

1850 to February 1852 (Liberal)

Prime Minister	Lord John Russell (1 st Ministry)
Home Secretary	Sir George Grey
Lord Lieutenant	Earl of Clarendon
Chief Secretary	Sir William Somerville
Under Secretary	Sir Thomas Redington

[August 1850] The period between 1850 and 1880 was one of very considerable peace and prosperity. Emigration became a feature of Irish life and it provided a safety valve and increased the prosperity of those who remained. There was more land for those who remained and the remittances of the daughters who worked abroad were very welcome to those at home. Agriculture was still profitable, and Ireland was still one of the leading countries with regard to farming improvements. But it was soon to be overtaken by the Danes and the Swiss, while at the same time the British market was opened to low-cost producers like the United States, Canada, South America and Australasia. Agrarian crime and violent political disturbance had not quite ceased but no extraordinary legislation against them was required before 1882. There was now a capable police force covering the whole island.

A very important event occurred on 2 July 1850 and that was the death of the great Tory leader Sir Robert Peel as the result of a fall from his horse. The Tory Party had no natural leader to follow him and fell into disarray from which it was eventually rescued by Benjamin Disraeli in 1868.

Lord John Russell's administration had continued and carried into effect the reform of charitable bequests, the establishment of religiously neutral university colleges and the alteration of Government funding of the Catholic college at Maynooth commenced by Sir Robert Peel. In August 1850 the Queen's University which embraced the three colleges and awarded their degrees was established. It also carried on and developed his plans for Government assistance in Famine relief, while insisting, as had Peel, that the primary responsibility rested with the local county and Poor Law Union authorities.

The Whigs had no particular official policies with regard to Ireland, nor did Ireland need special legislation. But as was the case in almost every parliament various small Acts were passed to deal with particular problems. The most important was the Medical Charities Act (1851) which organised dispensary districts over the whole of Ireland, provided for the appointment of suitable doctors to each as medical officers, and also provided for midwives in the dispensary districts. As was usual when remedial legislation is introduced piecemeal the dispensaries under the Medical Charities Acts were entirely separate from the provision of relief to the poor under Poor Law Acts, but there was a certain overlapping. For example Poor Law wardens in the Poor Law Unions issued tickets to those within their own districts to enable them to get treatment from a dispensary doctor. This Act was to be a long-lasting one, and its aim was to extend the Poor Law into a sphere, namely local medical provision for the poor, not envisaged in the original Poor Law Act. The appointments of the medical officers were made by the local Poor Law Guardians. Dispensary districts were established under the Poor Relief (Ireland) Act (1851). The declaration of dispensary districts was commenced on the 30 December 1851 and completed on the 27th May 1852 (New Irish Jurist 3 June 1904). The expenses of the dispensary districts were met by the local Poor Law Guardians. In the first year, commencing in 1852 there were 776 medical officers, 38 apothecaries, and 10 midwives; the total number of new cases for the year was 690,411.

The original Poor Law (Ireland) Act (1838) had provided for the erection, alteration and dissolution of unions; and it also provided that the minimum unit in making changes was to be the townland. We have a fixed unit the townland; we then have the electoral division; above the electoral division there were the dispensary districts, for example those of Collon and Dunleer in the Union of Ardee. There were 163 Poor Law Unions in Ireland. In 1904 there were 746 dispensary districts of about 27,000 statute acres; the staff consisted of 810 medical officers, 47 compounders of medicine, and 551 midwives (Weekly Irish Times 30 April 1904). By the Public Health Acts of 1874 and 1878 the medical officers of the dispensary districts were made medical officers of health and additional salaries were paid in respect of sanitary duties.

Another Act, the Irish Franchise Act (1850), extended the basis of the franchise. As the wealthier citizens tended to be Protestant the higher its financial basis the more it favoured Protestants. By changing the status of

electors from freeholders or leaseholders to 'rated occupiers' the number of potential voters was tripled, rising from about 50,000 to 150,000 in the whole of Ireland. The county franchise was set at a rateable valuation of £12 and in the boroughs at £4. The Party Processions Act (1850) again renewed the prohibition of marches and processions.

Another long-lasting Bill passed at this time was the Civil Bill Courts (Ireland) Act (1851) which was amended by the Civil Bills Courts Procedure Amendment (Ireland) Act (1864). This dealt, among other things, with the duties of sheriffs and under-sheriffs in cases of civil actions in the courts and the collection of costs. It was finally amended by the Sheriffs (Ireland) Act (1920) which more or less ended the role of sheriffs in judicial processes (Irish Law Times 2 October 1920). It appears that it was this Act which required that the owner of a cart carrying goods on the public highway had to have his name written in legible characters on the cart. In 1905 a young barrister named Patrick Pearse, an enthusiast for the revival of the Gaelic language, along with Tim Healy, tried to argue that it sufficed if the name was written in Irish. (The three appeal judges, though sympathetic to the argument, concurred that only English lettering was envisaged by the Act whose purpose was to enable any member of the public to identify the owner of the cart.)

The existence of two valuations, one for the county Cess and the other for the Poor Law, led to the passing of the Valuation Act (1852). This envisaged three different valuations: the Griffith valuations as they then stood, an annual revision of the list of tenements and hereditaments transmitted by the local authorities to the Commissioners of Valuation, and a general revision to be made every 14 years. [OEDhereditament: any kind of property that can be inherited; heritable property; anything corporeal or incorporeal e.g. rights, that in the absence of testamentary disposition descended to the heir at common law; tenements are freehold interests in things immoveable; tenements are wider than lands, and are distinguished from movables like goods and chattels.] The general revisions were never made; the only alterations were those made in accordance with the annual notification of changes. In the next half century some districts improved and some decayed, but the Griffith Valuation remained. The Local Government Act (1898) provided that County Council could ask for revaluations in the case of county boroughs.

The original Acts of survey and valuation in the 1820s were concerned with establishing a uniform valuation over the whole of Ireland for the payment of tithes. Some places had not been surveyed and valued for two hundred years. But while surveying was relatively simple valuation proved difficult and Sir Richard Griffiths made several attempts at the problem. The productive character of the soil was a basic factor, but so too was closeness to markets. As one farmer could produce up to four times more than another farmer from the same soil in the same district, not the actual output of the farm, but its potential output was considered.

Under the 1852 Act land was to be valued in accordance with the local values of certain articles of agricultural produce; houses and buildings on the annual rental thereof after allowing for repairs, maintenance, and all charges on it except the tithe charge. Lands, buildings, mines, commons and rights of common etc; rights of fishery, canals, navigations, and rights of navigation; all railways and tram roads, all rights of way and rights of toll; turf banks and rights of turbary were now included. The agricultural products listed were wheat, oats, barley, flax, butter, beef, mutton, and pork; the prices were taken from the general average in 40 market towns in Ireland in the years 1849, 1850, and 1851. The valuation was carried out under Sir Richard Griffith, commencing in the south of Ireland in 1852 and ending in the north in 1866. The resulting value was one of fact not of law; the rent was the market value of the rent, not the actual rent which may be higher or lower; it does not matter whether the building was actually let; nor should the rent of one year be taken, but one year with another. As these valuations were to form the basis of all the Land Acts and Land Purchase Acts there was plenty of scope for getting thoroughly confused. (Tim Healy was regarded as one of only half-a-dozen MPs who understood the complexities of the Land Act (1881)). The result of the various Land Acts meant that few Irish farms were let at a competitive rent, which in England automatically allowed for the re-valuation; the judicial rents expressly exclude many of the elements of a proper valuation for local taxation purposes (New Irish Jurist 22 November 1901; 20 June 1902). Until the reform of local government in 1898 the local taxes i.e. the county cess and the Poor Law rate were collected separately, but in that year the county cess was abolished and the Poor Rate increased accordingly and was collected by the new County Councils (New Irish Jurist 20 March 1903).

There was another Act, which though not passed until 1854 clearly belongs to this group of Acts that tidied up administration and proved very long-lasting, and that was the Towns' Improvement (Ireland) Act (1854) which followed the Towns' Improvement Clauses Act (1847). Most Irish towns were governed under the provisions of the 1854 Act but still in 1921 six towns, Wicklow, Dungannon, Omagh, Bandon, Fethard, and Monaghan were under the Irish Towns Policing Act (1828). Town commissioners could be chosen to undertake the usual duties of urban areas like cleaning and lighting the streets, though policing was now under the central police force. In some of the larger towns justices of the peace could be appointed by the Lord Chancellor who

could hold petty sessions courts. The town commissioners could regulate markets and trades like slaughterhouses which could be public nuisances if unregulated. Five of the 11 boroughs, namely Clonmel, Drogheda, Kilkenny, Waterford and Wexford, adopted this Act in whole or in part; the other boroughs, namely Belfast, Cork, Drogheda, Dublin, Limerick, Londonderry, and Sligo were under the Municipal Corporations Act (1840). The larger towns and boroughs became urban districts in 1898.

