any preliminary estimate or calculation. We might be content with saying that, so far as the result differs from the estimate, the estimate has turned out erroneous."²

Their detailed explanation of how the excess on estimated expenditure occurred has already been covered in this present

¹ Commissioners, 1875, p. 3, /C.1400/, H.C. 1876, xx.

² Ibid., p. 4.

chapter with reference to particular items and heads of expenditure. Their estimate of the total extent of additions to expenditure arising out of amendments to the bill or out of the unexpected operation of some of its clauses in ways quite beyond their control is as follows.

Head of expenditure	Addition to estimate
Compensation to curates	746,671 ²
Compensation to bishops, dignitaries and incumbents	548,768
Compensation for advowsons	460,000
Compensation for private endowments	300,000
Bonus on commutation	871,887
Compensation for rights of succession	23,715
Total addition to estimate	2,951,041¹

If this amount of £2,950,000 in round numbers, were added to the original estimated expenditure of £8,650,000 it would raise the total liabilities of the commissioners ^{for compensations} to £11,600,000.

The following total expenditures made between 1869 and 1923 give a good general impression of the financial effect of the compensation clauses of the act. It will be noticed that,

¹ Ibid., p. 10

although these items are taken for convenience from the 1922-23 accounts which were the last to give totals of receipt and expenditure from the beginning of the Church Temporalities Commission, most of the payments had ceased long before 1923, and those which continued were very small, for example £125. 8. 4. for annuities to clerks, sextons and others.

Head of expenditure	Payments 1869-1923		
	£	s	d
Life annuities to archbishops, bishops and incumbents	624,401	8	4
Life annuities to permanent curates	113,090	0	6
Gratuities to curates not entitled to compensation as permanent curates	35,400	0	0
Life annuities to diocesan and district schoolmasters	14,557	3	4
Life annuities to clerks, sextons and others holding freehold offices	98,072	11	9
Gratuities to persons not entitled to compensation	4,625	10	0
Life annuities to vicars general and other officers for loss of fees, etc.	39,967	19	8
Compensation to deputy registrars and others for loss of office	3,280	13	4
Compensation to vicars general, etc, for loss of fees	2,112	17	6

Commutation of annuities				
of archbishops, bishops and incumbents				
commutation money	£	5,217,487	8	3
bonus		621,040	4	1
of permanent curates				
commutation money		1,546,671	16	5
bonus		185,201	17	7
of diocesan schoolmasters		15,714	19	6
of clerks, sextons and others holding freehold offices		332,803	17	4
of vicars general and other officers		73,353	5	4
of officers of the Ecclesiastical Commission		56,173	12	9
Interest on commutation money paid to the Representative Church Body		258,263	5	10
Compensation for private endowments paid to the Representative Church Body		500,000	0	0
Compensation and superannuation allowances, to officers of the Ecclesiastical Commission		55,409	19	0
Proportion of income paid over to the clergy		108,321	13	4
Building charges		239,323	10	10
Compensation to the chancellor and prebendaries of Christ Church, Dublin		23,715	5	3

¹ Accounts, 1922-23, pp. 3, 5 & 7, H.C. 1924, (22), xiii

The total of these items of expenditure which were for the purpose of the compensation of the Church of Ireland and of persons and institutions connected with it amounts to £10,208,988. 15. 3. It will be noted, however, that the majority of these items do not represent payments to the church itself or its representative body. The payments of direct advantage to the disestablished church did not extend beyond commutation money, bonus, interest on commutation money, and compensation for private endowments. The interest on commutation money is also a questionable item, since it represented, not capital, but income; and it really implied a loss to the church, being paid at $3\frac{1}{2}\%$, whereas the Representative Church Body was able to secure over 4% on its investments at that time.

The following items of expenditure not connected with the Church of Ireland may also be added as compensations.

Compensation for loss of Regium Donum

	£	s	d
Life annuities	64,919	2	8
Commutation ^{of} annuities			
commutation money	556,974	15	4
bonus	65,766	10	2

Compensation to widows' and orphans' funds and General Assembly's College, etc.	£	s	d
	90,088	4	11
Compensation to lay patrons	7 78,887	17	10
Compensation to Maynooth College	372,331	0	6 ¹

These further items for compensation make an addition of £1,928,967. 11. 5. bringing the grand total of expenditure for compensation up to £12,137,956. 6. 8.²

The following tables show the number of commuting Church of Ireland clergymen in each diocese and the amount for which they commuted up to January, 1875. The first list refers to archbishops, bishops and incumbents, including holders of cathedral preferments.

Diocese	Number	Net annual value of livings of commutants			Total amount of commutation including 12% bonus		
		£	s	d	£	s	d
Armagh	101	50,784	1	7	551,762	15	3
Clogher	58	21,564	7	6	234,877	17	11
Meath	93	30,983	13	6	375,262	13	1

¹ Ibid.

² This calculation of totals is my own. Some of the items which I have counted, such as proportion of income paid over to clergy, building charges and compensation to officers of the Ecclesiastical Commission, would probably have been omitted by the commissioners.

		£	s	d	£	s	d
Derry	62	35,630	10	1	468,217	18	4
Raphoe	38	14,478	19	0	188,778	17	8
Down	35	15,461	7	5	169,680	8	3
Connor	61	15,843	1	10	200,402	13	9
Dromore	25	8,988	12	5	94,997	0	9
Kilmore	44	16,568	10	3	193,159	10	7
Elphin	31	7,312	19	9	81,097	18	4
Ardagh	25	8,961	13	6	111,215	1	0
Tuam	48	18,540	9	2	226,803	0	10
Killalea	14	3,994	0	1	49,596	11	11
Achonry	8	2,512	14	3	30,542	2	0
Dublin	126	40,634	10	1	501,325	7	5
Kildare	36	8,290	15	5	113,149	19	0
Ossory	52	21,488	0	8	198,048	15	7
Ferns	55	17,492	10	5	193,401	4	3
Leighlin	52	14,308	15	4	153,636	15	5
Cashel	35	14,028	11	7	139,140	7	0
Enly	18	6,890	13	1	87,532	11	5
Waterford	10	2,762	2	3	31,200	0	3
Lismore	40	8,684	10	2	109,527	16	9
Cork	65	25,025	8	8	292,108	3	5

Cloyne	64	23,901	3	4	294,287	9	10
Ross	26	6,691	14	4	87,155	4	5
Killaloe	56	18,583	15	6	227,656	18	0
Kilfenora	4	1,423	0	10	14,394	4	4
Clonfert	15	3,922	17	2	50,952	0	4
Kilmacduagh	4	1,452	1	6	14,132	6	5
Limerick	47	16,317	11	1	211,479	7	1
Ardfert	34	9,738	9	0	119,700	9	0
Totals	1,382	493,261	10	9	5,815,223	9	7

The second table refers to curates who commuted during the same period.

Armagh	55	6,420	0	0	119,406	3	1
Glogher	47	5,220	18	0	94,914	10	0
Meath	21	2,103	0	0	38,695	13	6
Derry	44	5,027	0	0	90,528	18	7
Raphoe	20	2,201	7	4	40,947	12	7
Down	36	4,075	10	0	71,126	4	6
Comor	77	10,400	0	0	186,892	9	0
Dromore	23	2,555	0	0	46,710	2	1
Kilmore	37	4,132	13	6	74,771	7	11
Elphin	16	1,687	0	0	30,277	11	11

		£	s	d	£	s	d
Ardagh	14	1,609	8	6	29,282	9	6
Tuam	19	2,132	6	8	41,315	3	10
Killala	10	1,207	0	0	22,256	12	7
Achonry	6	805	0	0	14,692	17	5
Dublin	115	17,592	14	9	304,370	15	9
Kildare	16	1,135	16	0	20,810	7	3
Ossory	33	2,348	0	0	43,386	5	11
Ferns	24	2,568	0	0	47,417	6	6
Leighlin	23	2,292	0	0	41,420	14	0
Cashel	34	2,134	4	8	37,861	9	11
Emly	9	316	0	0	4,821	18	10
Waterford	9	691	5	0	11,716	6	0
Lismore	20	1,383	10	0	22,882	0	5
Cork	48	4,697	13	0	85,344	1	10
Cloyne	34	2,582	19	2	43,238	8	0
Ross	11	1,070	6	8	19,463	5	8
Killaloe	19	1,696	15	0	32,811	10	7
Kilfenora	3	200	0	0	2,015	8	9
Clonfert	5	678	0	0	11,968	4	3
Kilmaedugh	0	0	0	0	0	0	0

Limerick	41	£	2,769	s	14	d	0	£	50,141	s	5	d	3
Ardfert	31		2,670		12		4		49,294		9		0
Totals	900		96,403		14		7		1,730,781		14		7

The combined totals of the two tables are as follows

	Number	Value of livings			Commutation money		
		£	s	d	£	s	d
Bishops & incumbents	1,382	493,261	10	9	5,815,223	9	7
Curates	900	96,403	14	7	1,730,781	14	7
Totals	2,282	589,665	5	4	7,546,005	4	2 ¹

The number of clergy actually commuting after 1874 was small. A paper published in continuation of the return summarised in the foregoing tables appeared in 1893 and gave the thirty-seven additional commutations of incomes of a net annual value of £2,146. 8. 11. for commutation money amounting to £24,398. 13. 5.²

In addition to the clergy, the following lay holders of offices connected with the church establishment also commuted their annuities up to the end of 1875.

¹ Return of commuting clergymen, 1875, pp. 30 & 50, H.C. 1875, (52), lvii

² Return of clergy commuting from July, 1874 to 31st March, 1893, p. 3, H.C. 1893-4, (172), lxxvii.

Description	Number	Net incomes £	Commutation money £
Vicars general, diocesan registrars, etc.	26	5,185	68,419
Diocesan schoolmasters	11	1,123	15,715
Clerks, sextons and others	2,820	26,752	370,566
Total	2,857	33,060	454,700 ¹

There is one small episode of legislation which seems to call for brief notice in connection with this present subject of the breaking of the financial links between state and church in Ireland. In 1881 an end was put to a relic of the less happy past of the Church of Ireland, which had lingered almost unnoticed since the days of the Tithe War. By the Public Loans (Ireland) Remission Act, 1881,² it was enacted that certain debts due to the Consolidated Fund were to be extinguished and their amount was to be deemed to have been a free grant by parliament. In the schedule of the act the following items appeared.

¹ Commissioners, 1869-80, p. 9, /C.2773/, H.C. 1881, xxviii Schedules of the various classes of persons who commuted, with details as to benefice, name, residence, net annual value of living or office and amount of commutation money, are given in *ibid.*, appendix, pp. 51-102, /C.2773-I/, N.C. 1881, xxviii

² 44 & 45 Vic., c. 32

Subject of advance	Acts under which advance was made	Amount advanced	Amount repaid	Principal outstanding
		£ s d	£ s d	£ s d
Tithe composition	4 Geo. 4, c. 99	279,451 2 7	51,724 6 6	227,726 16 1
Tithe relief	{ 3 & 4 Wm. 4, c. 100 { 1 & 2 Vic., c. 109 { 2 & 3 Vic., c. 97	900,000 0 0	Nil	900,000 0 0

These bad debts arose from loans made on the security of the expectation of collecting tithes. It might conceivably have occurred to somebody to propose charging them by special legislation on the Church Temporalities Fund administered by the Church Temporalities Commissioners or the Irish Land Commission. To have attempted to collect them from the persons originally liable for them or from their heirs and representatives would have been futile. But to have made them a charge upon the confiscated church estate now administered by the commissioners would have been simply to have transferred them from one public department to another. To write them off was the wisest and tidiest course.