Newry had been given a borough charter in 1613 and the borough owner (in the 19th century the earls of Kilmorey) in addition enjoyed the civil rights pertaining to the Cistercian abbey of Newry. In 1828 it had appointed police commissioners under the Irish Towns Policing Act (1828). In 1865 Newry decided to adopt the 1854 Act. The board of commissioners was dissolved, and was replaced by 18 elected commissioners, the town being divided into three wards, and the legal bounds of the town as opposed to the parliamentary constituency determined; the new commissioners were empowered to pass and enforce by-laws. At their head was the chairman of the commissioners. The first task of the new commissioners was to implement schemes to improve the sanitary conditions; the former commissioners had been doing something in that direction (Canavan, *Frontier Town*, 154) The town was divided into three wards, and Canavan notes that this was the first time the municipal boundaries were definitively drawn. Any by-laws had to be approved by the Lord Lieutenant (Irish Law Times 20 January 1900, 4 November 1922; *New Irish Jurist* 22 November 1901; *The Warder* 26 January 1901).

The town of Monaghan incidentally employed a town clerk, a town sergeant, a bell ringer, a contractor for lamps, a street sweeper and a keeper of the donkey (M'Kenna, *Diocese of Clogher: Parochial Records*, 91). The sergeant would have been in charge of 'policing', i.e. clearing rubbish and obstructions and nuisances, the bell ringer was presumably the town crier, and the contractor of lamps would have been responsible for maintaining the oil-lamps. The street sweeper and the man in charge of the donkey presumably came under the sergeant. All the tasks were placed on contract, and placing the contracts would have provided an extra source of income for the commissioners who would normally expect a little gift before awarding a contract.

[1851] The principal event of this phase was Lord John Russell's gaffe over the restoration of the English hierarchy. Lord John had been consulted in advance by the Pope who had informed the Government of his proposal in 1847 and told the Government what was involved. The change was merely a practical one in Roman canon law. The English bishops would in future be appointed as bishops of English dioceses and not as vicars of the Pope, namely 'apostolic vicars'. ('Apostolic' is a technical term in canon law with the meaning 'pertaining to the Pope as successor of Saint Peter, the first chief of the Twelve Apostles of Jesus.) The bishops would not be appointed to existing English (Protestant) dioceses, but would be appointed to the existing vicariates apostolic. After the Reformation, in England, Wales, and Scotland, but not in Ireland, the system of appointing bishops had broken down so the Pope had 'provided' apostolic vicars to designated regions to fill the gaps. They were ordained bishops to long-defunct sees in the old Eastern Empire. Thus Nicholas Wiseman, when vicar apostolic of the London District was titular bishop of Melipotamus. The new English sees would be called after English cities which were not Church of England sees. Thus in the London area there would be the archdiocese of Westminster which would have twelve suffragan sees: Beverley, Birmingham, Clifton, Hexham, Liverpool, Newport and Menevia, Northampton, Nottingham, Plymouth, Salford, Shrewsbury, and Southwark. Wiseman was to be the archbishop of Westminster and metropolitan of the ecclesiastical province.

The Catholic Church in England had suffered far more from the Penal Laws against Popery than the Irish Church, and in fact it had been almost wiped out. Numerically, it was only about a tenth of the size of the Irish Catholic Church, but it had in its ranks people of great ability, and was able to attract very distinguished people. The 'Oxford Movement' brought in several notable clergymen whose leader was John Henry Newman. Though it had lost more heavily than the Irish Church there was not the same bitterness felt in England as there was in Ireland. The conversion of the English Protestants back to the true Church was a great national aim. There was no hankering for the return of confiscated property, and no dreaming of a return of the Catholic clergy to places of political importance. With the exception of Dr John Milner, vicar apostolic of the Midland District from 1803 to 1826, there was virtually no suspiciousness of the Government and the Crown. After Catholic Emancipation in 1829 when Catholic gentlemen were free to accept public office they just joined the Whig or Tory parties according to their preference. The attitudes of the English Catholic Church towards the Government were totally in contrast with those of the majority of Irish Catholics.

Having secured the consent of the British Government, Pope Pius IX on 29 September 1850 issued an 'Apostolic Letter' *Universalis Ecclesiae* restoring the hierarchy in England. This was not a papal bull which might be considered to have legal effects in England. Everyone thought that this discreet re-arrangement would pass unnoticed, but the flamboyant Nicholas Wiseman, newly made archbishop and cardinal, announced it to the

people of the new archdiocese of Westminster and the diocese of Southwark in a letter beginning with the words *Ex Porta Flaminia* (translated at the time as 'From without the Flaminian gate of Rome', his residence in Rome being close to the *Porta Flaminia*). An editorial in the *London Times* on 4 November 1850 denounced the action of the Pope in establishing a Catholic hierarchy without the knowledge and consent of the British Government, a storm of anti-papery feeling arose and some Catholic churches were attacked by mobs. Lord John Russell did not think it advisable to admit that he had been communicating with the Pope; after all the Statutes of Praemunire prohibiting such communication were still nominally at least in force. In a letter to the Bishop of Durham he denounced 'papal aggression' and the Ecclesiastical Titles Act (1851) was passed prohibiting Catholic priests from using ecclesiastical titles. (In Ireland, where for centuries there had been a Catholic and a Protestant bishop in every see, the Protestant bishop used the legal form like 'Richard of Dublin' while his Catholic counterpart used his surname like Daniel Murray, archbishop of Dublin.) The Act was merely a smokescreen to defuse the situation, was never intended to be put into effect, and was soon forgotten in England. Russell was in fact trying to arrange a concordat with the Holy See (Buschkuhl, *Great Britain and the Holy See*, 90-91). (Various anti-Catholic groups in Parliament tried over the next few years to bring in anti-Catholic legislation like the withdrawal of the Maynooth grant and the subjection of religious houses to public inspection but without success.)

In Ireland the Ecclesiastical Titles Act played straight into the hands of the political priests led by Archbishop Paul Cullen. It was clear at the time of the struggle for Catholic Emancipation in the 1820s that it would be possible to get either emancipation or a repeal of the Act of Union but not both. Within the United Kingdom, where Catholics were a small minority, it would be possible to promote Catholics to any office without endangering the established order. Or without emancipation, with the Catholics excluded from all major public offices, a separate Irish parliament could be set up without endangering public order. But if a separate parliament were established entirely controlled by Catholic politicians led by the Catholic clergy bent on despoiling the wealthier Protestants, expropriating all Protestant lands, reserving all major offices in the state to Catholics and transferring all places of Protestant worship back to Catholics, giving complete control of education to the Catholic bishops, removing all public support from the Protestant churches, in a word completing what James II had started in 1685, the Protestants would rise in armed revolt. (This was no imaginary danger, for in the event, it was what did occur.)

Daniel O'Connell, the Catholic populist demagogue, quarrelled with both the Whigs and the Tories, and aided by political Catholic priests, tried to establish a Repeal Party in Ireland. He died in 1847, and some of his supporters attempted to start a revolution in 1848 but were driven from the country. This left control of the separatist movement largely in the hands of the political priests (Whyte, *The Independent Irish Party*, *passim*). These were led by Archbishop Paul Cullen of Armagh and Archbishop John MacHale who both strongly believed in an independent Ireland under the Crown in which all moral decisions would be decided by the Catholic bishops. (Later in the twentieth century Muslim clerics were to seek a similar position in Muslim countries. In some Protestant states like Scotland, Geneva and Massachusetts Protestant clergy had earlier tried to establish godly states.)

At the Synod of Thurles (1850) Cullen and MacHale got their view that the provincial university colleges were objectionable to Catholics accepted. The minority group led by the aged Archbishop of Dublin, Daniel Murray, appealed to Rome to allow a decision to be made by the local bishops, but their appeal was rejected. Cullen and MacHale did not however succeed in getting the colleges condemned as 'intrinsically evil' but only as 'intrinsically dangerous'. In the latter instance bishops could give dispensations in individual cases. (A similar prohibition in England on the attendance of Catholic youths at non-Catholic universities was removed by Pope Leo XIII at the request of the Catholic aristocracy and hierarchy. Following the conventions in the interpretation of canon law, *favorabilia sunt amplianda*, this ruling should have been applied by the Irish bishops to Trinity College Dublin and the Queen's Colleges, but it was ignored by the Irish bishops. *Favorabilia sunt amplianda*, means favourable decisions are to be extended to similar situations without recourse to Rome in each individual case. The opposite rule *odiosa sunt restringenda*, unfavourable decisions are restricted, means that they only refer to the original case.) The Catholic bishops then set about trying to construct a Catholic University. From the lay Catholic's point of view this had two disadvantages. The first was that its degrees were not recognised for any civil purpose. The other was that young men did not mix with their Protestant contemporaries and remained unknown to those who were making appointments. Charles Gavan Duffy was scathing in his condemnation of the Irish Catholic bishops, pointing out that the Australian Catholic bishops had accepted worse terms.

The other great issue in Ireland was so-called 'Tenant Right'. Early in the eighteenth century when Irish agriculture was primitive and distant from markets, Irish, or indeed English absentee landlords granted very long leases at very low rents. (Absentee landlords were very common in Europe where noblemen, or institutions like churches or colleges, could own several estates. As many of these were Whigs the Irish Protestant Tories blamed most things in Ireland on absentee landlords.) As the land was drained and properly cultivated, roads and market

towns constructed, and shipping improved, the return from the land gradually increased. It became feasible to sub-let the land, and then sub-let again until there was a chain of landlords. The original owner of the property which was set at a very low rent on a very long lease, say of 99 years, got no extra rent no matter how high the market return of the land increased. On sub-divided estates, split into small plots on the rundale system of joint ownership of a lease, it was virtually impossible to undertake any improvement. The illiterate, often-Gaelic-speaking, peasants had neither the knowledge nor the capital, nor the willingness to undertake improvements. Sub-division, by Irish law, could only be stopped when the head-lease came up for renewal, for then an enforceable clause against sub-letting could be inserted. Many landlords took advantage of the renewal of a head-lease to evict all holders of sublet properties and to consolidate the tiny fragments into larger holdings. They could then parcel the land into larger units, fence, drain, and manure it, and lease the larger farms at higher rents payable to himself. In theory, under Irish law, and frequently in the past, the land was let in an unimproved state and the tenant was regarded as the person who made the improvements. But in the late eighteenth century and early nineteenth century, it was often the landlord who made the improvements not only to the land, but by constructing roads improved access to the markets.