5. The Representative Church Body and Church of Ireland finances.

a. The report and resolutions on commutation and composition.

In a previous section of this chapter we saw how the first steps were taken for the constituting of the Representative Church Body and the outlining of a financial policy for the newly disendowed Church of Ireland.

The general convention met for its second session on 18th October, 1870. One of the first things with which it had to deal on re-assembling was the report from the Representative Church Body on the subject of commutation.¹ Ever ^{since} the passing of the Irish Church Act the clergy had been in a state of the utmost agitation about this subject of commutation, and a large quantity of controversial literature was produced about it, attempting to give information, to advocate the adoption of the scheme, to demonstrate how it could best be made use of, to denounce its real or imagined dangers.² There were also a certain number of

¹ Journal of the general convention of the Church of Ireland, 11, 5

² E.g., T. C. Trench, Reconstruction of the Church of Ireland and the uses of commutation, (2nd ed., 1869); J. J. Murphy, Commutation and compounding, (1870); J. C. MacDonnell, Shall we commute? A question for the Irish clergy, (1869); H. Lloyd, On the financial results of commutation, (1869); H. Arthur, Facts, opinions of actuaries, etc., bearing upon the subject of commutation, (1869); T. Woodward, Commutation cui bono, its dangers and disadvantages, (1869).

books produced by legal men or others who had special knowledge and experience, explaining the meaning and workings of the new act.¹ Behind the calm and competent exterior presented by the reports and proceedings of the leaders of the church, one can discover the excitement, the constant and sometimes wrathful repetition of arguments, the anxious seeking of information and guidance by the helpless, the robust dogmatizing of those with correct or incorrect knowledge, and the extreme nervousness that prevailed among the Church of Ireland clergy in general and also among some of the earnest laity. The present study is concerned with results rather than with the ephemeral controversies which were incidental to their achievement. The literature of the commutation controversy, in pamphlets or newspapers, contained practically nothing of direct relevance to our subject, except that it showed a general tendency to turn ultimately in the direction indicated by the leaders and advisers of the Representative Church Body. A small body of the

¹ The most popular seems to have been W. G. Brooke, The Irish Church Act, 1869, (1869). Others were C. H. Todd, The Irish Church Act, 1869, (1869), produced by one of the Ecclesiastical Commissioners; A. T. Lee, The Irish Church Act, a popular account, (1869); G. Atkins, The Irish Church Act, 1869, (1869).

clergy, including one bishop, the contemporary bishop of Cashel, resolutely declined to commute; but, as we have seen, the great mass of the clergy did commute, and the clerical annuitants who remained to draw their incomes from the Church Temporalities Commissioners were a tiny minority. Nearly all the commuting clergy also commuted without any reservation of their life interests in their houses and home farms.¹

The Representative Church Body reported on the general principle of commutation by a brief re-statement of the arguments already expressed in the finance report presented at the first session of the convention. They then presented a set of resolutions on commutation and compounding.² These resolutions were subsequently revised and printed and formed the basis of the operations that were undertaken in the following years.³ It is thus more convenient to give an account of the revised resolutions, though chronologically they belonged to a slightly later period

¹ Commissioners, 1869-80, p. 7, /C.2773/, H.C. 1881, xxviii

² Journal of the General Convention of the Church of Ireland, ii.

³ Minutes of the Representative Church Body, 19th November, 1870, pp. 219 sq.

than the report to the convention.

The resolutions were prefaced by an explanation of the perfect safety of commutation by the clergy and its value as a means of holding the church together. "The Representative Body do not see any other way in which the church can be so surely preserved from falling into a purely congregational system." Attention was also drawn to the economic possibilities of compounding, a process by which one part of the commutation money of a clergyman would be made his immediate property and the other taken over by the Representative Church Body for the benefit of the church, without any further liabilities upon it for payments to the clergyman.

The revised resolutions themselves were sixteen in number. The Representative Church Body consented to commutation taking place in any united diocese or diocese in which three quarters of the clergy consented to commute. Commuting clergy were to be paid quarterly if they so desired. A commuting clergyman desiring to accept another appointment in Ireland would have his case considered by the Representative Church Body in the light of the needs of the two parishes, and such arrangements would be made as appeared to them to be equitable. The special aim would

be to make up the income of every incumbent to at least £200 a year.

In every diocese where three quarters of the clergy commuted before 1st March, 1871, every commuting ecclesiastic was to have the right to compound. The basis upon which this might be done was that every person of the age of sixty-five and over might receive two-thirds of his commutation money, including the 12% bonus; and for persons of lower ages one-ninetieth part of the whole commutation money was to be deducted for every year below sixty-five. Composition might take place after 1st March, 1871, provided that the individual's life was insurable at ordinary rates at the time of composition. The right of composition, however, was qualified in all cases of clergy with less than three years' service by the provision that it might be made only at the discretion of the Representative Body. The Representative Body also reserved the right to let glebe houses to compounding clergy, and to make arrangements with them about the terms of their cessation of work. During the lifetime of a compounding clergyman, he was to be paid for the performance of the spiritual duties of his parish a sum equivalent to the interest of the

money left in the hands of the Representative Body; or the interest might be held in trust for him. But after his death the money became the property of the church at large and not of a particular parish unless an agreement should have been made to the contrary.

Unless there should be some cause for special objection to such a course, the Representative Body were to consent to allocate the whole or part of the sum, left in their hands after the composition, for the permanent endowment of the parish, provided that a like sum should be secured to them within one year after the date of composition. In other words, the parishioners could in most cases enjoy the remainder available after the composition of their clergyman if they were prepared to raise security for doubling the amount. Such arrangements were always subject to amalgamation of parishes or alteration of parish boundaries. A sympathetic consideration was promised for any propositions put forward by clergymen and their parishioners for the endowing of particular parishes in return for local subscriptions to meet the money available from commutation or composition, even if such proposals should differ from the methods laid down in the resolutions.

In the event of a clergyman commuting but not compounding, the Representative Body were prepared to advance him so much of the commutation money as might be agreed upon, upon the security of his annuity, on the terms set forth in a table annexed to the resolutions. These were ^{the} advances later always referred to as "advances under table III." Likewise, in the case of his assigning to the Representative Body an approved policy of insurance on his life, they would advance him the money at 4% interest, "in addition to the premium payable on the policy." This rather ambiguously worded provision meant that the Representative Body would advance money to a clergyman to the extent of the cover provided by a life policy assigned to them and would then deduct from the salary of the clergyman, which they were paying to him, an amount equal to the premium on the policy together with 4% on the money advanced.

The cases of stipendiary curates whose stipends were deducted from those of their rectors were to be considered upon their merits and adjusted accordingly. The commutation in such cases, of which there were not very many, had to be decided by a joint life table which had not yet been published by the Church Temporalities Commissioners at the time of the issuing of the

resolutions. A general commutation of the income of clerks and sextons was stated to be desirable, and each parish was urged to make up annually, during the life of the present holder of the office, the difference between the interest on the commutation capital and the annuity due. Where that was done, the income from the capital was to be regarded as a permanent fund for the future benefit of the parish. Where the services of the sexton were not required for the future, they were to be allowed to compound on the same terms as the clergy.

All diocesan authorities, clergymen and laity were urged to provide the necessary information speedily. It was stated that the Church Temporalities Commissioners, in addition to the consideration of applications by ordinary life tables, had reserved the right to have a medical examination of applicants for commutation if they delayed after 31st March, 1871.

The Representative Body reserved the right to consider any proposals made by individuals in reference to commuting and compounding and to grant terms more favourable than those offered in the resolution in cases where it appeared proper. An agreement which each commuting clergyman was required to

sign was annexed to the resolutions. Its provisions secured for him the same rights and privileges as he would have had if he had not commuted. In addition there were annexed three tables. The first was the life table laid down by the Church Temporalities Commissioners. It showed the number of years' purchase and also the value in cash of an annuity of £10 on the life of a male of any age from twenty-one to ninety-eight, the interest being at $3\frac{1}{2}\%$ per annum, payable half yearly, and the mortality expectation being that adopted for tables regulating the grant of annuities on male lives at the National Debt office. The second table gave the terms for composition offered by the Representative Body, showing the composition value of an annuity of £10 for ages between twenty-three and sixty-five. The third table showed the amount to be deducted from an annuity for each £100 of commutation money advanced at ages from twenty-three to seventy-five.

It was resolved by the Representative Body to send a copy of this revised report and resolutions to every clergymen in Ireland.¹

¹ Ibid., p. 226. I was unable to discover any printed copy of these important resolutions except the one pasted into the manuscript minutes of the Representative Church Body.

These resolutions summarised above show the result of the final deliberations of the Representative Body and the general convention on their commutation policy. Certain general principles can be distinguished in them. A general commutation by all the clergy was sought and hoped for, much more emphatically than in the original finance report presented to the first session of the convention. Every possible means were then adopted to benefit by the desire of any clergyman to obtain a lump sum for any purpose, by compounding if he wished to retire or required a large amount, and by advances and insurance if he found those methods more suitable to his needs. The aim in the case of insurance was to save capital by acting as money lender to the clergy. Of all investments this was the most sure, for the Representative Church Body could always control the circumstances and indebtedness to them of persons who were in their pay. The other schemes for composition and advances were aimed at inducing the clergy to allow the Representative Body to buy out its obligations to them on advantageous terms. Special encouragement was given to parishes and to the clergy themselves to make convenient arrangements so that enough funds would be

raised by private subscription to prevent the commutation capital from being drawn on to meet payments to the clergyman. Every inducement was also provided to make all parties act rapidly so that every advantageous adjustment could be made before the valuation of the lives of the commuting persons should have dropped and while the size of transactions and the available freedom of action were at their optimum condition.

b. The work of the Representative Church Body

The general convention proceeded on 18th October, 1870, to adopt a further set of resolutions defining the powers of the Representative Church Body. These were concerned with trusts of property, management of the commutation capital, provision of buildings and employment of workers, and arrangements for reports, accounts and audit. These resolutions were to provide for the need created by the omission from the charter of incorporation of certain more detailed regulations which had been inserted in the draft charter.¹

After 1870 the interim period in the arrangements of the Church of Ireland was at an end and the normal machinery set up

¹ Journal of the general convention of the Church of Ireland,
ii, 79.

by the general convention came into operation. The general synod took up its duties as the legislative organ of the church in place of the convention, and the Representative Church Body gradually discovered the most convenient machinery and methods for the carrying out of its routine duties for the future.

The offices of the Representative Church Body were established at 52 St. Stephen's Green, Dublin, a large house which cost £3,500,¹ and Thomas Greene was appointed secretary at a salary of £500. The Body appointed the following committees to deal with the business on hand. There was a finance committee, a legal committee and an executive committee. These had obvious purposes and fulfilled necessary functions in the work of church organisation at any time. Other committees were more particularly concerned with the more immediate and temporary problems of the church. The endowment committee certainly had duties which were not merely temporary, but the great volume of its work was connected with the problems of the church's transition to the disestablished state. The committees for commutation, churches, ecclesiastical residences, allocation ^{and} ~~of~~ change of

¹ General synod journal, 1871, R.C.B. report, p. 121.

duty of clergy were also concerned largely or wholly with the immediate problems of the church. Since the titles are not altogether adequate to indicate the functions of a couple of the committees, it may be noted that the allocation committee had as its duty to discover and arrange the best and most equitable means of distributing centralised income to meet local needs, and the change of duty committee had to investigate each case where a clergyman wished to accept another position in the church and make the appropriate financial adjustments between the two parishes or between individuals. The executive committee consisted mainly of the honorary secretaries of the other committees, and there was also a selection committee which arranged the various committees and tried to make the best use of available talent in the various tasks which had to be done.¹ The organisers had to work hard and long in the opening period of the church's new career. Apart from the meetings of committees, the Representative Body itself held forty-one meetings up to 13th April, 1871.² The most hard worked committee was that which dealt with commutation and composition. It had met

¹ Ibid., pp. 111-124

² Ibid., p. 111

thirty-six times, and the number of its members had had to be greatly increased to deal with the huge volume of correspondence and business which came to it.¹

Certain operations conducted under the charge of the Representative Body were of a practically routine nature and have in many cases been adequately described in other connections.

There is little that need be said further about the vesting of churches and other property. There was some difficulty about it on the purely executive side, for the clergy and parochial and diocesan authorities were unbusinesslike in making their returns and providing the information needed before application could be made to have the churches and other properties vested; and the experienced organisers who served the church at the centre were constantly thwarted and delayed by the inexperience and apathy of those who ought to have supported them in the provinces. Thus the church committee had to report in April, 1871, that returns had been received from nine dioceses and that eight of them had had to be sent back as inadequate.²

The ecclesiastical residences committee made arrangements for the purchase and repair of glebe houses and purchase of

¹ Ibid., p. 115

² Ibid., p. 112

land, and provided terms which would encourage the parishioners themselves to undertake to raise all or part of the purchase money where possible.¹ During the period of waiting, while the survey of glebe properties was in progress, the Representative Body entered into an equitable contract with the Church Temporalities Commissioners, regulating the terms of purchase and placing the former in the position to act as owners in all practical matters up to the actual date of vesting.² By 1874, the Representative Body had entered into arrangements with the commissioners for the purchase of all but three glebes. Up to that time £144,877 had already been paid over to the commissioners on account for glebes to be vested when surveying was completed. Of this amount, £86,942 had been provided by the parishes themselves, and £6,320 by sales of unwanted property to the public, leaving £51,614 to be advanced by the Representative Body. The rents received from the clergy up to that time covered the remaining balance of this outlay, together with 4% interest on the £51,614 and the cost of all repairs, head rents and expenses of management, and left a surplus of £9,348. In addition,

¹ Ibid., p. 113 sq.

² General synod journal, 1873, R.C.B. report, p. 136

a sum of £21,861 was handed over by the Church Temporalities Commissioners for dilapidations.¹ By the following year, 1875, the amount contributed by the parishes towards the purchase of the glebes had risen to £110,157 and sales of unwanted glebes to £16,630, of which the net profit, of £8,416, was put to the credit of the parishes concerned.² It can thus be seen that the purchase of glebes did not involve a depletion of capital. The vesting of churches, school-houses and burial grounds proceeded according to the arrangements already described.

Another piece of practically routine work which had to be done was the examining of claims against the £500,000 given to the church as compensation for loss of private endowments. This work was undertaken by the legal committee. While this committee laboured to allocate the capital equitably according to the claims which could be made against it, they did not receive energetic assistance from many of the parochial and diocesan authorities and individuals who, as prospective beneficiaries, might have been thought to have a motive for giving help in the formulation of the claims. The committee had also to in-

¹ General synod journal, 1874, R.C.B. report, p. 105

² General synod journal, 1875, R.C.B. report, p. 174

investigate claims with regard to proprietary chapels in which rights were protected by the 70th section of the Irish Church Act. In this also they experienced much apathy among those who should have given them assistance in their work.

"From the diocese of Armagh," they reported, "the committee have received valuable assistance. Some few other dioceses have also shown some zeal in the matter; but in many great delay had taken place, and the most scanty aid has been rendered, so that the committee are apprehensive that some parishes will lose the benefit of claims which might be substantiated under the 29th section and that others will lose permanent endowments, which, with reasonable diligence, might be saved from forfeiture under the provisions of the 70th section of the act."¹

The surplus available after meeting all claims was about £150,000. This was allocated to the endowment of poor parishes, the expenses of the general synod, and the endowment of certain bishoprics and the deanery of St. Patrick's, Dublin.² The capital was invested in American bonds.³

The core of church finances in the opening period after disestablishment was naturally the commutation capital which amounted to over £8,000,000. This was charged with the life

¹ General synod journal, 1872, R.C.B. report, p. 154

² General synod journal, 1874, R.C.B. report, pp. 119-123

³ General synod journal, 1875, R.C.B. report, p. 185 sq.

interests of the commuting individuals. The efforts of the organisers of the church finances were therefore directed to three main ends. First, they sought to reduce the liabilities upon the commutation capital by persuading the clergy to compound or otherwise to act in such a manner as to draw upon the fund for some amount smaller than the whole possible extent of the value of their life interests. Secondly, they tried to raise an endowment by private subscriptions beside the commutation capital, in order to replace the commutation fund in so far as it became depleted by the heavy liabilities upon it and in order to save it by the carrying of some of those liabilities in another way. Thirdly, they tried to invest all the capital in their hands in such a way as would produce the largest and safest income.

This expresses the financial problem of the Church of Ireland from the point of view of the centre; but the whole operation is complicated by the fact that, for local purposes, the endowments and capital for each diocese were kept separate, and the individual clergy naturally thought and acted with a view to the interests of that portion of the endowment and capital which was allocated to their particular diocese and

did not view the financial position of the church so much from the central point of view. In the period before disestablishment, the Church of Ireland depended largely on sources of income scattered through its various parishes and dioceses. Its clergy and members had been trained, it may be said, for centuries, in regarding their church affairs from a local point of view; and this habit of thought had a powerful effect in moulding the new business arrangements of the church after disestablishment.

There are thus four topics which require explanation in order that a complete account may be given of the financial reorganisation of the disestablished church; first, compounding and the reduction of liabilities; secondly, private benefactions and sustentation efforts; thirdly, the investment of the church's capital; and, fourthly, the diocesan schemes and individual clergy.

c. Compounding and reduction of liabilities

One of the special intentions of the composition system was to enable the church to get rid of a number of its older clergy without risk or loss. A relatively small number of probably fairly highly paid clergy of advanced years was not

a good risk to carry as a liability upon the commutation capital. A very good special example was provided by the case of the bishops. They had been particularly well paid before the disestablishment. The adverse critic of the Irish establishment could always find good grounds for attack by doing a little research into episcopal incomes. One such critic found that the assets left by twenty recent Irish bishops at death had averaged £43,093, ranging from £14,000 to £80,000.¹ The commutation money to be paid in respect of the bishops was very large. The following are examples.

See	Net annual value £	Commutation money £
Armagh	10,525	88,442
Dublin	8,845	93,045
Derry	6,847	111,367
Cork (the lowest in value)	2,485	18,504 ²

When the Representative Church Body consulted the opinion of actuaries, they were advised that it would be dangerous to undertake the payment of annuities so much larger than the

¹ J. Godkin, Ireland and her churches (1867), p. 623

² Commissioners, 1869-80, p. 8, /C.2773/, H.C. 1881, xxviii

average on so small a number of lives. They therefore resolved not to consent to the commutation of bishops incomes unless the bishops agreed to compound or to take advances under table III to such an extent as would reduce the risk to a much smaller amount and enable the Representative Body, if they saw fit, to purchase a government annuity with the balance left in their hands.

Several of the bishops accordingly consented to arrangements whereby they accepted advances or otherwise rendered possible a reduction ^{of} to the risk.¹ One of the bishops, however, the future Primate Alexander, then bishop of Derry, took the courageous and generous course of abandoning his inflated pre-disestablishment salary for the benefit of the church. He compounded on terms so self-sacrificing that he secured an endowed income of £2,000 a year for the see of Derry and Raphoe for the future. In addition a reversion of £5,354 was made available for the general episcopal fund, and the see house and grounds were purchased out of his commutation money. By his action he contrived that Derry, alone of all the dioceses, made no demands upon the generosity of clergy or laity or upon the general funds of the church for the

¹ General synod journal, 1871, R.C.B. report, p. 117

future income of its bishop or for the purchase of an episcopal palace.¹ The bishop of Derry was the only one to compound; but most of the others, though not all, consented to reduce their annuities by accepting advances under table III.² The stipends of the sees of Kilmore and Cashel, in respect of which there was no commutation, had to be assisted at first by grants from the general sustentation fund.³ Generous special donations were also received towards episcopal endowment.⁴

A government annuity was purchased for the bishop of Ossory, which extinguished the annuity payable to him by the Representative Body, and one was purchased for the bishop of Meath which reduced his annuity from the Representative Body to about £500 a year. But these purchases, while they reduced the risk involved in paying large annuities on a small number of lives, exhausted the greater part of the commutation capital in respect of those bishoprics.⁵

The bishops were the most difficult class of the clergy to

¹ E. Alexander, Primate Alexander, archbishop of Armagh, p. 165

² General synod journal, 1874, R.C.B. report, p. 124

³ Ibid., p. 113; and General synod journal, 1875, R.C.B. report, p. 171

⁴ General synod journal, 1874, R.C.B. report, p. 125

⁵ Ibid., p. 124

to deal with. The measures which were taken, with partial success, to preserve some capital for their endowment were applied with much greater success to preserving the commutation capital of the other clergy. As in the case of the bishops, the main principles applied to the preservation of the capital, burdened with liabilities for the annuities of the lower clergy, were compounding and advances under table III. The commutation committee of the Representative Church Body at first received a large number of applications for composition upon exceptional terms, but they granted special terms to very few of the applicants, and the vast majority of the men who compounded did so on the terms set forth in the resolutions which have already been described.¹

By 1875 the number of ecclesiastical persons who had compounded was 753, consisting of one bishop, 452 incumbents and 300 curates. Of these, 599 had been given ordinary terms and 154 special terms.² It is not easy to make out the circumstances of the men who chose to compound. Some of the curates

¹ General synod journal, 1872, R.C.B. report, p. 142

² General synod journal, 1875, R.C.B. report, p. 163

probably compounded in order to obtain money to get married. Of the incumbents, some evidently compounded because they were old and wished to realise a sum of money for retirement. Of the 119 clergymen who died up to December, 1872, forty-six had compounded.¹ This represented actually 46% of the possible cases, for nineteen of the clergymen who died had not commuted. The number of compounding clergy is not recorded among the figures for the deaths in most years in the reports of the Representative Church Body, so that there is not material for further speculation on the subject without very detailed research. It is noticeable, however, that the clergy who did not commute at all were a relatively large element in the early mortality figures, being twenty-eight out of 185 who died up to December, 1874.² There is psychologically a certain parallel between the elderly clergy who compounded and those who did not commute at all. In each case one can form a picture of an elderly man, lacking energy and looking forward to release, choosing to wash his hands of the whole business, either by taking an annuity from the Church

¹ General synod journal, 1873, R.C.B. report, p. 136

² General synod journal, 1875, R.C.B. report, p. 162

Temporalities Commissioners or by taking a lump sum from the Representative Church Body.

Advances under table III were a smaller class of transaction. They were probably made use of mainly by clergymen who required a little extra money for some special contingency, and the facilities thus made available for capitalising a small part of a man's annuity in an emergency or for some special object must have been felt as a very useful financial reserve by a number of clergymen, particularly the younger men.¹ Advances on policies of insurance were a still smaller class of transaction.

The extent of these operations and the gain to the Representative Church Body in capital saved and liabilities ended may be seen from the following figures.