In Scotland, where the process of consolidation had started earlier, the wealthier landowners were able to clear their estates by providing houses, jobs, or land elsewhere, but most Irish landowners were mortgaged to the hilt and could afford to do very little. In Ireland, as in Scotland, the improving landowners were reviled. But the landowners who did nothing to improve their estates caused enormous problems when the potato failed and the little potato patches could not feed the cottiers. As evicted tenants had nowhere to go they often just sat on the roadside and begged. Public opinion was so against these evictions that they were stopped, and Ireland was left with an enormous body of uneconomic holdings, a fraction of which survive until this day. A great number of them were repossessed during the Famine as their owners fled, and the so-called evictions during the Famine were only recording of the resumption of the lease. (By Irish law, the landlord could only get his land returned in order to re-let it by getting eviction decisions against the absconding tenants in the courts.) Later in the century, the districts in which these little plots were numerous, chiefly in the western part of the country, were gathered together under a body called the Congested Districts Board. By around 1880, about one third of Irish farmers were cultivating about $\frac{3}{4}$ of the farmed area in farms of over 30 acres, and two thirds were cultivating the remaining $\frac{1}{4}$ of the farmed land in farms of under 30 acres (See Freeman, Ireland, 183). We should envisage Tenant Right being concerned principally with the larger commercial farms of over 30 acres. Four fifths of these farms were between 30 and 100 acres, and one fifth over 100 acres.

Many landlords, at the same time, became unwilling to give any leases whatever, even to those who had substantial holdings of a hundred acres or more. They were not evicted, but held their land from year to year on yearly leases or as tenants-at-will. It is not clear, in individual cases, whether the reason for this was political or economic. It was often pointed out that this occurred after the 'Forty Shilling Freeholders' had voted against their landlord's candidate at O'Connell's request. Granting a freehold, which in Irish law was a lease for more than one life, conferred no advantage on the landlord. A lease for a fixed term, say thirty one years, was not a freehold. A lease for lives had an advantage from the tenant's point of view, namely that it was usually possible, by paying a renewal fine (a fixed sum in cash) to substitute another life. (Leaseholds nowadays often have a similar provision enabling the tenant to renew the lease on the payment of a fine.)

However, in Ireland, the tenant farmer, often a substantial farmer or 'strong farmer' had no guarantee that at the end of a lease, if he had one, that the farm would be let to him again. (This, of course, was true, and remains true, of houses and commercial property.) The landlord's agent could simply accept a higher bid from somebody else. If that person was known to be a better farmer, with more capital, and better knowledge of agriculture and of markets it was in the landlord's interest to give the land to the better farmer. The landlords' best interest would have been best served if a free market in land was established, and rents set in accordance with the productive value of the soil and the market value of the farm. This would also be in the best interest of the country as gradually incompetent and backward farmers were weeded out. (Later, in the days of the Land League great efforts were made to involve the holders of the small uneconomic holders in the West of Ireland by persuading them to withhold their rents and to court eviction. On the eviction day the press photographers were carefully lined up to record the villainy of the landlord. This was great for propaganda purposes, but it was not the issue discussed here.)

By the same token, the sitting tenants' interest was best served if a free market in land was prevented, if the landlord was prohibited from setting the land to somebody else, and if only a 'just' rent fixed by an independent valuer, and not the market rent could be charged. On the other hand, it was argued that it was just such a free market in sub-let lands which brought about 'rackrenting', the 'rack' being the total annual return of the farm. The struggle between these opposing points of view was to go on for fifty years, and it was ironic that the tenants won, around 1900, just as land was rapidly losing its value. The landowners who sold their land for cash were the ones who held on to their wealth. In any rational system of compensation for added value there

would have to be an independent valuation at the beginning and end of the lease with a penalty if the tenant had not achieved a reasonable improvement. But these points were never enacted

The preceding two paragraphs analyse the problem from a modern economist's point of view. But it was first formulated as 'Tenant Right' or 'Tenants' Rights'. These rights did not of course exist, but people argued that they should exist, even if not all were agreed on what they were. There were some customs, or some would say abuses, in Ulster, the 'Ulster Custom' which gave some benefits to an out-going tenant whose lease was not renewed. The drawback was that it was the incoming tenant who had to pay the out-going tenant, thus reducing his own working capital. There seems to be quite a lot of special pleading and selective use of evidence, and unwarranted assumptions on the part of those who advocated tenant right. But the fact that it could be backed by a gentleman of undoubted probity and disinterestedness as William Sharman Crawford gave the movement considerable credence.

It also got support from the Report of the Devon Commission which felt that the insecurity of tenure militated against land improvement. They pointed out that under Irish custom all improvements in land were made by the tenant, and it was unreasonable to expect him to exert himself if he had the lease only from one year to the next. (It could also be argued that that was precisely the stimulus needed, for a lazy farmer would surely be evicted the following year.) It was argued that a long lease would be the best incentive for the tenant to improve his land. (This no doubt occurred in some cases, but there is some evidence from later in the century that when the farmer owned his own farm he did even less, as there was no rent to pay). There seems to enter here an argument derived from Ricardo's 'Labour Theory of Value' which asserted that all production costs were effectively labour costs. The point of this was, even if true, all profits from the increased productivity of land from whatever source would go to the cultivator, which was precisely what the landowners had suffered from and which they were determined to prevent recurring.

Landowners, who also formed the vast bulk of the Houses of Parliament, could equally argue that much, or indeed most, of the increased value of farm outputs came from inputs they were responsible for. There was peace and security in the land, policing and courts; roads were constructed, markets and market towns, canals, seaports and shipping secured, mills and factories which bought agricultural produce built, improved breeds of animals, and improved seeds were developed, and the knowledge of improved agricultural techniques disseminated; these were all matters the landowners were responsible for. One problem about claiming any 'right', as we know nowadays, is that each right imposes a corresponding duty for others to regard it, and they may not see why they should. The right, for example to a pension in old age, imposes a duty on taxpayers to pay it.

It is not surprising that Tenant Right was not viewed favourably by Parliament. Nor is it surprising that those who advocated Tenant Right considered the principle so blindingly obvious that those who opposed it were manifestly very wicked (Whyte, *The Independent Irish Party*, 4). It is worth studying the contrasting points of view for much parliamentary time between 1870 and 1903 was devoted to trying to secure an equitable settlement. The mess resulting from the good intentions was such that in the end the landowners were willing to take cash and get out, and as noted above they did this just at a time when a judicially assessed rent would scarcely have been worth the cost of collecting it.

A strong tenants' rights movement sprang up in the Catholic parts of Ireland strongly backed by the political priests, another developed in the north of Ireland backed by Presbyterian ministers, and it was agreed to form a common organisation. A conference was held on the 6th, 7th and 8th August 1850 and it set up the Irish Tenant League which met for the first time on 9th August. One of its chief proposers was Charles Gavan Duffy who also wanted to form an Independent Irish Party. The League canvassed support from existing Irish MPs but received very little (Whyte p. 12) However when Lord John Russell introduced his Ecclesiastical Titles Act (1851) with the strong support of the English Liberals, the majority of Irish Liberals voted against it. By supporting the Tory opposition on a different matter they were able to force Lord John Russell to resign. As nobody else was able to form a ministry Lord John soon returned, but to many Irish people it became clear that if the Irish MPs acted together and independently they could make or break any ministry. It was to be thirty years before the principle could be put into practice, but an ineffective and short-lived Irish Independent Party survived for a decade. At first the Irish MPs who worked together against Russell called themselves 'The Irish Brigade' though their opponents called them the 'The Pope's Brass Band'.

Though the Ecclesiastical Titles Act (1851) had the effect of uniting Irish Liberal MPs from north and south it had the unfortunate effect also of bringing a Catholic Defence Association into being (Whyte, *The Independent Irish Party*, 28). It first met on 19 August 1850, and its declared aim was to promote the interests of the Catholics, an aim with which Presbyterians could not be expected to agree. As Whyte observed there were now two distinct bodies with different policies which aimed at promoting independent opposition (p. 31). But a

meeting was held with William Sharman Crawford, the long-time promoter of Tenant Right in Parliament, and an agreement was reached.

In December 1851 Lord John Russell demanded the resignation of his Foreign Secretary, Lord Palmerston on the grounds that the latter was acting without consulting the cabinet. Palmerston plotted revenge and 20 February 1852 brought about the defeat of the ministry. Edward Stanley the fourteenth Earl of Derby, supported by Benjamin Disraeli, took office and promised to hold a general election after some necessary parliamentary business was completed. [\[TOP\]](#)

The Ministry February 1852 to December 1852 (Conservative)

Prime Minister Earl of Derby (1st Ministry)

Home Secretary Spencer Walpole

Lord Lieutenant Earl of Eglinton

Chief Secretary Lord Naas

Under Secretary John Arthur Wynne

[February 1852] Edward Stanley, Earl of Derby, had been Irish Secretary from 1830 to 1833. Archibald William Montgomery, thirteenth Earl of Eglinton was from Scotland and had no previous connection with Ireland, but was chiefly famous for his open-handed hospitality when in Dublin. Richard Southwell Bourke, Baron Naas and later sixth Earl of Mayo, was of the Irish nobility. He was MP for county Kildare from 1847 to 1952, for the borough of Coleraine from 1852 to 1857 and for Cockermouth in England from 1857 to 1868. As an Irish lord he sat in the House of Commons.

The principal issue in the general election held in July was still Protection, i.e. tariffs against imports, the Tories being for and the Whigs and Peelites against. The Tories won 299 seats, the Whigs 315 and the Peelites 40 (DNB Stanley). The latter refused to join his ministry, but Derby carried on until defeated on the budget in December 1852. In November the Irish attorney general, Joseph Napier, introduced a Land Bill which enshrined several of the demands of the Tenant League, security of tenure and compensation for improvements which passed the Commons in 1853 and 1854 but failed in the House of Lords on both occasions (Whyte p.94; Duffy DNB).

In Ireland in the run-up to the general election the Catholic Defence Association and the Irish Tenants Association tried to get candidates who would support their aims. The Tory Party was more or less re-united after the death of Peel and selected their candidates in the traditional manner, namely the Tory gentlemen in the constituencies agreed among themselves. The two Associations had to draw their support from the Whigs or from those who had supported O'Connell. Many Whigs were hostile to their ideas, but the great opponent of separation, Frederick William Conway of the Dublin Evening Post, was coming to the end of his life. He had begun life as an ardent anti-Unionist but had become convinced of the benefits of the Union, and in Post he exposed the fallacies in the Repealers' arguments (Keenan, Ireland 1800-1850, 58-9. He died on 24 May 1853.)

Many Northern Presbyterians who supported Tenant Right were more eager to see Presbyterians in Parliament to support their aims than to establish an independent opposition (Whyte, 44). Another problem was that voters and candidates normally supported a party that had a chance of getting office for through the patronage system they could expect to get something for themselves. In June, just before the election, the Home Secretary, Spencer Walpole, issued a proclamation reminding Catholics that they could not exercise ceremonies of their religion or wear a religious habit in public. The point was to prevent anything that might lead to anti-Catholic rioting. On 27 June 1852 however rioting broke out in Stockport in Cheshire and two Catholic chapels were wrecked. These were gifts to the Catholic propagandists in Ireland, ever on the look-out for anything that could possibly be construed as anti-Catholic. It was claimed that the riots were the result of deliberate Tory policy.

The year 1852 was the year when the Catholic political clergy led by Archbishop Paul Cullen came into their own. In the struggle for Catholic Emancipation (1824 to 1829) Catholic priests were allowed by their

bishops to participate in the movement. But when the Emancipation Act was passed the bishops tried to withdraw the priests from active political activity. Not all the bishops were happy with this, for many of them felt that priests should give guidance to their flocks even in secular matters. In 1834, after Peel had published his famous 'Tamworth Manifesto' which invited Catholics to join the Conservative Party, the Catholic bishop of Kildare and Leighlin gave permission to one of his priests, the Rev. James Maher, uncle of Paul Cullen, to 'explain' to the voters that the manifesto was a trick and a snare. More and more bishops and priests came to the same conclusion that it was necessary to expose the frauds and lies of a Protestant Government. The two archbishops who held out against this view Daniel Murray of Dublin and William Crolly of Armagh were bitterly attacked in the public newspapers. The Dublin Evening Post finally was the only paper which supported them, and Frederick William Conway was assailed in a similar manner. Crolly died in 1849, Murray in 1852, and Conway in 1853. Cullen was transferred from Armagh to Dublin, the see he always wanted, on 1 May 1852. Because of his long residence in Rome he had numerous contacts in high places, and was normally able to block the promotion to the episcopate of any priest of whom he politically disapproved. The supporters of Archbishop Murray disapproved of priests participating in politics, and also wished that the local bishop should be given the right to decide if the Provincial College in his diocese was suitable for Catholics. Holding this view, Cullen maintained, was tantamount to opposing the National Synod of Thurles and the authority of the Pope. Clearly, to him, such a priest was unsuitable for promotion.

After one hundred and fifty years one reads with astonishment the outpourings of undiluted bigotry which came from the political priests. Almost every article in the first edition of the Catholic Encyclopaedia dealing with Ireland, Britain, or the Church in the Empire are rants against the supposed bigotry and persecution of the Protestant authorities. At the time these rank outpourings were treated as statements of fact buttressed with the authority of the sacred office of a clergyman. The priests and bishops in question, in particular Cullen and MacHale, were very zealous bishops of irreproachable personal life and devotion. But beneath the surface was pure hatred of Protestantism and of the English. They really could see no good in Protestants; they sincerely believed that every Protestant was plotting day and night to overthrow the Catholic religion. (In the twentieth century there was a widespread similar belief, and not only in Germany, that every Jew was involved, in league with Satan, in a world-wide plot to overthrow Christianity and to conquer the world.) The hypocrisy of the political clergy is shown by the fact that they were totally unable to discern and condemn the actions or objectives of their own followers. They condemned Protestants for giving public jobs only to Protestants but they had not the slightest intention of themselves awarding jobs solely on merit. The duty of a Catholic politician was to give jobs to Catholics. There was also the character of Cullen himself which every historian commented upon. He was almost pathologically suspicious, and his suspiciousness of the Government especially was transmitted to the whole Irish Church. Irish bishops and priests could never bring themselves to believe that their opponents were acting with open-mindedness and fairness.

These priests were drawn almost exclusively from the ranks of the 'strong farmers' and their counterparts in the Catholic merchants in the towns. These formed the social class immediately below that of 'gentlemen' who were in turn below that of the aristocracy. The aristocracy and gentry, almost all Protestants, had traditionally controlled politics and hence patronage in Ireland. It was the aim of the strong farmers and merchants to snatch this patronage from them. (Catholic politics in the United States followed a similar pattern, with the Irish clergy and the richer merchants determined to get a similar control over patronage. The violent and corrupt regimes which resulted there have become known generically by the name Tammany Hall.) It is interesting to note that after all the twists and turns, and up-and-downs, it was this class which emerged in control of the newly independent Irish Free State. The central role of the Catholic clergy during elections at this time and their various activities has been described at length by Whyte (68-81). He concludes that their success, if not their efforts, reached a peak in 1852. It was of course impossible to get an independent Irish state dominated by the Catholic clergy without resort to violence and to coercion of Protestants, a point which the political clergy always refused to recognise.

At this time, in the early 1850s there was little or no working class involvement in politics. (In 1884 the vote was given in counties to 'lodgers' who were often labourers, the first time they received the vote.) Traditionally, the farm labourers, and the cottiers or small farmers expressed their points of view through agrarian terrorism and outrages, but were also quick to involve themselves if any revolution was being planned. There was a widespread outbreak of agrarian crime in Monaghan, Armagh and Louth in 1852. The Catholic historian of the diocese of Clogher which was at the centre of the affected area, denied that there was a widespread conspiracy on the grounds that few convictions were obtained. But as the Attorney General of the time noted, there were few who were prepared to testify against them in open court (M'Kenna Diocese of Clogher : Parochial Records, 144). It was not until the time of the Land League thirty years later that the objectives and methods of the working class were melded with those of the parliamentarians,

The result of the election indicated that 48 Irish MPs were prepared to commit themselves to independent opposition (Whyte p. 91). July 1852 also marked the apogee of the Independent Party, but in its short life it was

able to show that no legislation could be passed without its consent. The lesson was to be remembered when the better-organised Home Rule Party was established nearly thirty years later. William Sharman Crawford was not re-elected and left politics. The principal leaders were Charles Gavan Duffy, George Henry Moore, Frederick Lucas, and William Shee. [\[TOP\]](#)

The Ministry December 1852 to January 1855 (Conservative)

Prime Minister	Earl of Aberdeen (1 st Ministry)
Home Secretary	Lord Palmerston
Lord Lieutenant	Earl of St Germans
Chief Secretary	Sir John Young
Under Secretary	(Sir) Thomas Larcom

[December 1852] George Hamilton-Gordon, fourth Earl of Aberdeen, succeeded in forming a coalition with the Peelites, and Palmerston was given the job of Home Secretary, Lord John Russell became Foreign Secretary, and William Ewart Gladstone Chancellor of the Exchequer. Palmerston was a powerful influence within the ministry and Britain was gradually drawn into the Crimean War. Edward Granville Eliot, third Earl of St. Germans became Lord Lieutenant. He had served as Peel's Irish Chief Secretary from 1841 to 1845. Sir John Young had been a supporter of Peel and sat as an MP for County Cavan. Thomas Larcom was English but he had come to Ireland to work under Major Thomas Colby in the Ordnance Survey in 1826 and he became Colby's chief assistant. He was responsible for the engraving and printing of the maps, but he became also an enthusiast for the Irish language and for Irish antiquities. He began the systematic collection of Irish agricultural statistics. He supervised public works during the Famine, and in 1850 he became deputy chairman of the Irish Board of Works. With his appointment in 1852 the office of Under Secretary became non-political and permanent. The holder for the future was to be the head of the Irish Civil Service. (He was knighted after his retirement. He returned to England and devoted his time to working on his papers concerning his time in Ireland (Larcom DNB).