Up to the end of 1879 there had been composition to the extent of £1,290,202 and the composition balances amounted to £1,454,874. The first of these figures represents the amount handed over to the clergy in lump sums, and the second represents the amount of capital which remained in the hands of the

¹ I am informed that my own grandfather obtained a small advance of this nature for the purpose of buying furniture when he was getting married. He was one of the divinity students who were hurried into orders and given curacies after the passing of the Irish Church Act.

Representative Church Body, charged with interest during the life of the compounding clergyman but ultimately the absolute property of the church. The amount of advances under table III up to the same time was £989,861. The amount of annuities extinguished by composition and advances was £294,054. This figure for annuities extinguished is a misleading one. It makes it appear as if the composition transactions were far more advantageous to the Representative Body than they were, for at first glance we are led to imagine that this amount of annuities extinguished represents the annual amount of outlay which the Representative Body was saved. Consideration will show that this is actually not correct. The amount of annual saving would depend upon the age of each clergyman and the time that he lived after compounding. The fact that this figure is so high gives a further indication of the fact that the compounding clergy were in many cases elderly men. The amount advanced on policies of insurance up to the same time was £109,162, but this had been reduced by deaths and compositions to £67,187. It might indeed be more justifiable to classify this type of advance as an investment than as an operation for the reduction of liabilities

to the clergy.¹ The amount of the composition balances - that is, of the capital saved - was £1,624,497 at the close of 1889, by which time very little further business of this nature was being done.²

A certain small portion of the composition business done was on account of the church officers, who were not granted the 12% bonus and had annuities of small amount. The Representative Body therefore resolved that they would not allow commutation in their case without composition in addition.³ The balances were invested for the benefit of the parishes. These balances amounted, up to the close of 1874, to £214,283.⁴

A further method by which liabilities upon the Representative Church Body were reduced was, naturally, by the deaths of commutants. How far the men who died could be replaced by others adequately paid was a test of the whole process of commutation, reorganisation and re-endowment. This will be described when we pass to the local and diocesan aspect of the church's

¹ General synod journal, 1880, R.C.B. report, p. 41.

² General synod journal, 1890, R.C.B. report, p. 18

³ General synod journal, 1872, R.C.B. report, p. 144

⁴ General synod journal, 1875, R.C.B. report, p. 164

reorganisation.

Another way in which risks to the commutation capital were avoided in a few cases was by the purchase of government annuities. Cases of this have already been seen with reference to a couple of the bishops. The purchase of an annuity could always be made out of the commutation capital at a slight profit. The commutants of very advanced age were a risk because the amounts paid in respect of their commutation were necessarily small, life expectation being low. At the same time, they might, as the result of their healthy and sheltered lives as clergymen, achieve considerable longevity in some cases, and continue to be a charge upon the capital out of proportion to what amount was contributed to it in respect of their interests. The loss which could be incurred by purchasing a government annuity for such a person was small, for the possible gain which could be achieved through the conversion of his relatively small commutation capital was less than in the cases of younger men. This policy of buying government annuities in suitable cases was therefore adopted to a small extent.¹

¹ General synod journal, 1873, R.C.B. report, p. 137

d. Re-endowment and investments

The management of the collections for the sustentation fund seems at first to have been unbusinesslike, and accurate information as to the names of donors was often not reported to the Representative Church Body. The project of publishing a complete list of all who had paid or promised sums throughout the entire country had to be abandoned.¹

A large part of the donations and subscriptions to the sustentation fund, which were centralised in the first year of the activity of the Representative Church Body, became transferred to local purposes almost immediately. By a resolution of the general synod in March, 1871, any person who had given a donation or subscription to the sustentation fund might change the destination of the money by application before 1st July, 1871. As a result of this permission, a sum of £345,697 was transferred to various diocesan and parochial trusts, and the general central sustentation fund became a much smaller fund than it had at first promised to be.² The local trusts, however, remained part of the sustentation fund; and donations

¹ General synod journal, 1872, R.C.B. report, p. 152

² ~~General synod journal, 1872, R.C.B. report, p. 152~~ Ibid.

and subscriptions, though earmarked for particular local purposes, continued to pass through that fund.

The extent of contributions to the sustentation fund during the first twenty years after disestablishment was as follows.

	£	s	d		£	s	d
1870	229,753	14	2	1881	153,818	0	2
1871	214,709	8	4	1882	154,486	10	1
1872	248,445	1	8	1885	178,444	16	2
1873	230,179	11	0	1884	190,611	16	8
1874	257,021	2	1	1885	137,117	1	6
1875	218,499	3	8	1886	167,011	5	5
1876	212,095	7	7	1887	136,963	3	6
1877	197,739	6	7	1888	148,380	19	2
1878	174,403	15	10	1889	170,724	5	10
1879	165,007	11	0				
1880	147,768	0	0	Grand total	23,733,180	0	5 ¹

As was to be expected, the extent of private subscriptions to the sustentation fund and to other objects connected with the church did not by any means reach the level of the hopes that

¹ General synod journal, 1890, R.C.B. report, p. 141

were expressed at the time of the disestablishment, but the achievement was a very creditable one in a church whose members had had so little experience in the habit of giving. Indeed the energy with which the members of the Church of Ireland proceeded to attend to the re-endowment of their church and the restoration of church fabric was a matter of passing comment by many spectators.¹ At the same time there was an increasing degree of life in other aspects of church work. Much larger sums came to be given, not merely to the church itself, but to other objects, missionary efforts and charities. The extent of Church of Ireland donations to certain objects became a matter of enthusiastic comment in England. A writer in 1885 mentioned a charitable collection in the Dublin Protestant churches which produced one-seventh of the amount similarly collected from a Protestant population in London which was fifty times greater.² That such an example could be found is not surprising when we remember the very large landed and middle-class element in the Church of Ireland. The event of disestablishment seemed to stimulate a number of outstanding acts of generosity

¹ Lord Braye, Fewness of my days, a life in two centuries (1927), p. 192

² Church quarterly review, xix, 479 (January, 1885)

in wealthy members of the church. One of the most notable was the restoration of Christ Church cathedral, Dublin, and the building of a synod house beside it at the expense of Henry Roe.¹

Other less purely material evidences of increased activity in the Church of Ireland were quoted by Gladstone with warm approval in a letter to his son Stephen, about 1878. He noted the great growth from 1860 to 1877, not merely of financial generosity, but of the number of communicants and of the numbers recorded for church attendance, and wrote, "This is a reward!"²

It is doubtful if historical research could accurately reveal how far the expansion of life in the Church of Ireland was really due to the fact of disestablishment. Certainly it would be unjust to give the authors of the Irish Church Act all the credit for what happened. Their reforms could not have stimulated such a response if there had not already been considerable life in the church. The clergy who commuted were not lacking in a generous spirit of loyalty to their religious duty.

¹ General synod journal, 1871, p. 5.

² D. G. Lathbury (ed.), Correspondence on church and religion of W. E. Gladstone, 1, 153

and the laity who re-endowed the church were certainly not apathetic. There is a case for holding that the Church of Ireland was ripe for an expansion at the time of disestablishment and that that reform came at just the right time to give easier expression to a force of energy and evangelical zeal which had been increasing during the earlier part of the nineteenth century in the Church of Ireland.¹

That the disestablishment had a direct influence on the tendency of denominational statistics and led to the passing of Presbyterians into the Church of Ireland was claimed by some Presbyterians. One writer declared,

"By removing any ground for active opposition and placing the episcopalian and the erstwhile dissenter on an equality, the way was paved for the ambitious Presbyterian to pass over easily into the ranks of the more fashionable church. This has happened to a considerable extent, and still continues to happen, although the Presbyterians have attempted to stem the tide by approximating their services to the episcopalian standard."²

¹ W. A. Phillips (ed.), History of the Church of Ireland, 111, p. 325 sq.

² J. Campbell, Short history of the Non-Subscribing Presbyterian Church of Ireland, (1914), p. 79. The same view is expressed with less detachment by W. T. Latimer, A history of the Irish Presbyterians (1902), p. 537

In some localities this tendency probably did manifest itself and the funds of the church in a few places may have benefited; but it would be difficult to show how far this occurred as a direct result of disestablishment.

For reasons which will appear, it is appropriate to study the subject of the church's investments in fairly close connection with the subject of re-endowment.

It was reported to the convention in October, 1870, that an amount of £80,000 was about to be lent on real security, in accordance with the powers made available to trustees by the Charitable Funds Investment Act, 1870,¹ at the rate of $4\frac{1}{2}\%$ ². Thus the first choice of the Representative Church Body in making investments was mortgages. Up to December, 1871, £758,000 was advanced on loan in this way, and they were able to obtain interest at $4\frac{1}{2}\%$ or $4\frac{3}{4}\%$.³ After investing about £1,500,000 in these land mortgages, they invested a corresponding amount in railway debenture and preference stocks.⁴ During

¹ 33 & 34 Vic., c. 34

² Journal of the general convention of the Church of Ireland, 11, 9 & 10.

³ General synod journal, 1872, R.C.B. report, p. 152

⁴ General synod journal, 1873, R.C.B. report, p. 145

the early years they invested in these two classes of security in roughly equal proportions, but rather favouring the railway holdings. The income remained over £4. 8. 0. per cent for many years, thus giving a very ample support to operations which were begun on a theoretical expectation of an income of $3\frac{1}{2}\%$ or 4% .¹ The yield on investments and the nature of the holdings has naturally altered in the course of time, the yield falling gradually. With the passing of the Land Acts, mortgages ceased to be a main item in the Representative Body's investment list and foreign holdings began to have a place on it. To make good the loss of income through lapsing of mortgages, an "auxiliary fund" was started in 1904 and achieved a total of £233,258 in donations and subscriptions by 1909.² The church experienced the various risks of the investor, losing, for example, large sums through the default of the Russian government after the revolution.³ The following is a summary of the distribution of all Church of Ireland assets in the form of investments at the close of 1941.

¹ General synod journal, 1875, R.C.B. report, p. 171

² W. A. Phillips (ed.), The history of the Church of Ireland, iii, 401.

³ General synod journal, 1925, R.C.B. report, p. 10.

General funds

	£	s	d
Mortgages on land	259,236	2	5
Government funds	3,214,459	11	0
Foreign government securities	103,944	13	1
Corporation and county stocks	974,879	3	6
Colonial government securities	1,031,143	4	10
Colonial corporation stocks	228,277	2	9
Home railway debentures, guaranteed and preference stocks	979,230	8	6
Indian & colonial railway stocks	765,941	0	4
U.S.A. railroad shares and bonds	114,720	6	9
South American railway debenture stocks	221,330	5	11
Tramway and power and transport companies	1,083,697	0	9
Bank, trust and loan companies, Mortgages, debentures, etc.	439,539	8	6
	<hr/>		
	9,416,398	8	4
Specific trusts	1,548,774	8	10
	<hr/>		
	10,965,172	17	2

The market value of the general investments on 31st December, 1941, together with the estimated value of mortgages, was

£10,015,679. 17. 2.¹

While detailed descriptions of Church of Ireland finances would be out of place in the present work, the figures just quoted raise a question which must be given some answer. Here we have a list of the investments of a church with a small membership. With an endowment of over ten million, there is over twenty pounds of capital for every member of the church. This means that, setting aside the question of loss through uneconomic local allocations and trusts, the Church of Ireland is relatively well endowed. It would be a mistake to try to compare its circumstances too closely with those of other churches, because their wealth is not always so well centralised for purposes of estimate nor is it always in the same form. The Roman Catholic Church in Ireland, for instance, while evidently possessing a vast amount of property, probably proportionately very much greater than the property of the Protestant episcopal church, does not usually make its accounts, either central or local, available to the public, and its

¹ General synod journal, 1942, R.C.B. report, p. 37. It should be noted that the division into the categories of general funds and specific trusts is not to be taken as meaning that large parts of the general funds are not tied down by special allocation to dioceses and parishes.

property is so widely distributed among religious orders and special institutions that a co-ordinated statement of its total value would be very hard to establish. The important question about the wealth of the Church of Ireland is - how was it acquired? Is it open to some person - let us say, a member of some other church - to say that the Church of Ireland was so lavishly re-endowed at the time of the disestablishment that it remained a wealthy church, in evidence of which stands its present endowment of ten million? When, as we have seen,¹ the amount paid in compensation of Church of Ireland interests as a whole was about ten million, are we to take it that the present investments of the church are really that same ten million?

A clear answer can be given. The greater part of the present wealth of the Church of Ireland has come from the donations and subscriptions of private individuals. It is only a portion of the present endowment which can be traced back as a demonstrably continuous element to the time of the general commutation, and it may be taken as about two-fifths of the present total. The fact that the present extent of the church's endowment is roughly equal to the extent of the compensation

¹ Above, p. 378

given for Church of Ireland interests is entirely accidental. As was explained, only part of the compensation money actually passed into the hands of the Representative Church Body, though a large part; and it was burdened with heavy liabilities for payments to the clergy and others. That money which came into the hands of the Representative Church Body was progressively exhausted for the purpose of meeting these liabilities, and only part of it was saved, partly by compounding and partly by the fact that the capital was more than sufficient to cover the liabilities upon it so that a surplus remained.

Let us examine the position in the year 1885 when the various processes described had made considerable progress. In that year the invested capital of the Church of Ireland was £6,475,005.¹ The question is, then, how much of that capital can be shown to have come directly from the compensations made at the time of the disestablishment. First, we can count £500,000 of it to have resulted from the compensation for loss of private endowments. Then, secondly, there was the portion of the commutation money which was saved through composition. This amounted at that time to £1,561,032.² Then, thirdly,

¹ General synod journal, 1885, R.C.B. report, p. 5.

² Ibid., p. 13

there was the commutation capital itself. At that time it had been so far exhausted, that it was reduced to only £2,230,496, still charged with a liability for payments of over £143,000 a year.¹ Thus, in 1885, out of a total endowment of less than six and a half million, we can establish the fact that less than four and a half million came directly from the original compensation. The rest came from private benefactions.

Of that four and a half million which was demonstrably acquired from the original compensation, the first two elements may be regarded as almost static at that time and might be given roughly the same value to-day. The 2500,000 may be counted the same, and the composition balances did not increase much after 1885. By 1890 they had reached £1,624,497, and by that time there was practically no further composition business being transacted.² We can therefore take it that roughly less than two and a quarter million of the capital can be accounted for as having come from the original compensation in these two ways.

In the case of the commutation capital there was a steady decline through continued meeting of liabilities to clergy

¹ Ibid.,

² General synod journal, 1890, R.C.B. report, p. 18

until 1895. In that year the closing of the commutation account was brought within sight by the fact that in the preceding year the interest received upon the remaining commutation capital was found sufficient for the first time to meet the liabilities without any need arising to draw upon the capital itself. As soon as that stage was reached we may take it that the remainder of the commutation capital was saved as an endowment. The commutation capital on 1st January, 1895, was £1,847,414, and this sum may be added to the total of capital permanently saved for the church out of the original compensations, making a grand total of such capital of a little over four million.¹ After that time, as liabilities fell increasingly below the capacity of the commutation capital, portions of the capital were removed from the commutation account and allocated to diocesan stipend funds;² and, although in this way the commutation capital continued to sink, the capital remained with the church as part of the total investments, though shifted gradually to other accounts.

¹ General synod journal, 1895, R.C.B. report, p. 10

² General synod journal, 1900, R.C.B. report, p. 10

The rise in the total of invested capital of the Church of Ireland may be traced as follows.

1880	1885	1890	1895	1900
£6,362,433	£6,475,005	£6,608,105	£6,952,181	£7,476,007
1905	1910	1915	1920	1925
£7,858,222	£8,444,072	£8,900,090	£9,301,301	£9,497,132
1930	1935			
£9,982,548	£10,283,445 ¹			

The total investments of the church have thus increased mainly in the period since the 1890's. That was the time at which an equalisation was achieved between interest on commutation capital and liabilities on it. Up to that time the increase in wealth from private donations is less apparent because it was going to offset the steady fall in the commutation capital. After that time there was a steady addition to the church's capital of somewhat less than £100,000 annually. In the total capital at any time after 1895 we can regard slightly over four million as having come demonstrably from the original compensation given at the time of the disestablishment, principally in the form of

¹ These figures are taken from the R.C.B. reports for the relevant years.

commutation money. The rest of the capital has been built up by the efforts of the members of the church, so that at the present time the greater part of the wealth of the church has come from this latter source.

In this calculation no account has been taken of increments through saving of interest or improvement of investments. The church has tended to live fully up to its income, and the trend of investments has, for the most part, been in the direction of depreciation, several fairly serious losses having been experienced.

It is perfectly true that this capital from donations and subscriptions could not have been built up if there had been no commutation capital to shelter and sustain its early development. But in the financial history of the disestablished church it is the donations and subscriptions of the church's members which form the continuous, significant and living element. Even if nearly two-fifths of the present endowment can be represented as coming directly from the original compensation, it was saved for the church only by the fact that support from the church's members was so generously forthcoming, particularly during the early period just after disestablishment.

e. The diocesan funds and the clergy

So far we have seen the finances of the Church of Ireland from the point of view of the centre. In actual practice, however, the finances of the church were organised mainly on a diocesan basis. As already noticed, a series of suggestions were issued as to how parishes could secure the continued services of a clergyman after the death of the incumbent who was receiving an annuity from the Representative Church Body from commutation capital. To stimulate interest and support, such schemes had to be managed locally; and, while pooling of all resources as a central, mobile fund for the whole church might have been ideal, it was psychologically impossible, and the virtue of each parish had to bring to that parish its own immediate and commensurate reward. Since some control was needed, however, all schemes were organised to fit loosely into a series of diocesan schemes.

It was left to the diocesan authorities to devise these schemes. They had to decide two things, what their future aim was and how they were going to achieve it. Thus they had to determine what proportion of the commutation capital they hoped to save in respect of the clergy of that particular diocese, how

much capital they hoped to raise by private subscriptions and donations, whether there would be any reduction of the number of clergy or any alteration in their salaries in the future, and what mechanism would bring about the result which they planned. The Representative Church Body gave general advice on the formation of these schemes and drew attention to the factors which might cause them to break down or produce results below expectation.¹

The theory of most schemes was that originally placed before the general convention in the report on finance. The idea was that, if parishioners subscribed half the incumbent's salary during his lifetime, the commutation capital in respect of that clergyman would be saved and the parishioners could enjoy the continued services of a clergyman at the outlay of half a clerical salary, the rest being paid from the commutation capital which was saved. This, however, is only the theory. In practice, the annuity of every commuting clergyman was a charge upon the whole of the commutation capital, and it was only when it became possible to meet liabilities out of interest on the capital that there could be any prospect of its allocation to

¹ General synod journal, 1872, R.C.B. report, p. 144 sq.

individual diocesan schemes. Thus, while in theory and from one point of view, the subscriptions of parishioners to a scheme served to "save" part of the commutation capital by meeting liabilities which would otherwise have made it necessary to cut into the capital, the actual method of working had to be that all the liabilities were met from the commutation capital and the depreciation of the capital was made up by the subscriptions, as were also certain deficiencies arising out of necessary adjustments in the scheme caused by unfavourable experience in a particular parish, promotion of clergy and so forth. The diocesan schemes may be regarded as a series of loosely organised insurance schemes for the parishes which joined in them.

The fact that the motive and aim of "saving" all or part of the commutation capital was held before participants in these schemes must not be taken as contradicting anything that has already been said about the relative proportions of surviving commutation capital and private donations in the total capital of the church at a later period. A person reading the reports, appeals and advice issued by the Church of Ireland at this earlier period might easily draw the conclusion that the present

endowment of the church was the result of a successful effort to "save" the original commutation capital. That conclusion would be incorrect. That mode of expression was chosen as having the greatest clarity and publicity appeal for use among people capable of understanding only a little about financial transactions. The facts are as already stated, and the amount of the commutation money which was genuinely saved amounted only to slightly over three and a half million, consisting partly of a surplus after the meeting of liabilities and partly of the balances remaining after composition. To that we added the \$500,000 for private endowments.

The various diocesan funds were all finally set up throughout the country in 1873. It was to these that the sustentation money went. The book-keeping and management of investments were in the control of the Representative Church Body and were worked at their office in Dublin. A uniform system of accounts was established by W. J. Hancock, employed by the Representative Body, and, from one point of view, the various schemes existed simply on paper. But the allocation of the money to the various dioceses and localities was very real, and the church's property

has thus been immobilised to a very large extent ever since.¹

The adverse effect of the diocesan and parochial distribution and immobilisation of church finances, in view of subsequent changes in the distribution of Church of Ireland population, is a subject beyond the scope of this present study. A general view of the extent and nature of the population changes will be given in the concluding chapter of this thesis.² The detailed problems of immobilised endowments, however, can only be mentioned and not investigated.

The result of the establishment of these schemes was that the total amount which had to be paid to the clergy each year was gradually transferred from the sinking commutation capital to the diocesan funds, as the clergy who had commuted died and were replaced by men who had not been in orders at the time of the disestablishment. The payments made to commutants were called "annuities" and the payments from diocesan funds were called "stipends". The totals of payments under these two heads at intervals were as follows.

¹ General synod journal, 1873, R.C.B. report, p. 148

² Below, p. 718⁵]

Year	1880	1885	1890	1895	1900	1905
Year	£	£	£	£	£	£
Annuities	208,510	147,299	98,376	65,746	41,750	26,621
Stipends	153,511	189,710	210,197	227,240	252,292	263,465

Year	1910	1915	1920	1925	1930	1935
	£	£	£	£	£	£
Annuities	14,977	7,653	4,426	2,281	1,046	120
Stipends	272,482	281,408	308,668	341,224	338,989	336,171 ¹

A number of observations can be based upon these figures. First, it is clear that the rising payments of stipends did not keep pace with the falling payments of annuities. Secondly, although there was an improvement in the amount available for payment to the clergy after 1910, up to which year there had been a steady decline, that improvement came mainly in a period when the value of money had fallen. Thirdly, if these figures, representing the main outlay of the church, are compared with the figures already given for total invested capital,² it will be seen how the falling yield on investments was such that the expansion of capital scarcely did more than keep pace with depreciation.

The need for a reduction in the number of clergy was obvious to the Representative Church Body at an early stage. A bill "to

¹ The figures come from the R.C.B. reports for the years indicated. Since they are from accounts of expenditure made, they really refer to the preceding year in each case. There was only one annuitant still living in 1934.