The Irish Independent Party received a near mortal blow when two of its members William Keogh and John Sadlier accepted office, arguing that they were assisting a friendly administration. Nonetheless, Sadlier and Keogh were held up before Irish schoolchildren for the next hundred years as the betrayers of their people.

[1853] On the 18 April 1853 Gladstone introduced the first of his famous budgets. He proposed to reduce income tax progressively from 7 pence in the pound until it was abolished and replaced with an inheritance tax. He extended the income tax for the first time to Ireland, but at the same time wrote off the loans which Irish local authorities had borrowed from the Treasury during the Famine. Local authorities were relieved from a great burden of debt. He also reduced or removed many minor taxes like that on soap. Most important of all, the tax on advertisements in newspapers was removed.

The free importation of arms, ammunition, and weapons of war was allowed, unless prevented by royal proclamation. (In 1914 it was to be argued in the courts that a separate proclamation could not be made with regard to Ireland.) A Vaccination Extension Act (1853) made vaccination against smallpox compulsory. Under the Dispensaries Act (1851) or Poor Relief (Ireland) Act (1851) the medical officer in each dispensary district was obliged to vaccinate, as part of his ordinary duty, all persons who came to him for that purpose; and also to certify dangerous lunatics without fee or reward. The Vaccination Act (1858) allowed him £1 for every twenty cases; under the Vaccination Amendment (Ireland) Act (1879) the fee was two shillings for each vaccination. A Public Libraries Act was introduced into England in 1850 and applied to Ireland by the Public Libraries (Ireland) Act (1853), but it long remained ineffective. A Malicious Injuries (Ireland) Act (1853) was passed allowing the courts to award compensation in cases of damage during public disturbances (Irish Law Times 11 December 1920).

The influence of Archbishop Cullen on education and inter-Church relations was soon felt. Archbishop Whately, the Protestant archbishop of Dublin, was the principal Commissioner of the Board of National Education. It had been established in 1831 to provide primary education for Irish children, and so in 1851 had been in existence for twenty years. In that period it had survived appeals by Archbishop MacHale to Rome to

have its schools forbidden to Catholic children. Since a Report in 1812 of a Commission of Education Enquiry into Irish education it was the aim of the Government, following the recommendations of the Report, in order to root out bigotry and sectarianism, that children of all Christian denominations should be educated together partly at Government expense in a single school in a given locality. A common course of literary instruction would be followed, but a certain period of each day was set aside when the respective pastors of the children could provide instruction in their own particular religious tenets. At first it channelled public assistance through a private body, the Kildare Place Society, which had been established for such a purpose in 1812. Several Catholic priests accused it of proselytism, though this existed largely in their own imaginations. (Using a Protestant version of the Bible for example when teaching Catholic children counted as proselytism.) As the Catholic clergy had tried to establish their own Catholic Education Society and had failed, most of them welcomed the schools set up by the National Board of Education and it was designed specifically to exclude any possible attempts at proselytism. Another reason for accepting the schools of the National Board was the overabundance of totally unregulated 'pay schools' of very variable quality and little religious instruction not under the control of any of the clergy. Such schools, though common in the richer eastern part of Ireland were virtually non-existent in the poorer parts of the West.

Though the Government made quite a large grant towards primary education and channelled it through a National Board it was not neither a state system nor a free one. The Board of Education was not a Department of Education. It was not obliged to provide schools everywhere, and everyone was free to set up their own schools at their own expense. It was a board, or body of commissioners, for distributing a Government grant for primary education to local groups and seeing that the money was well-spent.

The Board was modelled on the Kildare Place Society and inherited the duties of its predecessor. It was responsible for recognising schools to which some financial assistance could be given, for inspecting the schools, and for partly paying the teachers. Though it could not appoint teachers, which was a local responsibility, it could remove them. It was allowed, like its predecessor, to spend money on teacher training, though it could not reject a capable teacher simply on the grounds that he or she had not passed through a training college or model school. It could however increase the teacher's salary if he passed various examinations set by the Board. The topmost of these examinations was equal in difficulty to a university degree (Dowling, *Irish Education*, 126). It was also allowed to provide cheap textbooks and other teaching materials like pencils and slates. Despite the incessant disputes, the National Schools came to form the backbone of primary education in Ireland, and in the Irish Republic remain so until this day. In rural areas they were to become the only providers of education.

Local groups were to form themselves into trustees, propose site for a school, erect the building, chose a manager, and apply for support to the Board. The local manager could appoint and dismiss the teachers. These had to be approved by the Board, and at the start many of the teachers themselves had little formal education other than the ability to read and write. The Board established a training college for the training of teachers. The clergymen of the three major denominations always tried to insist that their local rector, parish priest, or minister should be the school manager, and the system became in effect denominational. The result was often three schools in a locality where one would have sufficed. Schools could be vested in the Board which then took over responsibility for it, or non-vested where the school remained the property of the local committee. Clerical school managers normally refused to vest, so the financial assistance they received from the Board was much less. In vested schools, the Board paid two thirds of the initial building costs, but the building could then only be used for educational purposes.

Education was essentially a private and local affair, and the responsibility of the Church to control it, recognised from medieval times was not denied. But now there were at least three Churches. It was intended from the very start that the ministers of the Catholic and Presbyterian Churches would have equal rights with those of the Established Church, a point which mightily displeased many Protestant and Catholic clergymen who felt that they should have exclusive rights. It was no longer necessary for a Catholic teacher to get the permission of the Protestant bishop of the diocese, but he was unlikely to be appointed to any school unless approved by the local parish priest.

The idea behind the system of National Education was that the Government would only support schools which all the children in the district would attend, and secondly that education at local level would be a partnership between the clergy and the local gentry who would supply most of the money and tailor education to local needs. The Board was prepared to examine in a wide range of subjects, and it was a primary ambition of Archbishop Whately the first Chief Commissioner that agriculture should be widely taught. But in industrial towns other skills like book-keeping might be more relevant to local needs. Needlework, especially basic sewing and darning, could be taught to girls. This system was an excellent one, and well thought-out. Inspectors were as far as possible to be university graduates and gradually the training and inspection of the best teachers was raised

to almost graduate level. In the best schools the best pupils could sit for the lower grades of the Civil Service competitive examinations straight from primary schools (Dowling, *Irish Education*, 126).

The parents were to make regular contributions towards the upkeep of the school. This in practice might amount to no more than each child bringing a sod of turf for the school fire each day. Books had to be purchased by the parents, but the Board supplied excellent cheap textbooks. The parental contribution was ended in 1892 when education was made compulsory, but the parents still had to provide the books and other materials.

Unfortunately, the system rarely worked as it was intended. Locally, much of it was caused by the attitude of the parish priests. Parish priests were notorious autocrats in their own parishes, and if the law gave them the right to control education they would share that control with nobody. Inevitably, their first and almost only concern was that the children were taught the catechism, and after that they should be taught the rudiments of reading and writing for some years. Inevitably, the teaching of the catechism passed from the clergy to the school teachers. The expectations which the Catholic clergy had for the children in their parishes were low. Literacy was far higher in Protestant areas. When local boards of education were set up in Northern Ireland after 1923 many of the schools were so bad and so lacking in basic amenities that the school boards closed them down.

It should be noted that the teachers were not involved in this scheme. Teachers were hourly paid servants, who had to approach the school manager, the parish priest, though the servants' entrance to his house. Some of the teachers who applied originally could have been quite skilled and accomplished teachers, but many too could barely read and write. The Board's inspectors often had to accept the persons the local clergyman proposed. The Board paid part of their salary, but gradually realised that the local trustees had no intention of making a local contribution, so the salaries were progressively increased. It was not until 1917, following developments in England, that the remuneration of teachers could be regarded as satisfactory. (Reports about the conditions of teachers in Ireland differ little from those in England and in the United States. In every case the teacher had to be a faithful attender at Church.) One of the most interesting and heartening stories of the nineteenth century was the way in which teachers managed to form trade unions, get them recognised by the National Board, and gradually improve their conditions. Needless to say they got no support from the clerical school managers. It is amusing to read today the letter of Archbishop Walsh of Dublin to the Secretary of the Irish National Teachers' Organisation (INTO) expressing his astonishment that they were about to discuss at their annual Congress a subject on which he had already pronounced the previous year.

It had been envisaged that the local gentry, mostly Protestant, and the clergy should be allies in providing the best possible education for the children. But there entered an element of 'class struggle'. The Catholic clergy belonged to class of 'strong farmers' who wished to replace the gentry politically, and even by the 1880s to expropriate their lands. This should however be looked on, less in the European connotation of 'class struggle' than in the American one of a struggle between the Democrats and Republicans.

No account of the National Schools would be complete without a mention of the philanthropist Vere Foster, who devoted much time, energy and money into improving schools. He belonged to the Foster family which had for long dominated politics in County Louth and whose most famous representative Baron Oriel, always referred to as Speaker Foster, for he had been the last Speaker in the Irish House of Commons. In 1858 he visited 80 national schools in County Louth and was shocked at the state of the school buildings he found. One school he noted with 50 pupils had damp clay floors, no privies, no desks for teachers or pupils, and scarcely any schools requisites. Some places had no school at all (McNeill, *Vere Foster*, 105; the children presumably sat on benches and held their slates, if they had any, on their knees). The situation he later found was common all over Ireland. No residences were provided for teachers. He offered to defray a third of the cost of every additional schoolhouse needed in County Louth, and the entire cost of the teachers' residences on the condition that the schools be vested with the Board. The Board itself was already contributing two thirds of the costs of building a school vested in it. Needless to say the offer was rejected by the local Catholic clergy. The Archbishop of Armagh, Dr Joseph Dixon, formally forbade his clergy from participating; he was fully subservient to Archbishop Cullen in this matter. Foster disapproved of non-vested schools which he considered poor in quality, under a less strict regime, more open to the teachers being exploited, and more readily used for proselytizing no matter which denomination was in charge.