² Above, p. 427

facilitate the union of parishes and the alteration of the boundaries of cures" was introduced early at the first session of the general synod.¹ In 1873 the Representative Church Body reported,

"The bulk of the funds subscribed being allocated for the most part to the parishes in which the donors are interested, the fund available for making provision for church sustentation in really poor parishes is very small. It seems clear that the church will not be able to maintain at all as many clergy as before; and the expedient of uniting parishes which is thus forced on the dioceses is always attended with the risk that those persons may practically be lost to the church whose clergymen reside at a distance from them and who have to travel a considerable distance to attend the ordinary Sunday services. Already cases have occurred where the inability from want of funds to fill vacated posts causes much anxiety."²

In summarising the general result of commutation, we recorded that 2,282 clergymen commuted up to the end of 1874 for livings valued at £589,665.³ The methods of keeping books at the Representative Church Body and the method of setting out the information contained in the Irish clergy directory both make it difficult to find out how many clergy have been employed in

¹ General synod journal, 1871, pp. 57 & 179

² General synod journal, 1873, R.C.B. report, p. 149

³ Above, p. 383

the church at intervals since that time, and it would require much labour to prepare a series of totals of the clergy employed, to set against the figures already given for expenditure on annuities and stipends. In 1941, however, there were 1,084 clergymen of all ranks and orders.¹ These clergymen drew stipends to the total amount of £335,071.² Thus less than half the former number of clergy are drawing less than three-fifths of the former income. If the changed value of money were taken into account, the real fall in the wealth of the Church of Ireland and in the wealth and economic standing of its clergy would be seen as considerable. Yet it must be remembered that part of the decline in wealth is accounted for by the elimination of a small class of extremely well paid incumbents, particularly the bishops of the pre-disestablishment period. It was indeed one of the functions of diocesan schemes to redistribute any advantage gained from the commutation of overpaid clergy in parishes with tiny Church of Ireland populations; for the allocation of capital to particular parishes was normally conditional

¹ Irish church directory, 1941, passim. This total is the result of my own count and calculations. The classifications adopted for each diocese are not uniform, and I did not feel competent to do more than find a grand total without attempting to distinguish classes and functions.

² General synod journal, 1941, R.C.B. report, p. 15

on a corresponding subscription by the parishioners.

The diocesan schemes and the systematic reorganisation of the church finances gave a reasonable guarantee to the individual clergyman that he would receive a reliable if moderate payment for his work. The supervision of the diocesan schemes by the Representative Church Body ensured that no obligations would be undertaken for the future which could not be met. A commentator wrote in 1885,

"We hear ominous rumours from more than one quarter that incumbents are often left to pay a considerable share of the parish assessments themselves."¹

It is very probable that such cases occurred; but the individual clergyman who did such a thing was under no obligation to do so, and he would not have suffered in prospects himself if he had refrained.

The position of those clergy who were annuitants under the Irish Church Act, whether they commuted or not, was particularly strong. The Representative Church Body reported the case of a clergyman with an income of over £680 a year who claimed absolute exemption from duty on account of age and infirmity, refused to

¹ Church quarterly review, xix, 478 (January, 1885)

engage a curate and closed the parish church. His action was upheld as legal by the Church Temporalities Commissioners.¹

In one case, at least, the defining words of the Irish Church Act proved a valuable safeguard to a clergyman. A certain Reverend William Whitty, a curate and an uncommuted annuitant, was dismissed by his rector on the grounds that he addressed to him a letter of improper tone. The Representative Church Body offered him no other work and furnished no certificate of his performance of duty to the commissioners. The commissioners, however, continued to pay him his annuity, since his non-performance of duty was not due to the causes specified in the act.² It is fairly clear that, even if this clergyman had commuted and had been receiving his salary from the Representative Church Body, his rights would still have been the same; and, if the Representative Body had discontinued payments to him, he could have taken a successful action against them in the courts.

Another safeguard possessed by all clergy who were in orders

¹ General synod journal, 1875, R.I.C.B. report, p. 184

² Accounts, 1876, p. 3, H.C. 1877, (233), xxvi

at the time of the passing of the Irish Church Act was the power of renouncing any subsequent legislation of the church. Within one month after the passing by the general synod of a statute of constitutions and canons ecclesiastical, 324 clergymen gave notice of dissent from the statute. In many of the notices, the clergymen stated that their object was not so much to dissent from the canons themselves as to preserve their liberty to dissent from future alterations in the doctrines, articles, rites and formularies of the church.¹ This episode occurred against the background of the great controversies which raged in the Church of Ireland at that time and which centred on the question of prayer book revision.

6. Compensation to Presbyterians and Maynooth College

It is convenient to treat separately the compensations to clergymen and ecclesiastical institutions other than those connected with the Church of Ireland; but, in the case of the non-conforming clergy the process of compensation and the facilities for commutation were very similar to those available to the

¹ General synod journal, 1872, R.C.B. report, p. 154

Church of Ireland clergy. By the 38th section of the Irish Church Act, the Church Temporalities Commissioners were required to ascertain and declare by order the amount of the yearly sum received by each minister from the Regium Donum and to pay him an equivalent annuity. He could then commute in favour of trustees. The bonus of 12%, payable in respect of commutations in a diocese where three-quarters of the Church of Ireland clergy commuted, was similarly payable where three-quarters of the ministers of any particular nonconforming communion commuted.¹

The various nonconforming bodies to which the compensation was payable were the product of a series of splits and reunions which had occurred in the Presbyterian community in Ireland. The principal body of clergy who had received payments from the Regium Donum and qualified for compensation were those working under the General Assembly of the Presbyterian Church in Ireland. This general assembly was founded in 1840, when two bodies, formerly in rivalry, the Synod of Ulster and the Secession Synod, joined together.² The Secession Church had, in

¹ 32 & 33 Vic., c. 42, s. 23

² W. T. Latimer, A history of the Irish Presbyterians, p. 466

its turn, been made up of two earlier reconciled factions, the Burghers and Antiburghers, who joined together in 1818.¹ The fusion of these various bodies enabled them as a united church to take full advantage of the commutation scheme.

In the case of the two non-subscribing bodies of Presbyterians, the Presbytery of Antrim and the Remonstrant Synod, however, the process of fusion into one church came too late, in 1910, to enable them to benefit as the others had done.²

Broadly speaking, these bodies had all managed at most times to obtain the annual Regium Donum grants which had originally been given to the Ulster Presbyterians as one homogeneous body in the seventeenth century. Sometimes there were breaks and irregularities in the payments. For example, the grants to the Secession Synod lagged behind the grants to the Synod of Ulster when the latter were augmented, and the grants to the two bodies were not systematically equalised till 1838, an event which prepared the way for their union.³

¹ Ibid., p. 423

² J. Campbell, A short history of the Non-Subscribing Presbyterian Church in Ireland (1914), p. 95

³ J. S. Reid (ed. W. D. Killen), History of the Presbyterian Church in Ireland, iii, 407, 419 & 474

But, even when non-subscribers were excluded from the other bodies of Presbyterians, the government continued to pay the grant to them.¹ There were also special instances of astute financial co-operation among bodies separated by profound theological disagreements. Thus, when, in 1750, a widows' fund was established by the main body of Presbyterians, the Presbytery of Antrim was allowed to join in the scheme in spite of their doctrinal non-subscription.²

a. The General Assembly of the Presbyterian Church in Ireland

In reviewing the events connected with compensation of the nonconforming clergy, nearly all attention may be concentrated upon the plans and transactions of the General Assembly of the Presbyterian Church in Ireland. It was by far the most important of all these nonconforming bodies and the only one which exerted a strong political influence and which required an extensive compensation on account of its numerous clergy.³

¹ Ibid., 111, 209-212

² Ibid., 111, 289-292

³ Return of the names of the Presbyterian and other ... churches and chapels in Ireland which in 1868 received aid from the Regium Donum, etc., H.L. 1868-9, (127), xix

Before the disestablishment, the General Assembly's government committee had been approaching the government by deputation, asking for an increase in the grant; and, although their efforts were not productive of result, the majority in the General Assembly directed them in 1867 to continue those efforts. Disraeli, interviewed by a deputation of the assembly in March, 1868, stated that the endowment of the Irish Presbyterian Church was utterly inadequate and that nothing would give him greater pleasure than to place that church "in a position to which he felt they were entitled." He said, "Only give me a majority, gentlemen, and you'll see what I'll do for you."¹ Thus, for a short period, the Presbyterian leaders were entertained with expectations of what might come to them from "concurrent endowment," and then they were swung round sharply to face the issue of total disendowment.

When the new prospect was reported to the next assembly, a resolution protesting strongly against the proposed withdrawal of the royal bounty was moved by the Rev. Professor Samuel Marcus Dill, of Magee College, seconded by the famous Dr. Cooke,

¹ W. T. Latimer, A history of the Irish Presbyterians, p. 501.

then an old done man with an inaudible voice. On the more liberal side, an amendment was proposed to the effect that the Presbyterian Church had received the royal bounty without any sacrifice of Christian liberty, but that they preferred the full and impartial disendowment of all religious denominations in Ireland to a scheme of general endowment in which truth and error would be treated indiscriminately. This was followed by a week of stormy and disorderly debate. In the end the amendment was defeated, many ministers and elders who approved of it refraining from voting, fearing lest they should be accused by their congregations of having "voted away the bounty." When the result of the voting was announced, there were further efforts to propose amendments. The assembly got into a state of uproar. Four ministers tried to address the meeting at once in competition with one another, and other ministers and elders shouted against each other for the speaker whom they wanted and shouted down the three whom they did not want, some standing on their chairs. The moderator being helpless to stop the disorder, it was ended only by a leading minister from the floor intervening effectively. The episode shows something of the degree of excitement and even consternation which the disendow-

dowment proposal aroused among some Presbyterians.¹

On 29th September, 1869, a meeting of lay delegates representing 282 congregations was held in Linenhall Street Church, Belfast. A resolution was moved asking the ministers to commute their annuities in the interests of the church, in accordance with the facilities made available by the Irish Church Act. The seconder of the resolution was Thomas Sinclair, and he gave a clear and impressive explanation of the advantages of commutation. A few objected, some on the ground that commutation was a matter for the clergy as individuals and others because they thought that the church would be better without any permanent fund. But the resolution was carried.²

On 25th January, 1870, a special meeting of the General Assembly was held. A report in favour of commutation was received from the sustentation fund committee. After its adoption had been moved, a deputation of Presbyterian laymen appeared to support the resolutions of the lay conference in favour of commutation. Then a further deputation advising

¹ Ibid., pp. 503-4.

² Ibid., p. 506

delay came from another outside meeting of Presbyterians; but the cause of commutation was victorious. Thomas Sinclair was again responsible for placing the advantages of the scheme lucidly before the meeting. With considerable skill he urged the ministers to face the perils of commutation, to place themselves in front in the hour of danger as their forefathers had done, and at the same time he pointed out that if they would do this they would probably get increased incomes. This dual appeal to heroism and prudence provoked the utmost enthusiasm, and, although the assembly adjourned, the commutation question was practically settled. A few days later a vote was given in favour of commutation by a majority of 337 to eight. A new sustentation scheme was then adopted to supplement the income derived from the interest on commutation capital. The sustentation money was raised by a tax on all congregations. They were to give a minimum contribution of six shillings a year for each stipend payer or a penny a week for each communicant.¹

The aim proposed by the sustentation fund committee was a high one. It was desired that the occasion should be used,

¹ Ibid., 507-8

not merely to secure the clergy in their incomes at the existing rate, but to raise the incomes of all the clergy. It was reported to the assembly that

"to preserve the capital sum resulting from commutation intact, and to give £100 instead of £69 annually to each commuting minister, and provide for his successor £100 per annum, a general sustentation fund of at least £30,000 each year is necessary."¹

The sum of £69 was the annual grant which each minister received from the Regium Donum, or, more accurately, £69. 4. 8.