Undismayed he determined to supply from his own pocket all the things that could be called 'school requisites'. This extended to mending roofs, providing wooden floors, windows that could be opened, and privies. He would also provide blackboards, maps, and pictures of animals. The National Board was unwilling to assist him, refusing even to give him the addresses of needy schoolhouses. Nevertheless 4,000 teachers wrote to him describing their needs. His most famous creation was his copybooks to teach proper 'penmanship' i.e. to improve

handwriting. He was also involved in helping the teachers to form a union. He died, almost penniless, in Belfast in 1900.

Archbishop MacHale withdrew the schools in his diocese altogether from the system with the result that when he died in 1881 the children in his diocese were by far the worst educated in Ireland and his successor hastened to join the system. Despite his disapproval Archbishop Cullen retained the Board's schools which he inherited from his predecessor Archbishop Murray. Many of the clergy of the Established Church tried to stay outside the system, and relied on the funds collected by the Church Education Society, but eventually they were forced to apply to the National Board.

While Archbishop Murray, the chief Catholic Commissioner was alive the system worked reasonably well. But when the suspicious-minded Cullen succeeded him open war was declared on the National Board. The differing characters of Murray and Cullen are illustrated by their attitude to Richard Whately. Whately was probably the greatest Irish bishop of either denomination in the whole of the nineteenth century. He had been a fellow of Oriel College, Oxford, before his appointment. Murray, though himself a doctor of divinity from Salamanca in Spain recognised that his own training was more narrowly focussed on the needs of the Catholic clergy. Whately believed that National Education would be a great means of converting the Irish Catholics to the light of Protestantism, for when they could read the bible for themselves they would see the light. He personally wrote many of the schoolbooks endeavouring to convey the widest possible education both in prose and poetry to the children, and was inclined to slip in some of his own views. Murray was very tolerant for he firmly believed that the Catholic children would not become Protestants. Cullen however examined every line of the books to see were there any traces of heterodoxy and when he found them he denounced Whately's books. Whately was not backed by the Board and he resigned. Cullen refused a seat on the Board.

Worse still, Catholic clerical managers (the parish priests) were instructed not to employ a teacher who had been trained by the Board either in the single training college or the Model Schools. By 1880 only twenty seven per cent of Catholic teachers had received any formal training. A payment-by-results scheme introduced at least insured that most of the children who attended the schools could read and write (Lyons *Ireland Since the Famine* 82ff; Dowling, *A History of Irish Education*, 116ff). Generations of Irish schoolchildren had no reason to thank the clergy of any Church for the very imperfect education they received. It should be noted that if there was any case of actual attempted proselytism the National Board would have withdrawn its recognition and support immediately.

But there was an even worse disaster to befall education in Ireland which had no connection with any Church. It was part of Whately's wide vision that as most children were in rural areas, and agriculture was frequently backward, the national schools should provide instruction in agriculture. It was estimated that the productivity of the best farms in a district could be four times that of the worst. Obviously, getting the most from the soil, and cultivating a variety of crops would improve the lot of the poorest classes. This was especially relevant after the Famine. To this end a model farm was set up at Glasnevin outside Dublin in 1838 where teachers in the training college could receive practical instruction. Later a number of Model Agricultural Schools were opened each with about 10 acres of land. By 1858 there were 42 of these, getting greater or lesser assistance from the Board (Dowling, *op. cit.* 128). Also at various schools plots were attached where the teacher could give instruction. But following a complaint by the Liverpool Reform Association that these state-aided schools were in direct competition with private commercial schools Treasury money was stopped. It is one case where an Irish Parliament in Dublin would probably have objected. Nor can all the blame be put on the Treasury, for the fact was that few people in Ireland were willing to spend much money on education. There was only one school in the whole of Ireland where the local people were willing to spend enough to keep it alive. It was later to be called the Munster Institute and it specialised in instructing dairymaids. (In the butter-producing counties like Cork the role of the dairymaid was crucial. In England and Scotland several private agricultural schools were run successfully.)

During their campaign to get Rome to condemn the Queen's Colleges Cullen and MacHale assured the Pope that Ireland would have no difficulty in establishing an Irish Catholic University. The distinguished convert from Anglicanism, Dr John Henry Newman (later Cardinal Newman), was asked to undertake the task and he came to Ireland in 1854 to commence. The Government was as wedded to the idea of non-sectarian education as the Catholic bishops were to sectarian education and had not the least intention of granting a charter. A university without a capacity to grant degrees was useless. Gavan Duffy deplored the fact that all over the Empire jobs were being given to less able English and Scottish youths because Irish young men had no degrees. Newman was not a natural administrator or fund-raiser, and he struggled on for several years battling with the interference of Cullen and MacHale (O'Donnell, 'Catholic University of Ireland', *Catholic Encyclopaedia*).

A Great Exhibition of Irish Industry (1853) in imitation of the Great Exhibition of 1851 was held in Dublin. It was organised by William Dargan the great Irish railway projector who advanced £100,000 of his own money towards its preparation. A great Exhibition Hall modelled on the Crystal Palace and covering several acres was erected on Leinster Lawn, the property of the Royal Dublin Society. The architect was John Benson from Sligo and he received a knighthood. It opened on 12 May 1853. Queen Victoria and Prince Albert came to Dublin to visit it. They were greeted by the Lord Lieutenant and a huge crowd of cheering people. The queen offered Dargan a baronetcy but he refused it (de Vere White, Royal Dublin Society, 144-7). (A baronetcy is like a hereditary knighthood).

There were two other major developments in these years. In 1853 the London and North-Western Railway was linked to Holyhead the steampacket terminal of the island of Anglesey in Wales. The Post Office transferred the carriage of the mail back there. The LNWR Railway ran its fastest train, the Irish Mail, from London Euston to Holyhead where the mail and passengers were transferred to the mailboat for passage to Kingstown. Dublin was no longer distant from London. One could leave London in the evening and arrive in Dublin the following morning, the entire journey taking thirteen hours. (The only drawback, experienced by Irish travellers to this day, was that the transfer to and from the mailboat occurred in the middle of the night.) In 1877 the LNWR transferred its Irish terminus to the North Wall of the port of Dublin because the Dublin and Kingstown Railway was not connected to the rest of the Irish railway system. The cattleboat was becoming more important than the mailboat.

[1854] In 1854 the twenty three year old Edward Harland came to Belfast from Scarborough in the north east of England to manage Robert Hickson's shipyard. In 1857 he recruited a young German Gustav Wilhelm Wolff as his assistant. This marked the beginning of the growth of Belfast over the next fifty years to be a world-class manufacturing city. By 1853 Dublin and Belfast were linked by rail, and the railways linked Dublin also with Cork, Limerick, and Galway. Export markets for Irish agricultural produce from all over Ireland were opened up.

The *Militia Act* (1852) re-organised the *militia*, and the Irish *militia* which had been stood down in 1816 following the battle of Waterloo was again re-embodied in 1854. When not embodied it consisted only of the staff officers and the bands. It was to remain embodied until 1921, and continued after that in Northern Ireland as the Territorial Army. In 1901 the strength of the embodied *militia* was 13,750 and of *the militia* artillery 5,440. Volunteers were to be called for during the Crimean War, the Indian Mutiny, the South African War, and the Great War. It should be remembered that the Irish regular and militia battalions were always stronger and far more important than any insurrectionary groups which formed themselves from time to time. (The Irish militia regiments could by themselves have defeated any attempt at insurrection, but were never used in that role after 1798.) The militia might volunteer for actual military service, and volunteers so offering themselves might be called out as a body whenever an order for the embodiment of the militia was in force. The Irish militia was regulated by a special Irish Militia Act (1809) ; the Lord Lieutenant could order a ballot for the militia by the governors and clerks of the various counties (Irish Law Times 20 Jan; 10 Feb 1900).