The sustentation fund committee expressed the view that "every minister of the General Assembly should enjoy an income of at least £100 per annum, independent of congregational payments."²

The condition of many of the ministers was far from prosperous at that time. The committee presenting the report on statistics to the ordinary meeting of the assembly in June, 1870, stated,

"In some congregations they find ministers still kept at what they must designate the starvation point. While over the church the average ministerial income from congregational and other official sources, exclusive of the Regium Donum, is £82. 13. 9., will it be believed that there are yet sixty-two pastors who are paid less by their congregations than £25 per annum; and of these twenty-two have no manses and some of them enjoy no other official income than the Royal Bounty?"³

¹ Minutes of the General Assembly of the Presbyterian Church in Ireland, 111, 1337 (1870)

² Ibid.

³ Ibid., 1394 (1870)

In spite of this situation in poor congregations, no use was made of the occasion of the reorganisation of Presbyterian church finances at the time of the Irish Church Act to make better provision for badly paid ministers. Every new distribution of sustentation money to ministers has been made equally to all, without any means test or consideration of local needs.¹

Once the decision about commutation had been come to, there was nothing like the stir among the Presbyterians that there was among the members of the Church of Ireland to get the new sustentation fund working; and the theme of the report made to the General Assembly on the subject in June, 1870, was the generally prevailing apathy with regard to it.² At that

¹ Latimer recorded in A history of the Irish Presbyterians, p. 508, that many Presbyterians refused at first to subscribe to the sustentation fund because they imagined that their ministers "had voted the Bounty away," and that they later became ashamed of their prejudice and began to contribute. I myself know a case of a Presbyterian family which has not subscribed to the sustentation fund for two generations, not for the reason indicated by Latimer, but because it was felt that the use of the fund was unjust and wasteful, since as much was given from it to wealthy congregations and clergy as to poor ones. Such active conscientious objection is probably very rare; but this adverse criticism of the principle of distributing the fund has been very current among Ulster Presbyterians of my acquaintance.

² Minutes of the General Assembly of the Presbyterian Church in Ireland, iii, 1427 (1870).

session of the assembly the various necessary routine arrangements were made corresponding to those made by the Church of Ireland to deal with commutation and sustentation. Provisional trustees were appointed to deal with any possible commutation to be made prior to the general commutation.¹ Arrangements were made for winding up the old sustentation fund which had already been formed in the past.² The trustees for the commutation fund were selected, and resolutions were adopted for various incidental purposes, to get an act of parliament to embody the trustee arrangements which were being made, to arrange for the retirement of commuting clergy and other contingencies.³

The trustee arrangements were embodied in the Irish Presbyterian Church Act, 1871,⁴ and an act of thirty-three sections which provided for the incorporation of a body to be styled "The Trustees of the Presbyterian Church in Ireland." This body was given powers and placed under obligations very similar to those

¹ Ibid., 1449

² Ibid., 1450

³ Ibid., 1470

⁴ 34 & 35 Vic., c. 24

which have been described in reference to the Representative Church Body. The powers which were given to the trustees for purchase, management or sale of land and some other matters were rather greater than those possessed by the Representative Church Body until after the passing of the Glebe Land, Representative Church Body, Ireland, Act, 1875,¹ which had as its purpose the equalising of the powers of the Representative Church Body with those possessed by the trustee bodies of other denominations.

It is worth noticing in the present connection that the great convenience of having a central trustee body was recognised at that time by the Irish Methodists; and, although the Irish Church Act affected them in no way and they had no special circumstance like commutation to cope with, the Methodists also obtained the legalisation of a trustee body to be appointed by their Conference, by the Primitive Wesleyan Methodist Society of Ireland Act, 1871,² which was passed a few weeks after the Presbyterian Church Act.

The Presbyterian Church in Ireland succeeded, by means of its sustentation fund, in saving the entire commutation capital

¹ 38 & 39 Vic., c. 42

² 34 & 35 Vic., c. 40

as an endowment. An old sustentation fund formerly used for mission purposes was merged in the new fund,¹ claims of certain ministers to payments from the old fund being transferred to the new.² The total contribution to the fund was £22,011 in 1871,³ and £24,665 in 1872.⁴ In 1872 it was reported to the General Assembly that

"The ministers of the Assembly who have completed the commutation of their annuities now number 532, and the gross capitalised value thereof, including the bonus of 12%, amounts to £560,722. 17. 8."⁵

Of the money so received, £338,340 was invested "in first class government securities" and £222,000 lent on mortgages. A sum of £14,311 was transferred from the sustentation fund in addition to the income from the commutation fund, to enable liabilities to be met.⁶ It was reported that thirty-seven annuities remained uncommuted, but several of the annuitants were stated to be taking steps to commute.⁷ By the summer of 1873 it was stated that there had been 549 commutants, of whom 516 remained

¹ Minutes of the General Assembly of the Presbyterian Church in Ireland, iv, 37 (1871)

² *Ibid.*, 239 (1872)

⁴ *Ibid.*, 239 (1872)

⁶ *Ibid.*, 232 (1872)

³ *Ibid.*, 37 (1871)

⁵ *Ibid.*, 231 (1872)

⁷ *Ibid.*, 237 (1872)

payable.¹

At the General Assembly's session of June, 1870, the promises of support for the sustentation fund had amounted to £22,000, and this, as we have seen, was approximately the amount raised annually at first from that source. This was sufficient, not merely to back up the commutation fund and enable its liabilities to be met without drawing on capital, but it also enabled a bonus of £10 to be given to each of the clergy in addition to the £69. 4. 8. formerly received from the royal bounty.² The sustentation fund continued to increase, until the bonus, known as "the supplemental dividend," amounted to £22 to each minister. In 1880, however, the fund began to decrease, till the supplemental dividend amounted to only £10.³ Indeed as early as 1874 the new tax for sustentation fund payments was evidently beginning to be irksome to some Presbyterians, and the General Assembly was informed that some congregations had been trying to reduce their dues by tampering with the communion roll.⁴ The later developments of Presbyterian church finances, however, are

¹ Ibid., 432 (1873)

² W. T. Latimer, A history of the Irish Presbyterians, p. 508

³ Ibid., p. 537

⁴ Minutes of the General Assembly of the Presbyterian Church in Ireland, iv, 624 (1874)

beyond the scope of the present study, and what has been told is sufficient to show how the denomination achieved the task of conserving the whole of the commutation capital and how the clergy who commuted were able to receive a slight rise in their incomes. An opportunity seems nevertheless to have been lost in so far as the Presbyterians allowed their new endowments to be spent in the old Regium Donum style, in equal payments to all ministers regardless of their needs. With the original commutants, of course, the equal payments to the extent of the former Regium Donum grants ~~were~~ ^{were} obligatory; but no different course was taken with subsequently appointed ministers or with the annual surplus available from the sustentation fund. This may be regarded as the equivalent among the Presbyterians of the immobilisation of Church of Ireland finances in particular localities. Both tendencies arose from the strength of past habits and local feelings.

Latimer, the authority who has been frequently cited in this section, held a theory that the Presbyterian Church in Ireland ought to have established a large number of new congregations while the bill for the disestablishment was passing through parliament. He held excessive ideas as to the advantages that had

accrued to the Church of Ireland through the appointment of new curates,¹ and he declared that there were more than fifty unemployed Presbyterian licentiates and about seventy students available at the time and that there could have been "about a hundred new congregations ... established without any difficulty."² The ministers of these new congregations would then have been automatically admitted to Regium Donum grants which they would have proceeded to commute when the act was actually passed. Even if there could have been the degree of foresight needed to carry out this gamble on the passing of the act, and if agreement on the policy of commuting, which required some considerable tact and persuasion to obtain after the passing of the act, could have been obtained in the days of storm and excitement while the bill was being debated, the result would not have had the advantages that Latimer imagined. For one thing, the commutation would have been for £69 only for each minister and not for his whole salary as in the case of Church of Ireland clergy. Also, when the enthusiasm of the denomination could be aroused only to the extent of giving about £22,000 a year to the sustentation fund, the

¹ Above, p. 335sq.

² W. T. Latimer, A history of the Irish Presbyterians, p. 506

additional burden of meeting the commutation capital and conserving it for these extra clergy, and also the incidental expenses of setting up the hundred or any lesser number of congregations, to say nothing of providing for the new clergy beyond their £69 apiece, would not have been met, and the effort to retain the commutation capital as an endowment would have been a partial failure.

The real advantage which the members of the Church of Ireland gained from commutation did not lie in the total number of clergy who commuted or in the absolute size of the commutation capital as compared with that given to the Presbyterians. In each case the amount which the denomination received was a compensation for what it lost, given on principles which, if open to adverse criticism in some details, were in the main equitable. The advantage of the Church of Ireland lay in the fact that, although it had been pampered in the past and the generosity of its members discouraged and stultified, a great margin of possible generosity proved to have been conserved and not spoilt. The Church of Ireland had been treated like a spoilt child, but, although it was compensated on a scale proportionate to its

former treatment, the compensation was given in such a way that the church would have gained nothing if its members had continued to behave like spoilt children. But they did not so behave; and therefore, they got a double advantage of getting compensated as if they were moral cripples, as they had seemed to be, and the advantage of having behaved as ^{if} they were, on the contrary, active subscribing members of a self-supporting church. There is truth in Latimer's claim that "the episcopal body as usual obtained special advantages."¹ But the operative factor in the success of the Church of Ireland was that expansion of energy of which its members showed themselves capable; for, without it, the compensation, even with many special advantages, would have availed them nothing, being a compensation for their entire fortunes and not, as in the case of the Presbyterians, for a proportion of them only.

b. The Non-Subscribing Presbyterians

Before passing to the Regium Donum compensation as it worked from the point of view of the Church Temporalities Commissioners and as it affected certain institutions not

¹ Ibid., p. 505

directly connected with the actual incomes of the clergy, the failure of the Irish Unitarians to make effective use of the opportunities held out to them by the commutation provisions of the Irish Church Act may be briefly noticed here. In contrast to the members of the Church of Ireland and of the Presbyterian Church in Ireland, the members of the non-subscribing bodies failed to take any substantial advantage of the commutation scheme, and their fate provides an illustration of the grave dangers which that scheme held for those who did not understand it. To find out what happened in detail would require an investigation into the affairs of the individual congregations, which would be beyond the possible scope of the present study. The general picture of events may be given in the words of the historian of the non-subscribing bodies.

"Unhappily," he wrote, "the idea of commuting in favour of the church and putting the whole money of the denomination thus got into a fund for the common good was abandoned, chiefly because it was discouraged by some influential laymen. Those ministers who commuted at all did so either for the advantage of their own families or of their congregations. Those who handed over the money to the congregations in too many instances lived to see it mismanaged, or utterly lost after being the cause of bitter quarrels."¹

¹ J. Campbell, A short history of the Non-Subscribing Presbyterian Church of Ireland (1914), p. 80

This failure led to decay and disruption in the bodies concerned. The security and prosperity of the ministry declined, and with this decline there came an increasing difficulty in obtaining a good quality of divinity students of local origin. The absence of any parliamentary grant or central endowment caused the bonds between congregations to become looser, and the Presbyterian system of church government broke down in several places, congregations withdrawing themselves from connection with presbyteries with which they had had communion for periods of as much as a couple of centuries. The Association of Irish Non-Subscribing Presbyterians had to change its character to meet the needs of these independent congregations, and it became the Association of Irish Non-Subscribing Presbyterians and Other Free Churches.¹

Later, the experience of the grave disadvantages of disunion and a fear of continued fissiparous decay led to these tendencies being checked. The various bodies were ultimately united into the Non-Subscribing Presbyterian Church of Ireland in 1910, and a sustentation fund was started successfully if belatedly.² This movement had been preceded by a movement for

¹ Ibid., p. 81

² Ibid., p. 95

unity among the congregations connected with the Remonstrant Synod not long after the passing of the Irish Church Act. Ten congregations of that body formed a sustentation fund which was a considerable success, and the ministers of those congregations continue to this day to enjoy better endowments and security than their colleagues.¹

The great variety of courses adopted by individuals among the small non-subscribing bodies caused some difficulty about the appointment of trustees. In the case of the Church of Ireland and of the Presbyterian Church in Ireland, there was a single trustee body acting for the denomination in all matters connected with commutation. But the unitarians had tended to diverge into individual solutions of the commutation question, and ministers commuted in favour of separate congregations or of their families. In each case there had to be a properly constituted machinery for carrying out the duties of trusteeship. When these appointments of trustees were not furnished, there was objection by the Comptroller and Auditor General. The commissioners replied by pointing to the form of appli-

¹ Ibid., pp. 98-99; and Annual minutes, Non-Subscribing Presbyterian Church of Ireland, June, 1942, p. 61

ation furnished to the claimant for an annuity, showing that the minister must in each case certify as to the proper appointment of trustees and declare before a justice of the peace.¹ The required evidence was produced in due course.² The fact that it should have had to be specially sought for is good indication of the great failure among these nonconformists bodies to understand the principle of commutation.

c. The Church Temporalities Commissioners and compensation to the Presbyterians.

Payments of compensations for loss of the Regium Donum grant had to be met by the commissioners very soon after they took office, for the grant stopped at once. Payment of annuities began, and commutation started early enough to figure in the first year's accounts.³ Apart from transactions in respect of the salaries of ministers, a number of other payments were met by the commissioners in their first year. They included payments amounting to £39,775. 19s. 2d. in respect of salaries of theological

¹ Commissioners, 1869-74, pp. 12, 13 & 14, /C.1148/, H.C. 1875, xx

² Accounts, 1871, p. 20, H.C. 1872, (373), xlvi

³ Accounts, 1870, pp. 3 & 11, H.C. 1871, (264), lv.

professors and incidental expenses and buildings of the General Assembly's College at Belfast, and a similar payment of £4,200 for the salaries of theological professors connected with the nonsubscribing bodies.

Other payments, amounting to £43,980, were made to compensate for payments which had been made formerly into widows' funds connected with the Presbyterian Church in Ireland.¹ These widows' funds had ^{not} been united when the Synod of Ulster and the Secession Synod were united; for the Secession fund had been a much more successfully run scheme, and those who had been benefiting by it could not be expected to suffer by its being merged in an inferior scheme which paid smaller benefits.² Provision was made in the Irish Church Act for compensation to be paid to various widows' funds for losses incurred by them through the cessation of the Regium Donum.³ The manner in which the law was interpreted, however, caused the Comptroller and Auditor General to protest that double compensation was being given. The compensations given included a sum of £18,900 on account of sums paid by ministers out of their first year's income, a sum of

¹ Ibid., p. 3.

² W. T. Latimer, A history of the Irish Presbyterians, p. 528

³ 32 & 33 Vic., c. 42, s.40.

£8,505 on account of sums formerly derived from vacant congregations and also a compensation on account of the annual subscriptions made by the individual members of these associations. The Comptroller and Auditor General stated that it was not apparent that these widows' fund associations had at any time received any grant directly from the Regium Donum and he urged that a compensation to these bodies was not really contemplated by the act which was to provide only for the compensation of persons or bodies which had actually been injured by the withdrawal of the parliamentary grant. The commissioners replied by refusing all information on the grounds that they were constituted sole and final judges of the construction of the act both as regards law and fact. The Comptroller and Auditor General retorted that he was to audit the accounts with reference to the provisions of the act and that, since the clergy were being given annuities and since the widows' funds were being paid sums separately which ought to have been deducted from the annuities, a double compensation was being paid to the extent of £11,450. 12. 0.¹ The imprudent and pedantic refusal of the commissioners to give information resulted in ^{this}

¹ Accounts, 1870, p. 12, H.C. 1871, (264), lv.

question of the double compensation for payments to widows' funds becoming one of the most bitter causes of controversy between them and the Comptroller and Auditor General.

Being forced to make a statement of their reasons for making the compensation in this manner, the commissioners quoted a statement made as evidence on behalf of the Presbyterians' Widows' Fund and substantiated as correct. This was to the effect that in 1804 the government had appointed an agent for the distribution of the royal bounty among the ministers of the Synod of Ulster and Presbytery of Antrim. The annual sums paid into the widows' fund of these bodies were, first, the Regium Donum of vacant congregations, secondly, the first year's Regium Donum, without deduction, of new members, and annual contribution of £2 for every year afterwards out of the Regium Donum of all ministers who were members of the association. This arrangement was recognised and actually carried out by the agents appointed by the government, who made the necessary deductions before paying the Regium Donum to ministers. It was thus arguable that these were direct payments out of the Regium Donum. The commissioners admitted that this involved a double compensation, no provision having been made in the act for deductions

from the ministers' annuities to counterbalance their payments to widows' funds. The commissioners were not responsible for that.¹ The Comptroller and Auditor General replied that the arrangement described was a matter entirely between the ministers and the agents and was not recognised by law or in accounts.² It can be seen that each side had a reasonable case. The Committee of Public Accounts in 1875, however, accepted the decision as having been come to by the commissioners in their judicial capacity and being therefore beyond challenge by the Comptroller and Auditor General.³

The commissioners stated that 626 non-conformist ministers were declared annuitants and that 588 of them commuted up to 31st December, 1874, there being 26 annuities still in force at that date.⁴ In 1880, however, there were only thirteen of these ministers still receiving annuities, of whom two were members of non-subscribing bodies and the rest were orthodox subscribing Presbyterians. The total ^{annual} cost of these annuities was £900.0.8.⁵

¹ Commissioners, 1869-74, pp. 14-15, /C.1148/, H.C. 1875, xx.

² Accounts, 1874, p. 9, H.C. 1875, (252), xx.

³ Second report from the Committee of Public Accounts, 1875, p. x, H.C. 1875, (336), viii

⁴ Commissioners, 1869-80, appendix, p. 50, /C.2773-I/, H.C. 1881, xxviii.

⁵ Ibid. p. 274, schedule V.

The expenditure on life annuities to non-commuting ministers up to the cessation of all such payments was only £64,919. 2. 8. The commutation money handed over in respect of all Regium Donum compensations for ministerial salaries was £556,974. 15. 6., together with a bonus of £65,766. 10. 2. The extent of compensation for payments to widows' and orphans' funds and to the General Assembly's college and for other Regium Donum payments was £90,088. 4. 11.¹

d. Compensation to Maynooth College

The compensation for the cessation of the annual parliamentary grants to Maynooth College was a simple operation, involving only the handing over of a lump sum amounting to fourteen times the annual grant.² This provision of the Irish Church Act was preceded by one repealing the various earlier Maynooth acts.³ The effect of the repeal was to leave untouched the Irish act of 1795⁴ which founded Maynooth College. The act

¹ Accounts, 1922-23, p. 3, H.C. 1924, (22), xiii

² Return of the amount paid in each of the last five years to the Royal College of Maynooth, etc., also of loans made by the Board of Public Works in Ireland for maintenance of the buildings, etc., H.L. 1868-9, (127), xix

³ 32 & 33 Vic., c. 42, s. 40 ⁴ 35 Geo. 3, c. 21 (Irish parliament)

of 1800¹ except its 4th and 5th sections, was repealed, as was the act of 1848² with the exception of its first three sections, and the act of 1860³ "save in respect of any pecuniary and individual interests at present existing against the trustees." The passages of previous acts which were thus retained were those which defined and incorporated the trustees and gave them powers to hold property. The number of the trustees had been fixed at seventeen by the act of 1800, which named six lay gentlemen, ten prelates and Dr. Hussey, the president of the college, "or those that were elected or shall be elected to fill the vacant places of any of them." The fact that the Irish act of 1795 was left in force unaltered by the Irish Church Act left certain legal problems which, however, were not likely to give trouble in practice. Thus it apparently remained nominally the law that all new bye-laws, regulations and statutes of the college not affecting the exercise of the Popish or Roman Catholic religion should be laid before the

¹ 40 Geo. 3, c. 85.

² 8 & 9 Vic., c. 25

³ 23 & 24 Vic., c. 104

Lord Lieutenant for his approval and that all members of the ~~col~~ college were to take an oath of allegiance.¹

The amount paid as compensation was £272,331. 0. 6.² It is difficult to follow the subsequent history of this endowment. If it had been invested at 3½% it ought to have produced an annual income of just about half the former grant. It was found necessary, however, to expend considerable sums from the lump sum on the improvement of the college and also for a time to meet current expenses from it. Therefore, of the total received, only £363,640 was actually invested.³ Against this sum were to be set the vested interests of the staff and students who were at the college when the Irish Church Act passed. The value of their interests was stated by Bishop O'Dea in 1902 to have been

¹ J. Healy, Maynooth College, its centenary history, p. 480

² Accounts, 1871, p. 3, H.C. 1872, (373), xlvi. Healy, Maynooth College, its centenary history, p. 480, says that the amount was £369,040. His error probably arose from the fact that the capital was immediately drawn on for some thousands of pounds before investment. His work gives little information about finances.

³ T. O'Dea, Maynooth and its university question, evidence before the royal commission of 1902, p. 13.

£41,600. 2. 9.

"Consequently," he stated, "the net capital under the Irish Church Act available as a source of permanent income is £322,039. 17. 3., and this sum, at the present government rate of $2\frac{1}{2}\%$ yields only £8,856. 1. 10."¹

It can be seen that this authoritative statement tells much less than it seems to imply. It is not clear, for instance, whether or why the money should be invested at so disadvantageous^a rate of interest, nor is it obvious whether the estimated value of vested interests really had to be deducted from the invested capital. The invested capital of the college in 1901 was stated to be £444,827. 17. 2., the income from all sources being £24,881, of which just over £6,000 came from students' fees.² Thus, while detailed research into the later finances of Maynooth has not been practicable and has not seemed to lie within the scope of the present study, it can be seen that some effort had been made by private benefactors to increase the invested capital and that the college was obtaining more than $2\frac{1}{2}\%$ on its investments.

Nevertheless, while Bishop O'Dea would appear to have

¹ Ibid.

² Ibid., pp. 10-11

strangely exaggerated the unfavourable position of the finances of the college after the Irish Church Act, it is fairly clear that fourteen years' purchase was scarcely an equitable rate of compensation for loss of income by that institution, although it was a just compensation for the life interest of a person and represented terms more favourable than those given to commuting clergymen of the Church of Ireland. The Irish Roman Catholics at the time of the passing of the Irish Church Act were not, as a community, in at all as favourable a position as the members of the Church of Ireland or the Presbyterians to meet the compensation money with a fund from private benefactions. The upkeep of a college, moreover, could not have, in the eyes of prospective donors, the same evident central importance as had a sustentation fund to provide for the payment of an existing parochial clergy. Thus, while any improvement was probably impossible in view of the attitude of the Protestant party in England at the time, it would seem that a more generous compensation to Maynooth College would have been justifiable.

In addition to the actual compensation for loss of parl-

imentary grants, s further advantage which came to Maynooth College by the Irish Church Act was the remission of a debt to the Commissioners of Public Works. This represented £12,704. 4. 9. placed on the credit side for the college.¹



¹ Ibid., p. 10.