Irishmen formed about two fifths of the army sent to the Crimea. The first soldier and the first sailor to gain the Victoria Cross were Irish (Encyclopaedia of Ireland). A misunderstanding of an order by Lord Lucan of County Mayo carried to him by another Irish officer Captain Lewis Edward Nolan led to the famous and disastrous Charge of the Light Brigade immortalised by Tennyson. The 1st Battalion of the Royal Irish Regiment fought in the Burmese War (1851-2) and was then sent to the Crimea, and from there returned to Dublin where the Earl of Carlisle presented them with new colours. It was then sent to India but the Mutiny was over before it arrived. A 2nd battalion was raised from the militia and was sent to New Zealand for the Maori Wars (Harris, The Irish Regiments, 110-1). The Royal Inniskilling Fusiliers, the Royal Irish Rifles, the Connaught Rangers, and the Leinster Regiment fought during the Mutiny. The chief war correspondent for the London Times was William Howard Russell who exposed the mismanagement of the war in the Crimea was also Irish. This exposure led to the fall of Aberdeen's ministry on 29 January 1855. [\[TOP\]](#)

The Ministry February 1855 to February 1858 (Liberal)

Prime Minister	Lord Palmerston (1 st Ministry)
Home Secretary	Sir George Grey
Lord Lieutenant	Earl of Carlisle

Chief Secretary Edward Horsman (March 1855); Henry Herbert (May 1857)

Under Secretary (Sir) Thomas Larcom

[February 1855] Henry John Temple was the 3rd Viscount Palmerston in the peerage of Ireland. His family home was in Hampshire in England, but he had large Irish estates of which he took great care as an 'improving landlord'. During the Famine he was one of the few of the great landlords who could afford to be generous because of the revenues from his English estates. He put together a coalition of Whigs and Peelites, but some of the latter, including Gladstone, withdrew after a brief period. Lord John Russell however agreed to serve under him. George William Frederick Howard, of Castle Howard in Yorkshire, the 7th Earl of Carlisle became Lord Lieutenant. For many years he was a prominent Whig leader in the House of Commons and was Irish Secretary, as Lord Morpeth, from 1835 to 1841. In 1848 he succeeded his father and took his seat in the House of Lords. As Lord Lieutenant he tried to improve Irish agriculture and industry and was very popular. Edward Horsman was a Scottish lawyer who had no previous connection with Ireland. He was succeeded briefly by Henry Herbert.

[1857] Palmerston's first duty was to sort out the mess of the Crimean War. Sevastopol fell in September 1855 and peace was signed in March 1856. In the general election in 1857 Palmerston and the Liberals got 366 seats and the Conservatives 287. In March 1857 the Indian Mutiny broke out. A great deal of the credit for its prompt suppression was attributed to Sir William Brooke O'Shaughnessy from Limerick, the Director General of Telegraphs in India. By 1857 the chief cities of India were linked by the telegraph which made it easier to find out what was happening and to direct troops to threatened points. The rule of the East India Company was ended and the British Government took direct control of their lands. One side effect was that two battalions of the Company's army were made regiments of the line and eventually became the Royal Munster Fusiliers and the Royal Dublin Fusiliers.

In 1857 the English philanthropist Mary Carpenter succeeded in getting the Industrial Schools Act passed, and this was to have an important effect in Ireland. The National Board made efforts in the 1850s to provide industrial education for pauper children. The normal way to get training in a craft was through apprenticeship to a master craftsman. But he had to be paid in advance for the instruction by the child's parents. Industrial schools were established, often by convents, to train young girls in needlework and embroidery. The National Board provided assistance to ensure that a minimum literary instruction was also provided (Barnes, *Irish Industrial Schools*, 29). Schools were also provided in workhouses and some of these also provided industrial instruction both often of a very low standard. In 1855 the Poor Law Commissioners established schools of their own separate from the workhouses, but the scheme proved unsuccessful and was abandoned (op. cit.). There was another scheme to provide agricultural instruction in the workhouses. The Poor Law Commissioners and the National Board tried to provide farms for the instruction of children. The number of agricultural workhouse schools numbered 79 in 1855 but the numbers declined thereafter as the poor houses themselves emptied. The National Board was, as we have seen, under pressure not to assist commercial instruction and their grants were withdrawn in 1863.

Meanwhile the Reformatory Schools Act (1854) was passed in Britain, but attempts to extend it to Ireland were defeated by the Catholic members on instruction from the clergy ever morbidly suspicious of proselytism. However, a private bill was passed in 1858 in the next administration extending the scheme to Ireland (Barnes, op. cit., 32). Rather quietly in 1857 the 'Minister's Money' an assessment on households in towns for the support of the Protestant clergy was abolished.

In February 1858 Palmerston was unexpectedly defeated, apparently by mismanagement by the Whips and the Earl of Derby returned at the head of a minority government. [\[TOP\]](#)

The Ministry February 1858 to June 1859 (Conservative)

Prime Minister Earl of Derby (2nd Ministry)

Home Secretary Spencer Walpole (Feb 1858); Thomas Escourt (Mar 1859)

Lord Lieutenant	Earl of Eglinton
Chief Secretary	Lord Naas
Under Secretary	(Sir) Thomas Larcom

[February 1858] The most important Act of this ministry was the abolition of the property qualification for Members of Parliament, the first of the demands of the Chartists to be conceded. Lord Naas assisted Rickard Deasy to get his Reformatories (Ireland) Act (1858) passed. This was the first in a series of Acts dealing with young offenders: a Summary Jurisdiction over Children (Ireland) Act (1884), the Probation of First Offenders Act (1887), the Reformatory Schools Acts (1893), and the Youthful Offenders Act (1901), and finally the borstal system was introduced to Ireland in 1906.

Rickard Deasy was an Irish Catholic barrister who became a serjeant-at-law in 1857, Irish Solicitor General in 1859 and Attorney General the following year. He was elected an MP for Cork in 1855 but did not join the fast-fading Irish Brigade. The Act enabled voluntary organisations to set up institutions which provided full residential care with literary and industrial training, and these could seek certification and aid to meet running costs from the Treasury and local authorities. The buildings and equipment had to be provided by the voluntary institution. The non-sectarian principle was abandoned. Archbishop Cullen rushed to provide Catholic reformatories adding yet another institution organised on sectarian lines. In Ireland there was almost invariably two of everything, one Catholic and one Protestant, ending eventually with two bodies of boy scouts. By April 1859 six Catholic reformatories had been opened, one for boys and five for girls, the latter being managed by communities of nuns. The extraordinary contribution of Catholic nuns and Brothers to Ireland in the nineteenth century should not be undervalued. Eventually, almost every small town in Ireland had its own community of nuns, running schools and hospitals, visiting prisons and workhouses, looking after young women, and providing training and employment. The nuns were often in the forefront in the provision of educational and social care, and especially in education. It is to be regretted that they were so often hampered by the sectarian bigotry of the clergy which deprived them of useful funds. By 1900 there were 368 convents belonging to 35 different Orders. The Established Church rapidly followed suit in providing reformatories (Barnes, Irish Industrial Schools, 33).

The reformatories were hailed as very successful in reducing juvenile crime, and there arose a demand that the industrial schools should be extended to Ireland. This was not done for another ten years. The reason seems to be that the Government was reluctant to encourage the sectarian division which had occurred with the reformatories. For the Catholic clergy a precedent had been set. The various Churches could set up their own denominational institutions run by religious bodies and public money was paid to the clergy subject only to external inspection. The principle was to be followed with regard to secondary or intermediate education where the money was paid directly to the heads of the various denominational schools. Though entrenching sectarianism, the Government was unwilling or unable to provide non-sectarian schools on its own.

A general remark should be made about legislation in the United Kingdom. In principle all legislation should apply to the whole of the United Kingdom. But Scotland and Ireland were exempted from the application of some Acts for one of two reasons. Both Scotland and Ireland had had separate Parliaments and some of the legislation they had passed, and some of the institutions they had established were quite different from those of England and Wales. The administration of counties was one example. So it was often easier to draft separate Acts for these countries. This was especially true with regard to education. The other reason was that religious groups in one or other country might have particular objections. In England the principal religious divide was between the Established Church and the Nonconformists; in Scotland between the Episcopal Church and the Presbyterians, and in Ireland between the Established Church, the Catholic Church and the Presbyterians. Again it was simpler just to draft a separate Act. From the 1830s onwards Archbishop MacHale objected to almost all legislation concerning education.

A telegraph cable was laid across the Atlantic in 1858 from Valentia Island off the coast of Kerry to Newfoundland 1850 miles away; Kelvin's 'siphon recorder system' was used by which a continuous wavy line was transmitted and recorded, the upper mark signifying dots and the lower dashes, instead of the ordinary dots and dashes of the Wheatstone system; the paper was run continuously under the vibrating marker; there

was also a automatic linked system of re-transmitting to London 600 miles further on without re-keying. Two other cables were laid in 1865 and 1866.

Lord Derby was defeated on a vote of No Confidence regarding his attitude towards Austria in June 1859, and Palmerston who approved of the Franco-Piedmont attack on Austria resumed office.

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The Ministry June 1859 to October 1865 (Liberal)

Prime Minister	Lord Palmerston (2 nd Ministry)
Home Secretary	Sir George Cornwall Lewis; (July 1861) Sir George Grey
Lord Lieutenant	Earl of Carlisle (Nov 1864) Baron Wodehouse
Chief Secretary	Edward Cardwell; (July 1861) Sir Robert Peel
Under Secretary	(Sir) Thomas Larcom

[June 1859] Sir George Lewis had considerable experience of Irish affairs. He had been on commissions of enquiry into the conditions of the poor and the state of education in Ireland. In 1836 he wrote a Report for Thomas Spring Rice and strongly disagreed with the Report of the other commissioners. He was Chancellor of the Exchequer in Palmerston's first ministry. John Wodehouse, 3rd Baron Wodehouse, was a diplomat and had no previous experience of Ireland. Cardwell was a very competent administrator who always discharged his duties thoroughly. He had no particular interest in Ireland and in 1861 he exchanged it for the Chancellorship of the Duchy of Lancaster, in effect a minister without portfolio. Sir Robert Peel the 3rd baronet was the son of the 2nd baronet. He had none of the abilities of his father and was patently inadequate when the Fenian crisis arose in 1865. He was replaced and never held office again.

Palmerston's second ministry was marked by peace at home and abroad. He chose to be neutral during the American Civil War. His ministry continued to reduce taxes and tariffs. Gladstone reduced the tax on paper thus making newspapers cheap and available to the working classes. The first trams ran in London in 1861. The Holyhead Road (1861) Act marked an important stage in the ending of toll roads. It still remains, as the A5, the great route for cars and trucks between Ireland and England. The Post Office Savings Bank was opened in 1861. The General Register Office for Marriage was started in 1845 in Henrietta St; it remained there even after the extension of its business after the 1863 Act which introduced compulsory registration of births. About this time too there developed working class mutual benefit societies. Among these was one called The Ancient Order of Foresters, introduced into Ireland as the Irish National Foresters. In these members contributed small sums each week into a fund for their assistance in time of need or illness. They were also obliged to call on each other when a member was ill, and to assist at a funeral. By 1910 the Foresters had 569 branches in Ireland with a membership of 56,638. (I had an uncle in North Louth who was secretary of the local branch.) Less successful until transformed into a political organisation was the Ancient Order of Hibernians. In 1861 the Royal Dublin Society staged a major exhibition dealing with the fine arts, and the queen also attended. The Dog Regulation (Ireland) Act (1865), a very long-lasting Act, introduced licences for dogs. Less laudable was the Red Flag Act (1865) to give it its popular name, which enacted that three persons must be employed to drive a mechanically-propelled vehicle on a public road, that the maximum speed should be four miles an hours, and that the vehicle should be preceded by a man carrying a red flag.

There was no such a thing as a Department of Education either in Britain or Ireland in charge of all aspects of education. In 1861 in England an Education Department of the Privy Council was set up. The monarch's Privy Council had long since ceased to play a central role in government. Some members of it had to be assembled if the monarch was to issue Orders in Council. (Similarly, some members of the Irish Privy Council had to be summoned if the Lord Lieutenant issued a proclamation under any Act of Parliament.) The Office of the Privy Council was a useful place to put minor offices such as the one in charge of grants to education. The head of this Department, Robert Lowe, decided not to dispense grants unless the schools were inspected and found to be of a satisfactory standard. This system became known as 'payment by results'. Though highly criticised later, the system was undoubtedly necessary. The system was adopted by the National Board in Ireland in 1872. Cardwell and Rickard Deasy passed the Landlord and Tenant Amendment (Ireland) Act (1860) in which they attempted to codify the great mass of laws pertaining to landlords and tenants and to base the relationship on contract. This might have been the Act that was needed but it was not the Act that the tenant farmers

wanted. The first British trams had run in Birkenhead so a Tramways (Ireland) Act (1860) was passed to facilitate the use of trams on country roads in Ireland. Nothing was done for another twelve years, though British cities adopted them. A Railway (Ireland) Act (1860) dealt with procedures regarding the compulsory acquisition of land, which were also to be followed in similar acquisitions, for example for arterial drainage. In 1867 the City of Dublin Tramways Company obtained under that Act an Order in Council authorising the construction of tramways in Dublin from Kingsbridge station, along the south quays to Carlisle Bridge, and then by D'Olier St to Stephen's Green ending at the Exhibition buildings. No steps were taken and the omnibus services continued. In 1871 a new body was set up which got another Act passed.

The year 1859 was famous in Irish history as the 'Year of Grace' when a wave of religious fervour swept over the Protestant population of Ulster and farm work was neglected for religious meetings. It was said that in some cases the Catholic farmers had to milk the cows of their Protestant neighbours who had gone off to a revival meeting. The religious craze ended as abruptly as it started. There was another religious revival in Dublin in 1862 during which a young man named Thomas John Barnardo saw the religious light.

More important, in the same year 1859 Margaret Byers opened the first modern girls' school in Ireland. This, later known as Victoria College, Belfast, was aimed at providing girls with the same education as boys and preparing them for universities when women were allowed into higher education. There were of course numerous girls' schools in Ireland, many of them managed by nuns, which aimed to prepare the daughters of gentlemen for their traditional place in society. Queen's College, London, was founded in 1848, having grown out of the Governesses' Benevolent Institution. In 1869, a women's college was founded in Hitchin in Hertfordshire from which derived Girton College in 1872, quickly followed by Newnham College in 1875 in Cambridge. New schools were provided by people like Miss Buss to improve girls' education. The Alexandra College for Women in Dublin, corresponding to the Victoria College in Belfast, was opened in 1866 by Dr Hercules Henry Dickinson, dean of the Irish Chapel Royal. In 1904 at the celebrations of its fortieth anniversary Mr James Bryce made a speech in which he recalled that when he was a young man in 1865 he sat on a Royal Commission of Enquiry into secondary education. The only schools for girls in England and Wales were private schools, and he had to write for and get permission to visit them. One headmistress, asked whether girls should be allowed into Oxford and Cambridge, said that she disapproved of all examinations for girls 'for they would brush all the dew from the flowers'. He also observed that Alexandra College was older than either Newnham or Girton (Cambridge), and noted the great change that had come over opportunities for women since 1865. Bryce, who was to become Irish Secretary the following year (1905), had been an early supporter of Emily Davies who founded Girton College (Warder 9 June 1906). Somewhat later Sophie Bryant from Dublin, who was teacher of mathematics at the North London Collegiate School, went round Irish convent schools to persuade the nuns to prepare their girls for university. The opportunity first became available to women in the United Kingdom when the Royal University of Ireland was founded in 1880, and thereafter, the Alexandra College coached girls for its degrees. The Royal University was an examining board, and it examined the ladies from Girton and elsewhere. It should be noticed that the women who promoted girls' education were usually also involved in the campaigns for women's suffrage, and some of them, like Sophie Bryant pioneered outdoor activities for women like cycling, rowing and mountaineering. She had been specially chosen by Frances Buss to teach mathematics.

[1860] In 1860 Pope Pius IX asked for volunteers to defend the Papal States against the army of Piedmont. After the defeat of Austria by the Franco-Piedmontese army in 1859 at Solferino the Piedmontese army entered the Papal States of Emilia, Umbria, and The Marches. Myles William Patrick O'Reilly, a captain in the Louth Militia, took service in the papal volunteer army with the rank of major, and commanding the Irish battalion defended Spoleto, but was forced to surrender the town (DNB O'Reilly). Most of the Papal States were incorporated into the Kingdom of Italy which was formed in 1861. (The bloodshed at Solferino inspired Henri Dunant to lead the movement to establish the International Red Cross.) During the Franco-Prussian War (1870-71) an Irish ambulance team was organised by an Irish surgeon, Thomas More Madden and the Irish journalist Patrick James Smyth. Dr William McCormack volunteered to serve as a surgeon in the French army. On the other side William George Nicholas Manley was in charge of the B division of the British Ambulance Corps attached to the 22nd division of the Prussian army.

The Drainage and Improvement of Lands (Ireland) Act (1863) was very important for arterial drainage in Ireland. In Ireland much of the land was very flat and the courses of the rivers slow and little below the surrounding surface. Drainage could not be improved until channels were cleared often many miles away, so a system of districts was devised. Under the Act the proprietors of a river basin were empowered to form themselves into a drainage district. The Board of Works, after enquiries and the examination of their plan could constitute them as a Drainage Board. The Drainage Board then appointed a secretary, an engineer, and a solicitor, and employed a contractor to carry out the works; funds could be borrowed from the Board of Works.

When the works were completed the Board of Works made up an account of the expenditure and published an assessment award which assessed each proprietor with his acreage share of the expenditure, to be repaid by instalments spread over a number of years and representing both principal and interest. But later the Land Commission, in assessing the 'judicial rent' ignored the Drainage Acts and attributed any improvement in land further than forty feet from the river bank as being due to the tenant. The landlord got the expense and the tenant got the reward (New Irish Jurist 18 April 1902).

Land could be reclaimed with the advance of public money under the Land Improvements Acts (1864) and (1869). Loans could be advanced for the straightening, deepening and widening of existing drains; the embanking of land from rivers or seas, the enclosing of lands and straightening of fences; making permanent farm roads and tramways or navigable canals for the improvement of the estate; the erection of labourers cottages, farmhouses and other farm buildings, or the improvement of existing dwellings and buildings; the planting of shelter; the construction of engine houses [for steam engines], waterwheel sawmills, kilns, watercourse sluices which would increase the value of the agricultural land; the construction of permanent jetties or landing places on the sea coasts or the banks of navigable rivers or lakes suitable for the transport of lime or cattle or otherwise beneficial to agriculture (Irish Law Times 28 April 1900). Under the Land Improvement Act (1864) and (1869) and the four Acts extending the 1864 Act, the money might be advanced by the landowner himself or another person on the security of a title to an absolute charge on the inheritance on the completion of the sanctioned improvements; repayment by a rent charge payable half-yearly for a period not exceeding 40 years. Some of the schemes undertaken in the second half of the nineteenth century were very large, for example the projects to drain the land around Lough Neagh and along the Erne. In general, the advancement of loans for specific development projects was the way the Government preferred for any improvement.

The American Civil War (1861-1865) affected the Irish linen industry; the area under flax in Ireland was 128, 595 acres in 1860 and rose to 301, 693 acres in 1864 as the supply of cotton was cut off; the increased acreage pulled down the great increases in prices in 1861 and 1862. In 1860 Ireland had about 600,000 spindles consuming roughly 32,000 tons of flax, of which 24,000 tons was home-grown. Increasingly, Ulster imported raw flax from the Continent which caused great difficulties when war broke out in 1914 cutting off supplies from Belgium and Russia.